

# PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE PUBLIC HEARING

May 31, 2011  
County Board Room – Administrative Center  
6:00 p.m – 7:20 p.m

**MEMBERS PRESENT:** Donald Meyer, Marilyn Pedretti, Beverly Mach, Tina Wehrs, Robert Keil;  
Dennis Manthei, Don Bina  
**MEMBERS EXCUSED:** None  
**MEMBERS ABSENT:** None  
**OTHERS PRESENT:** Jeff Bluske, Bryan Meyer, Jon 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 Donald Meyer, Chair, 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.

## **CONTINUATION OF TERMINATION OF CONDITIONAL USE PERMIT NO. 710 – TERMINATION NO.**

**77** La Crosse County Zoning and Planning Department, 400 4<sup>th</sup> St N – Room 3170, La Crosse, WI 54601. Petitions to terminate Conditional Use Permit No. 710 originally filed by Tim Boyd for Airborne Datalink, 709 Gillette St, La Crosse, WI, and subsequently transferred to Dave Spencer for Airborne Wireless, 3148 Edgewater Dr, La Crosse, WI 54603, and passed by the La Crosse County Board of Supervisors on February 16, 2006 to operate a 100-ft telecommunications tower and facility on land owned by Thomas C Kendhammer, N3510 Peters Rd, La Crosse, WI 54601. Reason for terminating: the facility is not in compliance with the Conditional Use Permit provisions and requirements of La Crosse County Code of Ordinances Chapter 28. Town of Medary.

REMARKS Bluske: This is a continuation, the person opposed to this, Mr. Spencer, asked for a deferral. It's our understanding the committee's action taken May 2<sup>nd</sup> was to defer action to tonight's meeting to allow Mr. Spencer an additional 30 days to complete a sale of the existing tower to a new owner. To date Mr. Spencer has not contacted me in regard to any sale or possible sale of the existing telecommunications facility. I also have not heard from any interested parties regarding the possible purchase of this site. To move forward to gain compliance under La Crosse County's Zoning and Telecommunication Ordinances, termination of the Conditional Use Permit (CUP) allowing the facility must occur first. Upon termination I will begin working with Corporation Counsel toward gaining compliance through removal of the tower and facility from this property. Mr. Kendhammer was present at the previous public hearing and spoke in favor of the termination as he has had problems receiving the lease payments from this site. We have done all we can to help Mr. Spencer to bring this site into compliance and see no alternative other than terminating this CUP. That's the reason for moving ahead on this, but would recommend you ask for anybody in support and opposition to terminating this.

QUESTION Meyer: Is there anyone here in support of this termination (3 calls)? Is there anyone here opposed (to this termination – 3 calls)?

## **Motion Pedretti/Wehrs to terminate Conditional Use Permit No. 710 (Termination No. 77).**

QUESTION Bina: Is the tower being used by someone or is it standing idle?

ANSWER Bluske: It's standing idle and from what we understand the power company has cut power to it because they haven't paid the power company.

QUESTION Bina: Can we send the cost of demolition back to him?

ANSWER Bluske: We'll deal with Corporation Counsel to find that out.

**7 Aye, 0 No. Motion carried.**

**ZONING PETITION NO. 1867** Ravenelle R Granger, W5728 County Road D, Holmen, WI 54636. Petitions to rezone from the Exclusive Agriculture District to Agriculture District "A", a 2.32 acre parcel for continued single family residential use at W5728 County Road D on land described as Lot 1 of Certified Survey Map No. 203, Volume 1 and that part of the NE-NE in Section 27, T18N, R7W described in tax parcel 5-1640-1. Town of Farmington.

**Appearing in favor:** Ravenelle Granger, W5728 County Road D, Holmen, WI 54636. I bought this property in January – it was a foreclosure. There is an existing house; it just hasn't been rezoned through two (2) previous owners. When I went to the bank for the loan they caught the zoning issue. I'm here today because of that.

QUESTION Bina: This was a farm house owned by a farmer?

ANSWER Granger: I believe the original owners owned 300 acres and built a house there, then they sold it and it was sold again.

QUESTION Bina: But it's not part of the farm anymore and that's why it's got to be rezoned?

ANSWER Granger: Yes.

REMARK Bluske: This was part of the Drogseth farm back in 1980, that's when the permit was issued.

**Appearing in favor:** Sam Ceresa, W5728 County Road D, Holmen, WI 54636. I'm in support of this. Raven described it correct where the original owner – it was a farm. They sold it, then we bought it. It never got rezoned.

No one else appearing in support or opposition.

**Correspondence,** Bluske: An e-mail from the Town of Farmington received April 14, 2011 in support of the rezone by the town board {read into the record}. No further correspondence.

QUESTION Pedretti: Was that Planning Commission or town board?

ANSWER Bluske: At the April 12<sup>th</sup> meeting of the Farmington Town Board. They concurred with the Plan Commission.

**Staff Recommendation,** Bluske: Plan says it should remain agricultural and rural; however, the landowner will not be changing the existing land use. We recommend approval of this rezoning to Agriculture District "A".

**Motion Keil/Manthei to approve.**

**7 Aye, 0 No. Motion carried.**

**ZONING PETITION NO. 1868** David A & Maureen K Miller, W4469 Gills Coulee Rd, West Salem, WI 54669. Petitions to rezone from the Agriculture District "A" with conditions for one single family residence to Agriculture District "A" for a total of three (3) single family residences; a 13.8 acre parcel at W4469 Gills Coulee Rd on land described as: Lot 6 of Certified Survey Map No. 68, Volume 7 and the North 383-ft of the West 569-ft of the NW-NW in Section 32, T17N, R6W. Town of Hamilton.

**Appearing in favor:** David A Miller, W4469 Gills Coulee Rd, West Salem, WI 54669, (Mr. Miller distributed a preliminary lot layout to committee members). We want to divide this 13.8 acre parcel which is Lot 6. The original parcel I bought 20 years ago contained the farmhouse and Lot 6 if you look at the last survey. Six (6) years ago I came here to have it rezoned to Ag. A for my bank. At that time they asked what I was going to do with the land and I said at that time it was just for the bank purposes, eventually I'd like to build back there. They put a stipulation that I could have one house and that when I got ready to do something to come back in and present my plan in an accurate form. I've done that with Paragon Associates. It would consist of those three (3) lots. I had the Planning Committee from West Salem come out to my house. At that time it was the original lot and Lot 6. I asked them to look at the property to see what they thought would most feasibly fit back there in Lot 6. They agreed two (2) lots would fit consistently with the town comprehensive plan. This also follows the county plan; it has this area listed for residential which would be half to two acre lots. There's plenty of room out there. You can see

the easement drawn back there that comes off Gills Coulee Rd, right off of the end of Evenson Rd. It's easy access. There would be an agreement drawn on the access so that eight (8) could access through that access as well. I'm moving now because my family has some financial obligations – we're looking to sell our house and possibly one lot to my daughter and depending on our financial situation I'd like that last lot to be able to build my house back there.

QUESTION Bluske: When approved back in 2006 for 11.3 acres, there was a commitment at that time based upon the number of ag buildings you were going to put up. How many buildings have you put up since then?

ANSWER Miller: None, I haven't put any buildings up. I don't understand what you mean that I made a commitment with buildings.

REMARK Bluske: The lot size of 11.3 acres allows a certain number of ag buildings.

REPLY Miller: There are no additional buildings since I've been there; actually there's one less.

QUESTION Bluske: Do you know the sizes of those buildings?

ANSWER Miller: There's a three stall garage and an old hog barn below. I'm looking at the diagram and am trying to figure out what those buildings....If you look on my overhead map you'll see my house, there's a garage that sits beside it. There's an old hog barn there. The building to the left is an old foundation that has a net over it to keep chickens in. No additional buildings were ever added. I called after the meeting because when this was done 6 years ago, I was under the impression that I had approval for another house on Lot 6. When I called they said it was for one house. I asked then what to do and you informed me to wait on it. When I got ready to go to do something again because if you have me Ag A with no stipulations, I could do what I want and put in a bunch of houses.

REMARK Bluske: Staff may have an issue with the size of the accessory buildings. We don't want to see you create a lot that's in non-compliance.

QUESTION Miller: On the new lots?

ANSWER Bluske: On the remaining lots you end up with. Depending on the size of buildings you have, there's certain requirements for total square footage for detached accessory buildings, we can go through that with you. You may be creating a lot that's too small for the number of buildings and the square footage of the accessory buildings.

QUESTION Miller: Of the original farmhouse or the new lots?

ANSWER Bluske: What you have remaining right now. Last time we approved that as one lot and you couldn't subdivide because of the size of the buildings.

REMARK Miller: That was never an issue. When I bought both properties there was never any....

REPLY Bluske: It is an issue now. I'm going to indicate for the record it might be an issue. You may need to tear a building down. Not the home. Any building outside the main structure itself. Our ordinance – we could recite based on lot size, the area in square footage of the total outbuildings you can have.

REMARK Miller: What you're saying is on the original 4 acre farm lot I purchased, that lot....

REPLY Bluske: We'd have to go back – and you're keeping that now at 4 acres?

REMARK Miller: Whatever that is – 4 acres with the easement in there – 4.48.

REMARK Bluske: I want that in the record because you didn't give us a copy of that. We'd have to take a look at that to make sure. The other option is to apply for a variance. So if this is something missed back in 2006.....

QUESTION Miller: Do you know what sizes of the outbuildings (are)?

ANSWER Sampson: A lot size of 1.01 to 3 acres allows up to 1,000 square feet for all detached accessory buildings with a maximum number of two. On a lot of 3.01 to 10 acres, you are allowed up to 1500 square feet, not to exceed 3 (buildings).

REMARK Miller: There are two, no bigger than anyone else's out there. I don't see that as an issue. Bob Schuppel has a nice sized garage. Kellogg's have. I have no problem with a variance.

REPLY Bluske: As long as you know your options.

**Appearing in favor:** Richard Schomburg, W3679 County Road C, West Salem, WI 54669. We had the Planning and Development Committee out there. They recommended that easement. They had no problem – they made a recommendation that he followed. The board approved it.

QUESTION Pedretti: You're saying they approved the easement?

ANSWER Schomburg: They recommended the 66-ft (wide) easement coming off the road. I think it's drawn in.

REMARK Bluske: This access will be owned by the lot in the back. This lot here (refers to screen) will have the easement.

REPLY Schomburg: They'd have to have some kind of contract if he ever sells it.

QUESTION Pedretti: Did the Town Board approve the split?

ANSWER Schomburg: Yes, they did.

REMARK Pedretti: Because you just said the easement...

REPLY Schomburg: The Planning Committee recommended it to us and we approved it, as a board.

QUESTION Pedretti: The easement and the three....

ANSWER Schomburg: Yes.

No one else appearing in favor or opposition.

**Correspondence**, Bluske: An e-mail from the Town of Hamilton dated May 9, 2011 {read into record – clarification made by Richard Schomburg on recommendation to rezone to the "Rural Residential" District}.

REMARK Bluske: We'll consider that to be.....

REPLY Schomburg: It could be the clerk misunderstood, too.

No further correspondence.

**Staff Recommendation**, Bluske: The county plan indicates the future use for this area is residential, staff recommends approval based on the discussion we had on the detached buildings. That's something we'll determine when they bring the final Certified Survey Map (CSM) in. We recommend approval.

QUESTION Meyer: No conditions?

ANSWER Bluske: No conditions.

**Motion Bina/Keil to approve Zoning Petition No. 1868.**

**7 Aye, 0 No. Motion carried.**

**CONDITIONAL USE PERMIT NO. 833** William W & Peggy Lamprich a/k/a Acme Excavating & Plumbing Inc, N6163 Eric Ave, Onalaska, WI 54650; acting on behalf of Gerold J Jr & Carolyn Knobloch, W7058 Paulson Rd, Holmen, WI 54636. Petitions to operate an excavating and plumbing business and to store related equipment such as: 1 skid steer, trailers, 1 excavator, 1 semi truck and trailer, 1 dozer and 2 loaders in a shed & on approx. one half acre of land to the rear of the property at W8200 County Road Z and described as: Part of the SW-NE of Section 15, T17N, R8W described in tax parcel number 10-1547-2. Town of Onalaska.

**Appearing in favor:** William Lamprich, N6163 Eric Ave, Onalaska, WI 54650. I wish to have a CUP to store my excavating equipment and miscellaneous plumbing pipe, fabric and so on.

QUESTION Bluske: Can you tell us about the equipment kept out there and what will be stored in the buildings? Will there be any maintenance done out there?

ANSWER Lamprich: Most of my maintenance is done at a fellow's shop in Holmen. You might see an oil change out there twice a year and greasing. Total number of machines you'll see on a given day is two at most. Sometimes in winter you might see three. Two come and go every day with me and the other would be a loader I use for plowing other businesses in the area. Inside the shed I'll store seed and mulch – things that shouldn't get wet; e-mat that tends to smell bad. Operation hours – we're there at about 6:30 (a.m.) and come home sometimes at 9:00 (p.m.). I've spoken with all the neighbors and nobody had any complaints. We run the same program, everybody's happy. I don't come in and out with the Jake brake on the semi. There's a railroad track just to the north of me.

QUESTION Pedretti: You don't have chemicals you store on site?

ANSWER Lamprich: No.

QUESTION Bluske: Your hours of operation – would you be okay with 7 (am) to 7 (pm), Monday thru Saturday?

ANSWER Lamprich: Yes. I'm tied into some fire departments so I might need to come and go with an excavator if there's a barn fire or something like that. I hope everyone's understanding with that situation.

QUESTION Bluske: How many employees will you have?

ANSWER Lamprich: Three.

QUESTION Bluske: Any future equipment?

ANSWER Lamprich: If things go good financially I want to put a dump truck on. I don't own one yet.

**Appearing in support:** Jerry Knobloch, W7058 Paulson Rd, Holmen, WI 54636. I own the property as of March 16<sup>th</sup>. Will has had a CUP on the property before but being change in the owner, he needed to apply for a new one. That's the reason we're here.

QUESTION Pedretti: Will you be running farm equipment out of there? Will that be a problem with him storing large equipment there?

ANSWER Knobloch: No.

QUESTION Bluske: Will you live there?

ANSWER Knobloch: No.

QUESTION Bluske: So you'll put that in the lease or rental agreement?

ANSWER Knobloch: Right.

No one else appearing in support or opposition.

**Correspondence**, Bluske: We didn't get any correspondence from the Town of Onalaska. Has Will or Mr. Knobloch attended a town board meeting?

ANSWER Lamprich: Yes, I have. The Land Use Commission has been there – that passed. I think it was Thursday in front of the board, and it was approved. They were going to send stuff down here.

**Staff Recommendation**, Bluske: Approval subject to the following eight (8) conditions:

1. This permit is granted specifically to allow the operation of an excavating and plumbing business known as ACME Excavating & Plumbing Inc. at the rear of W8200 County Road Z;
2. The storage of related equipment including one (1) skid steer, one (1) excavator and trailer, one (1) dozer, two (2) loaders and related trailers and future dump truck;
3. Hand tools and supplies will be stored inside;
4. Site will handle three (3) employees with off street parking;
5. Hours of operation: 7 am – 7 pm; Monday thru Saturday and no Sundays, other times in an emergency;
6. All oils and fluids shall be kept in marked containers with no spillage or polluting of the grounds;
7. All equipment shall be reported yearly to the local assessor; and
8. This permit is non-transferable.

QUESTION Meyer: Do you want to put something in there about (assisting) the fire department?

ANSWER Bluske: That was covered in hours of operation; he would be able to take his equipment out anytime in case of an emergency.

**Motion Pedretti/Manthei to approve with the eight (8) conditions.**

**7 Aye, 0 No. Motion carried.**

**ZONING PETITION NO. 1869** Matthew C & Kimberly K Berg, N6989 State Road 162, Bangor, WI 54614; acting on behalf of Colleen B Winjum, Personal Representative for Todd M Collins and Nancy M Collins. Petitions to rezone from the Exclusive Agriculture District to Agriculture District "A", 6.77 acres in order to sell the existing single family residence and detached accessory building on land described as: Lot 1 of Certified Survey Map No. 128 in Volume 5, EXCEPT Part for road. Town of Burns.

**Appearing in favor:** Matthew Berg, N6989 State Road 162, Bangor, WI 54614. This is my property, I recently purchased this. It was zoned Exclusive Ag. because the prior owners were son-in-law and daughter of the surrounding farm. It was never rezoned and we are looking to rezone it because we purchased it, and that's what we gotta do.

QUESTION Bluske: There's no chance for this parcel to be further subdivided is there?

ANSWER Berg: No. The Town of Burns limited us to one residence on it. Burns approved it also. I don't know if you got any correspondence on it.

QUESTION Pedretti: So, this is just housekeeping? Cleaning up the paperwork?

ANSWER Berg: Yes. It's a single family residence going from one single family to another. We're not immediate enough relatives.

**Appearing in favor:** Linda Berg, 745 County Road M, West Salem, WI 54669. My husband is Gary Berg. His parents, Norman and Phyllis Berg own the surrounding land. They wanted someone to be here to say that they do not oppose this, they support it.

No one else appearing in support of opposition.

**Correspondence,** Bluske: None received

**Staff Recommendation,** Bluske: Our land use plan says this area should remain agricultural and rural; however, the landowner will not be changing the existing land use. Staff recommends approval with the condition from the Town that there be no further subdividing of this parcel.

**Motion Manthei/Keil to approve Zoning Petition No. 1869.**

**7 Aye, 0 No. Motion carried.**

**ZONING PETITION NO. 1870** Sean O'Flaherty, Attorney, 201 Main St, 10<sup>th</sup> Floor, La Crosse, WI 54601; acting on behalf of St. Joseph Equipment Inc, N1626 Wuensch Rd, La Crosse, WI 54601. After-the-fact petition to rezone from the Exclusive Agriculture District to Commercial District "B", 4.22 acres for enlargement of the sales and service of the construction equipment business at N1626 Wuensch Rd, on land described as: Part of the E½-NW of Section 14, T15N, R6W described in tax parcels 6-372-1 and 6-372-2, EXCEPT that part previously zoned to Commercial District "B" and approved by the La Crosse County Board of Supervisors as Zoning Petition No. 351. Town of Greenfield.

**Appearing in favor:** Attorney Gerrard O'Flaherty, 201 Main St, La Crosse, WI 54601. Mr. Bluske has characterized it very well. The property is being sold to Titan Manufacturing. There was an article in the Tribune recently about the sale of the construction equipment side of the business, not the ag. side. We have two tax parcels and for whatever reason back in 1998, there was sufficient storage and places to park equipment above the hashed line (refers to map). Over the past 12-13 years equipment has slid to the south. Titan Manufacturing is buying the entire tax parcels and they would like consistent zoning for both tax parcels. There is some equipment parked below the line. The residential property to the south is Terrance Schams, one of the owners – he comes in off Wuensch Rd. It's not really changing the use of tax

parcels; they've been predominately a commercial use, so the request is to have consistent, contiguous zoning for the entirety of both tax parcels. The town board met May 11<sup>th</sup> and approved the rezoning. I don't know if they got a report in to you.

REMARK Bluske: They did not.

QUESTION Pedretti: When we were on-site, it looked like piles of fill being put in up by the buildings?

ANSWER O'Flaherty: There were some tanks in the ground being removed. The tank closure process is underway – removing the tanks and refilling what was there.

REMARK Pedretti: It looked like might be expanding the parking lot, but they'd come in for a permit...

REPLY O'Flaherty: No, there's no expansion, it's to resolve some environmental issues with some tanks.

QUESTION Pedretti: So it's not like you'll gravel this whole lot? Right now there's some grassy area that's good for erosion control.

ANSWER O'Flaherty: I'm not aware of any plans to change the extent of use of that back area or of the entire parcel. The request is to have it rezoned so it's consistent with the use that it has morphed into.

No one else appearing in favor or opposition.

**Correspondence**, Bluske: No official correspondence received.

**Staff Recommendation**, Bluske: County's land use for this area is non-residential; staff recommends this rezoning to Commercial District "B".

**Motion Bina/Manthei to approve Zoning Petition No. 1870.**

**7 Aye, 0 No. Motion carried.**

**SPECIAL EXCEPTION PERMIT NO. 2011-04** Leon H & Ruth Pfaff, N8694 County Road DD, Holmen, WI 54636. After-the-fact petition to perform grading and filling to improve on existing farm driveway, which lies within the Shoreland District of an un-named tributary, number 14-3, of Sour Creek on land zoned Exclusive Agriculture District described as: Part of the E½-SE of Section 14, T18N, R7W lying westerly of County Road DD described in tax parcels 5-1498-0 and 5-1505-0. Town of Farmington.

**Appearing in favor:** Leon Pfaff, N8694 County Road DD, Holmen, WI 54636. It was my fault to start with. Last fall I was doing other work on the back end of the farm with a bulldozer and we talked about straightening the road out. My mother's been in the nursing home for the past 3 ½ years. I have this set of buildings on the original farm where my dad and mother lived. I live across the road. I feel I have to do something with the buildings – it's a nice setting and good house. I plan on selling off approximately 20 acres – a farmette with the house. As you could see when you toured it, there's only one access into it, and I have about 150 acres of work land behind it. If you got into selling property with a shared driveway, everybody frowns on that. The goal is – I'll spend a lot of money putting in this new road. It's not a town road to start with – it's a private road now. My goal is after I go through the specifications here, to make it into a road, it will be black-topped eventually – hopefully soon. Then it's up to the Town of Farmington to accept it. There's no guarantee up front – if you do everything according to standards there's no reason they won't accept it, which is up to them. Then I could enter in and out to do the farming and when somebody comes in to get the loan on the farmette, there's no problem. Otherwise, shared driveways can run into problems down the road – we all know how that can work out. Anyway, why I didn't get the proper permits to start with is because last fall when I had the bulldozer out there doing work on the back end of the farm we talked about widening the existing driveway and didn't plan on getting into this much. We did a lot of work last fall before I contacted Mary Jo, but now we're getting along real fine. I didn't follow proper procedure and paid the after-the-fact fee, and anyway I'd like to have it approved so we can keep moving along. The township – they were aware of it. I talked to Mr. Hesse before this fall of the possibility of doing this when I was working with Mr. Berg, my engineer on the road. We started with this, then Mr. Raabe, the Planning Commission Chairman – they did not meet last month, but they will be meeting in June.

QUESTION Pedretti: You had this bulldozer doing something else and you brought it over here to extend this driveway and then you hired Richard Berg to get it up to town specs?

ANSWER Pfaff: Once we got started, no, no, I had the bulldozer on the farm and then we looked at what could be done with this road. Then we entered in Mr. Berg to figure out what we should do. This was late last fall. That's how we started this project before we had the proper permit.

REMARK Pedretti: I'm just surprised Mr. Berg wouldn't have said "You'll need to get some permits". If you started bulldozing it first – I'm trying to get this.....

REPLY Pfaff: I'm not blaming Mr. Berg or anybody – I gave the bulldozer men the go-ahead and Mr. Berg was working on the plan. All we really done was take the trees out of there along the steep bank. It's a lot better now than it was – it was a steep bank that was quite barren.

QUESTION Pedretti: Any time you're working near a creek bed, it does matter. Are you planning to develop further? Just to run farm equipment, it seems like black-topping a road is over the edge.

ANSWER Pfaff: Well no, not at this time – I don't see any reason to – but see the reason is when you sell property – the farmette – I can't give up the driveway or that person might say to me – some day we might not agree – he busts up the road, I bust up the road....

REMARK Pedretti: I understand a shared driveway, but it seems extreme you're getting to town specs.

REPLY Pfaff: Right, but how else could I do it and keep it so we didn't have a shared driveway when it changed ownership. I die, he dies....

QUESTION Pedretti: But farm equipment – you always get access on easements – I just think it's extreme. You don't plan on developing – that's my main question.

ANSWER Pfaff: No.

QUESTION Pedretti: So, you're doing all this just to get farm equipment....

ANSWER Pfaff: Right, right.

QUESTION Pedretti: And you didn't think disturbing, going across a creek....

ANSWER Pfaff: I didn't disturb anything in the creek. The tube was all in.

REMARK Pedretti: You put a new tube in there –

REPLY Pfaff: No, no.

REMARK Pedretti: There's a shiny tube.

REPLY Pfaff: That's not where the water goes. That's an existing cattle pass that was not necessary to start with. Water, maybe in a big flood, goes through that. That was 8-ft added on just to make the road wide enough. The existing tube there – as far as the DNR specs – we did not disturb anything in the creek, wasn't even close.

REMARK Pedretti: When you do logging up the bank, obviously there will be some erosion and that can go down into a creek. I'm just saying – somebody who helps pass ordinances here at the county board should certainly know. So, I'm just trying to determine what the order was.

REPLY Pfaff: We didn't follow proper procedure. It all come up fast – we had the equipment there. It's my fault. See, another thing getting it done last fall was to let it settle over the winter so we won't have any problem with the road.

QUESTION Bina: There was a comment of "Look at all the trees he must have cut". I didn't think there was any ordinance that said you can't cut trees on a farm; at least I haven't seen any. You must have cut some trees off the top bank before you started bulldozing?

ANSWER Pfaff: You saw that little pile of logs out there – three trees and then there was some brush. Then there were two leaning up on top that were hollow – they were there.

QUESTION Bina: It's a surprise, I assumed both of those culverts weren't disturbed, they were for water only. But you say one was for cattle?

ANSWER Pfaff: One was for a cattle pass. See years ago, we pastured the creek.

QUESTION Bina: The water chute is big enough for cattle to go through....

ANSWER Pfaff: Correct.

REMARK Bina: You seeded it all last fall. It looks good, I must say. I've gotta give you some credit.

REPLY Pfaff: Thank you.

REMARK Bina: The grass started growing and it's not eroding.

REPLY Pfaff: And Mary was happy too – that takes quite a little.

REMARK Bina: I just had to rub it in a little.

REMARK Bluske: The reason we're here is that some of the work was done in the Shoreland District, within 300-ft of that unnamed creek. If you talked to the town, there are town road requirements the town has before the road could be accepted which includes a sand lift – if can't be just dirt then breaker rock and crushed rock. There has to be a sand lift on there, even before it's black-topped. I'm raising the question because if there isn't a sand lift in that road and based on the daily average traffic, there's something in the statute to indicate how wide the paved portion – the blacktop – has to be. Then there's a shoulder. I don't know if that's there, or if you'll have to do more. Taking the gravel off, putting the sand in and then widening the top. I don't know. I'm just throwing that out there because you might be back here doing this all over again.

REPLY Pfaff: According to Mr. Berg, we put it in according to all standards, and your question with the tube and everything else, we didn't want to do it wrong. He should have his specs in order, because he does quite a little of this, and I hope that it's all alright.

QUESTION Bluske: Was there any study done on how much water flows through there when there's a flood? Do you know if that culvert is sized correctly?

ANSWER Pfaff: I think Mr. Berg has that. He has stormwater....

QUESTION Bluske: Stormwater management?

ANSWER Pfaff: Right. I think they have that at the Conservation Department. I'm quite sure they have that. I've been there 62 years – this culvert was put in in 1978. Last year the floods we had there, it was never more than one third full because it's oversized. It's quite big. But floods are floods. According to Mr. Berg it was adequate and in good shape.

QUESTION Bluske: Is there any school bus that uses this road?

ANSWER Pfaff: No, no. I was raised there and the schoolhouse was at the end. I walked uphill to school and I walked up hill on my way home. So you met someone who walked both ways.

No one else appearing in support or opposition.

**Correspondence**, Bluske: A letter dated May 11, 2011 to Mr. Pfaff from Mary Jo Webster of the La Crosse County Land Conservation Department {read into the record}. A letter from Kurt Rasmussen and Carrie Olson, WI DNR dated May 3, 2011 {read into the record}.

QUESTION Pedretti: They gave a May 12<sup>th</sup> completion date. Has that been completed?

ANSWER Pfaff: Mary Jo went through all that.

REMARK Pedretti: But Mary Jo is not the DNR. I just want to make sure that's been.....

REPLY Pfaff: Well, Mr. Rasmussen – they've visited the site. As far as the 10,000 square feet in that area, according to Mr. Berg we didn't involve that much. To answer your question, this was a blanket letter more or less, wasn't it Jeff, of what could be occurring?

REMARK Bluske: I think they try and cover everything, like we do. That's why I mentioned the sand lift and everything else.

QUESTION Pedretti: I'm just curious because they put a May 12<sup>th</sup> deadline in there. Have you contacted them and said you're taken care of, you don't need to?

ANSWER Pfaff: Mary said it was taken care, Mary Jo Webster at Land Conservation, is that correct?

REMARK Sampson: I believe the Land Conservation Department carries out stormwater rules on behalf of the DNR.

QUESTION Mach: I have a question on the other dates that have already passed. Has all that been done also?

ANSWER Bluske: I don't know. I talked to Mary Jo this morning when we reviewed these. She said an Erosion Control and Stormwater Management Plan have not been submitted to her yet. If that's Mr. Berg's job to do, he has to get on that.

REMARK Pfaff: He was supposed to have that done by May 20<sup>th</sup>, I'm quite sure.

REPLY Bluske: She said she has not received any of that yet.

REMARK Pfaff: She should have them.

QUESTION Mach: Explain to me again, who is Mr. Berg?

ANSWER Pfaff: He's the engineer.

REMARK Pedretti: He knows the rules. He knows what needs to happen.

QUESTION Bina: Is there jail time that goes with this, Jeff?

ANSWER Bluske: It will just cost a lot more money later on.

QUESTION Bluske: Who is your contractor and do you have an address for him? Maybe we should be sending some stuff to him, too.

ANSWER Pfaff: Zenke from La Crescent did the earth moving.

QUESTION Bluske: Who grubbed the trees?

ANSWER Pfaff: They did.

QUESTION Bluske: Are they doing the mulching, seeding?

ANSWER Pfaff: Myself and Steve Gabrielson. We've done all the seeding.

QUESTION Bluske: When I was up there about a week ago, there was an area right here (refers to screen), Mr. Pfaff, that was bare.....

ANSWER Pfaff: Right, that wasn't finished last fall. This week the grass is up – that is up now. It's not as big as the other two thirds of it, but that part there that looked bare is green now. That was mulched and seeded but not until this spring. I hope you could see that nothing ever reached the creek itself. I don't think there was any dirt that got to the creek. How'd it look to you Marilyn?

REPLY Pedretti: It's hard to see with the grass in the way.

REMARK Pfaff: If the grass would have been mowed over, it would have been erosion; the creek is in good shape.

REMARK Bluske: I would say the floodplain maps – everything that is in green on here (map) is actually floodplain, and that would probably take in this light area here (refers to aerial photo). That's probably the area that ends up flooding. These are the floodplain soils, which means they were produced by flooding events over time.

**Staff Recommendation**, Bluske: Recommend approval subject to the following six (6) conditions:

1. This permit is granted specifically for the improvements for an existing farm road. However, the plans submitted by Surveyor Richard Berg called the project Pfaff Road, which indicates this may become a town road and involving disturbing lands in excess of one (1) acre in the Shoreland District of an unnamed tributary of Sour Creek;
2. An after-the-fact Erosion Control Permit & Stormwater Construction Plan are required from our Land Conservation Department as soon as possible to stabilize the areas of activity, especially on the slopes of greater than 30%;

3. Since there was filling and grading within the wetlands and in the Shoreland District, two Department of Natural Resources permits are required; one for filling wetlands and the other for filling, riprap, and grading in the Shoreland District;
4. Before this road can be accepted, flood flow requirements must be studied to determine whether a bridge or larger culvert is required according to Wis. Stats. 30.123;
5. The Town of Farmington shall be contacted to ensure the road standards can be met to qualify for state aid and to see what additional requirements they may have for changing their town comprehensive plan; and
6. This permit expires the end of September, 2011.

REMARK Bluske: Getting back to that larger culvert and the study. The town cannot accept the road if they know it will be subject to flooding and damage because they're responsible for that at the town's expense. Including the town board in this early on will ensure the base that you have is wide enough so the blacktop doesn't break off at the edges. But the Stormwater Construction Plan requirement is for when it is blacktopped. They have to know how much will run off because you're creating impervious area. All that will run off faster and it will be heated more. That will affect that stream.

**Motion Manthei/Keil to approve with the six (6) conditions.**

REMARK Pedretti: I find this frustrating that Dick Berg would have done something that's not quite to specs, and I know you're saying maybe not, but then it's even more frustrating – we're the committee that does stormwater and we've been studying this. How will we get contractors to follow our stormwater rules if we can't get the engineers on board and if we can't get our own county board on board? I find this frustrating and I don't think it should be dealt with lightly. Thank you.

**7 Aye, 0 No. Motion carried.**

**Motion Manthei/Keil to adjourn at 7:20 PM.**

**7 Aye, 0 No. Motion carried.**

Hearing adjourned at 7:20 p.m.

*Approved: July 5, 2011.  
Nathan Sampson, Recorder.*