

# PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE PUBLIC HEARING

October 3, 2011  
County Board Room – Administrative Center  
6:00 p.m – 7:45 p.m

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

## CALL TO ORDER

The Recessed Meeting and Public Hearing of the Planning, Resources and Development Committee was called to order by 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.

**TERMINATION OF CONDITIONAL USE PERMIT NO. 401 – TERMINATION NO. 78** La Crosse County Zoning and Planning Department, 400 4<sup>th</sup> St N – Room 3170, La Crosse, WI 54601. Petitions to terminate Conditional Use Permit No. 401 originally filed by John McRae d/b/a SunRay Dairy LLP, N9092 County Road VV, Mindoro, WI 54644 and passed by the La Crosse County Board of Supervisors in May of 1997 to construct and operate three (3) barns for a feedlot for replacement heifers for their dairy farm. Reason for termination – the permit is no longer needed as a sale to family members, Timothy & Shelly Kunes, has happened. Town of Farmington.

REMARKS Bluske: I have a voluntary letter from the owners asking for Conditional Use Permit No. 401 to be terminated (letter from John McRae, N9160 County Road VV, Mindoro, WI 54644 read into the record).

No one appearing in support or opposition to terminating Conditional Use Permit No. 401.

**Motion Manthei/Keil to approve terminating Conditional Use Permit No. 401 (Termination No. 78).**

QUESTION Bina: Is he below 200 animal units now, or is it something he doesn't need for his operation?  
ANSWER Bluske: He doesn't need it – he's sold the farm.

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

**CONDITIONAL USE PERMIT NO. 843** Thomas M Brown, N3620 Smith Valley Rd, La Crosse, WI 54601. Petitions to operate a snow removal and landscaping business in an existing 60-ft X 60-ft pole building on 1.31 acres of land zoned Agriculture District "A" at N3119 Smith Valley, Rd and described as: Lot 1 of Certified Survey Map No. 117, Volume 4. Town of Medary.

**Appearing in favor:** Thomas M Brown, N3620 Smith Valley Rd, La Crosse, WI 54601. I have copies of a petition of support (distributed to committee). I purchased the property down the road from me. I've been in business 33 years, 17 in Smith Valley. I have Conditional Use Permit No. 503 to operate the business out of my home. The property in question is N3119 Smith Valley Rd, currently under Conditional Use Permit No. 296 to operate a bus service; the building was built for that Conditional Use Permit. I propose to operate my snow plow and landscape business from that building as well. I put conditions on that are the same as my current residence, with the exception of no outside storage and no materials on-site. No outside storage or signage. Hours of operation are October through April, 24/7 based on weather. May through September hours of operation are 7:30 am to 6:30 pm Monday through Saturday with no Sunday work, except for emergencies. That's what I have now and have never had problems. I have annual

inspections from the fire department and pay personal property taxes on my equipment. No street parking, employee parking will be off-street. I'm active with the township doing fundraisers and town projects. I've been there already and they've approved everything.

QUESTION Meyer: The committee was out there and we questioned where the parking would be – it's marked on the map but we didn't know if there'd be that much room.

ANSWER Brown: I have it on the map as five (5) cars. There's plenty of parking – it's an acre and half. There's plenty of space for angle parking for 10-12 cars, three (3) on one side and the remaining on the other. I didn't want to do that yet because I wanted a copy of the drain field – I wanted to know where that ends for the house. I believe it's short of that – there's room to expand it over. If worse comes to worse with the drain field to have five (5) parking spots outside. If employees come to get vehicles, they can park their personal vehicles inside.

QUESTION Bluske: Will you rent the house, the division between theirs and your use of the yard?

ANSWER Brown: The intent is for one of my children to rent the house from me. I have a soon-to-be relative who will hopefully rent the house. We haven't put a definitive line on that. It would probably match the drain field, where that ends. I think it goes about 30-ft from the end of the building south. That could all be parking if need be.

QUESTION Bluske: Could you use the pointer and show where the septic system is (on the aerial photo)?

ANSWER Brown: The drain field is supposed to end along here (refers to aerial photo). It angles here alongside the house – it goes in 5 runs. I got that from the county. I have to find the drain tubes because the ends of the runs are gone. This LP tank is for the building and this LP tank is for the house. I'm thinking the line will go something like this. (inaudible)

QUESTION Bluske: Is there any sanitation in the pole building for your employees?

ANSWER Brown: Restrooms? Not at this point.

QUESTION Bluske: Are you planning to?

ANSWER Brown: I don't intend to put a bathroom in – I can put in an outdoor porta-potty. If my son is there (house tenant) in the future, that would be a restroom that's available, just like at my place where the employees are welcome to use my restroom. If necessary to have it I would; if it's an expense I don't need to incur, I would like to utilize the....

QUESTION Bluske: Is there a back door on the pole building?

ANSWER Brown: No.

QUESTION Mach: I still think fifteen (15) people parking – the space you gave didn't look like much room when we were out there. I think you have to do something about the parking.

ANSWER Brown: If I angle park, and I have what they say I do with the septic system, I think there will be more than enough parking. And the vehicles pulled out of the building create a vacancy they could put their personal vehicle in. If six (6) people put vehicles inside, we could make that work. And I've lived in the valley for some time; I certainly don't want anything to look ratty.

REMARK Pedretti: It's not the look – it's safety.

QUESTION Bluske: Will you store salt or chemicals there?

ANSWER Brown: No. The only things I might store are cases of oil for maintenance.

REMARK Bluske: That's fine, that's where the fire department comes in.

QUESTION Keil: You won't have any outside fuel barrels or anything like that?

ANSWER Brown: No.

No one else appearing in support or opposition.

**Correspondence, Bluske:** Correspondence dated September 16, 2011 addressed to Nathan Sampson, Zoning Supervisor conditionally approving Conditional Use Permit No. 843 (read into the record).

**Staff Recommendation, Bluske:** Approval subject to the following eleven (11) conditions:

1. Recommended approval for a permit to operate snow removal and landscaping business at N3119 Smith Valley Rd;
2. The existing 60-ft X 60-ft pole building can be used for storage of equipment related to the business only;
3. No outside storage of any kind other than ten (10) employee vehicles;
4. No outside signage;
5. No onsite sales or customers;
6. Hours of operation: October – April are weather based 24/7. May – September 7:30 AM to 6:30 PM Monday – Saturday. No Sunday work;
7. Up to fifteen (15) employees during the winter months; and, one (1) employee not including family members April to September;
8. Onalaska Fire Department shall be contacted for compliance;
9. This permit is non-transferable other than to immediate family;
10. All personal property must be reported yearly to the local assessor; and
11. This Conditional Use Permit replaces and terminates Conditional Use Permit No. 296 in its entirety.

Discussion on item three, number of employee vehicles allowed outside and property boundaries.

REMARK Vandenlangenberg: There are concerns whether he needs state approved plans for the building and a lot split to separate the two buildings?

REPLY Brown: I have no intent of splitting the lot.

REMARK Vandenlangenberg: My concern is that we'd have to amend the Conditional Use Permit legal description.

Further discussion on number of allowed employee vehicles to be parked outside. Consensus of committee to allow outdoor parking of up to ten (10) employee vehicles.

QUESTION Pedretti: My other concern is no back door on that building – is that a safety issue?

ANSWER Brown: There's two over-head doors with pull cords if the electricity goes out. There's a regular entrance door up front on the south side.

QUESTION Pedretti: Is there a window in the back?

ANSWER Brown: There are three windows in the back, but they're quite high. The building was built tight into the bank. The exposed portion on the back wall is only 4-5-ft. You have two exits, the south side and east side with two double doors.

REMARK Bluske: Chad's remark about having employees and commercial building plans is very valid.

REPLY Brown: Was the building before – did it have state approved plans when he had to go through that?

REMARK Vandenlangenberg: He may not have needed that when it was family-run. I don't think he had employees.

**Motion Pedretti/Keil to approve with eleven (11) conditions recommended.**

REMARK Keil: I wanted to say he had more than one employee when he was driving buses from there.

REPLY Bluske: Then it should have had state approved plans.

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

**CONDITIONAL USE PERMIT NO. 844** Justin Peterson d/b/a Creamery Creek Holsteins, LLC, W1250 County Road U, Bangor, WI 54614; acting on behalf of John J & Donna L Hansen, 3420 Kinney Coulee Rd S, Onalaska, WI 54650. Petitions for a livestock facility expansion which includes a free-stall barn addition, a special needs barn, a manure transfer system and substantial barnyard run-off control practices in order to expand the number of animal units to a maximum of 683 on 265 acres of land zoned Exclusive Agriculture District and described as: That part of the NW ¼ of Section 3, T16N, R5W lying north of

County Road U, described in tax parcels 1-49-0, 1-50-0, 1-51-0, and 1-54-0; and that part of the NE-NE of Section 4, T16N, R5W, described in tax parcel 1-67-0, in the Town of Bangor; and Government Lots 7 & 8 in Section 33, T17N, R5W, described in tax parcels 3-702-0 & 3-704-0, and the SW-SW of Section 34, T17N, R5W, in tax parcel 3-718-0, in the Town of Burns.

**Appearing in favor:** Justin Peterson, W1250 County Road U, Bangor, WI 54614.

REMARK Peterson: We want to expand our farm again. Hopefully do some growth for the community. Some growth for our dairy. Make us more efficient. And let us capitalize on some technologies that are out there.

QUESTION Pedretti: I think for the record, could you explain a little more of what you're going to do?

ANSWER Peterson: Sure.

REMARK Pedretti: We need to have that on the record.

REMARK Peterson: We are going to demolish a couple existing barns that are from the 70's and in place of those barns we going to construct a new 108 by 164 free stall type structure to house dairy cattle. That will allow us to grow our heard to approximately 470 cows and add more jobs.

QUESTION Bina: I've got a question. In your original recommendation here it says, 'Expand the number of animal units to a maximum of 683 on 265 acres. Now you say you are going to 400 and some cows. There's a difference the way I see it, is once you reach 500 animal units you've got a new set of rules. The same rules except you're working with the state. Are you going up over 500 animal units?

ANSWER Peterson: Yeah. We're going to have 683 animal units I believe. 471 cows, because one cow equals 1.4 animal units. And that brings us up to 640 something I believe. And then with a 120 wet calves, they're point two animal units I believe without looking. Yeah, we're working with the state.

QUESTION Bina: You are working with the state?

ANSWER Peterson: Yes.

REMARK Bina: That was my question. We got 200 animal units here and the state is 500. We basically got the same kind of rules.

REMARK Peterson: Right.

REMARK Bina: So then there's really no difference one way or the other then.

REMARK Peterson: Not to my knowledge.

QUESTION Wehrs: I know you were just in talking about the proposed basin there. Is that finished?

ANSWER Peterson: They will be done pouring concrete on Wednesday I believe, tomorrow or Wednesday. And then they have to wait a week before we can backfill. And then we got to backfill the lagoon. Then we got a small amount of gravel to put inside the lagoon to put a ramp down into the basin. The lagoon is pretty much complete at that point.

**Appearing in opposition:** None.

QUESTION Bluske: I've got correspondence from the Town of Bangor. I'd like to ask Justin if he's been to the Town of Burns yet.

ANSWER Peterson: No I have not.

REMARK Bluske: It's a Conditional Use Permit, so they would have some say in it. They would have 10 days from today's date to submit something Justin.

**Correspondence:** 1) Letter from Peg Culpitt, Town of Bangor Clerk, received on October 3, 2011. Letter states that Justin Peterson appeared before the Town of Bangor Supervisors on September 19, 2011, and the board approved the plans as presented.

2) Letter from Kurt A. Rasmussen, Wisconsin DNR Storm Water Management Specialist, received on September 29, 2011. The subject of the letter is in regards to Wisconsin Pollutant Discharge Elimination System General Permit No. WI-S067831-3: Construction Site Storm Water Runoff.

**Staff Recommendation:** Staff recommends approval in accordance with the completed Wisconsin Department of Agriculture, Trade & Consumer Protection Chapter 51 for 683 animal units.

**Motion Keil/Wehrs to approve.**

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

**ZONING PETITION NO. 1877** Kathryn D Schmidt, Atty, PO Box 420, Sparta, WI 54656; acting on behalf of Susie Kneifl and Howard & Susie Kneifl Family Trust, N7115 County Road DE, Bangor, WI 54614. Petitions for an after-the-fact petition to rezone from the Exclusive Agriculture District to Agriculture District "A", a 25.63 acre parcel for continued single family residential use on land described as: Part of the SW-NE of Section 6, T17N, R5W lying westerly of County Road DE, EXCEPT Lot 1 of Certified Survey Map No. 128, Volume 12 & EXCEPT part taken for road. Town of Burns.

**Appearing in favor:** Kathryn D Schmidt, 104 14th Ave N, Bangor, WI 54614.

REMARK Schmidt: I am here on behalf of Susie Kneifl. She resides in the house there towards the bottom right hand portion of the screen. She has provided me with documentation dating back to 1992 when this parcel was split. What happened at that time was the land to the east of the road was also owned by the Kneifl Family and they transferred that to their son. And so there was a petition at that time to rezone his parcel. She thought it included their parcel as well. I believe that she and her husband then built the house there in the lower right hand portion of the screen at that time. And so like I said she believed that it had been zoned correctly at that time. It was approximately a 10 acre parcel that was rezoned. So that's what brought it from the 35 acres under. She has copies of her building permits and everything. But that happened kind of simultaneously with the transfer to her son. So I think it just kind of fell through the cracks and she's been in noncompliance this whole time. But she continues to reside there and to the best of my knowledge has plans to do so in the foreseeable future. So nothing really about the use has been changing, it's just been in noncompliance since 1992.

QUESTION Pedretti: I guess the question would be, you said in 1992 it was transferred, about 10 acres, that was then rezoned to residential. Ten acres, because that's what it looks like on this map. Correct?

ANSWER Schmidt: Yes. It would be what is to the east of the road. So on that map, that's the Residential 'A'. I'm not sure about the portion that says Kneifl Family Trust to the west of the road, because very clearly the legal back in 1992 just says to the east of the highway. So I honestly don't know when that portion to the west would have got rezoned or under what circumstances.

REMARK Pedretti: Right. That's a large chunk that went residential and now you're asking to go from Exclusive Ag to Ag 'A'.

REMARK Schmidt: Correct.

REMARK Bluske: Back in 1992, there was a request to go from Exclusive Ag to Ag 'A' to transfer the existing farm buildings to a member of the family. I think everything would have been okay had it stayed in the family. That was one of the issues.

REMARK Schmidt: Just to clarify, my understanding is that the son that she transferred that land to has since deceased. And so that's how the Fronk's came to own it; was after his passing.

QUESTION Bluske: I understand when the committee was out on the site there was a lot of stuff out in the yard. Are you familiar with the site?

ANSWER Schmidt: I lived, grew up in that neck of the woods. I haven't been to that site to look at this specifically.

QUESTION Bluske: Maybe the question...what did the committee see? Did it look like somebody was cleaning the garage or did it look like stuff was out there on a permanent basis?

ANSWER Meyer: Both. Both I would say it was not a very clean property. That's for sure.

REMARK Schmidt: I guess the only information that I have to address that is I know the Kneifl's are in divorce proceedings. My understanding is that Mrs. Kneifl receives social security, disability. She cannot come to my office to meet with me. So my contact with her has been via telephone.

REMARK Bluske: That answers a lot then. Thank you.

**Appearing in opposition:** None.

**Correspondence:** None.

**Staff Recommendation:** Staff recommends approval subject to the recording of the following deed restrictions: 1) Only one single family residence is allowed on this property. 2) No further subdividing of this parcel until these restrictions are amended by the County Board.

QUESTION Meyer: Can you live with those conditions?

ANSWER Schmidt: Yes, that's fine. I did go to the Town of Burns meeting a month ago; actually I think it was their August meeting. And so my understanding was that they tentatively approved understanding that only one residence would be allowed out there.

**Motion Manthei/Bina to approve subject to the recording of deed restrictions.**

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

**SPECIAL EXCEPTION PERMIT NO. 2011-08** Gary & Sharon Harter, 2850 Larson St, La Crosse, WI 54603. Petitions to disturb a 30,492 sq. ft. area by grading and filling for a proposed 80-ft X 100-ft detached accessory building, along with adding temporary fill where needed on several field roads all in the Shoreland District and Floodplain of Mormon Creek on land zoned Exclusive Agriculture District and described as: Part of the NW-NW of Section 24, T15N, R6W, described in tax parcel 6-569-0. Town of Greenfield.

**Appearing in favor:** Gary Harter, 2850 Larson St, La Crosse, WI 54603. It's a pole barn. I want to use it for shelter for my animals, storing hay, tractor and attachments. I want it there because there's a pole with power there now. We use a campsite there so it's convenient to have it there.

QUESTION Pedretti: So it's used for ag use?

ANSWER Harter: Nothing from my business will be out there. On occasion I might haul hay out there with a roll-off truck, but it won't be used for business. If any trucks are out there, it will be related to the farm, not the trash business.

QUESTION Pedretti: It's quite a ways from the farm, kind of a peculiar spot, but if you can get back and forth without putting in gravel roads...it's just that sometimes people build these and the next thing you know it's a hunting lodge with sewer and water and someone living in it. That is not your intent?

ANSWER Harter: No. we have a campsite and put a trailer down there. We camp there and get in and out all the time. We've used it for the last 13 years. We aren't changing the use. I have an old tobacco shed by the house I use for some of my stuff – it's too small. Most of my machinery is outside; I'd like to put everything under roof. Where my animals go now is run down.

REMARK Pedretti: It does happen where a little shed is built, then next thing you know someone's living in it. I just wanted to clarify it was Ag.

QUESTION Bina: You do have enough acreage to be considered farm – over 35 acres?

ANSWER Harter: Yes, I have 98 acres.

QUESTION Bina: So you've had animals for years, the problem is now you're in a floodplain, and it gets wet down there from time to time, and you need to raise it up?

ANSWER Harter: Yes.

No one else appearing in support or opposition.

**Correspondence, Bluske:** A phone call was received the afternoon of October 3, 2011 from Greenfield Town Clerk Lois Meinking stating the Greenfield Town Board has no objection to the granting of Special Exception 2011-08. A letter dated and received September 28, 2011 from Michael Wenholz, WI DNR was read into the record.

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

1. This permit is granted specifically to perform grading & filling within the Shoreland District of Mormon Creek;
2. An approved erosion control and storm water permit is required from our Department of Land Conservation prior to any construction activity;
3. A Zoning/Occupancy Permit shall be required since this is a structure located within the Shoreland District;
4. An elevation certificate is required to document first floor elevation;
5. Contact Carrie Olson with the Wisconsin DNR to determine if a Chapter 30 Permit is required; and
6. This permit terminates the end of August 2012.

REMARK Harter: You've thrown me for a loop with this DNR approval – I thought I had everything taken care of, I don't know if you're looking for something I had done or not.

REPLY Bluske: We're looking for you to make contact with Carrie Olson to make sure she understands your project. We can get you her phone number.

REMARK Harter: As long as she doesn't hold it up, I'd be fine with next year. It is soft down there. (Discussion and consensus of committee to terminate permit at the end of August, 2012).

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

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

**SPECIAL EXCEPTION PERMIT NO. 2011-09** Todd Delagrave, 1922 Maplewood Pl, Onalaska, WI 54650. Petitions to disturb by grading approximately 9,000 sq. ft. and to add approximately 4 inches (compacted to 3 inches) of recycled asphalt for outside storage of recreational vehicles in the Shoreland District of Catgut Sough on land zoned Commercial District "B" on Bainbridge St on land described as: Lots 3 & 4, Block 16 of Greenwood Park Addn and part of Government Lot 7 in Section 19, T16N, R7W, described in tax parcel 4-1127-0. Town of Campbell.

**Appearing in favor:** Steven Solberg, 1407 Mississippi St, La Crosse, WI 54601. This is a work in progress; the intent is to have a boat storage building. We're waiting on this because the property will be removed from the floodplain. We'd like an area well within the property fenced off and a surface put on it so there could be winter storage. Most of the rainfall infiltrates on site, because it's sandy. There's a berm on the property to keep the water on site, water flows from west to east. This temporary situation won't have any effect on the stormwater run-off. Part of this lot lies in the Shoreland District so we need special permission to do grading. We're just bringing in 4-inches and smoothing it out, that's why we're here. This work will be done well within the property lines. You can see the fences are up. The westerly fence is 30 to 35-ft from the property line. You can see the area already filled in. The idea was to use that for temporary storage. When we address the building, we'll need to address all of the issues regarding stormwater run-off and erosion control. We've talked with Mary Jo (Webster) and have preliminary plans; we've talked with the DNR. The erosion control/stormwater control will come after the building. We're looking at this as a temporary situation lasting the next few months.

QUESTION Pedretti: It looks like it's already filled in, is this an after-the-fact?

ANSWER Solberg: No, some of that lot is in the Shoreland District, some isn't. Some has been graded and we're preparing to grade the rest of it. That's why the berm is up, because we're working in the areas.....

QUESTION Pedretti: So the area we looked at from the street is just graded, you didn't put any fill in there – is that what you're saying?

ANSWER Solberg: No, I'm saying the property is partially in the Shoreland District, partially out. There wasn't a problem doing part of the grading.

REMARK Pedretti: But the part nearest the road is the part within, and it looks like that's what was filled in.

REPLY Solberg: All we're doing is – the rear part has been set down. The front – that's what we're getting the permission to spread out.

QUESTION Pedretti: So it was fill you brought in?

ANSWER Solberg: It's about 4-inches of surface we're putting over the top, crushed bituminous surface. We won't re-grade or re-slope, just bring in a topping. The grading there has been there quite some time, to bring it up to the floodplain. We're leaving that gross grading alone, bringing in some surface area, and over the winter, that's all it will be. In the future we'll come up with a size, slope and location of the building and address these other problems. What you see is temporary.

QUESTION Pedretti: Again, we were there. I'm trying to figure out if you brought it in, then realized you were in the Shoreland (District)?

ANSWER Solberg: No, We had permission to put part of the fill down, because part is not in the Shoreland.

QUESTION Bluske: I don't think you answered the Supervisor's question correctly. If I went to the site and looked at the east half of the lot, has it changed from that right there (refers to the aerial photo)?

ANSWER Solberg: There's been equipment and stuff brought in, so it probably looks different.....

QUESTION Bluske: Have you done any grading? Is there a stockpile on the east half?

ANSWER Solberg: There's a stockpile on the east half. That won't be a permanent feature.

REMARK Pedretti: That may be the case. My question was whether you'd started the process without getting the property permits? You did bring in some fill.

REPLY Solberg: Yes.

QUESTION Bluske: You mentioned there's a berm that keeps run-off on the property. Could you show it (on the aerial photo) how it keeps the water on that lot? Not the proposed berm – you said there's one out there now.

ANSWER Solberg: It's about here (on the aerial photo). It's about 50-ft in from the property line.

QUESTION Bina: Running north and south?

ANSWER Solberg: Correct. We'll move that berm as we move.

**Appearing in opposition:** Darla Chester, 1640 Caroline St, La Crosse, WI 54603. My property is behind Mr. Delagrave's. I have concerns for several reasons. Most homes on French Island have private wells. This is in the area Mr. Delagrave is asking for a Special Exception/Variance. My well is approximately 30-ft from this area and I have concerns. Possible contaminants from Mr. Delagrave's storage of recreational boats going into the groundwater. I'm concerned about the run-off from Mr. Delagrave's property. We already have an erosion problem from the Korish property, washing away the corner of our shed. Any fill from Mr. Delagrave will cause more run-off and may harm our wells and property more. I have three (3) DNR monitor wells on my property as a result of two (2) previous businesses in my neighborhood, first dated September 22, 2004. I have the documents here. One test well is in the area where Mr. Delagrave is asking to fill. Doug Joseph, DNR Sites Manager in Eau Claire, WI needs to be consulted in this matter. On September 30, 2011, Dave Johnson at the Madison DNR office states the wells might have to be moved and the property inspected before any fill can be added. I would further request at that time that Doug Joseph inspects the three (3) DNR monitoring wells and the drainage ditch from Mr. Korish's property – Pro-Line Automotive – for possible contaminants. We also have an unresolved property line dispute with the Delagrave property. That needs to be settled prior to any Special Exception Permit. I ask the Board to deny or delay Mr. Delagrave's request for Special Exception at this time until a resolution of the property line is resolved with Mr. Korish. And Doug Joseph has inspected the contaminated test wells and drainage ditch for possible contaminants. The last thing the neighborhood needs is further contamination by another business. Thank you.

QUESTION Bina: The berm running north/south would be removed if this were accepted. Would that bring more water to your property?

ANSWER Chester: With the rains from the past week, I can see where the berm has washed out underneath the fence.

QUESTION Bina: You're saying water runs off the Korish property? I'd assume the Delagrave property lies at the same level and would run your way too?

ANSWER Chester: Yes. My concern, as Dave Johnson said about the wells – they need to look at these things. The property on the other side of me, their well is contaminated. These are some issues somebody needs to look at before they start adding whatever to that area.

QUESTION Meyer: If this were delayed, would it cost them more money?

ANSWER Bluske: No.

REMARK Bina: If we had some suggestions why it could be delayed. There were test wells put in there for a reason many years ago.

REPLY Chester: Because the property was contaminated, which we didn't know when we moved in.

REMARK Bina: I'd like a recommendation from the DNR prior to us approving much of anything.



REPLY Chester: I have copies (provided to Bluske). (inaudible)

QUESTION Bluske: We're trying to record this, Ms. Chester. Do you know what the contaminants are? There was seal-coating business that buried a lot of their things over the years....

REMARK Chester: Also, Jollivette Cleaners, Quad City.

QUESTION Bluske: The yellow circles (on Ms. Chester's exhibits) are the test wells?

ANSWER Chester: Correct. There's two (2) in the front and one (1) in the back of my yard.

QUESTION Bluske: We'll put this on the overhead for the committee. Can you explain the map so it gets into the recording?

ANSWER Chester: This is the aerial view of my property (refers to screen). The two (2) circles to the left are the front test wells. The rear one is on the property line between Mr. Delagrave and myself.

QUESTION Bluske: Mr. Solberg, when you did the survey, did you discover the test wells?

ANSWER Solberg: No, we weren't looking for those. We're well to the east of those wells. The property flows to the east because of the fill that was put in. Korish's property is a little higher because he raised it to meet the floodplain line. Ms. Chester is right, there is a problem. Water tends to collect and it's by her garage. When we do the final erosion control plan when we do the building, these issues will be addressed. The berm prevents water from going onto Bainbridge Street. Ms. Chester's concerns are valid and should be addressed. But, in this case we're just asking to put topping down on a temporary storage lot.

QUESTION Bina: So the berm runs north/south, and it flows to Bainbridge Street?

ANSWER Solberg: Yes, because of the way the fill was put in, the highest part is to the west. That's why I put the berm in, to protect Bainbridge Street.

REMARK Bina: You and her need to talk and you need to investigate the wells put on her property. And, it probably isn't pollutants coming from rain or water; it's from what's under the ground from years gone by. You need to consider her concerns; maybe you want to defer this.

QUESTION Bluske: Is the monitoring well indicating to them (DNR) the direction of water flow?

ANSWER Chester: I believe it's west to east.

QUESTION Bluske: All three (3) wells?

ANSWER Chester: Yes. The farthest one on the south and left, that is a contaminated site, Quad City, with that long building. That's the other site they're watching.

QUESTION Bluske: If it goes west to east, it's possible there's nothing coming from the Delagrave site?

ANSWER Chester: Not at this point, but it's something they need to consider with the existing wells there at this time.

QUESTION Bluske: You gave two (2) names, I wrote down Doug Joseph – who was the other one?

ANSWER Chester: Dave Johnson with the DNR office in Madison. I have their phone numbers.

REMARK Bluske: We'll get those phone numbers from you tomorrow. I'll give these back and if we need to, we'll make copies when you come back in.

**Appearing in favor:** Todd Delagrave, 1922 Maplewood Pl, Onalaska, WI 54650. We want outside secured storage for boats this winter. We'll file for some setbacks (variances), but we'd like to put up a boat storage building. Steve will work with us on correcting water run-off problems. We'll do everything in our power to make sure we have everything taken care of. Neighbors are upset because of a boundary dispute. I'll work with the neighbors if they work with us. I'm an easy person to get along with – I'd like to keep it that way with the neighbors. I've ran a business in Onalaska for 25 years – we don't have any issues. Our property is clean – you won't get a cleaner auto repair business. Our intent is to have a boat storage building with maybe storage for 15-20 boats outside. We'll put in lighting and security cameras. We'll do whatever we have to do for drainage. I want it to work for everyone and don't want it to be an eyesore. As far as the fill, we had a permit in hand that John Korish told us was an actual permit. He told

me he called down to the county three (3) weeks before we bought the property. It was part of the closing – he gave me a permit and said we were good to go. I have a copy with me. I had the fill brought in and got a call saying we had to stop because of the Shoreland (District). We stopped immediately. I went down to see Chad about what we had to do to get this resolved. I'm here. I'm willing to do whatever I need to do. I'm not asking to change the layout of the lot.

REMARK Meyer: We're not questioning that. Jeff has to get the details. We can't go on what you're going to do, or might do. We need it finalized.

REPLY Delagrave: I understand that. The water drains west to east; this has no effect on water flows to this young lady's property. The water is from Korish's property. I went over and looked at it – he's aware of his problem – he'll deal with it. It's not on my property. If I've got an issue there, tell me what it is and we'll address it.

QUESTION Bina: You bought the property, but she said she wasn't sure where the lot line was. Do you know where the lot line is?

ANSWER Delagrave: I do, absolutely. Even if it goes back to where they claim it was, it's 5-ft closer to the road, to the east, which makes no difference to me. The only difference is when we build are the setbacks, then the 5-ft is crucial to me. That's why I've got to stay with where the lot line is at. As part of the closing settlement, John Korish and his attorney will deal with it – they'll take care of it 100%. I'm willing to work with these people so they don't have to move their shed and everyone's happy. But my intent is not to change anything. I'm trying to work with everyone.

QUESTION Bluske: You made a comment to the committee that when you purchased the lot, you had an agreement with Mr. Korish, the seller, that he would do something about the drainage in that corner?

ANSWER Delagrave: No, the drainage issue he has – he should have last week – the corner of his property, wood chips are washing down. He says he'll have to do something with that.

REMARK Bluske: That doesn't enter into this.

REPLY Delagrave: No, not at all.

QUESTION Bluske: You don't have any agreement with Mr. Korish?

ANSWER Delagrave: There's an agreement for attorney's fees to get the land dispute settled. They have until December 31, 2012.

QUESTION Bluske: They're still responsible to clean that up for you?

ANSWER Delagrave: Correct.

QUESTION Meyer: Did you say December of 2012?

ANSWER Delagrave: Yes. If they have to go to court, there's no way to get it done before the end of 2011. Hopefully it will be done long before that.

QUESTION Wehrs: Ms. Chester said her shed was being washed out by run-off from Korish's property, which doesn't have anything to do with Delagrave's – is that correct?

ANSWER Chester: I understood that part of the Korish property is what Mr. Delagrave had purchased.

REMARK Delagrave: Last week John (Korish) and I both looked at it. He agrees where the lot line comes up, it's on the auto repair side. He's fully aware of that and will deal with that.

QUESTION Pedretti: You said when you bought from Korish; he had a permit in hand? What permit?

ANSWER Delagrave: A fill permit that Deke or Gary Swanson had gotten.

QUESTION Pedretti: From the County?

ANSWER Delagrave: The County.

QUESTION Meyer: Jeff, do you have the permit?

ANSWER Bluske: It was a Special Exception Permit from 2003, April 4, of 2003. Applicants were Harold and Joshua Swanson (conditions of approval of Special Exception Permit No. 2003-03 read into the

record). When the topsoil was applied and it was seeded down, this permit terminated. There wouldn't be any other permit.

QUESTION Pedretti: Is that the permit Mr. Korish gave you?

ANSWER Delagrave: Yes, it is. He told me it was an open permit until the land was brought above flood stage, is the way it was explained to me.

REMARK Bluske: We didn't require an elevation certificate at the time.

No one else appearing in favor or opposition.

QUESTION Bluske: Has anyone been to the Town of Campbell?

ANSWER Solberg: Yes.

QUESTION Bluske: When was that, Steve?

ANSWER Solberg: About three (3) weeks ago and again last week.

QUESTION Bluske: Did they make any motion?

ANSWER Solberg: No – they said they'll finally vet this whole process when we do the building. They meet tomorrow night.

**Correspondence, Bluske:** Correspondence from Michael Wenzholz with the Wisconsin Department of Natural Resources dated September 26, 2011 (read into the record).

**Staff Recommendations, Bluske:** Approval subject to five (5) conditions as follows:

1. Permit is granted to place approximately 9,000 sq. ft. of recycled asphalt compacted to four inches within the 300-ft Shoreland District of the Black River;
2. This permit shall be considered after-the-fact since unauthorized fill has been placed on this parcel prior to approval by the Committee;
3. Contact the La Crosse County Land Conservation Department for erosion control and storm water permitting requirements, which shall be part of this approval;
4. Surface drainage for the parking lot shall be directed to Bainbridge Street with a final elevation certificate; and
5. This permit expires the end of October 2011.

REMARK Bluske: Then it got complicated.

QUESTION Meyer: Is that still your recommendation?

ANSWER Bluske: Yes.

QUESTION Meyer: What do you think about the conditions?

ANSWER Solberg: It's pretty much what I realized all along.

QUESTION Bina: If you put that much recycled blacktop on, will the water run the same way. If leveled off, this will be a course surface. It won't run onto this lady's property here?

ANSWER Bluske: As indicated, this will be a parking lot for storage of boats. Next spring, they'll apply for a Zoning/Occupancy Permit for a commercial storage building. There's different requirements for fill in the floodplain and the final floor elevation for the building. If they bring in more fill next year, there might be another special exception permit next year.

QUESTION Meyer: Todd, how do you feel about the conditions?

ANSWER Delagrave: I have no problem with those conditions. Chad and Jeff explained those from the start. As far as drainage, the lot is pitched enough. We'd need 2-ft of water for water to run from east to west. There's a substantial drop from the west side of the property to the east – may be 2 to 2 ½-ft drop.

QUESTION Pedretti: I keep hearing the word "temporary". If they put this fill in, it can stay there – then they have to go with the next plan and figure out the building process – it's temporary until they build. It's not going to disappear.

ANSWER Bluske: I don't think it will disappear – we haven't seen their plans yet for this commercial building. They may have to take some asphalt out to put in footings.

QUESTION Pedretti: But that won't affect this – it's if they add.

ANSWER Bluske: That's right, if they add to the elevation. That's why we'll require that final elevation.

QUESTION Pedretti: Why does the DNR have no comment when this is a DNR imposed Shoreland District? We're asking them for input because it's their regulation. This compacted asphalt, can we put a condition that no oil is added to it?

ANSWER Bluske: Sure.

QUESTION Pedretti: It that a condition you can live with, because that does contaminate. The test wells – do we need a condition on here that the DNR is contacted? Are the test wells on this property?

ANSWER Chester: The run-off from the Delagrave property runs directly into the well.

REMARK Pedretti: We can't address that in this (permit). I just want to make sure we address what we need to on this permit. So there is no test well on this permitted property?

REPLY Chester: If they go through with this Special Exception Permit and the space Mr. Delagrave needs on his setback, it does cross over into the well area.

REMARK Pedretti: But that's the building portion.

REPLY Chester: It's the setback for this property.

REMARK Pedretti: I'm confused – there are no setbacks, only lot lines.

REMARK Bluske: Let's go back to the aerial, that test well shows up as a small white box. And the west property line shown might not be in the right spot. But the shed on the lower corner – maybe Mr. Solberg can indicate how much of that shed is on the Delagrave property, unless Chad knows better.

REPLY Vandenlangenberg: There are two conflicting surveys regarding that lot line, one submitted by Mr. Solberg and one from Chris Fechner. The Fechner survey shows the shed encroaching 3.04-ft, which means the blue lot line you're seeing should be moved westerly to approximately where the fence line is.

REMARK Bluske: Then that would put the well on Delagrave's property.

QUESTION Meyer: Does the lot-line issue cause a problem if we give him approval?

ANSWER Bluske: The lot-line dispute does not affect any fill going in. They can fill the west side of that lot; hopefully they don't go down that side slope by the Chester's. The east half of the lot is the only thing in this approval. The west part is not subject to this permit. They can fill it anyway they want.

REMARK Bina: We have no control over the lot-line and that will be established at some point. Did you make a recommendation?

REPLY Bluske: I did, and item one (1) has been changed to indicate **the permit is granted to place approximately 9,000 sq. ft. of recycled asphalt compacted to 4 inches.** I'm including **no oil to be added.**

**Motion Bina to approve with the conditions.**

REMARK Meyer: Before I get a second, I want to hear from Mr. Delagrave.

REMARK Delagrave: Can I show you one line? The area we're asking to be filed is from here to here (refers to screen), not on the back half. The fence is here, we're staying away from the hill so we make sure water does not go downhill toward her property. Just to clarify things.

**Motion Bina/Keil to approve with the recommended conditions.**

QUESTION Pedretti: Doesn't the DNR normally give a recommendation? Is there a reason they're not?

ANSWER Sampson: We are required, by statute, to notify the DNR anytime we process a variance or special exception permit. We are administering the county's ordinance and they can weigh in. It's a DNR model ordinance mandated by the state, but it's our ordinance. We provide notice to the DNR. They can provide feedback if they wish, but they can choose not to. In the case of a variance – they might be opposed, they might agree if certain conditions are met. They can appeal a decision made just like anybody. So really, it isn't their ordinance. It's our's and they're weighing in.

REMARK Pedretti: But they're not weighing in.

REPLY Sampson: In this case no. They're like any individual who steps forward at the podium.

REMARK Bluske: We put our summary findings in a document and mail it to them. Then they can recommend something if they want to. They can appeal that, even though they didn't comment.

No further discussion.

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

**Motion Keil/Bina to adjourn at 7:45 PM.**

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

Hearing adjourned at 7:45 p.m.

*Approved 10/31/11.*

*Nathan Sampson, Recorder.*