

PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE PUBLIC HEARING

November 29, 2010
County Board Room – Administrative Center
6:00 p.m – 6:50 p.m

MEMBERS PRESENT: Don Meyer, Marilyn Pedretti, Beverly Mach, Tina Wehrs,
Donald Bina, Dennis Manthei, Robert Keil
MEMBERS EXCUSED: None
MEMBERS ABSENT: None
OTHERS PRESENT: Jeff Bluske, Charlie Handy, Bryan Meyer, Jonathan Kaatz,
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.

CONDITIONAL USE PERMIT NO. 817 Michael D Reschke d/b/a North Country Contractors of West Salem Inc., N3074 County Road M, La Crosse WI 54601. Petitions to store contractor's equipment, supplies, and tools such as a GMC Sierra pick-up truck, a 2004 GMC Savana van, a 2005 Ford F350 truck, a 1999 763 Bobcat skid steer, a 2003 John Deere 35C mini-excavator and miscellaneous tools including power generators, compressors, saws, etc. located at N3074 County Road M on part of a 38.86 acre parcel zoned Exclusive Agriculture District and described as: The NE/SE of Section 26, T16N, R6W except that part of said NE/SE described as follows: beginning at the southwest corner of said NE/SE; thence north 430' along the west line of said NE/SE; thence southeasterly to the south line of said NE/SE; thence west 230' along said south line to the point of beginning. Tax parcel 2-279-0. Town of Barre.

Appearing in favor: Michael Reschke, N3074 County Road M, La Crosse, WI 54601-2808.

QUESTION Bluske: Can you tell the committee what you want to do?

ANSWER Reschke: Just using a couple of existing buildings for equipment storage is all it entails. It's pointed out on the bottom of the map (refers to screen); 2,280 sq. ft. building to be used for contractor storage – skid steer, mini-excavator – general construction equipment.

QUESTION Bluske: Your impact statement said you would use two (2) buildings?

ANSWER Reschke: Yeah, the other shed – they don't have an arrow pointed to it...

REMARK Bluske: Could you use the pointer and point to it?

Reschke (cont): ...that one right there. It's a small outbuilding. I take that back, that one's coming down. It's this one (refers to screen). The houses are gone – it's the garage next to where the houses were. This is the big building here, the small one is right there.

QUESTION Bina: You bought the whole farm from Allen Sprain?

ANSWER Reschke: Yes

QUESTION Bina: Will you farm it?

ANSWER Reschke: Schweir's are farming it now. I'll continue that for the near future.

QUESTION Bluske: Mike, on the drawing, I don't think we've issued the permit for this new building. What's going in that building?

ANSWER Reschke: Personal use and ag storage, that's it. The permit has been issued for that by you guys and the township. It's already under construction.

REMARK Bluske: I don't think we have.

REPLY Reschke: Actually, Chad told me I didn't need one for ag use, ag and personal use I didn't need a permit according to Chad. I got my permit from Marv Horman already. The building is half up.

QUESTION Bluske: In this building (refers to screen) or the garage, will you have an office where you do plans...

ANSWER Reschke: If it's a big problem I'll shut the construction business down. If the county wants to run her out, we'll shut it down and liquidate it. That can be done. If it's an issue having a permit for this, I'll run it as a farm. I have property in Vernon County – I can store it over there if need be.

QUESTION Bluske: We're just asking if you are going to have an office.

ANSWER Reschke: No. I've never had an office – it's a small construction business. No need for an office, it would sit vacant. I just sold my property on Highway 16 in La Crosse that I never used, that I bought for an office.

QUESTION Bluske: So employees don't come out there – no need for employee parking....

ANSWER Reschke: No

REMARK Bluske: This is what the committee needs to hear to make a determination.

REPLY Reschke: Sure

No one else appearing in favor or opposition.

QUESTION Bluske: Maybe we could ask Mike if he's went to the township or if they've given any recommendation?

ANSWER Reschke: Yes, as far as the new building.

QUESTION Bluske: No – to run the contractor storage.

ANSWER Reschke: That I haven't.

QUESTION Bluske: Are you on their agenda?

ANSWER Reschke: No. Haven't even brought it up. I don't really consider this running a business out of the place, as much as it is storing equipment. It's not like customer/clients are coming in. It's just parking a few vehicles there and keeping some things in the shed.

Correspondence, Nothing from the Town of Barre – they have ten days to react to this. No other correspondence.

Staff Recommendation, Bluske: We may have an issue with the proposed building that's going to be used for personal storage; we'll have to react to that. Staff recommends approval subject to these conditions:

1. Conditional Use Permit granted to run a construction company known as North County Contractors at N3074 County Road M, La Crosse, WI 54601-2808;
2. Conditional Use Permit grants two (2) existing buildings to be used for storage of equipment and materials associated with the business identified as the 2,280 sq. ft. building and a newer garage left and south of the house;
3. No outside storage of any kind related to business;
4. No signs advertising business are allowed;
5. Maximum number of employees is five (5);
6. All equipment and trailers shall be reported to the local assessor every year in order to pay personal property taxes;
7. This permit is non-transferable;
8. This permit terminates and replaces Conditional Use Permit No. 557 in its entirety; and
9. A Zoning/Occupancy Permit is required for all existing buildings not used exclusively for agriculture purposes.

QUESTION Meyer: Can you live with what was said?

ANSWER Reschke: Yes. The one thing Chad brought up is trailers sitting outside. By the lower 2,280 sq. ft. building he had an area on a map, not this map, for trailers to sit outside. Do you recall that Jeff?

ANSWER Bluske: You have to bring that up at this meeting so they hear about that. No – there was nothing discussed about that. Do you know which building that was?

REPLY Reschke: In between the bigger building and where it says “shed” (refers to screen), where it says “NE/SE, 26, 16, 6”.

QUESTION Handy: How big of an area?

ANSWER Reschke: I don't recall what he had there.

QUESTION Handy: What do you want?

ANSWER Reschke: If I had a 100-ft X 100-ft area, that would be plenty.

REMARK Bluske: That's up to the committee if you want to add that in. That would be another condition.

Motion Manthei/Keil to approve with additional Condition #10 which states “This permit grants an area 100-ft X 100-ft for outside storage north of the 2,280 sq. ft. shed.”

QUESTION Wehrs: Why do we have the condition of five (5) employees – number five?

ANSWER Bluske: I think there was something in his impact statement when filling out the questionnaire that indicated five employees. That's why I wondered if they come to the site or not. If the employees don't come there, we can take that one off. That means no employees allowed there.

QUESTION Wehrs: Mike – do you think you could have more than five (5) (employees)?

ANSWER Reschke: Who knows what the future will bring.

REMARK Wehrs: We can take that out if you'll have more.

REPLY Reschke: They won't report there anyway. It will never be a place of business. I don't know – some of this stuff is beyond my understanding. I don't understand some of the rules and regulations.

QUESTION Wehrs: What don't you understand?

ANSWER Reschke: I don't want to get into it now – it's not good.

QUESTION Wehrs: Is there anything we can clarify as a committee for you?

ANSWER Reschke: No. If you don't want any family or employees or anyone there we can limit where it's just me, myself and I living there – or me and the county board officials and that's it. Maybe it should be me and Jeff and the rest of the county.....

REMARK Meyer: Let's stay on the subject. You're kind of antagonistic to us.

REPLY Reschke: I'm kind of trying to.

REMARK Meyer: I know you are.

REMARK Reschke: As far as employees – five (5) is fine.

REMARK Wehrs: I was trying to say I'd make a motion to get rid of that if you want to hire more people. We want you to hire as many people as you need to.

REMARK Reschke: It don't need to be on there, but it's up to the county board. It's up to you guys.

REMARK Pedretti: I'm trying to understand the hostility here. This is Exclusive Ag, and as Exclusive Ag you can run a farm. You're asking for a Conditional Use Permit, which is allowable, as long as we know what the conditions are. We're trying to clarify the conditions you are looking for. We're happy to work with you.

REPLY Reschke: I'm not changing the use of that farm. It will stay farm as long as I own it. I've got a few vehicles parked there and that's it.

REMARK Pedretti: And we're happy to work with you on that as long as we know what you're doing. That's what we're trying to figure out.

7 Aye, 0 No. Motion carried.

CONDITIONAL USE PERMIT NO. 819 Justin Peterson a/k/a Creamery Creek Holsteins, LLC, W1250 County Road U, Bangor, WI 54614; acting on behalf of John J & Donna L Hansen, 3420 Kinney Coulee Road S, Onalaska, WI 54650. Petitions for livestock facility expansion and after-the-fact animal unit expansion for up to 454 animal units including an approximately 110-ft. x 124-ft barn expansion and implementation of barnyard run-off control practices on land zoned Exclusive Agriculture District and described as: That part of the NW ¼ of Section 3, T16N, R5W lying north of County Road U and described in tax parcels 1-49-0; 1-50-0; 1-51-0 & 1-54-0; and that part of the NE-NE of Section 4, T16N, R5W described in tax parcel 1-67-0 in the Town of Bangor; and, Government Lots 7 & 8 in Section 33, T17N, R5W described in tax parcels 3-702-0 & 3-704-0; and the SW-SW of Section 34, T17N, R5W in tax parcel 3-718-0 in the Town of Burns.

Appearing in favor: Justin Peterson, W1250 County Road U, Bangor, WI 54614. We're looking to bring our dairy into compliance with our run-off management plan. We're in the process of tearing down an existing structure. That will eliminate some outside lots – we're trying to get all animals under roof to eliminate lot run-off.

QUESTION Bina: You have some close neighbors there – will they be a problem with your expansion?

ANSWER Peterson: No. We own the two trailers.

QUESTION Bluske: From your summary it appears you'll do this in three phases? We're concerned with the first phase now. Even though I read some of the things into the record, you have to state what you'll do with the expansion; animals, outside barnyard – those kinds of things so they realize what will happen in the first phase.

ANSWER Peterson: Do you have the updated plan? The first phase is shown on the map (refers to site map on screen). There's a small building that is demolished. Here's the proposed expansion. This small barn gets demolished to allow for the expansion. All the animals housed here eat outside. Vast majority of manure is outside on a concrete lot. Rainwater tends to wash that lot clean – the run-off has to go somewhere. We want to avoid that and get a handle on our run-off. That's why we propose this addition in our first phase.

QUESTION Handy: Are you increasing the number of animal units?

ANSWER Peterson: A small increase; 25-30 head total.

QUESTION Bluske: Supervisor Bina brought up a good question about the two (2) mobile homes and the well. Also the home that's on the county highway. Then you guys have another home up there (refers to screen).

ANSWER Peterson: Correct.

QUESTION Bluske: Even though they're your wells, you need to keep them contamination free. Is there enough separation distance from the wells?

ANSWER Peterson: Everything is designed to meet the ATCP 51 setbacks, or greater. The house here, (refers to screen) we will be abandoning for a later phase in our expansion plans. We'll have to eliminate the house and abandon the well. According to scale on the map we're about 800-ft from the Clements' well.

QUESTION Bluske: When the committee was out there, they noticed a good sized pit in the back, almost the length of this – that won't be used for manure storage?

ANSWER Peterson: No – that pit was created when fill was used for the existing free-stall barn. Right here we have a concrete push-off ramp because we have no manure storage. We back the spreader under there for our daily haul. We still use it as a borrow pit for sand for our beds.

QUESTION Bluske: In this area you said you might have 10 animals outside?

ANSWER Peterson: Yes – right here (refers to screen). There's a small group of cows that will eat outside when the first phase is done. We hope by June or July 1, 2011, we'll have that outside lot abandoned. We'll remodel this facility (referring to the screen). Back here we have a reception pit designed to collect run-off from the lots, then we'll pump it out to a hayfield, run it through a rock spreader and have the hay field act as a big filter strip before it gets to the creek.

QUESTION Bluske: Do you have enough land now to landspread all your manure?

ANSWER Peterson: We have about 800 acres that we control ourselves or have manure spreading contracts with.

QUESTION Pedretti: I'm assuming you're working with the DATCP?

ANSWER Peterson: I wouldn't say DATCP directly – they set the regulations, then the counties apply.....

QUESTION Pedretti: But you said you were in noncompliance. Is that with DATCP or us?

ANSWER Peterson: With the county. We have more than 200 animal units. We have an engineering firm out of Middleton doing our site design and engineering. They've done some of the largest dairies in the state. We rely upon them for what works and what doesn't.

QUESTION Pedretti: The new siting laws are such that there's not a lot the county can say. The big concern is the groundwater, if you have neighbors close. People say the government is telling us what to do all the time, but if we don't and their wells become contaminated, we're in trouble. Are you working with Land conservation on where you'll spread the manure?

ANSWER Peterson: Yes, and we have a crop consultant – we're getting things lined up to do our CNMP over the course of the winter. We finished grid sampling the land we control in 5 acre grids so we can focus in on our nutrient management plan.

REMARK Pedretti: This is a lot of animal units in a small area; you'll have neighbors who are concerned. We need to make sure we have the right amount for the right property.

QUESTION Bluske: Tell us about the odor management – maybe people in the Village of Bangor would have an issue with?

ANSWER Peterson: Currently we don't have any because we daily haul. The state is okay with daily hauling because odors are minimal. Once we go to storage, things we'll do include working with prevailing winds in locating the lagoon. When it comes time to empty the lagoon – notify the neighbors to try and work with their schedules. If somebody has an open house, baptism, birthday – we'll try to accommodate them the best we can. We plan on injecting our liquid manure – odor is greatly minimized. When we haul solids we'll have about a 24 hour incorporation rate meaning once the manure is land applied, we'll work it into the ground with a tillage implement. We minimize the odor which is great for everybody, but from our side, the faster we can incorporate the manure, we lose less nitrogen.

QUESTION Bluske: Have you done this before?

ANSWER Peterson: One prior expansion on the other side of the state; we went from 400 to 1,000 cows.

Appearing in favor: Ken Manke, N2595 Larson Rd, Bangor, WI 54614. Mr. Peterson appeared before our Comprehensive Plan Committee which approved this expansion. He also appeared before the Town Board and we unanimously approved it. When we did our comp plan our constituents wanted to remain rural and this is about as rural as it gets.

No one else appearing in support or opposition.

Correspondence, Bluske: Nothing official from the Town of Burns. Did you go to the Town of Burns?

REPLY Peterson: No, the facility is in the Town of Bangor.

QUESTION Bluske: (Refers to map on screen). This black line is the town line. Will you be doing landspreading back here?

ANSWER Peterson: Yes, but that's nutrient management we assumed we only needed approval from the Town of Bangor because that's where the actual facility is located.

QUESTION Bluske: In the Conditional Use Permit (CUP) we take in all this property here (refers to map). I think you owe it to the Town of Burns to let them know. This area here is by the river – you won't be doing any spreading back here, will you?

ANSWER Peterson: We'll spread there when it's summer – when we can incorporate it.

Staff Recommendation, Bluske: Approval in accordance with completed State of Wisconsin DATCP Chapter 51 application.

Motion Bina/Wehrs to approve Conditional Use Permit No. 819.
7 Aye, 0 No. Motion carried.

ZONING PETITION NO. 1857 Scott G & Christine S Bakkum, N2381 Yanzer Road, La Crosse WI 54601. Petitions to rezone from the Transitional Agriculture District to Agricultural District "A", a 0.17 acre parcel for a residential septic system easement on lands located in the SE/NW of Section 5, T15N, R6W and described as follows: commencing at the east quarter corner of said Section 5; thence N64°39'58"W 3115.87' to the west right-of-way line of Yanzer Road and point of beginning of the easement description; thence along said right-of-way S13°25'00"E 140.00'; thence N88°07'46"W 55.00'; thence N13°25'00"W 140.00 feet; thence S88°07'46"E 55.00' to the point of beginning. Part of tax parcel 6-117-0. Town of Greenfield.

Appearing in favor: Scott and Christine Bakkum, N2381 Yanzer Rd, La Crosse, WI 54601.

REMARKS Christine Bakkum: We want to put in a drainfield because my sister bought the property across the road from us. The property has a holding tank that has to be pumped once a month, costing \$130/month. The property she bought didn't perc out for a drainfield. We live across the road and have all this land – we'll give you this little piece. We had it surveyed – we got an easement for her to do that. The lot is about 55-ft X 140-ft, the drainfield is smaller than that. It's an at-grade. That's why we're here.

QUESTION Pedretti: You're not selling that property, you're just granting an easement for the drainfield?
ANSWER Christine Bakkum: Correct.

QUESTION Bluske: When we took the committee out, it looked like you had cleared some trees?
ANSWER Scott Bakkum: The trees were bad to I cleared some of them out. Some were close to the power line. The neighbor asked why don't you have NSP take them all out? That's like pulling teeth. So, I cleaned it up.

QUESTION Bluske: Did you got to the town for going underneath the road, to tear it up?
ANSWER Scott Bakkum: I talked to Steve Mader who wrote a letter – I think you have a copy. He said that's fine; as long as I fill it back in. He said it's a good use of the land – no problems.

QUESTION Bluske: Does the field to the west drain this way? Nothing will pond on top of this, will it?
ANSWER Bakkums: No.

No one else appearing in favor or opposition.

Correspondence, Bluske: Correspondence from the Town of Greenfield addressed to Scott Bakkum, no date, read into record granting permission for a sewer line across the town road.

REMARK Bluske: The easement has been recorded for property at N2382 Yanzer Rd on September 22, 2010, Document No. 1558585.

Staff Recommendation, Bluske: This does not change the land use so staff recommends approval.

Motion Keil/Manthei to approve Zoning Petition No. 1857.
7 Aye, 0 No. Motion carried.

CONDITIONAL USE PERMIT NO. 820 Jeffery W Baker, W7124 County Road T, Holmen WI 54636. Petitions to operate an auto repair facility which includes mobile air conditioning and refrigeration repair on part of a 20.0 acre parcel zoned Agricultural District "A". This Conditional Use Permit will replace Conditional Use Permit No. 801. The parcel is described as the SE/NW except the west 1/2 of Section 7, T18N, R7W. Tax parcel 8-103-0. Town of Holland.

Appearing in favor: Jeff and Tami Baker, W7124 County Road T, Holmen, WI 54636.

REMARKS T. Baker: The building expansion is in two phases. The first phase is for residential purposes, then for future relocation of the current commercial space to the south end of the new building, then converting the current commercial space to residential space. We have a number of things we own personally – trailers, travel trailer, motor home and other vehicles. We want a place to put them inside.

QUESTION Pedretti: Is there a drainage system in the 6500 (sq.ft.) building for your repair shop?

ANSWER J. Baker: It's a tank that gets pumped.

QUESTION Pedretti: It's a special holding tank?

ANSWER J. Baker: Yes.

QUESTION Pedretti: It's not part of the sewer for your house?

ANSWER J Baker: No.

QUESTION Pedretti: So, the new 80-ft X 120-ft building, that will connect to that holding tank?

ANSWER J. Baker: No, it will have it's own bigger tank; It think it's 1,000 gallons.

QUESTION Pedretti: And, that's separate from the residential part?

ANSWER J. Baker: Right. The other one's just a cement thing down in the floor. It was checked by the DNR two (2) years ago.

QUESTION Pedretti: As far as storage, the residential portion you'll be spreading over into this new area?

ANSWER T. Baker: There's a small portion there that will be residential storage in the new addition. Then the future expansion of moving the commercial portion....

Pedretti: Will all move down to this....

T. Baker: Correct.

REMARK J. Baker: Basically, taking the same size that we have back there and moving it to the front....

REMARK Pedretti: Moving it to the front to make more residential.....

REPLY J. Baker: Right.

REMARK T. Baker: It will be more accessible for our customers coming to the business. Right now, they can't tell where the business is, because it is our residence.

QUESTION Pedretti: No idea timing-wise when that will be?

ANSWER T. Baker: We're looking maybe 2-3 years. We need to gain additional funding to be able to pay for finishing it off and then moving in at that point.

QUESTION Bluske: In the original Conditional Use Permit (CUP) I think the county board placed a condition about outside storage in an area surrounding.....

ANSWER T. Baker: It was a 100-ft perimeter around the current building.

QUESTION Bluske: Explain to the committee why you're changing it just on the east and south sides and what you expect to store out there that you weren't last time.

ANSWER T. Baker: Around the perimeter of the building, the west and north is really our yard. There's no access to that area to store anything outside without driving on grass. The area we're proposing for the current outside storage is the area where it's graveled. We have a drive where we could store things on there. I'm not certain if it's exact, but our drainfield and things are in one area, so we can't go any further.

REMARK Bluske: You can't use that anyway.

REPLY T. Baker: Right. You can't drive on that.

REMARK J. Baker: Where it was before, you couldn't use half of it anyway.

REMARK T. Baker: It's a more effective use of the storage space.

QUESTION Bluske: So, business is booming out there?

ANSWER J. Baker: I don't know about that. We're renting two (2) buildings we're trying to get out of. We thought this was done, then we had to get them back. So we're in a bind. We're trying to get out of renting. We're trying to get our money going toward this instead of payments.

No one else appearing in favor or opposition.

Correspondence, Bluske: Correspondence from the Town of Holland, they took action November 10, 2010, read into record approving Conditional Use Permit No. 820. Received November 12, 2010.

Staff Recommendation, Bluske: Approval subject to the following thirteen (13) conditions:

1. Conditional Use Permit is granted to operate an automobile and truck repair business at W7124 County Road T;
2. The operation shall be bounded by the area lying 150 feet to the east of the existing building and 130 feet to the east of the proposed addition to the existing building and 150 feet south of the proposed addition to the existing building and eastern boundary. Said area to be 230-ft wide and 390-ft deep which includes the existing residence and proposed addition;
3. Hours of operation to be 7am to 6pm, Monday thru Friday and also by appointment;
4. Number of employees, including Jeff and Tami Baker, to be six (6);
5. One (1) unlighted sign is allowed, the maximum square footage of the sign is 16 square feet. A Zoning/Occupancy Permit is required prior to sign construction;
6. All hazardous materials and batteries must be disposed of properly by licensed haulers. Nothing is allowed to be dumped on the ground or buried on-site;
7. Any Changes to the commercial area and commercial use of the existing and proposed building will require an amended Conditional Use Permit. Residential additions, modifications or new detached accessory buildings used for residential purposes will not require an amended Conditional Use Permit;
8. This permit is non-transferable;
9. A Zoning/Occupancy Permit is required for the new commercial addition;
10. The new addition must be used for commercial purposes by December 31, 2020 at which time the existing commercial area will be converted to residential storage;
11. The septic system should be resized for the number of employees indicated. A copy of the Health Department letter is required for our file. The DNR shall be consulted for catch basin, trench and water used by the employees. A copy of the DNR requirements is also required for this file;
12. All equipment relative to the business shall be reported yearly to the local assessor for personal property tax purposes; and
13. This permit terminates and replaces Conditional Use Permit No. 801 in its entirety.

QUESTION Meyer: Did you hear those conditions – do you agree with those?

REMARK T. Baker: With respect to the Health Department – we talked with the Health Department today and they said the drainfield and our septic system is adequate and sufficient.

QUESTION Bluske: There has to be a connection between the two (2) bathrooms you're installing and your septic. Is that correct?

ANSWER T. Baker: Correct.

REMARK Bluske: We just want a copy of that permit for our file.

REPLY T. Baker: Okay. I just misunderstood.

QUESTION Meyer: Other than that, you're okay?

QUESTION T. Baker: What is number 11?

ANSWER Bluske: That was about resizing the septic system – you indicated that doesn't have to be, that you can use the existing one. And that the DNR has been consulted for the catch basin.

ANSWER J Baker: There's state approved plans on that.

REMARK Bluske: I need a copy of that for our files, too.

QUESTION Mach: Do they get a copy of all those conditions?

ANSWER Bluske: When the county board reacts to this on the third Thursday – once it's been signed that it's approve, then it goes to the applicants and to the town board.

Motion Manthei/Pedretti to approve with all recommended conditions.

7 Aye, 0 No. Motion carried.

Motion Pedretti/Manthei to adjourn at 6:50 PM.

7 Aye, 0 No. Motion carried.

Hearing adjourned at 6:50 p.m.

Approved 01/03/2011

Nathan Sampson, Recorder.