

**TOWN OF PRIMROSE
BOARD OF SUPERVISORS & PLANNING COMMISSION MEETING**

Minutes

**Monday, October 16th, 2023, 7:30 pm
8468 County Hwy A, Verona, WI 53593**

1. Call to order at 7:33pm Dale Judd, Martha Gibson, Alex Elkins, Jerry Judd, Steve Flach, Brian Schneider and Lynn Pitman were present.
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.

Board comments: none at this time.

Deer Creek: Ray Gilden presented a letter of appeal from the Club.

The Club feels they need to rezone to regain use of the area with the 3 structures. He stated that Roger Lane suggested rezoning the entire parcel. Another suggestion is to "hash-tagged" areas that would be off-limits. They need at least 7 acres. Would like to have 10 acres in order to have a buffer. Archery would also use the new area.

Dale said that they would have to survey off the use acres. Still rezone the entire parcel.

Dale Judd: If the rezone was approved it is separate from the CUP? Ray; yes. You can still farm the area or can leave in CRP.

Alex Elkins: Too many things are unclear. Two big issues exist; neighbors being affected, benzene pollution at 27 times the allowable, lead shot in soil, and the Club has made no efforts to these correct problems. The Club must follow health and safety rules that have been previously discussed.

Martha Gibson: similar concerns. FP areas are strongly protected in Primrose. The contamination levels already rule out the possibility of farming the land. Continued use would only make that worse. She expected a proposition from DC regarding lead remediation, number of indoor and outdoor events, etc. but the Town has not seen that. Martha stated she is looking for a plan to deal with future needs.

Dale: Went up to Sauk Prairie trap and skeet. Their shot fall is sand. They use clay pigeons. They do a clean up on a 5 year interval. If there is no profit, the company won't do any reclamation. The Sauk club is open 7 days a week. They clean up pigeons every spring. There are 7 or 8 neighbors across the road, and no complaints. They have acquired adjacent land to protect their interests.

Jerry Zingg: Sauk Trap & Skeet member. Has been involved with the lead reclamation. In 2017 they signed contract with USA Gypsum. They requested a clean up in 2021 but the company did not show up. They may come next year or 2025. There has been no migration of lead, vertically or horizontally. DNR states that they do not need to

investigate the issue. Sauk Trap & Skeet doesn't allow steel shot as it bounces off targets, travels too far and is dangerous.

Martha: the lead is oxidized as per UW soil science.

Andrew Judd: The lead doesn't disintegrate, but rather the oxidation encapsulates the lead making it more stable. Can be reclaimed.

Martha: the Town asked for a BPM plan. She is afraid of the clean up being left to the Town in the future.

Jerry Zingg: it is recorded that the current property owner must deal with it before any sale. At the time of a sale it would be between the seller and the buyer. The township has no responsibility.

Alex: unless the club goes out of business, and leaves it for the town.

Jerry Zingg: Club bylaws state that if the Club ceases to exist, the property goes to the DNR.

Martha: UW Soil expert states that if the shot larger than 2mm the lead is dissolved into the soil. Shot harvesting will not work.

Ray: DNR has regulatory authority for shots. The lead doesn't go anywhere.

Glen: lead is not a hazardous substance in the barrel, but out in the land it is.

Brad Clerken: use steel shot. European clubs use it. All the neighbors would rather see steel.

Dale asked the discussion to go back to the rezone.

Lynn: asked about RE zoning. An approval for RE zoning allows the door for lead contamination on that parcel. Shooting is allowed on RE, but with a CUP. So the two are tied together. So long as you are not impacting wetlands, shorelands, etc. (referencing the DNR email). But the problem is not being addressed. The incentive for lead removal is based on financial feasibility. Not any health concerns.

Dale: lead level has to be above 400 ppm before cleanup is mandated by the Soils survey.

Alex: Primrose is an ag township. Land polluted with lead. Benzene levels. No plan in place for clean-up. Township could be liable for clean up in the future. Solutions: steel shot, bonding by the Club to insure responsibility.

Ray: benzene (PAHs) comes from other sources; blacktop, wood smoke. You have to eat it to get sick. Bonds are not required by other activities in town.

Glen Reynolds: LUP was created to protect ag land and discourages uses not consistent with that. Club has not proven that the 20-acre rezone is required for Club survival.

Steve Flach: asked Jerry Zingg if the DNR has regulations regarding this. Who enforces the regulations? Jerry stated that DNR regulates but doesn't enforce.

Wendle Wojer: retired from DNR 10 years in hazardous and solid waste, and a hydrogeologist. Would analyze sites but not apply a hard limit. Each case was judged based on use. What they specifically looked for at sites was current use, and any threat to public health. DNR would become involved if the contaminant migrated off site.

Jerry Judd: the situations change as time progresses, 4-5 inches of rain would wash it into the creek. The Town needs a standard.

Martha: don't see why you need to expand to operate as you have been. Expansion is not compatible with the neighborhood. All the town's purpose is to protect ag land, and this rezone goes against that.

Dale: CRP can't be developed unless approved of by the Town. Can still be cropped.

Alex: the amount of traffic that can be safely handled on Miller Road is a limiting factor. Expansion would involve much more traffic. Rezone to RE opens the door to a lot of possible expansion.

Steve: If there is no standard clean up, if the club had a plan for 2 or 5-year testing and report, and clean up could happen when it gets to a certain level.

Lynn: there is a problem with continuation of pollution. The out-of-state company can't be relied on. Town loses control of the ag land as specified in the Land Use Plan.

Dale called for a vote for the rezone from FP-35 to RE.

PC vote: Lynn moved to vote on approval of the petition to rezone. Brian seconded.

Rezone petition #11981 was denied 5-0.

TB vote: Alex moved to vote. Martha seconded. Rezone petition #11981 was denied by a vote of 2 to 1.

Reasons for denial:

Our Land Use Plan prioritized ag land preservation. We don't want to go from FP to RE zoning. The Town doesn't encourage higher levels of traffic, and contamination. The current levels of lead is of concern and Benzene levels are 27 times the allowable limit. As such, that is a hazard to neighbors and people using the land in the future. An increased amount of traffic on Miller Road is a safety concern and there is no plan in place to correct it. The increased activity will negatively effect affect the property values of the neighborhood properties.

3. 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 (Sportman's club and shooting range)

The current parcel of the clubhouse (about 5 acres) is currently out of use.

Dale asked what restrictions the Board would want to put on the number of events.

Alex pointed out that we need to vote on the currently proposed CUP. Increasing the number of events to the CUP 2607 is too much activity. Up to 300 people to 10 shooting events and 10 social events is too many. Neighbors need to agree to the number.

Andrew Judd: pointed out the proposal on the table actually has fewer events than past. He read the proposed events and shoots (see exhibit A). the neighbor's list of events is far from the club's list.

Ray Gilden stated that several lists of widely varied hours and rules have been submitted.

Steve Flach felt that extreme positions are not helpful. We should acknowledge that the Club exists.

Martha: maybe the club and the neighbors can't find a common compromise. The town may have to find one. If approved, anything on club's list can happen, and that is a lot. If it too much, the town can't change the CUP. There is no way to correct it. Shooting hours are ok, social events are ok, but use of use club house is too vague.

Tim Kruse suggested a mediated conversation between the club and the neighbors to have limits on number of events and number of attendees.

PC vote: Steve asked for a motion to vote on the. Lynn moved to vote. Jerry seconded. Approval for Conditional Use Permit #2607 was denied by a 5-0 vote.

TB vote: Alex moved to vote. Martha seconded. Approval for Conditional Use Permit #2607 was denied by a 2-1 vote.

Reason for denial:

Condition 1 was not met — There was an inadequate development of a lead, PAH and benzene management plan (for continued and expanding shooting) that would protect public health and safety.

Condition 2 was not met: The number of events is unclear and, without clarification, many long shooting events and commercial uses of clubhouse will adversely affect the uses, value and enjoyment of what is otherwise a residential neighborhood.

Condition 5 is not met: Parking, congestion and room for emergency vehicles is an issue on narrow dead-end road with proposed 300 person events.

Condition 7 not met: The proposed rezone of 20 acres of ag. land to recreational land which will then have lead, PAH and benzene contamination is not consistent with the Primrose Comprehensive Plan's protection of land zoned FP. (see also condition 8 below)

Condition 8 not met: The use would be in land now zoned FP and the shot contamination will prevent it from being returned to agricultural land in the future.

Adjournment 9:40pm: Alex moved to adjourn. Martha seconded. Motion passed 7-0.
Minutes submitted by Ruth Hansen