

September, 2005

Dear Land Stewards,

It hardly seems possible, but fall is upon us once again. This issue of the Land Stewardship Newsletter has information on several programs coming up that we hope you'll be interested in. Our Fall Land Stewardship tour is coming up on Saturday, October 8<sup>th</sup> and there's still time to register if you'd like to attend.

We're also trying something new this year by offering basic chain saw safety workshops in both Price (October 22<sup>nd</sup>) and Taylor (October 29<sup>th</sup>) counties. Whether you're a veteran wood cutter or someone who's a beginning chain saw user, this is an exceptional opportunity. Please see the article inside for details on both the fall tour and the chain saw workshops.

We hope you're enjoying this beautiful season and that we'll see you soon!

Best wishes,

Mark Kopecky  
Agriculture & Natural  
Resource Agent  
Price County UW-Extension

Gail Huycke  
Community Resource  
Development Educator  
Price County UW-Extension

Butch Lobermeier  
Land Conservationist  
Price County

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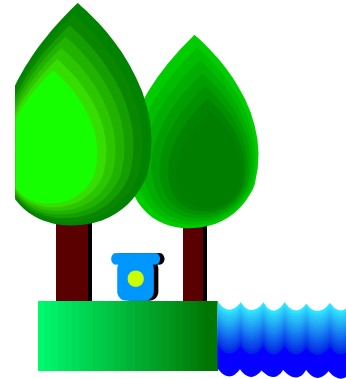
## Early Results Encouraging As Testing Continues On The North Fork Flambeau

Park Falls, WI- Price County Health Department, SmartPapers and the Wisconsin DNR have just completed a series of water tests on the North Fork of the Flambeau River. Last summer, beach testing at Smith Lake Park revealed high levels of E.coli and prompted the beach closing. The source of the E.coli was found to be the paper mill on highway 182, then Frasier Paper. A public meeting this spring informed landowners and other interested publics on the status and future testing. At the time, Price County Health Department, SmartPapers and the Wisconsin DNR committed to testing the water throughout the summer and further investigating the issue.

After 17 weeks of testing, the results indicated much lower levels of E.coli. The beach testing site only exceeded the acceptable limit 4 times throughout the 17 weeks. The beach was reportedly very busy this summer with many people and animals swimming in the river. There have been no reported cases of illness or rashes that can be traced back to beach use.

However, due to lab testing time, the beach did remain posted the entire summer.

Further tests, done by the DNR, indicated that E.coli numbers south of Smith Lake beach were insignificant.



The three parties met again this past week to discuss the results and future implications. Test results to date have not identified a public health hazard from the discharge at Smart Papers. More testing and data review will be done between now and next summer. By next spring, a report summarizing our findings will be provided to the public along with recommendations for long-term monitoring at the Smith Lake Beach.

Tracy Ellis  
Director of Public Health

## Workshop Announcement: Using the New Aquatic Invasive Species Education Handbook

Is there interest in aquatic invasive species education in your community? Are you providing support to local Aquatic Invasive Species Grant recipients? Would you like to learn more about the educational resources, programs, and funding that are available to you? If so, plan to attend one of the upcoming workshops that will premiere a brand new publication: "Aquatic Invasive Species: A Handbook for Education Efforts".

Workshops: The purpose of these half-day workshops, provided by Wisconsin Sea Grant, University of Wisconsin-Extension, and Wisconsin DNR, is to launch our new invasive species education handbook. All participants will receive a copy of the handbook and accompanying resource CD. We will discuss aquatic invasive species in Wisconsin and the statewide programs that

allow volunteers to get involved in the fight against these nuisance species. We will also review the handbook contents and hopefully generate ideas for how you can take this resource home and put it to good use!

Who should attend: The workshops are open to anyone, and we encourage the following individuals to attend: UW-Extension Agents, LCD Employees, DNR Lake Coordinators and Environmental Grant Specialists, lake association representatives, representatives from interested municipalities, and DNR Aquatic Invasive Species Grant recipients.

Where:

October 4th - Madison - Friedrich Center (UW-Madison Campus)

October 5th - Stevens Point - Student Union (UW-Stevens Point Campus)

October 6th - Minocqua - The Pointe Resort and Conference

When: 10 am - 3 pm

Cost: They're free! The workshops, including lunch, are being provided by the National Sea Grant College Program and the Great Lakes Commission, who is managing this grant in the Great Lakes states.

Registration: Pre-registration is required. Contact Phil Moy at (920) 683-4697, pmoy@uwc.edu or Diane Knier at (920) 683-4700 to reserve your spot at one of the workshops.

Background: Aquatic invasive species are plants and animals that have been introduced into Wisconsin waters and are having negative economic, ecological, and recreational impacts. Awareness of aquatic

invasive species is growing in Wisconsin, and increasing numbers of citizens are looking for ways to get involved in helping to prevent their introduction and spread. Education is the basis for more citizen involvement and effectiveness, and state agencies are increasing their educational efforts. However, this battle will not be won with a statewide education effort alone. Numerous local groups - schools, counties, towns, lake associations, businesses - have recognized this and are beginning to launch their own prevention education efforts. Local programs are encouraged to collaborate with and capitalize on statewide educational efforts to achieve maximum effectiveness.

The new education handbook was developed jointly by UW - Extension, Wisconsin Sea Grant, and the Department of Natural Resources. It includes a compilation of information on statewide programs, resources, contacts, case studies, and action strategies. It also provides some suggested approaches for designing successful local education efforts. We hope that this book will serve as a resource for those who might be interested in taking on this issue but don't know where to begin, or for individuals working in communities statewide who might be called upon to provide support.

For more information about the workshops, contact:  
Phil Moy, Wisconsin Sea Grant,  
pmoy@uwc.edu, 920-683-4697  
Mandy Beall, UW-Extension/DNR,  
mandy.beall@dnr.state.wi.us, 608-267-3531

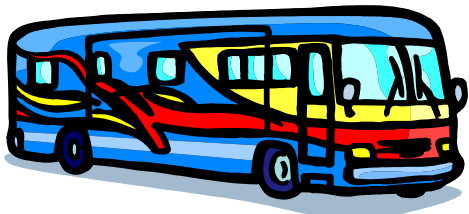
Mandy Beall  
Aquatic Invasives Education Specialist  
Wisconsin DNR

## There's Still Time to Register: Land Stewardship and Chain Saw Safety Field Days Coming This Fall

Landowners and others interested in conservation can learn about conservation practices to improve land function along with chain saw operation and safety by attending field days coming to Price and Taylor Counties soon.

### “Enhancing Rural Lands” Tour

On Saturday, October 8<sup>th</sup>, Price County will



host the “Enhancing Rural Lands” bus tour. The tour will start and end in

Phillips, and will feature visits to private properties that illustrate conservation practices. Some of the highlights include:

~Vernal pools and ponds—learn about the unique and biologically dynamic pools that appear each spring, but disappear as the seasons progress. Visit a newly-constructed vernal pool and the adjacent pond to compare the important but different functions of each.

~Harmony Wreath and Flower Farm—find out about how one landowner is reaping economic returns from fields and forests by harvesting non-timber forest products and natural plant materials.

~Shoreland restoration—visit a restoration project to see how rip rap, tree drops, and native plantings combine form and function to protect water quality, improve habitat, and enhance esthetics.

~Bird habitat—Visit the Nature Education Center to see examples of both backyard and “back-40” bird habitat

improvements along with wildlife ponds and access trails.

~Food plots, openings, and other habitat projects—see how wildlife food plots benefit more than just deer. This visit will illustrate how site selection, soil amendments, crop choices, and maintenance work together in developing effective food plots.

The field day runs from 8 am to 4:15 pm. The fee is \$25 per person and includes program materials and lunch. As a special feature for this year’s tour, our lunch will feature foods from Price County farmers and gardeners involved in the PriceDirect local foods initiative. Enjoy hearty servings of some of the wide variety of tasty and nutritious foods grown and marketed from right here in Price County.

The registration deadline for the tour has been extended to noon on Monday, October 3<sup>rd</sup> (Price County UW-Extension Office, 715-339-2555).

### Chain Saw Safety Classes

People who use a chain saw to cut firewood can learn more about chain saw operation, maintenance, and safety by attending a

program in either Price or Taylor County on October 22<sup>nd</sup> or 29<sup>th</sup>. These classes will be led by certified Game of Logging trainer



Ken Lallemond, and will cover Level I chain saw safety certification. Participants should bring a bag lunch along with a chain saw and any safety gear you have (hard hat, chaps, gloves, and eye/ear protection). If you don't have any of these items, they'll be provided for the class.

Enrollment for the chain saw classes is limited to the first 15 people who register for each day. The registration fee is \$50 per person, and registration is due at the Price County UW-Extension Office by October 7th.

These programs are sponsored by the UW-Extension Offices and Land Conservation Departments in Price and Taylor Counties, the Upper Chippewa River Basin Education Initiative, the Wisconsin Department of Natural Resources, and the Pri-Ru-Ta Resource Conservation and Development Council. For more information, please call the Price County UW-Extension Office at 715-339-2555 or the Taylor County UW-Extension Office at 715-748-3327.

## 2005 Citizen-Based Monitoring Conference

*Citizens and scientists  
working together to monitor  
Wisconsin's natural resources*

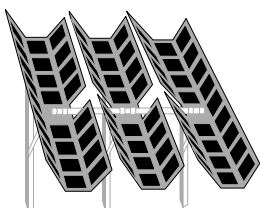
**Camp Jorn  
Manitowish Waters, Wisconsin  
Friday, October 21 - Saturday,  
October 22, 2005**

The Citizen-Based Monitoring Network is pleased to announce that the 2005 Conference will be held at [Camp Jorn](#) in [Manitowish Waters](#) this October 21st and 22nd. Camp Jorn is located on a 75-acre peninsula on the shores of Rest Lake in

Vilas County. The conference will focus on how volunteer data are being used by the DNR, new monitoring initiatives, and workshops. For program and registration information, go to: <http://atriweb.info/cbm/Conference/brochure.cfm>. Please note that registrations are due October 1<sup>st</sup>.



## Solar Building Tour Features Price County Home



Each fall, the Midwest Renewable Energy Association conducts tours of homes and businesses that

demonstrate how renewable energy can be practical, reliable, and affordable. On Saturday, October 1<sup>st</sup>, one of the sites featured in the "Open House" tour option is a recently-renovated home owned by

Jane Hansen and Chris Wallner of Ogema. The home features several renewable energy innovations, including passive solar heat, supplemental wood heat, superinsulation, window quilts, and sustainable landscape design.

The open house tour will be available from 10 am to 4 pm. The home is located at W7120 County Road O, located 6 miles west of State Highway 13 in Ogema, or 8 miles south of U.S. Highway 8 near Catawba. For further information, please call 715-767-5958.

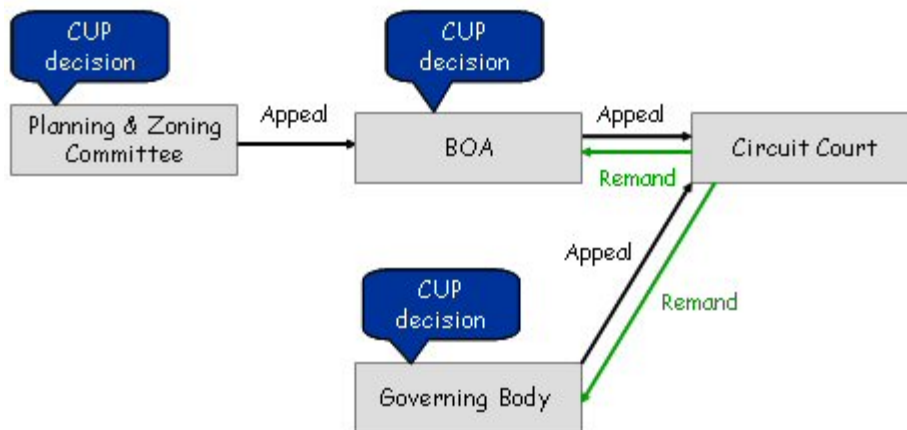
## New Court Decisions Regarding Conditional Use Permits

By Lynn Markham, Land Use Specialist, UW-Extension Center for Land Use Education

The Wisconsin Supreme Court and Courts of Appeal recently issued three decisions addressing conditional use permits (CUPs). This article describes the key points for local governments from these cases. Visit the websites for the full text of the [Supreme Court](#) and [Court of Appeals](#) decisions. See the [Spring 2004 Tracker](#) for a primer on CUPs.

<p>As a brief background, review of CUP applications is assigned by ordinance to the planning and zoning committee/commission, the zoning board of adjustment/appeals or the governing body (county, village or town board or city council). Figure 1 illustrates which county government bodies can grant CUPs and where those decisions may be appealed.</p>	<p><b>Conditional use permit (CUP):</b> a use listed in the zoning ordinance for a specific location which is not suited to all locations in a zoning district but may be authorized if adaptable to the limitations of a particular site and adjacent uses. Synonymous with the term 'special exception' under Wisconsin law.</p>
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Figure 1: Understanding who decides conditional use permits and appeals of those decisions



1. What standards do boards of adjustment (BOAs) use when they review conditional use decisions made by the planning/zoning committee?

**Answer:** When reviewing a conditional use permit decision by the county zoning committee, a county BOA has the authority to conduct a de novo review of the record and substitute its judgment for the county zoning committee's judgment. The BOA may take new evidence. This definition of the BOA's authority is stated in *Osterhues v. Board of Adjustment for Washburn County*, 2005 WI 92 which reverses the 2004 Court of Appeals decision reported in the Spring 2004 Tracker.

Based on all of the evidence, the BOA decides whether to grant the CUP. We recommend the BOA use the following standards when reviewing CUP decisions originally made by the zoning committee:

- Does the ordinance assign CUP decisions to the zoning committee? Is the conditional use in question listed in the ordinance for this location?
- Were proper procedures followed?
- Were the proper standards from the ordinance used?
- Is there evidence that is new and relevant to ordinance standards?
- Is there evidence in the record supporting the decision the zoning

committee reached? The BOA may take additional evidence.

The BOA may reverse, affirm or modify a zoning committee decision, but does not have authority to remand a decision to the zoning committee.

2. Can a town board of adjustment issue a conditional use permit?

**Answer:** If a town (or county) board provides in its zoning ordinance that its BOA may grant CUPs, then – and not otherwise – does the BOA have the power to do so. This avoids arbitrary or politically driven assignment of CUPs to different decision-making bodies. *Magnolia Township and Western Rock County Citizens Against Factory Farming v. Town of Magnolia*. 2005 WI App 119

3. Can revoking a conditional use permit be considered an unconstitutional taking without just compensation?

**Answer:** A CUP is a type of zoning designation rather than property so revoking a CUP is not a taking of property. *Rainbow Springs Golf Company, Inc. v. Waukesha County*. 2005 WI App 163. n

*These legal updates were reviewed for form and content by JoAnne Kloppenburg from the Wisconsin Department of Justice. Any errors, mistakes and omissions remain the responsibility of the authors.*

## Price County Zoning Information Available on the Web

People who need to find information on Price County building requirements, zoning ordinances, forms and applications, and

related county zoning information can access it through the internet at

<http://www.co.price.wi.us/government/ZoningAdministration/Default.htm>

Please note that the towns of Worcester, Georgetown, Kennan, Catawba, Ogema, and Hill do their own zoning. For

information about zoning in those municipalities, contact the respective town chairman. Price County does all sanitary permits and zones all shoreland areas. For more information, call 715-339-3272.

## **Publications available from the Price County UW-Extension Office**

We have extra copies of two excellent publications that were left over from the spring Land Stewardship Conference in Rib Lake. Both of these are available for sale through the Price County UW-Extension Office:

***Landscaping for Wildlife*** (148 pages, color, ring bound. \$10.00)

***Backyard Woods: Bring your vision to life*** (42 color pages plus numerous inserts, \$1.00)