

PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE PUBLIC HEARING

July 5, 2011
County Board Room – Administrative Center
6:00 p.m – 9:42 p.m

MEMBERS PRESENT: Donald Meyer, Marilyn Pedretti, Beverly Mach, Tina Wehrs, Don Bina, Charles Spiker(alternate)
MEMBERS EXCUSED: Dennis Manthei, Bob Keil
MEMBERS ABSENT: None
OTHERS PRESENT: Jeff Bluske, Jon Kaatz, Chad VandenLangenberg (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.

ZONING PETITION NO. 1872 Mike Peterson; acting on behalf of Word of Life Ministries Inc, 2015 Ward Ave, La Crosse, WI 54601. Petitions to rezone from the Exclusive Agriculture District and Commercial District "B" to Agriculture District "A", a 7.07 acre parcel for continued single family residential use and/or a prayer retreat center at N3039 and N3041 Welsh Coulee Rd on land described as: Lot 1 of Certified Survey Map No. 135, Volume 12; and part of the NE-SW of Section 30, T16N, R6W described as follows: Commencing at the West ¼ corner of said Section 30, S49°51'29"E 1359.2' to the west line of said NE-SW and POB; N76°54'01"E 1270.57' along the north line of said Lot 1 and the extension of said north line to the west right-of-way line of Welsh Coulee Rd; thence the next 2 calls along said right-of-way line: 1) S01°15'47"W 120.23'; 2) S02°18'00"W 72.42' to the south line of said Lot 1; along said south line S67°59'515"W 564.73'; continue along said south line S76°54'01"W 351.12'; S89°28'52"W 365.07' to the west line of said NE-SW; along said West line N00°22'37"W 199.05' to the POB. Town of Barre.

Appearing in favor: Mike Peterson, 2015 Ward Avenue, La Crosse, WI 54601. I am with Word of Life Ministries. We are looking to sell this property and we just wanted to get it rezoned, correctly so that it is one zoning district for the full 7 acre lot. It would be Ag A with hopes that it would be continued to be used for a prayer retreat center or someone could live there. We would ask that if you approve the rezone you attach a condition that there could only be one home there with no future subdivisions.

QUESTION Pedretti: Trying to understand...the grey area is a little bit different than what you are asking to rezone. You also own more land to the north. Why just this section?

ANSWER Peterson: That is what we are looking to sell right now. We just want to get this sold and then determine what we want to do with the rest of the land. We wanted to have clean zoning on the property so that the new buyer would know what they are getting. We did go to the Town of Barre and they did approve it and stated that it was consistent with their Comprehensive Plan.

QUESTION Pedretti: Are there currently animals on the property?

ANSWER Peterson: No.

QUESTION Bluske: Can you explain a little bit about the building and its makeup. We didn't get inside the building when we did the tour.

ANSWER Peterson: It is the main lodge, over 5000 square feet, so it is quite large. It is used as a prayer retreat center for men's and women's group and also youth events. The couple that are currently staying there and running these are near retirement age and they don't plan to use it anymore. There is one older barn and a couple of smaller outbuildings. The building near the top has been torn down so there are now three buildings there. There is the old barn, a storage shed and then the main lodge. The ministry would like someone to use it as we have been, but I think that it could be someone's primary

home as well. I think that is why it was rezoned in the first place, there was confusion and that it needed to be commercial in order to do what we were doing.

QUESTION Bluske: How about bedrooms and kitchens, etc?

ANSWER Peterson: There are three different kitchens, a couple of half kitchens. There are several bedrooms with twin size beds and some with queen size beds.

QUESTION Bluske: We ask because we don't want it to turn into a boarding house or somewhere where they can rent out rooms, etc?

ANSWER Peterson: No, that shouldn't happen.

No one else appearing in favor or opposition.

Correspondence, Bluske: From the Town of Barre, dated June 15, 2011. The town met on June 14, 2011 and a motion was made and unanimously approved this rezone.

Staff Recommendation, Bluske: Staff recommends approval subject to the recording of deed restrictions indicating: 1) Only one single family residence 2) No further subdivision 3) Property can be used for a retreat center.

QUESTION Meyer: Mr. Peterson, can you live with those conditions?

ANSWER Peterson: Yes.

QUESTION Pedretti: On that third condition, if somebody wants to use it for something other than that, they would have to come in for a Conditional Use Permit.

ANSWER Bluske: Correct. They would have to come in to amend those conditions or remove those conditions.

QUESTION Pedretti: And a retreat center is kind of a nebulous term? You could call it a retreat center for various things?

ANSWER Bluske: Sections of our ordinance indicate...that is why I asked about boarders. It is a retreat where someone would come in for therapy, a church group, something like that.

QUESTION Pedretti: So, it is defined by ordinance?

ANSWER Bluske: Yes.

Motion Wehrs/Mach to Approve with the recommended restrictions.

6 Aye, 0 No. Motion carried.

CONDITIONAL USE PERMIT NO. 832 Nathan Ward of Buell Consulting, agents for USCOC of La Crosse (US Cellular), acting on behalf of Leo & Ruth Leis, W840 State Road 33, Bangor, WI 54614. Petitions to construct a 195-ft self supporting communications tower, associated ground equipment, compound fence and 30-ft wide drive on 1.22 acres of land zoned Exclusive Agriculture District described as: Part of the NW-SW of Section 2, T15N, R5W, commencing at the West ¼ corner of said Section 2, S0°55'19"W 1125.76' along the West line of the SW ¼ of said Section 2, S89°04'41"E 608.56' to the POB, S89°04'41"E 100', S00°55'19"W 100', N89°04'41"W 100', N00°55'19"E 100' to the POB. Along with a 30' wide access/utility easement being part of the W ½-SW of Section 2, T15N, R5W being 15' each side of and parallel to the following described line: Commencing at the W ½ corner of said Section 2 S00°55'19"W 1125.76' along the West line of the SW ¼ of said Section 2, S89°04'41"E 708.56', S00°55'19"W 115' to the POB, N89°04'41"W 50' to Point "A", S00°55'22"W 128.55', S26°25'28"W 162.04', S54°13'29"W 149.38' to Point "B", S79°39'13"E 112.23', S73°34'43"E 75.84', S68°11'23"E 66.74', S60°36'17"E 77.35' to the Northerly R/W line of STH 33 and POT. Also the following described lines: Beginning at Point "A" N89°04'41"W 65', N00°55'19"E 65' to the POT; and Beginning at Point "B" N83°36'12"W 212.38', S70°14'45"W 67.32', N65°09'57"W 70.67', N53°20'00"W 113.51', S76°01'45"W 16.73' to the Northeasterly R/W line of Antony Rd and the POT. Town of Washington.

Appearing in favor: Nathan Ward, 1200 Riva Ridge, Racine, WI. I am with Buell Consulting representing USCOC of La Crosse also known as US Cellular Corporation. US Cellular is trying to improve their network

capacity and performance and has identified an area in the Town of Washington near Middle Ridge that is in need of cell phone and high speed internet access. Upon researching this area, we determined that there were no existing towers in this area. We researched the La Crosse County Telecommunications Ordinance, specific to the siting of communications towers within the county. We have identified the primary components of that code in regards to avoidance of Class I and II soils and achieving the setbacks from property lines and distances to residences. If a new tower is necessary, providing that it will provide for co-location opportunities. We therefore bring before you this application for a new tower at this location.

QUESTION Wehrs: Is this the only site that was considered? Were there any other sites that were looked at?

ANSWER Ward: There were several different sites that were considered. A couple of sites south and a couple north and west. Upon evaluation by the radio frequency engineer, who is here tonight by the way, this particular ridgeline was targeted specifically for the coverage that it will provide to this community. We were of particular concern to get coverage to Highway 162 as it travels north from Middle Ridge. Other properties were evaluated and it was determined that this site best fulfilled the needs.

QUESTION Wehrs: Do you have specific numbers of how many people, residents and travelers that this will benefit? It doesn't seem like a huge stretch where you don't have service.

ANSWER Ward: The RF Engineer may have numbers on that data. We do have traffic counts for the area. The property owner, Leo Leis has the traffic counts for the highway corridor in that area and I believe that he can address that question for you later. There are a substantial number of cars that travel through this corridor.

QUESTION Wehrs: Out of the other sites that were evaluated, were any of them less rural, less agricultural, etc?

ANSWER Ward: The other sites were all within a ¾ mile radius of this site. Two locations along the Highway 33 corridor to the south, the other was just to the west off of Antony Road. All of them were very similar in their makeup and characteristics. They were all in current agriculture production.

QUESTION Pedretti: How many towers do you own in the County of La Crosse?

ANSWER Ward: Currently, US Cellular operates 28 sites, if the records from a while back are accurate, I would think that they are. Most of those are found along the major corridors, Interstate 90, the Cities of Onalaska and La Crosse where the population and traffic densities are greater. Of those 28 sites, US Cellular is co-located on someone else's structure on 12 of them. Carriers always look to co-locate first, for a number of reasons, but primarily it is quicker and less costly.

QUESTION Pedretti: Does the radius vary depending on the geography?

ANSWER Ward: Significantly, yes.

QUESTION Pedretti: So, these 28 sites are not reaching this area?

ANSWER Ward: No, they are not.

QUESTION Bluske: Can you explain the security around the compound? What the compound will look like? And why you chose a self-supporting design rather than a guyed tower?

ANSWER Ward: The site is in the middle of the leased field. The tower could not be located on Class I and II soils, which are represented by the light tan strip on the map. To achieve the setbacks from property lines and nearby residences, this site was chosen. The site itself will be graveled with a 6 foot cyclone fence to keep people out. The tower is designed with anti-climb measures so a ladder or bucket truck is needed to get to the climbing portion of the tower. We can significantly minimize the impact and footprint of the tower with a self-support tower. We can take less land out of agricultural production as there is no need for guyed wires or anchors which would extend out more into the field.

QUESTION Bluske: The base of the tower itself, the triangle, each side is how wide and what kind of a base will be put down?

ANSWER Ward: There is approximately 25 feet between each leg of the tower. One of two tower foundation designs will be used. We have not performed a geo-technical evaluation and soil borings of the site yet. It will either be a pad and pier design which is a large rectangular concrete pad or if the soil

conditions allow and if there is a drill rig large enough in the area, they can do a core drilled foundation, which is a circular, core drilled foundation under each leg of the tower, so there would be three of those. They are roughly 9 to 10 feet in diameter and approximately 30 to 40 feet in depth. A very substantial foundation is needed to hold the tower in place without the use of guy wires.

QUESTION Spiker: What made this site better than the other sites you looked at?

ANSWER Ward: Primarily the geographic location and its ability for the signals to "see" what they need to "see". In this area the highway corridor is difficult to get signal down into. Also County Road G, which some of the neighbors were asking if this would provide them with a signal, and it will.

REMARKS Ward: If any questions come that are specific for the radio engineer, he can come up later and answer those technical questions. We also have a real-estate appraiser here and he can provide specifics regarding the effects of property values adjacent to tower sites. A study was done on two tower sites in La Crosse County and one just to the south. The findings of that study indicate that the presence of a tower does not have an effect on property values. Leo Leis also would like to speak.

Appearing in favor: Leo Leis, W840 State Road 33, Bangor, WI 54614. I have some paperwork and information to share with you (hands out papers). The first part of the packet are signatures from those in the neighborhood who do not have an objection to the tower. Some of them are in the area bordering the property...I think that there are 10 of those. There are 45 names from the Town of Washington and 28 from the Town of Bangor and others who drive the area for a total of 73 signatures.

QUESTION Bluske: Do the names and numbers correspond with those on the map on the screen?

ANSWER Leis: Right.

REMARKS Leis: Also in that packet are letters of recommendation from the Bangor First Responders, the Coon Valley and Shelby Fire Departments and the Bangor/Burns Fire Department. The next item is a car count from the WDOT. I circled it in pink, in 2002 there were 1300 cars through there per day. The projected count for 2013 is 1450 cars per day. Behind that is the Dutch Creek/162 area...that was 910 per day in 2002 and it projected 1100 for 2010. Taken together there is approximately 1500 to 2000 cars per day. The last two sheets came from the LaCrosse County Sheriff's Department regarding recordable accidents in the area. They went back 10 years. There were 28 of them.

QUESTION Wehrs: How do these traffic counts correspond with specifically where there is no service? Is it the 910 or how does it correspond?

ANSWER Leis: The one from 162...that is where they had the counter between Middle Ridge and County Road JB.

QUESTION Wehrs: What about the other counts, the 1300, the 1600?

ANSWER Leis: Those are the future projections. As you look left and down you'll see AADT, those are the 2020 and 2030 projections. I'm not sure how they come up with those numbers.

QUESTION Wehrs: I don't understand this sheet. I understand the sheet prior and the estimated cost. I want to know which number is representing the counts where there isn't service. Is it all of them, some of them, what?

ANSWER Leis: This is just a car count of the number of cars travelling through the area.

QUESTION Wehrs: So is where you are pointing here, is that where there is no service?

ANSWER Leis: No, that is where they must have had the traffic counter. It is just to tell you the volume of traffic through the corridor.

QUESTION Wehrs: I understand that. I am just wondering if there is a specific number for this corridor where there is no cell service?

ANSWER Leis: No, there is not. It is just a traffic count for that area.

Appearing in favor: Jana Kaiser, I am number 13 on the map, N1908 County Road G, Bangor, WI. We are in the area that does not get any cell phone signal. We would really like to have it. We dairy farm and would like it for safety. When my husband is in the field, it would be nice to know that he could call

for help. You all know how many farm accidents happen every year and maybe a cell phone could have saved a life. Last year there was a predator who sat in the Dutch Creek area where they knew there was no cell phone signals and people were pulled over and a lot of bad feelings could have been avoided. Even if my husband had the ability to call me if they needed something in the field. They quit and run to the house. It would be so much easier. On County Road G, there is a dead zone between Schroeder's and the park. It would be a nice area to walk, but you don't dare do it because if anyone came up on you there, you don't have service.

QUESTION Wehrs: Do you know for sure that this would provide you with service?

ANSWER Kaiser: Yes, I looked at the map and it would.

QUESTION Pedretti: Do you have a copy of that map?

ANSWER Bluske: It should be in your packet.

REMARKS Ward: I can address that question...it should be in your packet.

REMARKS Bluske: This is the map she is referring to. It should be in your packets. If not, I can pass it around.

REMARKS Meyer: I don't think it was in the packet

REMARKS Bluske: We can put it on the screen and maybe Nathan can explain it to us. Everything in the blue is where service is.

QUESTION Pedretti: The area in blue is where there is coverage with this tower?

ANSWER Ward: No, I am going to start by showing you the existing service without the tower. You can see the red triangles pointing to the proposed tower location. Highway 162 runs north on the map and the darker blue line is Highway 33, running primarily east and west. The areas with dark blue are where there is current US Cellular service. There is some service in the area...along 33 but marginal service along 162. This road here is County Road G on the south. This map shows the proposed coverage from the proposed tower. The old map has a lot of white, non-coverage area, but the new map shows improved coverage to Middle Ridge, Town of Washington and Highways 162, 33 and County Road G, etc. I have two other maps, I will reference them on the screen, these maps were provided by the radio engineer as required by the ordinance to show our evaluation of any existing tower structures within a three mile radius of the proposed site. This is service that would be available from the existing Xcel tower which lies 2.4 miles east of this proposed site. Again, a Dairyland tower site 2.9 miles east. There are still significant areas of white which indicates that we simply cannot get the signal into this area from that distance away. The tower sites are just physically too far away and the difficult terrain of the area limits us to getting service to this area. Hopefully that helps as to where there is service and where there is not.

Appearing in favor: Gary Jones, N2494 State Road 162, Bangor, WI. When he had the map up there, I am at the bottom of Middle Ridge. No cell phone service at all. I built nine years ago and there have been several accidents, two fires...animals out on the road. I am 100 feet away from the road and my land line will not reach that far. I am all for the safety aspect. We have farmers, deer hunters, accidents. At the Town Board meeting, I questioned, why only 200 feet. Because I felt that we should go to the maximum to get better service. If this goes through, hopefully there aren't any dead spots.

Appearing in favor: David Rundahl, N592 Kreibich Road, Coon Valley, WI. My dad was part of the bricks and mortar for this building that we are in today. We farm on both sides of the Town of Washington. On the west side, we get plenty of cell service and our precision ag works. On that side, it does not work and we are in limbo as far as farming. If this fails, you have to look at the accidents and emergency situations around this area.

Appearing in opposition: Jon Ellefson, N2425 Antony Road, Bangor, WI. I live approximately 3 miles away from this proposal. I don't have problems with cell towers or cell phone technology. I am not in favor of this specific tower and this specific site. The fact that I live in close proximity to the site and will probably be able to see it also has nothing to do with it. I was very involved with the township while it was developing its comprehensive plan. I worked with Mr. Handy at the county and Peter Fletcher with

the township. Our request to convert 1.25 acres of land from agricultural use to industrial use is not consistent with the plan. It is not about safety or cell towers or any of that stuff. The conversion of green space for industrial purpose does not fit the plan. The town had a discussion on this which I sat in on where Peter Fletcher and the committee were discussing this and they decided not to take a position on this issue and would defer to the county and let the county look at it. With the changing technologies, they didn't feel the need to constantly keep changing their plan. They had the same discussion in regards to wind towers as well. This application was brought to the committee on April 18, 2011. There was a meaningful discussion, but the committee could not tie the application and plan together. They couldn't find a way, within that document, to make a recommendation. They couldn't find enough support within that document to approve this. They determined to let this go to the county, this committee, at the May meeting. Days before that meeting, the applicant requested to be removed from the agenda. It then became obvious, or at least in my opinion, that it was a delay tactic in order to get more support and buy more time to get those members to switch their vote. The committee then met on June 29, 2011 and this became more evident. The committee avoided discussing this application in regards to the comprehensive plan. Instead it became a meeting where cell towers, signals, safety issues and 911 calls were discussed. This is all good stuff, but it does not have relevance in my opinion to what is being proposed. I will conclude by saying that I am not against cell phones or cell towers or technology. This is about using up agricultural lands for industrial purposes and that is not in the plan. That doesn't matter if it is in my backyard or across town, it is the same issue. The Town of Washington is probably one of the only townships that is 100% zoned Exclusive Agricultural District. When the surveys were sent out and we got over 50% response, the citizens were overwhelmingly in support of protecting the Exclusive Ag land. We need to protect that and we don't have a lot of it left. They aren't making any more of it. That is why we developed the plan, to be able to use it and say does it fit or doesn't it. If we throw that away and start looking at other issues such as technology, 911 calls and other stuff, which is still important, but it is a shame.

QUESTION Wehrs: Thank you for the letters that were written and sent to the committee. They were well written and well thought out. There is a statement in the letter regarding two similar towers three miles south. Were those towers addressed by Nathan already, or are they different towers?

ANSWER Ellefson: First of all, I am not a professional or an expert. I'll leave the technical details to the experts that they have here. There are two towers in the adjacent county, Monroe County, that are humongous towers, probably 300 feet. The original tower that was brought to the town was 325 feet. My guess would be that if they put a 325 foot tower by the other towers there. I can't answer the question, but my understanding is that they checked other sites and they couldn't get as good a signal. I am assuming that was with a 195 foot tower, not a 325 foot tower. I don't know what ordinances are in play in Monroe County, either. Maybe they could put a 325 foot tower there, I don't know.

QUESTION Bluske: You stated that the whole Town of Washington was zoned Exclusive Agriculture. That is not true.

ANSWER Ellefson: Ok.

QUESTION Bluske: If you look at the map, the center of Middle Ridge is Agricultural District A and wherever there is a home, it is Agricultural District A. When the county introduced the Telecommunications Ordinance, we indicated that there would be some zoning districts such as Industrial and Commercial that would allow cell towers without a rezoning. We realize that the towers are more of a utility than an industry. That is why we allowed for the Conditional Use Permit to happen in other districts to cover areas like this. When you were working on the town's comprehensive plan, is there certain verbiage in that plan that indicated there would not be towers, telephone poles or additional utilities allowed in the town.

ANSWER Ellefson: My recollection was, I don't have the plan with me, the question was asked as it relates to services provided, both communications, utilities, etc. and the response was that the infrastructure was adequate and there was no need for additional services. No one came to the town and indicated that there was a problem and that we needed more service. That may or may not be a fact, I don't know. This is a result of someone knocking on doors and generating the interest in it.

Appearing in opposition: Don Franke, N2315 Antony Road, Bangor, WI. I am about ¼ mile from this proposed site. I would repeat what Jon said. It is not about not wanting cell towers. It is about looking through the ordinances and guidance, this specific site does not meet the requirements for approval. I

have prepared a statement that I would like to read. You could not pick a worse spot. It is not densely populated, but this is the most dense area in the township. (Reads statement into record and submits for file)

QUESTION Pedretti: You state that there is no documented interest for increased cell service. We just received three letters from three different fire departments indicating a need for additional wireless service. We need to take into consideration the safety factor. Tell me why that is not a need?

ANSWER Franke: It was not a documented need throughout the whole planning process. Nobody seemed to need that until an effort was made to go collect these signatures. If I was someone miles away from this and someone came to my door and I have a cell phone, by the way I am a Verizon subscriber, I would sign the petition. Everyone needs and wants better cell service, but if everyone got what they wanted, we would have a tower every three miles. Just because I have a phone doesn't mean the government needs to put up a tower so that I get service.

QUESTION Pedretti: We aren't building the tower?

ANSWER Franke: Right, but you are giving the approval.

QUESTION Pedretti: It is a private industry and I am trying to get at the personal gain is that you are referring to.

ANSWER Franke: When members of the board disregard the planning process and talk about their specific business needing this service, it sounds like they were in it for their personal gain. It wasn't about this specific site. They never specifically talked about this site. They wouldn't talk about the problems that this tower would cause, not for me, but for the adjacent landowners. I thought that is why we set up all of those conditions within the approval process. It isn't documented anywhere, in any of the plans, that anybody needed any of this stuff before a month ago.

REMARKS Pedretti: I understand the comprehensive planning process...I went through that with the Town of Holland. We have a utility that is proposing to come through and we won't have any say in it as utilities are important, they are important for safety, etc. I am trying to figure out...the safety issue, as demonstrated by the fire departments. The long range plan is certainly a plan, but it doesn't address every nuance that comes before the town. I don't know how you can plan for something of this type and that is when the board needs to interpret that plan and my hope is that they have interpreted it to address what the town needs.

REMARKS Franke: If you go back to the original discussion by Mr. Ward, there are other sites out there, but this may be the cheapest as it is near the road. I know that usually they try to keep them away from urban areas, but this is smack dab in the middle of an urban area. I am sure that there are other areas this could go.

QUESTION Wehrs: If you say that there are other sites, where are you getting your information from. Is there somewhere it is documented. We would need to know that.

REMARKS Frank: I am not the expert. We are all for clustering, if they were to look at moving it down where the other cell towers are and cluster it there. If they would have looked at that site and making it taller, that may be the place to go. They told us over and over that there will still be dead spots. If there are dead spots, do you put in another tower?

QUESTION Wehrs: You also indicate that a cell tower is not a compatible use with an organic farm next door. Can you elaborate on that? Aesthetics?

ANSWER Franke: I could certainly give you my opinion on that, but I would like to let the people that have the organic farm address that question. That will be addressed. One of the criteria of the Conditional Use Permit is that the use is compatible with agricultural uses. I think that the next couple of speakers will show that this is not a compatible use with organic farming.

QUESTION Wehrs: I think that, that has to do with Class one and two soils?

ANSWER Franke: No, it is economics.

QUESTION Bluske: You mentioned that the town voted on this. I haven't gotten anything from the town yet?

ANSWER Franke: Yes. The town planning committee voted at the last meeting.

QUESTION Bluske: I thought you mentioned the board?

ANSWER Franke: I did, what I meant was the planning committee and they did recommend approval.

Appearing in opposition: Don Hundt, W994 State Road 33, Bangor. I am a Town of Washington resident and supervisor for the township. I am also an adjoining landowner. I think that they have covered things and I am with Mr. Ellefson on this. I am not in opposition to cell towers, but I don't think there was enough research done into alternate sites. I have nothing against Leo and Ruth, I have been their neighbor for a long time. It is in your statutes that these should be clustered, I am not sure why they can't put this one next to the others.

QUESTION Pedretti: When does the town meet on this?

ANSWER Hundt: Next Wednesday.

QUESTION Pedretti: The Plan Commission voted to recommend approval unanimously?

ANSWER Hundt: Correct.

Appearing in opposition: Erica Gylund, N2206 Antony Road, Bangor, WI. My farm is the closest farm to the tower. I would like to hand out a press release for your review (hands out papers). Cell towers have not been around that long. There are new studies coming out. The World Health Organization is now claiming that electromagnetic radiation from these may be carcinogens. My organic farm has been certified since 1992. Three years ago I paid a premium for the land. I have been working to improve the yield, get rid of the weeds and be sustainable. I have invested a lot of money in fruit bushes and trees, most of which are planted in the area closest to the proposed tower. My driveway is the last driveway around that corner. The field in there is where I have done the planting. My goal was to be all fruit bearing and produce to sell to Organic Valley. There are many studies out now showing decreased yields next to electromagnetic fields. They are not exactly sure if it is because of the radiation itself or if pollinating insects are avoiding those areas. There are plenty of studies to be found out on the internet. Now that the World Health Organization has stated that this is possibly carcinogenic to humans, I have a concern. I work out of my home for the State of Wisconsin and recently have paid a heavy price as a public employee. The thought of a cell tower with five carriers next to my farm is frightening to me. I will not live here if the tower is built. It is not worth the health risks to me. Organic farming is about being healthy and balancing nature. I care about the health of my animals which are housed in the barn on the property. Numerous studies have shown that animals near these towers and radiation, they behave erratically. If they are milking animals, their milk production diminishes. As soon as they remove them from the site, their behavior and milk production goes back to normal after a day or two. As an organic buyer, they will not consider buying my farm and no organic farmer would. Real estate is not selling right now. What will my recourse be if I need to move? Two individuals on the planning commission with large commercial farms and large subsidies say that small family farms do not exist anymore. That is what the organic movement is all about and it is continuing to grow as people learn about the environmental health risks. This tower is a huge risk and it will destroy my business. I have a letter from my organic inspector. He was going to try and be here tonight. His name is Cameron Genter and I will read the letter (reads letter into record).

QUESTION Meyer: Jeff, would you like a copy of that letter for the record?

ANSWER Bluske: If we can get one, yes.

REMARKS Gylund: (submits letter for the record) If I lose my customers and my certification, what will my recourse be? I have been on the internet lately and there is a precedent that has been set regarding these cell towers destroying neighboring farms and there have been large legal settlements. Will it come to that? Leo Leis was an opponent to development during the development of our plan. He has now signed a contract to receive money to take Exclusive Ag land and turn it into industrial. When asked what he would do if I had signed a contract, he stated that he would oppose it. He wouldn't want to look at it and that I have only lived here recently and I am not going to tell him what he can do with his land. The chairman of the planning committee, Tom Filla, said that he didn't want to be selfish, but that he could be and that he wants better cell phone service. He also stated that sometimes people have to take risks for modern conveniences. Nathan Ward said that there are significant challenges due to the terrain of the area. They won't know until the tower is erected if it will work. More additional sites will be needed and

more broadcast and receive stations will be needed throughout the county. There are many areas that are underserved. I have this on tape if anyone wants to listen to it. They should move this tower where there is no opposition. They should cluster it with the other towers in another area. They stated that the area of 33 and 162 is underserved. I am convinced that this could go somewhere else that will be able to serve this area. I was involved in an accident here on 162 and JB, where the map shows there is no coverage. They called 911 from this area. The girl that stopped talked to my fiancé from her cell phone. There was cell service and I don't think these maps are accurate. I read the counties ordinance and I know that they could hire an engineer. Dave Rundahl is also on the committee and he is concerned over his farming operation. Apparently he can't farm without a cell phone and stated that he needs his GPS to work on his tractor. I provided the name of the GPS expert at St. Joseph's Equipment, Jason Miller, and explained that GPS stands for Global Positioning Satellite. It is done by satellites and a modem that goes in your tractor. Somehow this has all come down to service. People all of a sudden now need the service. Leo has gone around to the fire departments to sign a paper. What am I supposed to do? I had a realtor that was supposed to come tonight as well, but she is not here. She was going to testify that she has been in the area her whole life. Organic people will not buy a farm by a cell tower, especially now after the World Health Organization has come out and said that it is possibly carcinogenic. Who would want to live here?

QUESTION Pedretti: What do you mean by a cell tower? Doesn't this refer to cell phone use?

ANSWER Gylund: It is all electromagnetic radiation. Cell phone use is signals being transmitted to these antennas. The tower will be within 600 feet of where I live and work all the time. If there are five transmitters working with 1000 phones each. It is still there even if you can't see it.

QUESTION Pedretti: I understand that, but if they switch to a tower of 325 feet and is 3 miles away, it is still radiating. I am trying to understand what the difference is?

ANSWER Gylund: It is all due to the proximity to the tower. If you go on the internet and look at the studies, that is what they show.

QUESTION Pedretti: So, what is a safe distance accordingly?

ANSWER Gylund: Some countries are saying it is a mile. There are studies as broad as a mile, but anything within 600 feet show that a woman has 20 times the risk of developing breast cancer. There are a number of studies out there. I should have provided them ahead of time. I have not found one study that indicated that there is not a risk. 600 feet is too close.

QUESTION Pedretti: I also have an organic farm and I also try to minimize risks. Some of them I can control, others not. I am also near a highline power pole. There needs to be some kind of scientific base. I have heard that WHO has stated cell phones may pose a risk. I am trying to figure out how far from this tower the danger is minimized. Are you stating that Organic Valley won't certify you if this tower goes in?

ANSWER Gylund: I have not discussed that with them, but the inspector that does certify me has indicated that he will not buy from me if it goes up. As far as the certification, I do not know. If there are future studies that show that this changes the genetic makeup, they could pull my certification.

QUESTION Pedretti: So, you do not go through Organic Valley, you go through MOSES?

ANSWER Gylund: That is MOSA, correct.

Appearing in opposition: Rose Lilla, N2278 Antony Rd. I own the property just to the west, next to Erica Gylund. I think that it has all been said. I am opposed for all of the previous reasons stated. The health concerns, agricultural aspects, etc.

Appearing in opposition: Carol Franke, N2315 Antony Rd. Just a little bit farther down from Lilla's. You had asked for some possible more information. I have done a lot of reading regarding the effects of radiation off of cell towers. The international association of fire fighters are now trying to get cell towers removed from their buildings due to some of the side effects. They are experiencing slowed reaction times, lack of focus, lack of impulse control, sleep deprivation, tremors, severe headaches, amnesia. This was a study done in California in 2007. They studied people in fire stations without cell towers and also those who lived under them constantly. It is the constant exposure to low level radiation that has them concerned. They are in opposition to any cell towers located on their firehouses. I am opposed to this tower because I feel that the town plan does not support it. Many of the reasons have already been

stated. One thing that I did was look at the plan and the word cell tower was not in it. They referenced several land use and economic development policies but stated that nothing in the plan promotes or objects cell tower sites. That was the last time any reference to the plan was made or included in discussions. The following discussions were revolved around whether or not we needed a cell tower and what the effects of the construction would be. The plan does set conditions that set out standards that need to be adhered to. These have been overlooked. The land use element and economic development element. Under Section 2 and Section 5 the first two goals are similar. They are to preserve agricultural land and maintain agriculture and farming as the dominant land use and industry. The proposed tower is bordered by three certified organic farming operations. In this plan, it does say that the town will support organic farming specifically. For an industry that has a different set of standards, there is a potential adverse affect as Erica has pointed out on these organic businesses due to their proximity. People will not buy their products and they will have a hard time selling their property. This is not maintaining agriculture as a dominant land use and industry. It is definitely not supporting organic farming. This CUP is not consistent with the plan and it does not fit this site. The other section they refer to is the economic growth and land use section, the goals read "to manage and guide the growth and development to maintain the residents existing rural lifestyle and to encourage small business, home based businesses, recreation and tourism". In both sections it makes a distinct difference between a home based business and industrial development. Both goals designate industrial development as structures over 5000 square feet. The proposed tower is a 25 x 25 x 25 triangular structure on a 100 foot by 100 foot pad which makes it a 10,000 square foot structure which makes it an industrial use or development. Even the home based businesses allowed by the plan are required to have a limited visual impact on the community. Yet, we are looking at a 195 foot structure, taking up 122,000 cubic feet, a 20 foot structure. A home based business is supposed to have a reduced visual impact. The proposed tower is being placed among the densest cluster of residential homes in the entire town. Literally in their backyards. This industrial development and land use is not consistent. The plan requires them or encourages them to be located in neighboring communities. Both goals state this fact. As both of these sections say, the message to maintain agriculture, support economic farming and discourage large industrial use is clear. US Cellular has indicated that the Leo Leis property is the only location that has been given serious consideration. Several other landowners across the town were contacted and they declined the tower. Also he stated that the cluster of the towers on 33 and Y was not considered for a new tower, even a larger one. They looked at their antennas on the existing tower. So, that has not really been looked at. This puts into question the necessity to place this tower in this location which will affect the greatest number of residents with a potential adverse affect and potential radiation exposure. Section 17.36(10)b of the LaCrosse County Zoning Code, passing the Conditional Use Permit the committee can consider relevant factors. I hope that you consider the adverse affects, namely the organic farms and also, number 4, the availability of alternate locations. For these reasons, I feel that this CUP does not fit this site and is in conflict with the LaCrosse County Zoning Codes and should be denied.

Rebuttal: Nathan Ward – I will try to address several of the concerns brought forward by the opponents to this petition. First, a correction, it was referenced that the site encompasses 1.25 acres. The improved area with the 100 x 100 leased area is about ½ acre of ag land that will be removed from production. Also, in reference to the comprehensive plan, while the plan does not reference specifically cell phone towers, it was discussed that since the county already had a plan and a conditional use procedure that they would rely on that. With regards to the tabling between the initial meeting and now, it was specifically regarding two items brought forward at the town. One of the concerns was in regards to real estate values. It has taken us this long to find an appraiser that was available to do the research. Hopefully that report was submitted to you prior to this meeting. That was the first issue for the delay. The second was due to a phone call from Nate Sampson after having heard from the WDOT regarding access to this site. They have now reviewed it and they have indicated that they would grant an access permit. The delay was not designed to gain or rally any additional support. That was not the reason for the delay. As for this site being the cheapest due to its proximity to the road, this site is actually pretty far removed from the road. The county setbacks make it very difficult to place a tower close to anything. Certainly, we do look to minimize the costs. Access road and utilities will both need to go back to this site. I don't have any information regarding the health issues. The radio engineer can address the clustering and explain that the tower is designed and operated under the FCC and FAA guidelines. Jason can address those in more detail. A comment that I had made regarding the service from the tower won't be known until the tower is built, that is an accurate statement. The model that the radio engineers use when designing the site provide them of a good understanding, but we are always somewhat surprised

after the build. The signals travel through the air and are affected by topography, trees, etc. The propagation studies that we have done are going to be very close. It was stated that more sites would be needed, that is also a correct statement. US Cellular, with the 28 sites it currently has, still leaves a large portion of the rural area of the county without service. Indeed, they will continue to try and expand. One of the latest statements regarding other neighbors that denied the offer which is why we ended up here. There were three other farms that showed me their land and where they would allow a tower. US Cellular determined that this site would allow them to provide the best service in the area that they are trying to accomplish.

QUESTION Wehrs: I would like to see those other sites and what was used to determine why this one was chosen. I am sure that cost was a factor. I would like to see the other possibilities that were not in the densest part of the town. Do you have any towers existing next to organic farms where the certification was pulled?

ANSWER Ward: I am not familiar with that at all. The next nearest location that was evaluated was the property of Mike Hundt, south on 33 at the curve. Highway 33 is set to be reconfigured. There should be a reference to this site in your packet. At the time that we had made concession to the Town of Washington for a shorter tower that would not require lighting. Yes, that would diminish the overall footprint and coverage of the site. It was an effort to try and be a good neighbor and build a less obtrusive tower. The radio engineer's comment was that a 300 foot tower on Mike Hundt's property would not perform as well as the 195 foot tower on the Leis property. As for the clustering, the towers that are two or three miles away are too far away to provide the service.

QUESTION Wehrs: If you are going in to an area and the business next to you is going to not be able to perform because of you, I need to know that Organic Valley will still certify the farm. That is something that I need to check out before making an accurate and thorough opinion on this. Going forward, that is something that I would like to know.

ANSWER Ward: I would agree and that is something that I am not familiar with.

QUESTION Bluske: You referenced that email regarding the appraisal. That would have been evidence that the committee would have had ahead of time. We thought there was going to be a presentation.

ANSWER Ward: I thought that the committee would have still gotten it to supplement the presentation.

QUESTION Pedretti: So, we don't have it and it isn't part of the record.

ANSWER Bluske: Nathan indicated that there is someone here.

REMARKS Ward: He is here and I will have him speak and give a short recap of the findings in the report.

REMARKS Pedretti: I would like all of the information I can get.

QUESTION Pedretti: Jason will speak on the FCC AND FAA regulations at some point?

ANSWER Ward: Yes.

Appearing in favor: Gatlin Fenwick, 148 E Main St, Reedsburg, WI. I am with ParaConsultants, a real estate and consult firm out of Reedsburg. I was asked to do a market study to determine if a cell tower affects or influences the value of adjacent land. I first looked to see if there were any other studies to see how they came up with their conclusions. I also did market interviews with participants in LaCrosse and Monroe Counties. Being close to Monroe County, I used a tower there, that would be Case Study #2 due to its close proximity to this tower. I identified each site in LaCrosse County, radio and cellular. I personally visited each tower site in LaCrosse County and also looked at sites in adjacent counties and narrowed it down to the three case studies summarized in this presentation. The original report was 50 pages. This covers the bullet points within the study. After I identified a property that was within close proximity to a tower that had transferred ownership on the open market, I used those properties as the case studies. I compared the sale price of those properties to other similar properties with the only difference being the comparisons did not have influence from a tower or direct view of a tower. All three studies indicated that there was no difference in the price paid. There were many people in the neighborhoods and I was able to talk to them and ask questions like: Did the presence of the tower influence the sales price of the property? Or, if you were to sell your property, would you discount the price due to the proximity of the tower? Across the board, the answers from the participants was no, it

did not impact the value. Many residents stated that they were happy to have cell phone reception at their home so that they didn't need a land line and they also had high-speed internet. Based on the comparable sales data and the interviews, I concluded that the presence of the tower did not negatively affect the value of the land.

QUESTION Mach: Was this their opinion that the value of the land was equally as good or did they try selling?

ANSWER Fenwick: All three case studies were of properties that had transferred ownership, while there was a cell phone tower nearby. In case study one, the tower was 300 feet away. In case studies two and three, they were both less than a ¼ mile with a clear view of the tower. The comparisons to the other properties, they did not have that element of a tower in proximity. By removing that factor, I was able to compare and eliminate that component to determine whether or not there was an influence. There is a chart that shows the adjusted sale prices. There would be an evident line above the 100% mark if there was data supporting the tower influenced the sale. 99.8% of the adjusted sale prices, adjusted right to the case study sales. Based on that evidence and the interviews, I made my conclusions based on those two primary studies.

QUESTION Pedretti: Case #3 is in our township and I am familiar with it. I am sure that there were more home sales than just these three. Did you pick these based on their proximity to the tower? I know there were other sales.

ANSWER Fenwick: The reason I chose that one was because it was on the far north side of the subdivision, closest to the tower. On the location map, the tower is on the north by Old NA Road and the subject property was closest to the tower. Comparables one and three do not have a view of the tower and comparable two does have a view, similar to the case study property, but is farther away.

REMARKS Pedretti: I don't know when this study was done, but I know of more sales in the area that were not taken into consideration. There were sales along Bice Avenue and Elizabeth Avenue.

REMARKS Fenwick: In order to gather the data, I need to research sales. I had to reach back to 2005. The comparisons made are not to current sales, they are made to sales that took place while that property sold give or take six months. So the data is a retrospective analysis. It was not current, because I need to show properties that sold at the time the subject property was sold.

QUESTION Pedretti: So, certainly there were other sales during that same time period but are not listed?

ANSWER Fenwick: Correct. The study compares three properties that were sold, with the same characteristics except the fact of having a view of the tower.

Appearing in favor: Jason Merrill, 120 Canterbury Court, Waunakee, WI. I am a Radio Frequency Engineer for US Cellular. Just two points of clarification, first being the plots we saw earlier with the white and blue. That is a computer model of a proposed cell site. The areas in blue do not indicate or guarantee all calls connecting. The areas in white do not indicate that all calls are failing. It is a representation of the signal being below the minimum standards that are set. Second, regarding electromagnetic power used in this system. The example that I have used in the past, we (engineers in my field) are handcuffed in that we have to operate at a very low power. Basically, that is how a cell system works, it is a very low power. It is magnitudes lower than a public service radio system, like fire or police may use in a similar situation.

QUESTION Pedretti: You heard some of the statements regarding organic farming. Can you address some of those concerns?

ANSWER Merrill: I am sure that everyone here has more experience with farming than I do. I have not heard any of these types of comments in the past. There are several US Cellular sites on silos of existing, traditional farms. There have never been any questions of negative affects.

REMARKS Pedretti: They also stood outside and watched nuclear testing in California, way back when, before they knew of the negative effects of it. I would like a little more scientific evidence and verification. I take the WHO seriously and they came out with a report that does concern me, although I have not read it.

REMARKS Merrill: I have not read that report, either, but I believe that the report was in regards to handsets, not cell sites themselves...meaning the phone and not a cell site structure that we are discussing here tonight.

QUESTION Pedretti: Is there some type of EPA study. Nathan mentioned that you have an EPA report?

ANSWER Merrill: I am not aware of any EPA requirements. We are governed by the FCC and we have maximum permissible exposure that we are bound by the FCC. We run that study on every site and we are required to run that. All of our sites are below that maximum level.

QUESTION Pedretti: So, what EPA regulations do you have to follow?

ANSWER Merrill: I am not sure. I know we are governed by the FCC. As far as cellular goes, we are well below those levels. We operate at extremely low levels.

QUESTION Bina: Can you tell me the difference between an electrical power line and a telephone line like you are talking about here? What is the greater problem for people?

ANSWER Merrill: There is electrical radiation that is generated by electric transmission lines and I am not a transmission power engineer. What we are talking about here is radio waves that are transmitted from the cell site. I am not familiar with the levels generated by electrical transmission lines, but we are well below that level if my math is correct.

QUESTION Bina: You are the expert, what size tower would you need to build over in Monroe County in order to provide service or reach the valley you are talking about here?

ANSWER Merrill: I haven't evaluated those sites due to their distance. We operate at such a low level, therefore we cannot, for example if you need a broadcast antenna, you can build a taller antenna to gain additional coverage area. We can't do that, we have to build low sites and if we need to reach and touch land relatively far away, we are handcuffed by the technology. We can't just build a 500 or 600 foot tower in hopes of gaining coverage. We can serve better with a low tower with a good geographic location.

QUESTION Bina: What about the Dairyland Power site work over on the ridge? I am looking at the possibilities. It was brought about earlier tonight about putting a tower over there. I am waiting to see if that site would work.

ANSWER Merrill: Those sites were excluded due to their distance away. Certainly, if the board wishes, we could do an analysis of those sites and present the plots on those sites. They are farther away and we can surmise that they would not provide the coverage that we need.

QUESTION Pedretti: I have heard that in the next few years cell towers are going to go away because everything is going to go satellite, is there truth to that?

ANSWER Merrill: There is a satellite phone service. We are not a satellite service. It is a competitor of ours. We are a terrestrial phone company and it is a different industry.

QUESTION Pedretti: And it won't be pursued by US Cellular?

ANSWER Merrill: There was the Oridian System that didn't have a good business model. It was bought by the government and is extremely costly to operate.

Correspondence, Bluske: From the WDOT, we had requested access to the site to see if it was approved. We received an email from Michael Joyce with the WDOT on April 27th, addressed to Nathan Ward. The WDOT has looked at the site and it appears that the WDOT would permit this as a shared access. A permit application will need to be made and the access will not be legal until the permit application is approved. Also, we received correspondence from the Town of Washington Planning Committee indicating a meeting was held on June 29th, 2011. Final action was to make a recommendation to the Town Board and County Board to approve this conditional use permit to include a \$20,000 dismantling bond. This motion passed unanimously.

REMARKS Bluske: I did ask the town when the Town Board was going to meet on this appeal and they indicated that action would be taken on July 13th.

Staff Recommendation, Bluske: Staff took a look at the Telecommunications Ordinance and we looked at the criteria of that ordinance. Staff felt that all criteria were met except they did not provide the FCC

license number which is not assigned until the tower is built. Staff recommends approval subject to 14 conditions:

1. United States Cellular of La Crosse is granted a permit for one 195-ft self-supported communications tower with related equipment shed or cabinets;
2. Tower may be constructed to be expanded in height by amendment of this conditional use permit. No light is required on top of the tower;
3. The tower will be designed to handle three additional carriers for future co-locations for wireless phone, data and internet access only;
4. The 100-ft by 100-ft leased area shall be fenced to a height of 8-ft with barbed wire top and existing vegetation may be used for screening and landscaping and a Certified Survey Map is required before a Zoning/Occupancy Permit is issued;
5. The owner of the telecommunications facility shall completely remove the facility, including subsurface structures and restore the site to its pre-construction state when the facility is no longer used for its permitted purpose;
6. A bond, letter of credit or other suitable financial guarantee shall be filed with the LaCrosse County Zoning, Planning and Land Information Department in the amount of \$10,000 in conjunction with the Town of Washington bond for \$20,000;
7. The owner of the facility shall file a yearly report and fee pursuant to Section 28.10 and 28.13 of the Telecommunications Ordinance;
8. No hazardous materials may be stored on site other than batteries and items normally found in such facilities, such as propane;
9. The tower will be colored gray because of its placement in the field;
10. This permit is transferable per Section 28.14;
11. The access easement shall be kept clean and open in case of any emergency;
12. No advertising will be allowed on the tower;
13. No vendors, no concession stands, no camping, no standing and no seating will be allowed within the tower drop zone; and
14. One sign, attached to the fence, with contact information and phone number in case of emergency is required.

QUESTION Meyer: Did you hear those and can you agree with them?

ANSWER Ward: The only item would be #8, materials storage. There will be backup batteries and a backup generator with gas.

REMARKS Bluske: Those would be fine.

QUESTION Meyer: And we are waiting for the Town Board?

ANSWER Bluske: The town has 10 days from tonight to submit their veto.

QUESTION Wehrs: I would like to make a motion to defer for 30 days, is that proper procedure?

ANSWER Bluske: That would be appropriate.

QUESTION Wehrs: Can I ask for specific information?

ANSWER Bluske: Yes.

Motion Wehrs/Pedretti to defer for 30 days while we gather additional information: 1) What the other three sites that were looked at, where they were in relation to other residences and farms and what the criteria was for deciding that those were not viable sites; 2) Would like to hear from other organic certifiers in the area if they would be willing to certify a farm adjacent to a tower; 3) Look into the health concerns that were raised.

QUESTION Bluske: What if that takes longer than 30 days?

ANSWER Wehrs: I will amend my motion to indicate deferral until those questions are answered.

QUESTION Pedretti: This has to be noticed again, do we cover that charge? It has already been delayed once and they did pay an additional fee.

ANSWER Bluske: We would have to cover that cost as we are asking for additional information.

REMARKS Pedretti: The "not in my backyard" thing annoys me, yet 6 out of 7 people say that they want this, but what are the health issues. The person closest and adversely affected is vehemently opposed to it on a business standpoint. If you are going to affect a business I agree that we need answers to those questions.

**Motion Wehrs/Pedretti to defer.
5 Aye, 1 No (Spiker). Motion carried.**

QUESTION Pedretti: Those people who spoke and gave statements tonight, those will still be part of the record and they will not need to make statements again, correct?
ANSWER Bluske: Correct.

CONDITIONAL USE PERMIT NO. 834 Donald J & Sherri A Dunham, W5367 Bahr Rd, West Salem, WI 54669. Petitions to operate a commercial animal establishment for the boarding of approximately 10 dogs in an existing garage on 3.01 acres at W5367 Bahr Rd and described as: Lot 2 of Certified Survey Map No. 134, Volume 8, and Outlot 1 and part of Lot 2 of Certified Survey Map No. 7, Volume 12 described in tax parcel 7-1346-8. Town of Hamilton.

Appearing in favor: Sherri Dunham, W5367 Bahr Rd, West Salem WI. This is for a dog boarding kennel with 10 boarding kennels in the facility. It is a fenced facility. It will not be a daycare so we won't have all the dogs outside at one. It will be one out at a time. Pretty basic, pretty simple.

QUESTION Meyer: Out, where?
ANSWER Dunham: In the fenced in area. What I mean is that there won't be 20 dogs out at once.

QUESTION Meyer: What I mean is that it isn't there now?
ANSWER Dunham: No. Well, we have the existing garage that will get converted.

QUESTION Meyer: Where will the fenced in area be?

Appearing in favor: Donald Dunham, W5367 Bahr Rd, West Salem WI. Were you guys out there?

ANSWER Meyer: Yes, we were.

REMARKS Dunham: We haven't put the fence up yet, pending this approval. The fence would go out the back of the garage. There isn't a picture of the existing garage. It isn't on the aerial. The driveway goes like this.

QUESTION Wehrs: How much space is there? Doesn't it seem that it just dropped off back there?
ANSWER Dunham: The fence would be 24' x 30' approximately.

QUESTION Wehrs: So, 30 feet out.
ANSWER Dunham: Correct, 24 feet wide.

QUESTION Wehrs: Does it go down the hill right away?
ANSWER Dunham: I have 30 feet back there. There is a retaining wall back there and 35 feet before it starts dropping off.

QUESTION Meyer: Will you be doing anything with the driveway?
ANSWER Dunham: As far as paving it?

QUESTION Meyer: Making it wider?

ANSWER Dunham: No, for what?

QUESTION Meyer: To get up there.

ANSWER Dunham: I can make it up there fine with my vehicle and turn around without a problem. Even with a trailer on.

REMARKS Meyer: We had problems when we were out there.

REMARKS Bluske: We tried a "Y" turn and couldn't even do that. We had to back down.

QUESTION Dunham: Was there a vehicle up there?

ANSWER Bluske: No. Unless you are used to it, I think that you would have a hard time navigating it.

REMARKS Dunham: We have had several people up there, friends, etc. and no one has ever indicated that there was a problem. I do understand that it isn't a big area.

QUESTION Mach: So, these would be people who would go on vacation and bring their dog to you while they are gone?

ANSWER Dunham: Correct.

QUESTION Mach: How much space does a dog need? Ten dogs seem like a lot of dogs.

ANSWER Dunham: The kennels are each 6-ft x 8-ft.

QUESTION Mach: Is the yard going to be big enough?

ANSWER Dunham: The recommendations on it are 15-ft x 20-ft and we will have 30-ft x 30-ft. It will be double the recommendation. We had Amy from the Humane Society out there and she went through the codes and details with us. She told us that we needed a fan and impervious surfaces. She didn't say anything about the road.

QUESTION Wehrs: Are we talking about long term kenneling, kenneling to breed, etc?

ANSWER Dunham: I would say the most would be a week.

QUESTION Wehrs: So, you probably won't have ten at a time?

ANSWER Dunham: It will be more like a motel. There will only be a few times when we will be full. Otherwise, I don't see more than 5 or 6 at a time.

QUESTION Pedretti: Do you have dogs of your own?

ANSWER Dunham: Three, no two, we just lost one.

QUESTION Pedretti: Do you plan to get another one?

ANSWER Dunham: We gotta wait until one grows up a little bit, but yes, we like to have three dogs.

QUESTION Pedretti: Will they be kenneled here as well? I'm concerned with possible barking. Do your neighbor's complain about barking at this point?

ANSWER Dunham: No, they are house dogs. I don't think so. The neighbor's may have some complaints about the dogs running around a little bit. We have a younger dog that thought she could go wherever she wanted.

QUESTION Bluske: Can you explain if there is water on the site? Food storage? Chemicals, drugs, etc? We have a concern with water contamination? Dog Waste? You know about the impervious walls. Also, you are located on an easement, you are adding a commercial use to that easement, have you spoken to the neighbor's?

ANSWER Dunham: We did talk to everyone that was part of that road agreement. We told them about this meeting and told them that they can come down here. Some of them are here tonight. As for the waste, we are looking at Easy Green, it is a chemical you can use like composting. I also did some research about using grass clippings.

QUESTION Bluske: So, you don't know what you are going to do yet?

ANSWER Dunham: Not exactly, we were waiting to get through this step. I did have water buried with the power. There is a refrigerator in there for medicine. We would have hot water on site.

QUESTION Bluske: Do you have to be licensed in order to give the dogs the meds?

ANSWER Dunham: Most of it would be lymes disease stuff, heartworm, etc. Not veterinarian stuff.

REMARKS Bluske: Amy should have gone over more stuff than what you are indicating here.

REMARKS Dunham: We have a copy of the ordinance, 11.31 and she went through it with us. We have all of that.

Appearing in opposition: Marsha Bateman, W5296 Bahr Rd, West Salem, WI. We are on the easement. I do want to thank the Dunham's for coming to speak with us on this issue. I want to be a good neighbor and I don't want to be against my neighbors. I also do not like the "not in my backyard" thing. When they approached me, I really needed to think about it. Right away, three things came to mind. The road, the noise issue, and then waste management. The road was constructed as a driveway for the Mike and Mary Strausser's house. It is not built for the 7 homes that are now on it. In 1999 we made a road agreement that has been recorded. It has never been upgraded. There are neighbors who grade it and keep it smooth. It does need some work and it does get soft in the spring. It gets enough traffic with just the people that live on it and their friends. It is also narrow and is not built for a commercial establishment. We didn't even think about something like this when we made the road agreement. We had dogs for 20 years and I know finding a kennel was hard. Even if it is just for a weekend, with 10 dogs there, that would be forty additional trips. The noise travels back there. Dogs barking are no big deal right now, those are neighborhood dogs. When we took our dog to the kennel, every other dog went crazy. Right now, you can hear conversations going on from where we live to where they live. I have questions about insulation. Will it be air conditioned? I also have environmental concerns over the waste management. Who enforces it? I know it says approximately 10 dogs...what does that mean? I would suggest some type of maximum. Also, what about signage? It is back where you can't find it off of a private road. I would assume you would need signage and I'm sure that no one would appreciate a big sign out there.

Appearing in opposition: Charles Nolte, W5415 Bahr Rd, West Salem, WI. I am to the southwest. I am too part of the easement agreement. For the record, Don and Sherri did not approach me. One of the reasons why is because our relations have been strained in the past several months. I have had to take their personal dogs back to them who were chasing wildlife through my property. I believe that the LaCrosse County Ordinance does define that as a nuisance animal. I do have some grave concerns regarding the responsibility they would have as owners of this business, especially adjacent to my property. I believe that there are many reasons why this should be declined. One, it just does not sound like the establishment meets the standards or codes of the ordinance, the impervious surfaces, the 55 degree controlled environment. Also the noise factor that 10 additional dogs in the valley would make. Also, as a business, I wonder if they would turn away customers, as they are trying to make a profit. Not being full all of the time, I don't believe that. As for the driveway or road - that is a private easement road, not intended for commercial use. It certainly is 66 foot wide by legal agreement, but it is not wide enough to pass two cars. Also, their driveway does not meet code standards to turn around, load and unload, as required under the LaCrosse County Ordinance. I do believe that waste management is also an important issue. I would also like to mention the spring fed pond just 300 feet from the dog impoundment. I do believe that a facility like this would decrease property values. If I interpret 17.36(8)(p) of the ordinance correctly, kennels such as this, in this zoning district, are not allowed within 600 feet of a residence that is not owned by the business. If you look at the map, the Chaikens are about 300 feet away. So, I would assume that this permit will be denied based on multiple reasons, more importantly the zoning code.

Appearing in opposition: Kristine Parmenter, W5336 Bahr Road, West Salem, WI. I live and reside at the Chaiken's. I am Gary's fiancé and he could not make it tonight. He wrote a letter and everything that is in the letter has been addressed. I will read it into the record. (reads letter into record and hands in for the file)

QUESTION Meyer: You stated that it should be considered for approval?

ANSWER Parmenter: I believe that he is trying to be a good neighbor. We have strong concerns about the road and the noise. But, if they can come up with a solution to those issues, we would be willing to listen to it.

Appearing in opposition: Bill Bateman, W5296 Bahr Road, West Salem, WI. We moved in 29 years ago. A single private road was there with one house. We were the second house and now there are 7 houses. The waste issues, the noise, the pond, the bubbling sound of the water going down the valley. It

floods a little bit every spring and the seven of us haven't decided to improve the road yet. I stand against it.

Appearing in opposition: Donna Holzen, W5290 Bahr Road, West Salem, WI. We live off of the easement road and are not part of the seven, but our lawn borders on that. I am concerned about signage on our lawn. Traffic...it is a one lane road, are they going to be driving on our lawn?

QUESTION Bluske: I would like to ask the Dunham's if they have met with the township on this?

ANSWER Dunham: We did go to a board meeting and they went ahead and approved us and told us all we needed was a license. So we went and started a web page. Then she called us and told us that we needed to get a Conditional Use Permit as well.

Correspondence, Bluske: None.

Staff Recommendation, Bluske: Please refer to the map on the screen. Our Zoning Ordinance indicates that there can be no residence within a 600 foot perimeter and there are two of them. The residence to the south just misses that.

QUESTION Bluske: Is that a house or a shed?

ANSWER Dunham: That is a house.

QUESTION Pedretti: The 600 feet is to have a kennel?

ANSWER Bluske: Unless this committee approves it.

REMARKS Kaatz: That location is approximate, when I did that map I did not know the location of the kennel because it does not show up on the aerial photos.

REMARKS Bluske: Staff is recommending denial of this application for the following: the driveway and parking area are not safe, there are two homes within 600 feet, the kennel will drain towards the pond and the easement is insufficient. Safety and health issues are staff concerns.

Motion Bina/Pedretti to deny.

6 Aye, 0 No. Motion carried.

CONDITIONAL USE PERMIT NO. 835 Lon R Dessner & Lori J Mayne, N5021 State Road 162, Bangor, WI 54614. Petitions to operate an automobile, cycle and recreational vehicle repair business along with metal fabricating and welding in an existing 30-ft X 50-ft detached accessory building with a 30-ft X 50-ft area for parking on a 3.04 acre parcel described as: Part of the NE-SE of Section 32, T17N, R5W and described in tax parcel 3-677-0. Town of Burns.

Appearing in favor: Lon Dessner, N5021 State Road 162, Bangor, WI 54614. I am applying for a permit to work on vehicles, snowmobiles, whatever. I hope that everything met your satisfaction when you were out there the second time. I know that the first time didn't. I was a little uninformed and I wasn't trying to pull the wool over anybody's eyes. I lost my job at Trane Company and figured that this is something I can do. I know that there is a lot of stuff listed, but I am a one man show. There won't be that much traffic, one or two vehicles a week. I live there, too. You have the letter of recommendation from the Town of Burns. I talked to the WDOT and have a letter from Mike Joyce, they are going to let me widen the driveway.

QUESTION Bluske: Can you read that letter?

ANSWER Dessner: (Reads letter into record and submits for file).

REMARKS Dessner: I have been working with Chad since the last meeting and hope that things are better this time around.

REMARKS Pedretti: We did take our tour and it was much improved. If we do approve this tonight, there will be a set of rules that will go with it. You will need to abide by those rules. I think that the driveway improvements will be good as well.

REMARKS Dessner: I agree. I apologize for the way it was...I was just uninformed. I have to live there too.

QUESTION Bluske: Have you looked at any other sites within the Village of Bangor? There are commercial sites there. This is an intense use with hazardous materials and may be more appropriate within the village.

ANSWER Dessner: I really haven't. I can't afford it right now.

Appearing in favor: Judy Sommers, N7924 Highway 162, Bangor, WI. I am a member of the Town of Burns Planning Committee. We as a committee approve of Mr. Dessner's Conditional Use Permit.

No one else appearing in favor or opposition.

Correspondence, Bluske: From the Town of Burns, I have a resolution #5-2011-1. The resolution indicates that they approve of this permit and plan to show this property as a "mixed use" in their future comprehensive plan.

Staff Recommendation, Bluske: The county land use plans indicates that this parcel should be residential on the upland portion of the property. If the committee remembers, the southwestern half of the property is a wetland area. So the land use plan indicates a mix of residential and environmental. Mr. Dessner has done a great job of cleaning up the property since our May 2 meeting. We still have an issue with the entrance, but we are recommending approval subject to 13 conditions:

1. The permit is granted for one (1) business to operate and repair auto, motorcycle and recreational vehicles along with light metal fabrication and welding at N5021 State Road 162;
2. Hours of operation are 8 AM – 5 PM Monday thru Friday and 8 AM – Noon on Saturday. No business on Sundays or holidays;
3. No employees other than owner;
4. All vehicle repair will be done inside in the 30-ft X 50-ft detached building;
5. An area 30-ft X 50-ft immediately south of and adjacent to the 30-ft X 50-ft building can be used for the storage of no more than four (4) vehicles. Nowhere else on the property can storage occur – not even on a temporary basis;
6. All liquid waste products shall be stored inside the building in properly marked containers. Batteries shall be recycled immediately;
7. No waste oils and vehicle liquids shall be allowed to be drained on the property with the low land drainage adjacent;
8. No junk or salvage materials are allowed anywhere inside or outside;
9. A tax identification number is required from the Department of Revenue to report all sales;
10. The Town Assessor shall be notified of all equipment for personal property taxes;
11. No signage of any kind is allowed;
12. This permit is non-transferable; and
13. The Town of Burns has indicated this parcel will be marked as mixed use in the Town Land Use Plan. If this parcel is NOT marked as mixed use in its final plan or a plan is not adopted within one (1) year of County Board approval, this permit will come up for termination.

QUESTION Pedretti: Why no signage?

ANSWER Bluske: Because the primary use of the property is residential and it is a very visible section of the highway.

QUESTION Meyer: Did you hear the conditions and can you live with those?

ANSWER Dessner: Yes, I can.

QUESTION Dessner: Can I get a copy of the conditions?

ANSWER Bluske: Yes, we will get you those.

QUESTION Wehrs: Regarding the conditions, we do this so that they can get going and then when you have the money then you move to an appropriate site. If he needs changes to the conditions, what happens?

ANSWER Bluske: If the town ends up making this mixed use, then maybe it will be appropriate. Right now the county plan calls for residential. If he does get good and needs a sign, he can come in and apply

for that. Since there is only 1 employee, himself, he has total control over who comes to the property. We have had problems in the past with businesses like this where people just drop off cars in the driveway and leave. Also, the success would add to other businesses like his that have commercial sites and are paying commercial taxes. We are trying to create a level playing field.

QUESTION Bina: One of the requirements is that the town plan changes.

ANSWER Bluske: There is no town plan right now.

QUESTION Bina: Can he start working prior to that happening after the County Board approves?

ANSWER Bluske: Yes, he just needs to wait for the County Board Approval.

Motion Pedretti/Bina to approve Conditional Use Permit #835 with conditions.

6 Aye, 0 No. Motion carried.

CONDITIONAL USE PERMIT NO. 836 Amanda K & Jeremy Christianson, W5602 County Road D, Holmen, WI 54636. Petitions to expand an in-home child care center to a group day care licensed for up to 20 children with 2-4 employees on 1.12 acres zoned Agriculture District "A" at W5602 County Road D on land described as: Lot 4 of Certified Survey Map No. 114, Volume 8. T/W & SUBJ to an access road & agreement. Town of Farmington.

Appearing in favor: Amanda Christianson, W5602 County Road D, Holmen, WI. I am asking for a Conditional Use Permit to expand my daycare facility to take more children and have one employee, at least for now. We are looking at up to 12 children at this point. We have a road agreement and in our agreement there is a section that states it is ok for any use. This is on file with the county Register of Deeds and it states that there is no limitation on the use of the driveway. The original parties who signed this agreement also do not have any objections to the use of the road for a daycare. This is signed by everyone on it. Do you want a copy of this?

REMARKS Bluske: I have a copy of the road agreement, but I would like a copy of the letter there.

REMARKS Christianson: I have done my research and looked into the Town of Farmington Comprehensive Plan. I do fit into their planning goals and requirements on economic development. The goal is to sustain existing agricultural business and encourage alternative agricultural businesses. By expanding, we will be able to provide services to more families in the Melrose-Mindoro School District. We can provide childcare closer to the towns agricultural and other existing business. The plans to remain in the existing home with less than five employees is also in line with the goals. We also align with the goals as we are not expanding outside of the home. We did submit a whole business plan with the permit application.

QUESTION Bluske: Can you explain how many people reside here without the business? Your septic system was installed in 1998 and it was only built to handle those people. Have you spoken to the Environmental Health Department in regards to the additional demand on the system?

ANSWER Christianson: No, I haven't. That was something that I missed.

QUESTION Bluske: There is a site just south of the garage that has a lot of junk. I know it is not yours, but it is not conducive to children playing in the driveway near it. Do you know those people? I would think that the inspectors would object to that.

ANSWER Christianson: Yes.

QUESTION Bluske: Would they be willing to clean that up?

ANSWER Christianson: Yes.

QUESTION Bluske: Are they working on it already?

ANSWER Christianson: Yes, he has actually hauled a couple of loads to the LaCrosse County Landfill in the past couple of weeks. I didn't know it was a concern, but yes they are moving it out.

QUESTION Pedretti: Right now you do not need to be licensed?

ANSWER Christianson: No, right now I am licensed for up to 8.

QUESTION Pedretti: You need to get re-licensed in order to have more?

ANSWER Christianson: Yes, as a group center.

QUESTION Pedretti: You haven't gone through that yet...until this goes through?

ANSWER Christianson: Right.

REMARKS Pedretti: That was a concern of mine with the junk right on the property line.

REMARKS Christianson: She hasn't indicated that it was a concern. It is the same licenser and she hasn't said anything before.

QUESTION Pedretti: It seems limited for parking. I assume that people don't come at the same time and there are no issues with people coming and going. That isn't an issue at this time?

ANSWER Christianson: No, that isn't an issue.

QUESTION Meyer: She doesn't have to do as much now because she's not going with 20...now it's 12.

ANSWER Bluske: Anything over 8.

REMARKS Christianson: It is still the same. We are looking at 12 because of the licensing rules and how many employees we'll have. If I decide to go over 12, I would need another employee. That would fall under the licensing rules. She will tell us our capacity when she comes to visit. We would like to be licensed for up to 20 for the possibility of hiring another person, but right now we know that we are just going for 12.

QUESTION Mach: How many employees do you have now? You have 2 or 8?

ANSWER Christianson: I have 1 to 8.

QUESTION Mach: Does that include you and this other person?

ANSWER Christianson: No. It is just me. In the State of Wisconsin you can have up to 8 children for each 1 person in the home.

QUESTION Mach: I am concerned that you say that you are going to be considering children under 2. Do the ages of the children make a difference?

ANSWER Christianson: You can be licensed for up to 8, but it is dependent on their ages. You can have two kids under the age of two, then I can only have 5 kids over the age of two. If I switch to three kids under the age of two than I can only have two kids over.

REMARKS Mach: Obviously, if you have more than 8 children, you will have additional traffic.

QUESTION Wehrs: Did you plan on having different or additional signage? What are your plans?

ANSWER Christianson: We do plan on re-naming the day care and would need to redo the sign.

QUESTION Wehrs: Would you use the same sign?

ANSWER Christianson: I don't know yet. I don't know if my name, The Great Outdoors Learning Center, is going to fit. Maybe I will have to make it fit. The Town of Farmington is coming up with a new sign ordinance. I am waiting to see what that says and then I will follow it.

QUESTION Bluske: We did not view the backyard of the facility, but can you explain the improvements that you will need to make to the back of the house?

ANSWER Christianson: We need to put in a ground level entrance off of the backside. If you have access to the website, I can show you. On the lower area there is a picture of window where we will be cutting in the door. We will have to grade out to do that and get three feet below the existing grade.

QUESTION Bluske: Are there issues with the septic system?

ANSWER Christianson: No, the system is on the backside. I have had an excavator out to the property and we've had a couple of contractors. We don't want to create a water problem coming into the basement. It will have to be graded out for a ways.

Appearing in favor: Jodi Harding, N6981 Bittersweet Rd, Holmen, WI. I wanted to introduce myself as her employee. I had approached her about this. We are excited about it and I know that you are concerned about the children and children per teacher. We are both educated in childcare and have a lot of experience. We have both been licensed in our daycares and we will follow the licensing procedures.

Appearing in opposition: None.

Correspondence, Bluske: From the Town Clerk, Betty Sacia we have an excerpt from the meeting minutes, the Town Board met on May 17, 2011 and this Conditional Use Permit was approved.

Staff Recommendation, Bluske: Approval subject to the following ten (10) conditions:

1. This permit is granted to operate a licensed group day care center for up to twenty (20) children;
2. Hours of operation are 6 AM – 6 PM Monday thru Friday. Closed weekends and holidays. Up to four (4) employees are permitted;
3. This permit will not become effective until all licensing and construction activities are completely in place;
4. The sign advertising the current business is in violation. It is either in the county road right-of-way or on someone else's property with no permit. This sign, or one no larger than 3-ft x 3-ft is allowed by a separate Zoning/Occupancy Permit and permission from the landowner;
5. A Zoning/Occupancy Permit is also required to change the occupancy of the lower level and door addition which requires a change in the structure;
6. The County Health Department shall be contacted for the added septic system usage;
7. The parking space appears to be adequate for the owners garage access and child drop off and pick up but appears to be in conflict with the child usage as well;
8. The property at W5600 County Road D, which lies immediately south of and adjacent to this permitted use, has an enormous amount of junk and salvage along the shared property line which creates a highly unsafe situation for children, not only from the junk and salvage but from the varmints that live in it. Every effort should be made to talk with this neighbor to clean that area up;
9. This permit is non-transferable; and
10. This list of conditions shall be shared with the state and county licensing authorities.

QUESTION Meyer: Do you have any problems with those conditions? Did you hear them?

ANSWER Christianson: I heard them and have no problems with them.

Motion Wehrs/Mach to approve with the eight (10) conditions.

6 Aye, 0 No. Motion carried.

SPECIAL EXCEPTION PERMIT NO. 2011-05 Brent Brudos d/b/a Retaining Wall Specialist Inc, N1045 Brookside Dr, La Crosse, WI 54601; acting on behalf of Randolph A Sr & Judith A Eddy, 3525 Lakeshore Dr, La Crosse, WI 54603. Petitions to disturb and fill approximately 16,000 sq. ft. on a residential site within the confines of an existing concrete wall in order to alleviate potential flood damages incurred during high water events and within the 1,000-ft Shoreland District of Lake Onalaska on 0.824 acres at 3525 Lakeshore Dr on land zoned Residential District "A" and described as: Part of the SE - Frac NE of Section 1, T16N, R8W described in tax parcel 4-1430-0. Town of Campbell.

Appearing in favor: Brent Brudos, N1045 Brookside Dr, La Crosse, WI 54601. I am here on behalf of Randy and Judy...they are relatives of mine and over the last few years we have built floodwalls around his house and now we are looking at building a permanent one. I have some pictures of the wall that we built this past spring. It is about 500 feet of berm, 4 foot high around the house.

QUESTION Pedretti: Did the wall work?

ANSWER Brudos: Yes.

REMARKS Brudos: I have also brought a map of the project. The 647 represents the high water and '65 water elevation. We could put a temporary berm in here. We can't raise the back because of the porch. All of the downspouts and water will be diverted to this retention area here.

QUESTION Wehrs: The retention area, does that address how the runoff will affect the neighboring properties.

ANSWER Brudos: There is a concrete wall there.

QUESTION Wehrs: And it all goes into the pond.

ANSWER Brudos: Yes, and it will percolate into the ground from there. No water will go to the neighbors.

QUESTION Pedretti: If you close that gate, can you save from having a berm?

ANSWER Brudos: No, because the water comes from Lakeshore Drive. If it gets high enough it will come in the back. There are planks that go in back there between the cement thing, but the water comes in the other way.

Appearing in favor: Randolph A. Eddy, Sr., 3525 Lakeshore Dr. I am the property owner. The whole purpose of the plan, we have owned this for 21 years. We have had water occurrences. We want to do what the township and city has done is put our own berm around the property. The 1965 flood was three inches from the top of that wall. This spring, I am on the emergency planning committee for the township and we were thinking that it was going to be worse than in '65. What you saw in the pictures, we were three inches above the '65 level and the water only came to the first step on my patio this year. Now we want the berm as a natural defense so that I only need to go a little bit up in the future. The corps actually sent engineers out to see what we had done. I am proud of Brent for the work that he did and it was a site to see. In 2001 I had 17000 sandbags around the house and my wife came in by boat from Lakeshore Drive. We do pump successfully.

QUESTION Bluske: Normally, when a berm goes up, if the water is high enough, it will seep through. Are you going to line that with clay or will it be sand?

ANSWER Eddy: We will just be using sand. In 2001, Tom Viner is my man on pumps, we were pumping 410 gallons per minute for 30 days. I now have pumps that will do 750 gallons per minute because we are going to have groundwater seepage from underneath the house. We have always had that. This will be our first line of defense. I want to eliminate the worry as I will be there for another 20 years.

Appearing in opposition: None.

Correspondence, Bluske: From the Land Conservation Department, they met on site on June 2, 2011, from Kurt Pederson. The email lists actions to be taken. Also, we have approval from the Department of Natural Resources, one from Carrie Olson and another from Mike Wenholz. The WDNR has no objections. We also have correspondence from the Town of Campbell, signed by James Gitz, Administrator, dated June 16, 2011. The Town of Campbell code does not require a permit and does not need to review this project.

Staff Recommendation, Bluske: Staff recommends approval subject to seven (7) conditions.

1. Permit granted to grade, fill, and construct an earthen berm by hauling in approximately 450 cubic yards of material;
2. Approximately 16,000 square feet of area will be disturbed within the 1,000-ft setback of Lake Onalaska. An approved Erosion Control Permit is required before any construction is commenced;
3. Absolutely no storm water run-off is allowed to be diverted onto adjacent lots;
4. All infiltration areas shall be constructed to collect storm water outside the berm and to accept rainwater from the grounds and rooftop inside the berm;
5. All terms and conditions of the Department of Natural Resources Chapter 30 Permit #GP-WC-2011-32-03784 shall apply;
6. The US Army Corps of Engineers shall be contacted to see if any wetland permit is required; and
7. This permit terminates on May 1, 2012

Motion Mach/Pedretti to approve Special Exception Permit #2011-05 along with the (7) seven conditions.

6 Aye, 0 No. Motion carried.

CONDITIONAL USE PERMIT NO. 837 David & Julie Harter, W5726 Koss Rd, Onalaska, WI 54650. Petitions to store trucks inside buildings, to perform maintenance on trucks and equipment and salt

storage as part of Harter Trucking in the two (2) existing pole buildings & shop on 0.50 acres at W5726 Koss Rd, and described as being part of the NW-SW of Section 26, T17N, R7W described in tax parcel 10-697-1. Town of Onalaska.

Appearing in favor: Dave Harter, W5726 Koss Rd, Onalaska, WI 54650. Quickly, "D" is not part of this, the only two buildings that are part of this are "B" and "C". The shop and office are part of the "B" building.

QUESTION Bluske: Can you tell them what "A" and "D" are?

ANSWER Harter: Those are both pole buildings.

REMARKS Harter: After conversations with Chad and Mike Weibel, we discovered that we were doing some things that were borderline. We have been doing these things for 17 years. The shop is small, only 30-ft x 45-ft and we only use it for minor maintenance such as oil changes, greases, etc. We have a 10 acre commercial property off of County Road XX just off Brice Prairie that we use for most of these operations. This is mostly a convenience of being at the house and we also use the shop for maintenance of the farm implements. What is not mentioned is the office. That is a key as well. The major use of Harter Trucking on this Conditional Use Permit #837 is the salting operation. What we do is store salt inside the heated shop during the winter so that it does not cake up. We can be out all hours of the day, whenever it snows. I have done all of the salting myself and it's been convenient to be able to just jump in the truck and go. Through conversations with the office, we decided to make it 100% bulletproof so that we don't get halfway through a winter and get shut down. That is the primary use of this application. I did talk to most of the neighbors and I did bring a letter from one of them in support. Hopefully by the fact that they are not here tonight is evidence that they do not have any problems. Again, the office was not mentioned in the application, should that be addressed?

QUESTION Bluske: Can you talk about the type of sanitation you provide for your employees? Also, in regards to the salting operation, what kind of trucks do we see? When we were out on the site, the committee saw the shop with the larger doors but the four smaller doors I don't think a truck could get in those.

ANSWER Harter: The residential garage is not part of this application, the three car garage. That would be the small building below and adjacent to "B". That is the garage and also has a small residence in it.

QUESTION Bluske: No, I was talking about "B" with the larger shop door on it, but there are some smaller doors there as well?

ANSWER Harter: Those other doors are 12 foot doors.

QUESTION Pedretti: Can you clarify where the office is?

ANSWER Harter: The office is on the end of building "B" on the upper side. It is only 17-ft x 20-ft.

REMARKS Bluske: You did have office included on your application.

REMARKS Harter: I did, but on the publications that you sent, it was missed.

QUESTION Bluske: Did you explain your sanitation situation?

ANSWER Harter: I gave you a business plan, some of the key points...most of my employees work out of the County Road XX shop. The ones that do come to the house are the relatives. I have two sons, myself and my wife. Sometimes we'll have a mechanic here changing oil, etc. Most of the time we won't have employees here, at most would be maybe two in the office, a part time secretary and one mechanic out in the shop. Total hours for the week combined would be 20 hours at most.

QUESTION Bluske: Sanitation for them?

ANSWER Harter: Hours of operation, you won't see employees or customers coming in and out. Noise would be loading of the truck and the truck leaving. I end up salting Koss Road before they get there, the road is last on the list for the township. Only the two buildings would be used with some parking around "A". The maximum size sign would be 2-ft x 4-ft, we have never had a use for one as there are no customers coming there. I am leaving that open for maybe a future sign. We have a dumpster that is picked up by Harter's Quick Cleanup. The only materials would be the salt itself. No additional lighting or

buildings. We have a recycled asphalt driveway so we don't have much dust that is created. That pretty much covers it. We do have an out-toilet for the horse operation and an accessible bathroom from the residence in the garage that the horse people use. We have one or two college students come in during the summer to help out with the farm operation and horses.

QUESTION Pedretti: Just to clarify, if it is your sons, they will use the bathroom in the house. If it is an employee, then they will be using the bathroom in this residence?

ANSWER Harter: There is a three car garage with a small residence attached to it and the bathroom is accessible from the outside without going into the apartment.

QUESTION Pedretti: So, an employee could use that if they had to?

ANSWER Harter: Yes.

QUESTION Pedretti: You have listed 4 full time and 3 part time employees, but those include those out on XX. You are not moving your operation here?

ANSWER Harter. No, I couldn't do that. When I talked to Chad, that is why we listed just inside storage. We are not making a commercial operation out of it. We'll be doing exactly what we have been for the past 17 years.

REMARKS Pedretti: That is a scary road to go down as well.

REMARKS Harter: We have actually decreased over the years. We used to do all of our maintenance there. We haven't put heat in the facility on County Road XX, but we have a concrete floor and are keeping more and more tools there now. Most of the work is being done there now.

QUESTION Bluske: Our highway shop has had issues with salt storage. Are you aware of any DNR requirements for the storage of salt?

ANSWER Harter: I have checked into that. I know that there are volume limits. If you do store it outside, you have to have it covered. Since this is inside storage, it does not need to be covered obviously.

QUESTION Bluske: How do you get it there?

ANSWER Harter: By truck. We dump it just inside the door and push it into the corner. We load and unload using a skidster and don't use any large loaders. The large loaders are used out at the sandpit. This is just a small skidster. It is actually the same one that we use around the farm for moving bales and such.

QUESTION Bluske: Have you gone before the Town Board or Planning Commission yet?

ANSWER Harter: Both the Planning Commission and the Town Board passed it unanimously.

Appearing in opposition: None.

Correspondence, Bluske: From the Town of Onalaska, dated July 1, 2011 from the Town Clerk, Melissa Erdman. The Planning Commission and Town Board have both approved this unanimously.

Staff Recommendation, Bluske: Staff recommends approval of this Conditional Use Permit #837, subject to (13) thirteen conditions.

1. This permit is granted for an office, inside storage of trucks, and salt for Harter Trucking; along with vehicle maintenance in two(2) existing pole buildings, 40-ft x 100-ft and 40-ft x 90-ft;
2. All waste fluids shall be placed in clearly marked and covered containers and disposed of properly. No fluids on the ground;
3. Hours of operation are 8 AM – 5 PM, Monday thru Friday and emergency snow events during the winter months;
4. Number of employees – three (3) including owner coming and going from County Road XX shop;
5. An off-street area shall be designated for employees;
6. The Environmental Health Department shall be contacted for restrooms and added septic usage for employees. A letter from them shall be obtained indicating the additional use has been permitted. A copy shall be placed in this Conditional Use Permit file;

7. Department of Natural Resources requirements shall be obtained for all inside salt storage
8. A commercial dumpster is required;
9. Zoning/Occupancy Permits are required for those buildings with office and commercial storage use rather than for all agriculture use;
10. This permit will terminate when it is changed to residential use through rezoning;
11. This permit is non-transferable;
12. No signage is allowed, primary use is still residential and farming and no customers; and
13. All equipment is to be reported yearly to the local assessor.

QUESTION Meyer: Can you live with those?

ANSWER Harter: The only one was the non-transferable one.

REMARKS Bluske: That means that if you were to sell the property to someone else, they would have to come back in. If you sell it to a family member, that will be ok.

QUESTION Harter: Can you repeat number 13?

ANSWER Bluske: Thirteen is; All equipment is to be reported yearly to the local assessor. That is personal property.

REMARKS Harter: Yes, those are all fine.

Motion Bina/Spiker to approve Conditional Use Permit No. 837 with the listed conditions. 6 Aye, 0 No. Motion carried.

CONDITIONAL USE PERMIT NO. 838 David & Julie Harter, W5726 Koss Rd, Onalaska, WI 54650. Petitions to store trucks and equipment inside along with storage for lime screenings as part of Coulee Concrete Repair in the two (2) existing pole buildings & shop on 0.50 acres at W5726 Koss Rd, and described as being part of the NW-SW of Section 26, T17N, R7W described in tax parcel 10-697-1. Town of Onalaska.

Appearing in favor: Dave Harter, W5726 Koss Rd, Onalaska, WI 54650. This one is more out of convenience than anything else. We have a small business that we got involved in around 4 years ago. I am hoping that my sons take this one over in the near future. It is very inconvenient for this business to operate from the County Road XX shop. My sons live in the area, one lives ½ mile away and the other lives with me. I would compare it to a repair shop...you don't keep your parts and your tools five miles apart. You want them together for coordination. This way we can meet at the shop in the morning and head out from there. Everything else would remain the same. We would only use those two buildings. They won't be filled with equipment, we have hay in them and other agricultural stuff as well. But, it would be parts of those two buildings. The office would still be there. Parking is the same, trash receptacles, sanitation would all be the same. Not having a sign is not a problem as the customers do not come on site. The actual employees at this time are family members, my two sons and I. There shouldn't be any employees coming in except for maybe borrowing my mechanic on occasion. The materials storage, we would have a space between buildings "B" and "C" where we would stockpile a small amount of lime screenings to be used in the mud-jacking process. Ironically, we have had lime screenings there for the last 15 or 20 years as we use them in the horse business as well for use in the stalls. The traffic would be minimal, just the truck going out in the morning and coming back at night. We don't do this every day, either. That is why my sons work both companies. Coulee Concrete Repair is not a full time job.

QUESTION Pedretti: This is an existing company, but you have been running it out of the County Road XX facility? It is just the one truck and some screenings? You would be running the same stuff out of the office that you were doing before?

ANSWER Harter: Yes, to all of those.

QUESTION Meyer: This business is mud-jacking? Residential stuff?

ANSWER Harter: Yes, residential and commercial. Most of it is residential. It is an interesting business.

QUESTION Bluske: Can you describe the truck and the process? Do you have more than one? Do you mix on the site? Do you mix cement?

ANSWER Harter: We don't mix on our site. That is where the screenings come in. We would use the skidster to load the screenings onto the back of the truck, take the truck out to the site where we mix the screenings with water to make what they call the mud. It is just a slurry. Then they pump it under the concrete and it raises the concrete to its original level. We make the problem and then we try to correct it. When you excavate a house and you don't compact enough, it will settle. Rather than replacing the concrete you can do this to lift it to its original position.

QUESTION Bluske: So, there is no concrete at all?

ANSWER Harter: You can use concrete for the slurry, but we do not.

Appearing in opposition: None.

Correspondence, Bluske: From the Town of Onalaska, dated July 1, 2011 from the Town Clerk, Melissa Erdman. The Planning Commission and Town Board have both approved this unanimously.

Staff Recommendation, Bluske: Staff recommends approval of this permit subject to (12) twelve conditions.

1. This permit is granted for the inside storage of company vehicles and office space for Coulee Concrete Repair LLC in two (2) existing pole buildings 40-ft x 90-ft and 40-ft x 100-ft;
2. No more than three (3) vehicles and one (1) small loader are allowed;
3. Hours of operation are 8 AM – 5 PM Monday thru Friday. No weekends or holidays;
4. A total of six (6) employees are allowed;
5. An off-street parking area shall be designated for all employees;
6. A commercial dumpster is required;
7. No signage is allowed because of no customers;
8. Lime screenings for the cement jacking process may be stored outside between the two (2) pole buildings;
9. The buildings used for this business shall obtain Zoning/Occupancy Permits to show their change from agricultural use;
10. All equipment shall be reported yearly to the local assessor;
11. This permit will terminate when it's use is changed to residential through a rezone process; and
12. This permit is non-transferable.

QUESTION Meyer: Dumpster, is that on his property?

ANSWER Bluske: Whenever someone has any type of commercial business, they can't put business waste out with the residential garbage. Because that is something that is covered on the levy.

REMARKS Harter: We have had a dumpster there for 20 years.

Motion Wehrs/Pedretti to approve Conditional Use Permit #838 along with the recommended conditions.

6 Aye, 0 No. Motion carried.

Motion Pedretti/Wehrs to adjourn at 9:42 PM.

6 Aye, 0 No. Motion carried.

Hearing adjourned at 9:42p.m.

*Approved as amended 8/1/11
Nathan Sampson, Recorder.*