

# PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE PUBLIC HEARING

August 2, 2010  
Room 3220 – 3<sup>rd</sup> Floor – Administrative Center  
6:00 p.m –8:05 p.m

**MEMBERS PRESENT:** Don Meyer, Marilyn Pedretti, Beverly Mach, Bob Keil, Tina Wehrs,  
**MEMBERS EXCUSED:** Donald Bina; Dennis Manthei  
**MEMBERS ABSENT:** None  
**OTHERS PRESENT:** Jeff Bluske, Charlie Handy, Bryan Meyer, Chad Vandenlangenberg,  
Nathan Sampson (Recorder)

## CALL TO ORDER

The Recessed Meeting and Public Hearing of the Planning, Resources and Development Committee was called to order by Don Meyer, Chairman, at 6:00 p.m. Let the record show that this meeting is called in full compliance with the requirements of the Wisconsin Open Meetings Law.

The procedures for tonight's meeting were explained to those gathered. This meeting is being recorded.

REMARK Meyer: We're going to go out of sequence and move the last item up, Special Exception Permit 2010-09.

**SPECIAL EXCEPTION PERMIT NO. 2010-09** Steve Solberg, 1407 Mississippi St, La Crosse, WI 54601; acting on behalf of Gary & Sharon Harter, 614 Oak Ct, La Crosse, WI 54603. Petitions to disturb 26,136 square feet for a proposed 80-ft X 100-ft detached accessory building, to relocate a field road and to create retention ponds in the Shoreland District of Morman Coulee Creek, on land zoned Exclusive Agriculture District and described as: Part of the NW-NW of Section 24, T15N, R6W described in tax parcel 6-569-0. Town of Greenfield.

REMARK Bluske: The hydraulic study we have required is not finished at this time and the applicant can indicate his wishes.

**Appearing in favor:** Steve Solberg, 1407 Mississippi St, La Crosse, WI 54601.

I'd like to withdraw this for this month. We have a hydraulic study that shows where the floodplain is, but it has to be carried further to designate the floodway and the flood fringe. We can't mess with the floodway at all. The original study done about a year ago only designated the floodplain, so we're asking the engineer to do a little more work on it, otherwise everything is the same.

**Motion Pedretti/Mach to accept withdrawal.**

**5 Aye, 0 No, 2 Excused (Bina, Manthei). Motion carried.**

**ZONING PETITION NO. 1845** Thomas A Baumgartner, 2521 Baumgartner Dr, La Crosse, WI. Petitions to rezone from the Agriculture District "A" to Residential District "A", an 11.95 acre parcel for a 21 lot single family subdivision lying west of Lakeshore Dr on land described as: Part of Gov't Lots 1 & 2 in Section 13, T16N, R8W described as: Commencing at the East ¼ corner of Said Section 13; thence N5°26'33"W 376.06' to the Southeast corner of Certified Survey Map Volume 13, Page 21, said point being on the west line of Lakeshore Drive and the POB; thence S89°19'46"W along the South line of said Certified Survey Map 125' to the Southwest corner of said Certified Survey Map; thence N0°40'17"W along the West line thereof 142.12' to the southerly line of Baumgartner Fourth Addition; thence S89°16'30"W along said southerly line 508.00' to the southwest corner of Lot 21 of Baumgartner Fourth Addition; thence N13°47'0"W along the west line thereof 138.45'; thence S86°21'22"W 67.05' to the Southeast corner of Lot 1, Block 7, Baumgartner Second Addition; thence S77°54'0"W along the South line thereof 153.45' to a point 31', more or less, from French Slough; thence along meander line S9°23'45"E 285.22' to a point 20' more or less, from French Slough; thence S14°15'44"E 516.49' to a point 20', more or less from French Slough and the terminus of said meander line; thence N83°15'07"E 468.5' to the West line of Certified Survey Map, Volume 12, Page 127; thence N0°37'19"W along said West line 116.25' to the

Northwest corner of said Certified Survey Map; thence S89°41'32"E along said North line 234.83' to the West line of Lakeshore Drive; thence along the West line thereof N4°52'44"E 169.35'; thence N0°40'17"W 210.95' to the POB. Includes land lying between the meander line and the water's edge. Town of Campbell.

**Appearing in favor:** Thomas Baumgartner, 2521 Baumgartner Dr, La Crosse, WI 54630. I own this property.

QUESTION Meyer: Do you have any additional comments?

ANSWER Baumgartner: Not really, just want to go forward.

QUESTION Wehrs: Can you tell us about your plans for the property?

ANSWER Baumgartner: Single family homes.

QUESTION Wehrs: How many?

ANSWER Baumgartner: Nineteen (19) to twenty-one (21).

QUESTION Bluske: In the instructions, we told you to go to the Town of Campbell. Have you met with the Town of Campbell yet?

ANSWER Baumgartner: Not yet.

QUESTION Bluske: Why not?

ANSWER Baumgartner: The engineer told me to do this first. I'm sure they're aware of it.

REMARK Bluske: No, they're not. We need a response from them before it goes to the county board – this might be delayed because someone didn't attend the meeting.

No one else appearing in favor.

**Appearing in Opposition:** Dorothy Stroschein, 1206 Caledonia St, La Crosse, WI 54601.

Representing Al Wandling and Barb Formanek. They own Lot 2 of the Certified Survey Map north of the proposed subdivision. We realize this is a rezoning and not a plat approval. We'd like to note for the record that the road proposed will result in the Wandling house to be basically on top of that road. It won't have the proper setback. We're asking for at least a 27-ft setback from the south Wandling/Formanek lot line, or, that a separate outlot be created for that. He could move the south lots down into lot 21. The Wandling/Formanek lot applied for a variance back in April. That was denied. They applied to build their house on the north part of their lot and that was denied even though Mr. Baumgartner came and said the road would be put in there. Now, it conforms to county ordinances and they'll have a road through their side yard. We ask that when you look at the plat – we don't object to the rezone if the setback of 27-ft is put in there. If it isn't, we do object. There shouldn't be a hardship for the developer – plenty of room to move the road – now's the time to do it. We don't want to create a legal non-conforming lot.

REMARK Bluske: What Dorothy has indicated is true. This lot (refers to screen) was divided into two lots. Her client bought the corner lot. Had we known about the plat ahead of time, Mr. Baumgartner could have planned to have the road off-set rather than coming adjacent to her client. Her client built eight feet from this lot line. Had we known the street was going to be here, he'd have to be 27-ft setback from a town road. We'll be asking the road be jogged over to accommodate the 27-ft setback. This road will become the new entrance to this area – there will be a lot of traffic. That's all she's indicating now that when the plat comes through we take that into consideration, as part of the record.

QUESTION Meyer: When you say "We're going to ask," who will we ask?

ANSWER Bluske: The developer, or his engineer or surveyor.

QUESTION Bluske: But you're not against the rezone?

ANSWER Stroschein: No, as long as we have the 27-ft setback.

**Appearing in Opposition:** Pat Post, Supervisor for the Town of Campbell and Chairperson for the Planning and Zoning Commission.

We have a real problem with this. We developed a subdivision ordinance over a year ago. He needs to come to us for the zoning and to follow the subdivision ordinance rules. Travis Parish, our Administrator, who just left, talked to Mr. Hilby many times about this and told him he needs to come to the town first before he comes to the county. He needs the subdivision plat with the drainage and everything before we can approve that. All he has is a survey map. He delivered that Thursday or Friday last week.

REMARK Meyer: We know they're supposed to go there first and haven't, many people do that. We'll do something about that for the future.

QUESTION Pedretti: You request a plat before they rezone? This is just a rezone.

ANSWER Post: No, but they have to come to us with a rezone and they have not.

QUESTION Bluske: When is your next meeting so Mr. Baumgartner knows to be there?

ANSWER Post: Our Planning Commission meeting is the first Tuesday of the month.

**Appearing in Opposition:** Diane Brudos, 2529 Baumgartner Dr, La Crosse, WI 54603.

We're not totally opposed to this development as long as it meets the Town of Campbell guidelines. I would ask if this is approved, they include a street that goes straight from Lakeshore over to Baumgartner where Callaway goes across, and that not be changed. I speak for myself and two next door neighbors – we don't want the dump trucks and traffic being routed through Baumgartner and then back.

**Appearing in Opposition:** Helen Vitale, 2913 Bayshore Dr, La Crosse, WI 54603.

I've been on the Campbell Planning and Zoning Commission since its inception back in 1994-95. Not opposed to the rezone, I'm opposed to rezoning before it comes to the Town of Campbell Zoning Commission. I knew nothing about this until Mrs. Post called me. None of us have seen anything – the rest of the commission knows nothing about this. It's a good idea to turn it into a subdivision, but please come to us first.

REMARK Meyer: thank you for that – this isn't the first situation we've had like this.

REMARK Vitale: I voted for Mr. Wandling – to put that on that lot – whatever you people did down here, that's up to you – it's too late. There was no road proposed when we gave permission to build that building. I believe Mr. Bluske when he said Mr. Hilby was told he has to go the Town of Campbell Zoning Commission. Mr. Bluske now gets the minutes from our Zoning Commission every month.

QUESTION Stroschein: Do you have a copy of your subdivision ordinance available at the town hall?

ANSWER Vitale: Yes.

QUESTION Mach: Does he have to apply again?

ANSWER Bluske: We'll still react to the petition tonight, then the town has 30 days. This could put the county board report off for 60 days.

REMARK Vitale: Our next commission meeting is tomorrow night and this is not on our agenda. Our next meeting is the first Tuesday in September after you people meet down here. Mr. Hilby may not get this until September. Our recommendations go to the town board which is the second Tuesday of the month.

REPLY Bluske: That's why our county board may not act until the third Thursday in October.

REMARK Vitale: Mr. Parish told me he told Mr. Hilby he had to come to the commission. He was well informed, from you people and from us.

**Appearing in Opposition:** Bob Wolfert, 904 Susan Pl, La Crosse, WI 54603.

I'm a town board member and a resident in the Baumgartner Addition. It's a great development and I'd like to see it go forward, I oppose this rezone on procedure until the process has been met. Because of the way some of the developments had gone in the past, and with some of the state mandates regarding run-off; that was a problem in the earlier phase. Mary Jo Webster did a great job trying to manage that, but it left some huge ditches between properties. That's why there's a requirement for the "as-built," so we get a standardized lot lay-out and elevation.

No one else appearing in opposition.

**Correspondence**, Bluske: Nothing official from any other departments.

**Staff Recommendation**, Bluske: The residential use is consistent with the land use plan, therefore we recommend approval of this rezoning.

REMARK Meyer: Based on approval by the town board.....

REPLY Bluske: Subject to approval. Just so everyone understands, if the town responds within 10 days, this would go to the county board the third Thursday of this month. If they don't make the August meeting, it sounds like this will not hit the county board floor until October.

QUESTION Meyer: Mr. Baumgartner – will you talk to Mr. Hilby and make sure he gets to these meetings?

ANSWER Baumgartner: Yes.

QUESTION Pedretti: Rezones – we don't worry about the plat at this point. This is Ag to Residential – it's in the long range plan and you don't have any problem with it. Technically, the 10 days, 20 days – won't fall right – do they have to do another extension?

ANSWER Bluske: Good point. Supervisor Pedretti indicated that extension the town has is 30 days starting today. If the town doesn't meet in that 30 days, they still have to meet to talk about it, but would have to send in a recommendation to defer it for another 30 days. If they have a question they can call me.

QUESTION Pedretti: Then it comes back to our business portion? If there's discrepancies, if not, it goes right to county board?

ANSWER Bluske: Yes.

QUESTION Wehrs: Does the staff recommendation include anything about the 27-ft setback?

ANSWER Bluske: When the developer gets zoning approval, they'll bring in the official preliminary plat that the county surveyor reviews. He'll consult with us – that's when we'll bring it up.

REMARK Vitale: According to our ordinance, the Campbell Planning and Zoning Commission needs to hold a public hearing 30 days after we publish the plat....

REPLY Meyer: This is not a plat.

REMARK Vitale: He hasn't even come to us about this rezoning. I want that absolutely clear.

REPLY Pedretti: I think Jeff said just to keep communicating with the zoning department.

**Motion Pedretti/Keil to approve Zoning Petition #1845 with the contingency of the Town of Campbell approval.**

**5 Aye, 0 No, 2 Excused (Bina, Manthei). Motion carried.**

QUESTION Pedretti: On the bottom of this petition is says 8.58 acres, but up here is says 11.95?

ANSWER Bluske: It's 11(.95). They enlarged it because of the detention pond. We'll correct it.

**ZONING PETITION NO. 1847** Edwin J. & Eileen Carns, N6550 McKinley Valley Rd, West Salem, WI 54669; acting on behalf of Shana Zacek, 375 Vista Roma Way, Unit 320, San Jose, CA 95136-4431. Petitions to rezone from the Exclusive Agriculture District to Residential District "A", a 0.80 acre parcel for continued single family residential use at N6550 McKinley Valley Rd described as: Lot 1 of Certified Survey Map No. 50 Vol. 7. Town of Hamilton.

**Appearing in favor:** Edwin Carns, N6550 McKinley Valley, Rd, West Salem, WI 54669.

Here on behalf of Ms. Zacek. We're trying to purchase the property and this issue needs to be addressed before we can move forward. House has been there since '96 and was not a violation at that time, property was greater than 35 acres. It was sold in 2002 and 2008 and the issues were not

addressed at that time. We're trying to purchase the property now and the issues came to the attention of the board – we're just asking for the rezone to Residential "A".

No one else appearing in favor or opposition.

**Correspondence**, Bluske: Nothing from the Town of Hamilton. Ed – did you go to the Town of Hamilton yet?

REPLY Carns: Yes, they supported it.

**Staff Recommendation**, Bluske: Request does not change existing land use. Recommend approval subject to the recording of deed restrictions indicating this parcel will not be further subdivided and the existing home is the only one allowed on this parcel.

QUESTION Pedretti: I can understand why it got through in 2002, why in 2008?

ANSWER Bluske: We don't always see the transfers. When the Certified Survey Map was recorded, it didn't show any buildings. The parcel was subdivided before the buildings were put on it. The reason it was caught is because it's listed again and the realtors called to ask if everything is okay. That's when we discovered it. Our Enforcement Specialist, Chad, wrote a letter indicating this to the current owner, Ms. Zacek. I think she's moved already. The Carns' are handling everything for her. There are other issues – they'll have to deal with the Board of Adjustment.

REMARK Pedretti: But this is a housekeeping issue, but you want to put the deed restriction on it for the future.

REPLY Bluske: Right.

**Motion Keil/Mach to approve Zoning Petition #1847 with conditions as recommended. 5 Aye, 0 No, 2 Excused (Bina, Manthei). Motion carried.**

**CONDITIONAL USE PERMIT NO. 815** Sheldon E Everson, W2863 County Road T, Mindoro, WI. Petitions to operate a dumpster roll off business operating with 2 trucks and up to 40 dumpsters, signage, four (4) employees & vehicles at his residence on 2.76 acres zoned Agriculture District "A" and described as: Part of the NW-SW of Section 24, T18N, R6W lying southwesterly of County Road T described in tax parcel 5-1080-1. Town of Farmington.

**Appearing in favor:** Sheldon Everson, W2863 County Road T, Mindoro, WI 54644.

Additional traffic – none; just one truck going in and out. No people coming to our property.

**Appearing in favor:** Jody Everson, W2863 County Road T, Mindoro, WI 54644.

We're proposing a roll-off business, service not sales. No customer traffic, parking. Pretty much storage for dumpsters, up to forty. We hope most of the time they'll be on-site instead of stored. Don't foresee any garbage/refuse stored in them on property. They'll be empty when returned. There were issues raised about cleaning them before bringing them back. We have a letter from the Department of Natural Resources (DNR), Kurt Rasmussen.

Sheldon Everson: I spoke with Kurt and a young lady at the DNR – working with them to get permits. I went to Coulee Country Truck about having hazardous waste in the dumpster. To clean out dumpster, estimate was \$35 to \$40, so I didn't take any contaminant back to where I live. I spoke with Dennis (Osgood) about the driveway. He said it's so flat that if I needed a bigger driveway I could take the culvert out and move it back onto my property for drainage reasons. Entry would be off County T. No easements, covenants, or restrictions on the property.

Jody Everson: We're proposing two trucks and up to 40 bins – not all bins will be on the property at all times. We're estimating to have up to four (4) employees within a couple of years. Business hours between 6:30 AM to 6:30 PM. Don't foresee any noise issues. We'd also like a sign facing County C. We won't consider that until we get a decision from you. We spoke with the other neighbors and got signatures from them stating they don't think it's a problem.

Sheldon Everson: I spoke with Mike Hess, Town of Farmington. He gave me a map showing Mindoro commercial property. Right now, what's zoned commercial in Mindoro has houses. There's two spots without houses. I spoke with Cindy, a bar owner who would not give permission. She's letting a children's group – they updated her property across from her bar. She said that wouldn't look good for dumpster. Mike designated an area he'd like us to move (to) when we're big enough – I don't want to stay on our property once it grows.

QUESTION Pedretti: Do we have a copy of the letter from the neighbors?

ANSWER Bluske: It's not a letter; it's a type of petition. They turned it in back in June. There was a Barbara Hankins, Donald Hankins, Clarence Stetzer, Mary Stetzer, John Jolivette.....

QUESTION Pedretti: But not the Hoff's or the Stello's?

ANSWER Sheldon Everson: The Hoff's wouldn't comment, but they weren't opposing it. I spoke with Mr. Stetzer and his wife – they were not opposed. But nothing from the Hoff's or the Olson's.

QUESTION Wehrs: The quote for cleaning – would you clean them every time before they came back? Or only if you know there was a hazardous material in it?

ANSWER Sheldon Everson: At the last meeting, everybody was worried about asbestos. We need a certain permit to handle asbestos – I want nothing to do with it.

QUESTION Wehrs: How would you know it was in there?

ANSWER Sheldon Everson: That will be in our agreement. The contractor will be responsible.

QUESTION Wehrs: Where will you take it to get it cleaned?

ANSWER Everson: Coulee Region Truck and Trailer – that's Hotline, next to Bangor.

REMARK Bluske: We've got that – you indicated they would charge \$35-\$45?

REPLY Everson: Yes.

REMARK Pedretti: The clean-up is an issue that we had last month as well. There's a misconception that the only thing going in the dumpsters is lumber. Everything imaginable goes in those dumpsters. There's some fear with that – what happens when you bring it back to site, and just spray it out?

REPLY Jody Everson: The letter from Kurt Rasmussen – do you have a copy of that?

REMARK Bluske: Could you read that into the record? (Letter from Kurt Rasmussen to Chad Vandenlangenberg read into the record.)

QUESTION Bluske: During the last meeting we asked that you look at all your options. Did you speak with our economic development staff?

ANSWER Sheldon Everson: He pointed out some locations in West Salem. I was mainly concerned with Mindoro because of the businesses located in La Crosse, so my dumpsters would be close.

QUESTION Bluske: Our County Solid Waste Manager, Hank Koch, is here tonight. Have you had contact with him?

ANSWER Everson: Yeah, I spoke with him twice.

QUESTION Bluske: Went over options with him?

ANSWER Everson: Options if we're in business in a year. Right now, they're not there.

QUESTION Mach: You said you talked with somebody on the Farmington Town Board?

ANSWER Everson: Mike Hesse, the chairman.

QUESTION Mach: And he felt he knew of an area in Mindoro in the future?

ANSWER Everson: Yes. Our location now is a start-up to keep costs low. There's a property we could move to. We discussed the cost to develop that and as a new business, he understood that. No one else appearing in favor or opposition.

QUESTION Meyer: Hank – did you want to speak?

REMARKS Koch: Good afternoon. My name's Hank Koch and I'm Director of the Solid Waste Program for La Crosse County. Here neither in support or against. Wanted to add comments on three things: First – the La Crosse Solid Waste System is based on supporting local haulers. We have container lease and rebate programs, hauler rebate programs. We want to see the development of local haulers. They support us well and support the community well; Second – there's a difference between zoning and solid waste. You have the hard job of making zoning determinations – we don't want to meddle in your decisions and we respect your work on this; the Third area – we have a number of roll-off containers on our site. There's a concern of the cleanliness of these containers. Most of these are used with construction demolition material – that's usually the least obnoxious of wastes in the landfill. A hauler typically picks up at the business and goes straight to the landfill – they seldom go back to the yard to store that. They want the container empty. They come to the landfill, dump the material and typically go back with a relatively clean container. If there's material that causes a hauler problems, if he needed to leave that container in the landfill because it was dirty and needed to be cleaned out, we would allow that. This happens in the winter when loads freeze into a container – we'll let him store that. We have a pad also for those who join our program, the containers lease/hauler rebate program, where they can store their containers at our facility. I don't have a lot of area and I have about 30 containers out there now. Your applicant stopped and talked to me – asked if there is room for him. If he joined our program, I would have room for about 6 containers. One thing I wanted to add – our citizens' unloading area was moved to within a couple hundred feet of our offices, and has six roll-off containers, I'm the closest person in the office to those containers and they're not too objectionable. I didn't want you to have any fears about that. Are there any questions I can answer that might help in your deliberations?

QUESTION Bluske: We seen where people mix everything in the containers – they pay \$35 a ton and figure they can throw everything they have in there – refrigerators and everything. How do you stop this – there's Freon – things that go to another spot on your site?

ANSWER Koch: That's controlled by how we work with our haulers. The new hauler begins to learn our policies and procedures that you can't bring materials not allowed in the landfill. Tires, white appliances, yard waste cannot be brought in for disposal. We'll ask him to reload and haul out – there's a charge to that. Most realize that quickly. Sometimes a mistake happens – we'll put it on the side and they can pick it up, take it out. Haulers become self-policing; they won't absorb that cost. If the customer throws in something not supposed to be in the landfill, we catch it – we know which trucks have been dumped. We'd go to the hauler and tell him to take it out or he'll pay these fees. He goes back to his customer. In our system with Xcel unable to take unacceptable also, we have up to \$30,000 per year back charges. People are highly attuned to this. It's a matter of learning.

**Correspondence**, Bluske: The correspondence he read, I received that from Leanne Hinke. A letter from Betty Sacia, Town of Farmington dated July 8 read into record approving Conditional Use Permit #815.

**Staff Recommendation**, Bluske: Staff have reviewed the county's comprehensive plan and it is incompatible with the Residential Planning Class. Normally, we scan our maps to show everyone this. The parcel in yellow (refers to screen) is the Everson parcel – Charlie – can you show the legend? Yellow is the residential class. We're calling this an industrial use not compatible with the Residential Land Use Classification and would promote a conflict. We have no recourse but to recommend denial.

QUESTION Pedretti: Why does Farmington say it fits with the comp plan?

ANSWER Bluske: Their plan is different from ours.

REMARK Handy: We're saying they're recommending approval because they feel it's consistent with their plan, and their plan talks about home based business. As a staff, we do not feel that an industrial use is in the classification of a home based business. That's the difference.

REMARK Mach: I've never been happy where they intend to put those dumpsters. There's a lot of fairly close neighbors. I understand what you want to do – I just don't know if it's a good location to even start it up. I wish you could start it up on the land in Mindoro.

QUESTION Wehrs: You wanted to start with 20 right away?

ANSWER Jody Everson: Yes. We can't go out and buy 40 bins right now. We'll start small – we do have some storage available down there. We're hoping to have them on-site, not on our property. And to answer her question on how beautiful it is out there – I do have some pictures....

REMARK Meyer: We've been out there.

REMARK Everson: I truly believe brand new looking dumpsters are nicer looking than old tractors, tractor tires, concrete, you name it.

QUESTION Wehrs: When you start right away – is six realistic?

ANSWER Everson: Right now we're trying to buy ten.

QUESTION Wehrs: But six that you could store would be a good start? The six they could store at the landfill?

ANSWER Sheldon Everson: That won't happen for a year.

QUESTION Wehrs: That would be a year Hank?

ANSWER Koch: If this was a new business to get established and he came in right now, he could buy 6-10 containers and enter into our haulers agreement to bring all his waste to us for ten years. We're re-evaluating that with the policy board and will be bringing some changes forward to the county board shortly. The rest of the haulers in the county have advised the policy board they would like new haulers to establish themselves for one year before taking advantage of county programs. The county board will have to debate that policy and tell me what they want.

QUESTION Wehrs: But right now..?

ANSWER Koch: Right now, if he was in business and approached us, he signed a hauler's agreement and committed to bringing his waste to us for ten years, we would provide a loan for those containers. In a couple months from now, that policy might change. He might have to establish himself for one year before he can take advantage of some of the county programs.

QUESTION Meyer: Mr. Everson – are you aware of the programs he's talking about?

ANSWER Everson: Yeah, but I thought the money wouldn't be available until the first of the year.

REPLY Koch: He is correct. I overlooked the fact we've used up our budget this year for containers. If a request was made for additional containers this year, I'd have to go back to my committee. There's money available I'd have to transfer, but there isn't any money available in that fund – I'd have to get approval for the transfer.

QUESTION Meyer: Where do you plan to dump your dumpsters?

ANSWER Everson: I spoke with and will have a permit with Henry.

QUESTION Meyer: All of it?

ANSWER Everson: Yes, in the surrounding area. Somebody said it would be industrial? It won't be industrial. We're not trying to rezone – it's a conditional use permit. If we can't go forth, I'd be happy to work with you for less containers, just to get started, until Mindoro is ready for us or is able to be redeveloped.

QUESTION Meyer: Jeff or Charlie – what do you mean by "home based business"? It seems this is a home based business. Where do you draw the line?

ANSWER Handy: As a committee that's your decision to make. Our opinion as a staff is that you have steel containers, and industrial sized truck, the weight and noise – everything involved with that. That is an industrial style business, not a home based business. A home based business, based on our opinion, is something you can have an office in the home, maybe a pickup truck or vehicle. It looks and feels residential – the business needs to have the feel of a residential area. That's where we feel the line is drawn. Dumpsters, a roll-off truck and everything that goes along with that is a lot more than a residential personality. Obviously, as a committee you can have a difference of opinion.

REMARK Meyer: Thank you. Jeff?



REPLY Bluske: I mentioned the industrial feel – under our Industrial District...(uses allowed as a conditional use in the Industrial District read into the record). When I hear the word dumpsters – that's what dumpsters handle. At some point in time, even if they're not washed out, people will throw this stuff in and it's going to come back. They've complained about the parcel behind them – we're on top of that – they're going to get a letter to clean it up because they shouldn't have to look at that either. There's going to be glue, junk, gypsum, cement board – garbage will go into these things. Mr. Koch indicated the hauler ends up policing this – that doesn't help anything when the dumpster is already there. People are people – they're going to throw this stuff in there. It will end up at their site. Things like that will happen. This is what people complain about – can we have a dumpster in our yard. If they're remodeling. But then they say it's been there a year and a half and they say "do we really have to look at these things". So there are rules we have in place. It's everything we end up dealing with. If the committee feels it's a good idea to limit it to six dumpsters, six with the county if it happens? Forty? Forty is very unacceptable. Twenty is unacceptable for a residential site. Is this something you'd want to go into a subdivision and see? This isn't a subdivision but it's still classified as residential. Will this affect the property values of the people across the street? I don't know. If they go to sell and somebody points across the street and asks "what's that", they might lose the sale. All this comes out after something happens. Then they say "I didn't know it would look like that". That's where we're coming from. It's not something you'd normally see in a residential area.

QUESTION Wehrs: I'm torn – if we have a place where dumpsters are meant to be, it's available, and we can work with Hank and help you get started. Then they'll be where they're supposed to be. If there's a will for your business there's a way to do it. It sounds like Hank says we're willing to work with you. Does that sound like if you had six to ten you could get rolling, cash flowing enough to be able to get that appropriate industrial space to expand?

ANSWER Sheldon Everson: I don't believe Mindoro's ready for that growth because they're waiting for larger business to come in on that property by the sewage plant.

QUESTION Wehrs: Can you give me a timeline – like on this date we were going to start out with five, then in six months go to ten? What is your timeline? Have you planned that far?

ANSWER Everson: We're coming to the end of the year and running short on time. Timeline? I was expecting to get 20 at most, but it's looking like ten to start with.

QUESTION Wehrs: And how long would ten last you?

ANSWER Everson: And, then we would work with Henry (inaudible) to get in that location.

REMARK Wehrs: If that's available to start with – that could help you more.

REPLY Everson: When we spoke today the money wasn't fundable. Me and Henry did speak where January 2<sup>nd</sup> we are going to apply for extra dumpsters.

QUESTION Meyer: Jeff – if he starts with ten, does he have to come back here to get twenty?

ANSWER Bluske: If the committee passes this and places a condition on it that he can have ten for one year, he would have to come in if he wanted to expand by one more.

REMARK Wehrs: I wasn't thinking ten at his site – I was thinking ten at the county – you were saying they have storage for six to ten at the landfill. My thought was none at their house. Start there (at the landfill), get cash flowing, then expand to somewhere, not at their house. If space is available where dumpsters are intended to go, start there and see where you're at in six months or so.

QUESTION Meyer: Hank – how do you feel about being able to get the money so they could have ten or so?

ANSWER Koch: We've already done one transfer this year, that was approved through administration. I have the money available in other budgets. We're having a good year – I don't see a problem with that. I'm concerned with the discussions tonight though, that the importance of having this business in our county should not be overshadowed by the concerns you have for the citizens in that area and the land use plan. I don't want the enthusiasm I have for solid waste to interfere with your deliberations you have to make. That's very important. Zoning is very important in our county and how people respect things. And, if property isn't properly zoned, the process is to rezone it to the way it should be.

QUESTION Pedretti: Other roll-off businesses out there – are there a dozen, half a dozen that work off their own site in the county? Do you know?

ANSWER Koch: I know of four or five in our system. It's a competitive, aggressive market right now. Remember – our economy's a little flat. This is a very aggressive gentleman in this soft economy when construction is not good, I think that's great, but times are tough for this.

QUESTION Pedretti: Of those companies, do you know if any have full ones at their sites from time to time or do they always bring them to you first and mainly what they have at their sites are empties?

ANSWER Koch: There'll be some full ones on site – for example, on Friday's where they can't dump all their containers, on a Monday morning I'll have a half dozen full containers in my storage area that need to be dumped on Monday. That's not uncommon.

REMARK Pedretti: That's my concern. I think it's great for people to do home business. The (inaudible) you have in the Town of Farmington is a ways out and to have something local is a great idea. I also think that as a business plan, it has to be a full plan. I think you're going to have more trouble with dumpsters in this neighborhood. You can equate it with farm equipment but it's a little bit different. I understand farm equipment comes in and out, and this is a farming community. But, when I saw 20 to 40, I thought, "that's industrial", that you could have that many sitting in a back yard. What's the limit – I don't know. That's my struggle right now. I like the idea of home business, but his isn't home – it's industrial.

Wehrs: I'm sorry – did you want to respond to that first?

REPLY Everson: She's saying full dumpsters. I spoke with the DNR. There won't be garbage at my location. Henry's saying they open that up so they can store full dumpsters at the dump, not my property.

QUESTION Pedretti: So, someone calls you up at 6 o'clock on Friday and says "I want the dumpster off this weekend?"

ANSWER Everson: I can take it there.

QUESTION Pedretti: At 6 o'clock on a Friday?

ANSWER Koch: That is a policy that's been in place at the landfill. Haulers in the container program have been allowed to come in after hours. They cannot dump in the landfill, but they can place their container in the storage area until Monday. They have to double-handle it so it's not an easy process but we have allowed that. So, those containers are in a protected area not bothering other people.

Pedretti: Thank you.

REMARK Everson: I emphasize, you guys are nervous on (number of) dumpsters. I do accept the dumpsters; if we went from 40...they asked for a business plan and that's what we drew up. I apologize; if you think that's excessive – and it may be excessive. I'm open. Ten dumpsters. Like when we get a job at Black River or north of Farmington or Mindoro. Then if I have a selection of ten or eight I can pick up from my property and go. And we're still going to work with Henry after our year is up – store them there. Like Jeff said – come in and re-apply. I'm happy with ten.

QUESTION Wehrs: Is it feasible to have the office at your house, but then the storage of the dumpsters at the landfill? Is that realistic?

ANSWER Everson: I'd rather have them at our place. To go through Henry will push this back two more months to get approval. That's a guess. Then the snow flies. We're talking with a company for a truck and dumpster, just to get started.

REMARK Jody Everson: We're hoping to get a lot of customers from Black River Falls. To take the truck all the way down to La Crosse, load the dumpster and take it all the way back up. It would put a hardship on starting the business.

QUESTION Wehrs: It's tougher, but could it be done? Are you that indebted to this and do you have enough chips in the game that you'd still move forward? Is it realistic you'd still move forward if this committee would say start with something like this?

ANSWER Sheldon Everson: I don't think so.

QUESTION Mach: Hank – could you always supply them the room for ten dumpsters?

ANSWER Koch: We have an area there, where if this were a need requested by the haulers and it was serving the county well, we could expand that area to easily accommodate an additional 30-40.

REMARK Mach: I wasn't sure if you could take on ten on a regular basis from one hauler.

REPLY Koch: I have 30 containers there right now. Come winter there will be an extra 20 on that pad. That pad is about one acre, I have at least another one to two acres I could expand to. The more critical question just asked was "Is it realistic to run this business out of the landfill". I think Sheldon answered it very honestly – it's not. It's a competitive business and if you need to go to the landfill to load your containers, you will not be competitive. After a while, his business will suffer.

QUESTION Meyer: Jeff – if he had ten – we put a condition on ten for a year, could we put a second condition that if it's successful he could go to 20 without having him come back in?

ANSWER Bluske: No. There's a change in the conditional use permit – something measurable – then the surrounding area needs to know about that. If the committee is contemplating doing something with ten, to establish his one year of time the county needs and it becomes successful – that's the time to move, not expand at that site. It's still something we can't support because it's contrary to county's comprehensive plan.

QUESTION Pedretti: If we did, because I can understand the dilemma here, a limit of ten and gave him a couple of years, or can we set a limit of ten with no more until they come back? To get them established – then maybe by then Mindoro will know what they're doing. I see this happening where they'll have to be empty on-site. Because people say these things and they come back and have stuff in them. Everybody has the best intentions. Can we put that on the condition in order to give them that service of having a couple of trucks and being able to move some equipment? Do we put a limit of five so it's doable in the back yard and the other five stored at the county? Start-up business, see how the business holds up, see where Mindoro's at. Gives them a chance to start, then they can come back in a couple of years and they can revisit it.

QUESTION Wehrs: The first time you came in, did we talk about fencing?

ANSWER Everson: We addressed the trees and if need be, we'd plant more trees. I stayed far enough from power lines, where the bins would be stored, where the trees won't be cut. Mr. Koch said he had 50 on an acre plot. From the east side of that shed is over an acre.

REMARK Pedretti: You're in a residential/farming community – he's in an industrial community.

REPLY Everson: Right – I'm agreeing with Jeff – ten dumpsters.

QUESTION Wehrs: Do you have an actual business plan?

ANSWER Everson: We have our own money and that's what we're going off of. We're trying to keep control of that. Before we go to another bank we want to build up our clientele. To go to a bank and borrow a bunch of money then get turned down...

REMARK Wehrs: If you had a business plan, would it address if you had stored them at the landfill – if it was feasible or not?

REPLY Everson: That's why we came here twice.

REMARK Handy: I wanted to add one thought. We've discussed the competitiveness of the industry, We have to be very careful we're not giving one person a competitive edge over another. If all of the other businesses have to start in a commercial or industrial area and we allow one business to start in a residential area – we've given them a competitive advantage. It is a serious discussion, a serious issue. We should be leveling the playing field.

QUESTION Keil: Would you be comfortable with ten at home and the rest at the landfill?

ANSWER Everson: Yes sir. One thing – Charlie had said – I can't expect Henry to give us special treatment to start the business. I don't see that as being feasible where I get special treatment.

QUESTION Pedretti: didn't we just approve a roll-off business on Sand Lake Road?

ANSWER Handy: County Road S, three years ago.

QUESTION Pedretti: Do you remember how many?

ANSWER Bluske: Seven.

REMARK Wehrs: I'm having a hard time. I get the ten thing, but a dumpster is a dumpster. If we stipulate they can be empty, he might as well have 20. Looking at one or ten dumpsters will be just as irritating to a neighbor.

**Motion Pedretti/Keil to approve Conditional Use Permit No. 815 to allow a roll-off business with two (2) trucks, up to ten (10) empty dumpsters stored on site, signage and up to two (2) employees.**

**3 Aye, 2 No (Wehrs, Mach), 2 Excused (Bina, Manthei). Motion carried.**

QUESTION Wehrs: Do we want to revisit this?

ANSWER Pedretti: I didn't put a limit on this. Maybe give it a year to see if the neighbors are comfortable with it, but with a CUP you can only get rid of it if there's violations, correct?

REMARK Handy: You can amend it at the county board level also.

REPLY Meyer: If you're going to do it, do it here.

REMARK Keil: My problem is, if they didn't like it here, why didn't they come tonight?

REMARK Meyer: We had a list of many who approved it.

QUESTION Pedretti: If we say they have to come back in another year, then they have to pay a fee. And, who knows in a year if their plan progresses. Five year limit – is that ever done?

ANSWER Bluske: Some towns put that condition on there, like the nursery on the top of the ridge.

REMARK Handy: Typically staff will put on conditions; one would be non-transferable.

QUESTION Pedretti: Can I amend it or do I need to make another motion?

**Motion Pedretti/Keil to amend the motion with the condition it is revisited in two years and that it is non-transferable and clarify two (2) employees plus the owners.**

QUESTION Everson: On the two years, do we re-apply or will we get a notice from the county?

ANSWER Bluske: It terminates in two years, from the date of county board approval. You have to come in a month before it terminates and reapply.

QUESTION Pedretti: Do they get a notice?

ANSWER Bluske: No. They'll have to mark their calendar or it automatically terminates.

**Motion to amend the motion:**

**5 Aye, 0 No, 2 Excused (Bina, Manthei). Motion carried.**

**SPECIAL EXCEPTION PERMIT NO. 2010-08** Damon Olson for Wieser Brothers, 200 Twilite St, La Crescent, MN 55947 acting on behalf of Collins Joint Revocable Trust, 3533 Lakeshore Dr, La Crosse, WI 54603. Petitions to fill and grade areas for a new bedroom and new garage additions and driveway enlargements, with a bedroom final floor elevation of 651 feet and a final garage floor at 649 feet with additional fill for flood proofing in the Shoreland District of Lake Onalaska, on land zoned Residential District "A" and described as: Part of the SE-NE of Section 1, T16N, R8W described in tax parcels 4-1428-1, 4-1429-0 and 4-1436-0. Town of Campbell.

**Appearing in favor:** Damon Olson, 200 Twilite St, La Crescent, MN 55947.

We're over the allowable fill amount. We've met with Land Conservation, Mr. Osgood with the County Highway Department, and spoke with Carrie Olson of the DNR. I spoke with the town, maybe there was misunderstanding of this on my part so I want to clarify this. When I applied for a demolition permit for the structure shown as a dashed line (on the displayed map) I talked to the clerk. At that time I understood that we had to bring this to this point then bring it to the town. I take responsibility for not going further with it. I got the phone number for Mr. Parish from Jon in zoning; we never connected. I stand before you not having documented conversation with town board, clerk/treasurer, other than the demolition permit and preliminary site plan we presented.

QUESTION Bluske: Can you explain to the committee the proposed construction and fill required?

ANSWER Olson: (Refers to map) There's a dashed area – that was an existing building on the parcel to the south. It was deteriorating and bat infested. There was lawn equipment stored here – that's the main reason for the north addition to the garage. The south end is a one story master bedroom/bathroom for Mrs. Collins. The existing house has a garage here (refers to map) and a very small bedroom on the main floor, which does not meet her needs. She's in her 80's and wants to live here as long as she can. Currently, there are retaining walls that help with flood elevation. These lines (referring to map) represent elevations. Fill is required 15-ft out around the perimeter of the additions and tapers off. These lines represent the taper on each side. We're trying to create a mowable surface and that looks right with the rest of the property. The driveway will not require a larger entry to the road. It will come out from the garage addition and taper into the existing driveway. There's no existing culvert – it's a fairly shallow ditch. Are there questions from the committee?

QUESTION Pedretti: Can you not build to the west? Is there a reason you have to come to the south with the spare bedroom? Is it because of setbacks?

ANSWER Olson: There's 75-ft setback (refers to map) line.

QUESTION Pedretti: Okay, that's why you can't build to the west. But it's a big area you'll have to fill and that's a concern. The house to the south has a driveway. You'll be filling it in or getting rid of that driveway?

ANSWER Olson: That driveway led to what was the garage on the separate parcel with the house. The fill doesn't come out that far. (Refers to aerial photo on screen) This is the garage and a couple of garden sheds that were removed. Mrs. Collins would like to leave this asphalt driveway portion to have lake access twice a year to remove the dock, so when her maintenance guy comes in they're not tracking out on the county road. Since the driveway is still in good shape, she'd rather not remove it. This house (on the south parcel) is old and unoccupied. When this project is done, she'll consider removing this house. She has some antiques in there she needs room for. We'll accomplish that with the garage addition. On the map, the bedroom doesn't come out beyond the garage line. The fill tapers off before this tree the way we've stepped it off. It tapers to nothing.

QUESTION Bluske: What will happen with this cottage (to the south)? Right now this is a separate parcel. This is 3537 (Lakeshore Drive), this is 3533. The address on this is 3529. By the bedroom addition encroaching onto this lot, we would have two main structures on one lot. Our zoning ordinance doesn't allow this. How will you reconfigure this if she keeps the cottage. You might have answered, but without a date. I don't expect you to know everything she's doing. If you build over the lot line you will need a stipulation that this became one lot and the remaining cottage on its own lot, with the minimum requirements. You can't construct and leave something non-conforming.

ANSWER Olson: I can't give you an exact date or confirmation on her decision to remove it. I know it's not worth putting more money into. She knows that and wants to do something soon – otherwise anything she has of value in that house won't be worth anything.

QUESTION Bluske: The reason I mention that is there's probably a sewer and water lateral that the town might require a permit to cap off. These things need to be answered. What is your ending point to have everything done?

ANSWER Olson: It's an accelerated schedule.

REMARK Bluske: She wanted it done last month.

REPLY Olson: Yes. The goal is to have it done by October. We will be sodding right away to stabilize everything immediately. The neighbor to the north prefers that it's finished right away.

QUESTION Bluske: There appears to be a well – a 4" pipe standing up off the corner of the garage. That looks like where the fill will end. Do you know what that pipe is?

ANSWER Olson: I don't know what it is for sure, but I know what you're referring to. It looks like a well casing to me. We'll be 4-5-ft south of that property line.

REMARK Bluske: Wells are required to be that high in case it floods, but it's something she isn't going to need – she isn't making another lot.

REPLY Olson: That's actually Schini's property.

REMARK Bluske: Not an issue then.

QUESTION Mach: Is there concern about flooding? You fill someplace and the water has to go somewhere. Is that looked at and how much it will affect surrounding area?

ANSWER Bluske: They legally can fill 15-ft all around any addition without a permit to flood proof new construction. On the map they have the 15-ft dimension – we require a minimum 3:1 slope that they can already do. There will be tapering at the corners to blend in to the existing contours. That's what we're trying to measure – is that okay? That's above and beyond – the excess.

QUESTION Pedretti: Is that why the silt fences were down there – they thought they could go ahead?

ANSWER Buske: They wanted to start over a month ago.

REMARK Olson: The silt fence was installed to represent a line for the neighbors to the north. It's also been required by the neighbors, which we respect, to do silt fence around the perimeter of the property. That fence was to show the Schini's a line where the tapered fill will end.

No one else appearing in favor.

**Appearing in opposition:** Pat Post, Supervisor, Town of Campbell, 2219 Bainbridge St, La Crosse, WI 54603.

It was not brought before the town board and the Planning and Zoning Commission.

REMARK Meyer: We're going to try and take care of that – for everybody.

REMARK Post: Just so it's on the record – Thank you.

REMARK Olson: If I may, I want to apologize. We were unclear we were to bring it to the town board. I've been through the zoning permit process but not the special exception permit, where you go through zoning and bring the town's copy to the town. We weren't trying to leave anyone out.

RESPONSE Meyer: The forms say you're supposed to go to the town.

REPLY Olson: I caught that on the application, unfortunately we talked to everybody except the town. Mr. Parish and I didn't connect before he left.

**Appearing in opposition:** Helen Vitale, 2913 Bayshore Dr, La Crosse, WI 54603.

I oppose this on the basis this is the first time I've heard this and I'm on the top most of this stuff. I'd like the rest of the commission to hear what you've said. We've had a lot of drainage problems involving neighbors and roads in Campbell. We have to be sure you comply with all of our ordinances on drainage. We've had roads that have gotten wet from melting and it's a mess in the winter. I oppose this until you bring your plan and show us the drainage and everything else. You can't get on until the first Tuesday in September. Then the next Tuesday to the town board, then they're supposed to make recommendations to this group.

REMARK Meyer: I think you made that point clear tonight.

REPLY Vitale: I want to make sure this individual understands.

REMARK: Meyer: I think he does.

REPLY Vitale: I don't assume anything. Come to us first, please.

**Correspondence**, Bluske: Initial Site Investigation notes by La Crosse County Land Conservation read into the record. E-mail from Wisconsin Department of Natural Resources (DNR) Water Management specialist Carrie Olson dated August 2, 2010 stating no objections read into the record.

**Staff Recommendation**, Bluske: Approval subject to the following 7 conditions:

1. This permit is granted specifically for any area outside 15-ft flood protection area of the home as shown on the Collins Residence house plans dated 6/17/10.
2. The three lots and sliver of a lot shall be reconfigured by Certified Survey Map to separate the two main structures at 3529 and 3533 Lakeshore Drive, since the new bedroom addition and fill on the south side of this project encroach onto the cottage lot at 3529 Lakeshore Drive.
3. An approved erosion control permit shall be held enforceable and maintained until all open ground has been seeded with no erosion to adjacent lots.
4. This permit is subject to any state and federal permits also required for this permit.
5. No grading or filling is allowed within the right-of-way of Lakeshore Drive without prior written approval from the La Crosse County Highway Commissioner.
6. Deed restrictions must be recorded if any portion of the fill is on the newly created lot at 3529 Lakeshore Drive.
7. This permit expires October 31, 2010.

The two comments about a Certified Survey Map (CSM) and deed restriction can be ignored if they tear the cottage down. If it stays, they need the CSM and deed restrictions.

QUESTION Meyer: Did you hear those conditions? Can you live with that?

ANSWER Olson: Yes, no problem.

QUESTION Pedretti: October 31<sup>st</sup> is doable?

QUESTION Bluske: You want it longer than that?

QUESTION Olson: Is that the date we requested?

ANSWER Bluske: I asked about your timetable. The growing season ends earlier than the end of October, but if it's being sodded you'll still need some matting and seeding.

QUESTION Olson: This is just for the fill?

ANSWER Bluske: Just for the fill.

QUESTION Pedretti: Because the Town of Campbell won't get to this until the first part of September. Is that enough time?

ANSWER Olson: It still will be (enough time). Once the foundation is in we'll bring the balance of fill in immediately and stabilize it.

**Motion Wehrs/Keil to approve with seven (7) conditions.**

QUESTION Pedretti: The Town of Campbell can still put their stipulations on it?

ANSWER Bluske: We can incorporate that.

QUESTION Meyer: What does the town think of the conditions they've heard?

ANSWER Post: I thought the conditions were good.

**5 Aye, 0 No, 2 Excused (Bina, Manthei). Motion carried.**

**Motion Pedretti/Keil to adjourn at 8:05 PM.**

**5 Aye, 0 No, 2 Excused (Bina, Manthei). Motion carried.**

Hearing adjourned at 8:05 p.m.

*Approved 8/30/2010  
Nathan Sampson, Recorder*