

### **Town of Primrose**

Notice is hereby given that a public hearing will be held before a joint meeting of the Primrose Town Board and Planning Commission beginning at 7:30 p.m. on September 18, 2023, at the Primrose Town Hall, 8468 County Road A, Verona, WI regarding the following proposal. All persons will be afforded the right to speak upon the proposal.

Rules regarding public hearing:

1. Oral testimony will be taken at the public hearing. Speakers shall have 5 minutes to comment on the matter.
2. Any persons wishing to submit written testimony shall do so by submitting 10 copies on letter size paper to the Town Clerk during normal business hours or at the public hearing.
3. Emails, faxes, texts, or other format sent to the Town WILL NOT be accepted as part of the public record.

### **Agenda for September 18<sup>th</sup>, 2023**

1. Call to order
2. Discussion and possible action regarding Rezoning Petition #11981  
APPLICANT: DEER CREEK SPORT & CONSERVATION CLUB INC  
LOCATION: 8475 MILLER RD, SECTION 10, TOWN OF PRIMROSE  
Change from Fp-35 Farmland Preservation District to RE Recreational District to allow for the expansion of an existing shooting range and sportsman's club.
3. Public Hearing regarding Conditional Use permit #2607
4. Close Public Hearing
5. Discussion and possible action regarding Condition Use Permit #2607  
APPLICANT: DEER CREEK SPORT & CONSERVATION CLUB INC  
LOCATION: 8475 MILLER RD, SECTION 10, TOWN OF PRIMROSE  
CUP DESCRIPTION: indoor active recreation and outdoor entertainment (sportsman's club and shooting range)
6. Adjournment.

### **Minutes of September 18<sup>th</sup>, 2023**

#### **Amended\*\***

Note: References throughout this document to "Benzene" refer to PAH, or Polycyclic Aromatic Hydrocarbons\*\*]

Chairman Dale Judd asked Deer Creek Sport & Conservation Club ("Deer Creek" or "Club") representatives to speak.

**Ray Gilden:** Presented report from lead reclamation.

Is asking for two different requests:

1. Not looking to expand, just make use of existing structures that were in use prior to County shut-down in 2018. 20-acre parcel would be rezoned to recreational so that

they can fully make use of archery and shooting range. Would allow them to avoid splitting this parcel into two parcels.

2. Restructure the club house hours for entertainment. The Club currently has had to restrict use for social events.

They have implemented a lead plan and have instituted a bi-annual clean up to clean up clays. He feels they have been good stewards of the land and gave several examples and cited youth programs, and several training programs.

**Andrew Judd**, treasurer for Deer Creek: His goal is to help club members enjoy the property and safety participate in shooting events. He asks for more time of use of the club house for social events. Hunter safety is still being taught, some members are new, some have been teaching for 50 years.

**James Royea**: President of Deer Creek: Regarding lead shot: The EPA report for Best Management Practices is 20 years old. Deer Creek has come up with a program covering the issues. It is not a contamination site unless it is abandoned. Lead reclamation is actually profitable. When they come to clean it up, it will result in substantial income. According to the DNR, the lead has not migrated vertically or horizontally. Severe recent rainstorms have not moved it.

Clay targets. PAH (Polycyclic Aromatic Hydrocarbons) contamination: He quoted an analysis, done for the Navy (Toxicity Associated with PAHs in Navy Skeet Range Clay Targets). Summary: The PAH is in the targets. But the ability of an organism to absorb the PAHs extremely low. The total amount divided by 10-80 times is available to organisms. Deer Creek is doing bi-annual cleanup with a street sweeper in the spring and the fall. New clay targets may be available in 2024. They are biodegradable and PAH free.

**Vernon Martin**: Vice President of Deer Creek. Asks that there be a vote by the Town. Use the provided information and make a vote. Deer Creek will survive a no vote, but the community will no longer have the use of the club house or the shooting grounds.

Deer Creek is an asset to the community and are good citizens. They do not want it to be a full-time business, just want to make it more accessible to their members.

**Al Couillard**: Club house used to host Meals on Wheels every week. Now they can't do it due to County restrictions. Retired residents in the area would like to start it again.

**Bradley Faghin**: Town of Primrose election platforms were preserving the rural character. He feels that the gun club is an excellent example of rural character.

**Wayne Deforrest**: Historically there was strong support from the Board, with members of the Board even helping to construct the existing buildings. He only asks that the Board grant what is necessary and sufficient to continue the club activity.

**Dawn Haag**: Referenced the University of Wisconsin soil survey. She pointed out that there are no observable shot fragments as they have been oxidized. It is unlikely that lead contamination will move downward in the water column or cause contamination of wells. Landowners should continue planting vegetation to reduce runoff. She feels that the third-party reports make it clear that the lead does not present a hazard. Deer Creek is a non-profit organization, yet they have chosen to pay taxes in the township. Volunteers have paid taxes for decades.

Chairman Judd asked for comments from the Board and PC. None at this time.

**Glen Reynolds:** as a neighbor he wishes to collaborate with Deer Creek.

Asked name of the PAH-free targets. Mr. Royea: "White Fliers". Projected biodegradable targets, sulfur and tar-pitch free.

Glen questioned all-day shoots: Ray Gilden responded that with a 3-hour timeframe is too short for members that come from a distance. People want to shoot more rounds than the 3 hours allows. Deer Creek proposes to replace the 2 days of 3 hours, to 1 day of 6 hours. Glen pointed out that it has grown to thousands of shots in a day. [Glen estimated that there could be 5,6,7000 shots per day, potentially]\*\*.

Glen summarized the neighbors' views. The neighbors appreciate the contributions that the Club has made. It seems to have changed, now, to maximize number of people, and maximize number of shots. Appreciate the alternatives to clay targets. PAH is currently 24 times the safe level. He further feels that the lead will migrate into the intermittent stream running through the shot fall zone. Lead has oxidized into the soil, soil must be removed to take away the lead. Can't use the soil for farming or allow children to come in contact with it.

**Roger Lane:** The rules of the public hearing was noticed. 5 minutes. Distribute any data with 10 copies to the clerk.

**Glen:** Wanted to present scientific evidence. Expected to present here.

**Martha:** doesn't want to restrict people presenting but discussion should be limited.

**Alex:** asked that we follow how it was posted.

**Glen:** asked Roger Lane doesn't the cup need evidence to be presented.

**Dale:** was it just what was included in the binder the binder? Was there something else?

Glen agreed to let the Clerk scan and post more data on the town website

**Alex:** Questioned how many people wish to speak. Another 2 people.

**Brad Clerkin:** See attached presentation.

**John Gillette:** Has supported and enjoyed shooting at Deer Creek and the hunter safety. Is against expanding the rezoning to expand shooting. Please don't rezone. Traffic is too fast, parking all over, local people know that there are kids, many are non-local visitors that don't know how many kids are on Miller Road.

**Matt Kaygill:** New owner of Sonstoby Farm. Wants to see an agreement. But opposes it at this point.

**Sandy Kruse:** Historically, the atmosphere was not of "club vs. neighbors". But has changed recently when there were more shoots. Cup proposed doesn't meet the Dane County requirements for "enjoyment of property", but neighbors have overlooked that wanting to find a middle ground. The lead in the soil has oxidized. It seems that all the soil would need be removed to do an effective clean up.

**Tim Kruse:** not opposed to CUP except the part about the lead issue. The events are of a concern. Cup seems to allow for events every single weekend. 12 per year up to 10pm, plus for Saturday and Sunday, could be utilized all day until 10pm. Club is ok, but a commercial enterprise is inappropriate for the setting.

**Dale Judd:** Have they considered using steel shot? James Royea: Not widely available. Hard on barrels, not made in skeet. Dale: is 5000-7000 shots an accurate estimation? James: No, 150x50 is too many to happen. Mike Simons: Explained that they order 9x60x100 = 63,720 targets every year. Lead shot 10\$/box for trap loads. Steel shot is about 20+\$/box but doesn't

come in trap load. Only duck loads, more powder, causing the shots to have more range. 2.5 times the cost.

**Martha Gibson:** Oxidized lead particles are so fine that it can't be reclaimed. She is concerned who would pay for the soil and lead removal if the club is no longer there. Suggested bonding for remediation. Need proof that the reclamation can be done.

**Ray Gilden:** Cited the Mt2 Eco-Bond literature. Guaranteed OSHA and EPA approval of their methods. Does work, does pay. Cited Sauk City club uses it. Club communications have been done on the phone and in person with the immediate neighbors (Rebecca and Joann). Emails have been available to be shared.

**Dave Laufenberg:** Sees several red flags in the soils report. Large rain events can move contamination down slope and off site. The Sugar River is down-slope. There will be greater frequency of large rainfall events.

**Jerry Judd:** asked if noise needed to be limited.

**Dale Judd:** stated that they were making efforts to limit the noise by limiting the allowable activities. Dale asked Roger Lane 1) should the property be zoned recreational? The town will maintain their Land Use Plan policies. 2) events. Board needs to decide if the activity fits into the area. Concerns are pointed out, summarized. If the applicant can work through those concerns. Lead, activity level of events, traffic, number of shots. Reasonable agreement needs to be achieved.

**Steve Flach:** why is the rezone a concern?

**Roger Lane:** Now only original 5 acres is zoned recreational. The Club wants to add the southern 20 acres, currently zoned FP-35. This would require rezoning to allow recreation on it. EPA uses BMP on their own shooting ranges.

**Ray Gilden :** We don't need the whole 20 acres. 5 acres would be a bare minimum necessary for the archery range and utilization of the existing towers.

**James Royea:** currently the speed limit for Miller Road is not posted. It should be.

**Dale Judd:** Deer Creek is a nice event center for the Town of Primrose. Clubhouse should be available to rent to residents.

**Brian Schnieder:** asked that paragraph 7 "events" is be clarified to distinguish between shooting events and social events. Sandra Kruse also asked for clarity as well.

**Glen Reynolds:** Tackle the use of the club first. Separate the lead issue from social use.

**Roger Lane:** applicant could amend social hours and shooting hours.

Dale Judd requested motion to adjourn at 9:57pm.

Martha moved to adjourn. Alex seconded. Motion passed 6-0.

Minutes submitted Ruth Hansen.

\*\*[Minutes Amended as requested on February 5, 2024 from audio tape at 46:14]