

PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE PUBLIC HEARING

January 30, 2012
County Board Room – Administrative Center
6:00 p.m – 7:34 p.m

MEMBERS PRESENT: Donald Meyer, Tina Wehrs, Don Bina, Bev Mach, Dennis Manthei
MEMBERS EXCUSED: Bob Keil; Marilyn Pedretti
MEMBERS ABSENT: None
OTHERS PRESENT: Nathan Sampson, Charlie Handy, Bryan Meyer, Chad
Vandenlangenberg, Michael Harding, Annette Kirchhoff (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 6:00pm. 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.

Chairman Meyer asks for motion from the board to do 1882 and 1883 out of sequence because he anticipates the first one to take much longer for discussion.

Motion Wehrs/Bina make said motion.

5 Aye, 0 No, 2 Excused (Pedretti and Keil). Motion carried unanimously.

CONTINUED FROM NOVEMBER 28, 2011; CONDITIONAL USE PERMIT NO. 848 John Dietrich and Kirby Pabst for Pabst Engineering & Manufacturing Inc, 1215 Well St, Onalaska, WI 54650; acting on behalf of Frank A & Janice M Fogel and Franks Repair, W7891 County Road Z, Onalaska, WI 54650. Petitions to operate a test site for a full featured modular anaerobic digester machine which will consist of 1-6 tanks in the 2,000-32,000 gallon range. Refuse, food waste, manure and paunch manure will be added to this pilot thermophillic anaerobic digester. Residual solids and liquids from the digester will be land spread to the John Schaller farm on Brices Prairie to incorporate into any nutrient management plan he may have. This project is proposed on a 0.69 acre parcel south of N6281 County Road ZB on land zoned Agriculture District "A" and described as: Lot 3 of Certified Survey Map No. 35 in Volume 9. Town of Onalaska.

All statements made in the prior meeting are part of the record.

Meyer: Nate, do you want them to go through the list of questions?

Sampson: They can just give their presentation.

Appearing in favor: John Dietrich, 503 N. 13th Pl, Onalaska, WI. Kirby Pabst and Jason McDonald are also with me.

We went through and prepared about 60 pages of documentation for the questions that Mr. Bluske had put together for us. One thing that I did not have at the time of the application submittal I would like to read into the record, a letter from John Schaller from Morning Star Dairy, N5931 County Road ZZ dated January 26th, 2012.

(Letter is read into the record and submitted for the record)

In the material that we had submitted for the Boards consideration, you'll find copies where we are in complete compliance with DNR industrial sludge permitting. Cow manure is considered and is classified as an industrial sludge. There is a letter from DNR expressing support for this project. We have received the LaCrosse County Land Conservation Manure Permit. Both of these processes took considerable time and work. We are appreciative of the kindness and help we have received from these two departments. All of

our materials used for the digestion have been certified. The results from the certified tests are in complete compliance with both agencies. We went through manure testing and other waste product testing. These tests all were within the normal ranges of the agencies. As a result we are in compliance with the DNR and the Land Conservation Departments. I would like to take a minute to give background on this project. One of the things the committee will notice is an article called developing a sustainability plan for large organic dairy. You went through and reviewed that material. It is a situation where we have the coexistence between agricultural lands and residential properties. It is a very good, technical report that gives a fair amount of information. As we go through and look at anaerobic digestion, it is nothing more than the processing of manure and other possible substrates in a vessel that does not have any air in it. It is microbial action where the microbes consume the volatile solids in the material and produce methane. In the materials we address the issues of safety concerns, odor and a number of other items. Probably the easiest thing, because it is a technical area, if you would have any specific questions, we would be willing to take questions and then we can move on with the public hearing process.

Bina: Let me ask the department first. I guess with new equipment coming on the scene, would every farmer need to obtain a Conditional Use Permit for something to experiment with and to what extent?
Sampson: This property is a .66 acre parcel and does not qualify as a farm under the LaCrosse County Zoning Ordinance.

Bina: That is what I thought. So, if Mr. Schaller would have put this on his farm, then we would not have any problem?

Sampson: I think that would take some discussion among staff in order to make that determination.

Bina: I would really like to know that. Even though I will not be here for too many more months, but I will still continue to farm. I don't know when and where our ordinance requires a Conditional Use Permit. I understand about this problem being on the Fogel property and how it causes the problem. This is an experimental model and if it works, it sounds like you may have a bigger model on some farm. I guess the issue is that it is on the Fogel property. I will follow up with you on this later. Why didn't you put this on the farm, where you wouldn't have to haul the manure on the road? Why didn't it go next to the barn?

Appearing in favor: Kirby Pabst, N6213 Fox St., Pabst Engineering and Manufacturing. We did not want to disturb Mr. Schaller's farm operation with the prototype operation that we are going to install. We felt it best not to have it on his property at this time. As we go through our development we could keep it private so that we could continue on without disturbing his work. We are surrounded by farmland all the way around. This is not a permanent installation and should only be here for several years. The University of Wisconsin – Madison has been involved with this for many years and we feel that this is the best location for our operation at this time. The fields that Pedretti owns are leased by Mr. Schaller. There really is not a conflict as far as materials are concerned.

Mach: I am wondering about the trucks that will be hauling the material to the digester and as this project goes on through the years it gets bigger and bigger. Will the additional truck traffic cause problems with the neighbors and what if there is an accident?

Dietrich: Those issues have all been addressed in our acquiring our permit from LaCrosse County. We went through procedures for the technicalities if something happens, we will take care of it. We will not be hauling that large of quantities, probably around 400 gallons per day. We will be re-circulating from the digester itself, so it may be 200 to 300 gallons hauled in per day. It will certainly be smaller quantities than a regular manure spreader. It will also be enclosed. The details were all given in the Land Conservation application.

Pabst: If I could add, the surrounding fields are spread several times per year by Mr. Schaller. The amount of material being hauled in is a miniscule amount compared to what is already going on here.

Meyer: At the last meeting you were talking about 32000 gallon tanks and 1000 gallon tanks, where are you at, you just mentioned 400 gallons? Where are you at exactly?

Pabst: Our unit will be a 2000 gallon digester. And, this is capable of handling about 400 gallons of material in a 24 hour period. If need be, we would like to replace that with a larger tank, just one, a 32000 gallon one. With this being a CUP, if we find that we have to make a change, then we would have to start from scratch if we don't mention it now. You have the elevation drawings of the equipment and if you look, it is not very big.

Handy: If you would end up using a 32000 gallon tank, what would the amount of manure brought in per day?

Dietrich: If you were to divide that number by 5 that would be approximately 6000 gallons per day.

Meyers: Any additional questions. Or do you want to add anything.

Pabst: When we were last here I asked, please ask the questions and we will answer them. We are very forthright regarding the amount of material. We feel that this is more unusual than not, but if this is a precedent for LaCrosse County, then we wish to do this properly so that everyone can understand what is going on and have those questions answered.

Bina: We understand that this is an experimental model. How many more models do you have around the country, in the state or out of the state?

Pabst: This is the pilot project, the first one. We have had some other units working in the bio-lab at the University in Madison for about a year and a half, but this is the first time with a larger scale model bringing it up to the point of commercialization.

Dietrich: Just a point of clarification in regards to the 2000 gallon and 32000 gallon tanks. This unit is completely full-featured and we are using the 2000 gallon tank for our commercial finalization. At some time we may use a 32000 gallon tank, but from a material handling point of view, everything with that equipment is full featured. We have reduced the size down for material handling purposes. If we would ever need to experiment with a larger tank, we would like to ask for that option. What is the probability of using a larger tank? Right now, we do not have an answer to that question. We plan to use the 2000 gallon tank for as long as we can. One of the features of this equipment is that it is scalable and you can take it and apply the appropriate metrics and bring it up to the 32000 gallon for commercial purposes. We would like to, if it is needed, have the ability and opportunity to have the full capacity in one tank, we would like to be allowed to do that.

Bina: Since this is an experimental model and if it does work, then eventually you could put more material through it and at some point in time, if it does work, then you would probably expect to approach Jon Schaller to buy a big unit to put on his farm.

Dietrich: Yes, that would make sense. As you can tell from his letter, he is watching this very, very closely. We know what the conditions are out on the prairie and that is why we chose this area.

Sampson: I know that in some of the questions that you have answered, one of those addressed the type of waste, the influent stream. Under the WPDES permit that has been issued, it indicates that you intend to bring in paunch manure from the BPP Group of Norwalk, manure from the Schaller Farm and liquid food waste from the Monroe County landfill. Part of that, the liquid waste, there was a reference to FOG's or fats, oils and greases. Do you anticipate those types of materials coming in, namely the fats oils or greases?

Dietrich: That is correct, if we do anything with fats, oils or greases, we would go back to the DNR and ask for the permission to do the appropriate testing and have everything in-line before that process would be taken care of. When we went through the permitting process for the industrial sludge, and cow manure is classified as industrial sludge, we went through a number of tests and duplicate test records are in both the DNR and Land Conservation offices. There is a whole protocol that the DNR asked for. If we deviate from what we have on that permit, we need to go back to them and let them know that we would like to experiment with this change.

Sampson: In the questions that Mr. Bluske had asked of you, one of them had to deal with the excess biogas produced. There were two options that were presented, one option was to passively vent it or to burn it off. One of the questions had to do with contacting the Holmen Fire Department.

Pabst: Yes, we have, and the chief has no problem with it whatsoever. They seem to be happy with what we have presented. You can see the amount of engineering that we have done here. This is much more than what is typically done in a farm operation. The tanks are seismically tested, so if we have an earthquake here, they would withstand and not collapse. They are also wind-stressed for 100 mph winds. Everything is overkill.

Dietrich: Regarding the flares, these are common in this area. There is one at Heilman Brewery that has operated for 25 or 35 years that Gunderson Lutheran has a generation plant at. Out at the county landfill you will see flares there as well. The flare of the gas is a very common thing throughout the country and here in LaCrosse as well.

Appearing in favor: Jason McDonald, 401 N Walnut, Reedsburg, WI. I have been acting as the mechanical engineer on this project for the past 2 ½ or 3 years. I have been working professionally as an engineer since 2005 and in manufacturing and industry since 1995. Everything we have done for this project has been done at least up to if not beyond standard industry practices and good basic engineering practices. Basically, this is a great thing and the technology is not new. It has been around for 30 years and is fairly simple. Nobody has brought it up to the level of commercialization except for very large farms. We are trying to market to the small and mid-size farms which are more typical in this area. Of course it is a for-profit adventure but we are trying to be good stewards of the land and the community that we live in.

Appearing in favor: Frank Fogel, W7891 County Road Z, Onalaska, WI. I own the property where this CUP and digester will be placed. I picked this location on the property because it is far enough away from other residential property. The property across the road, to the west and behind was brought in a few years ago by Todd Wright, for Mr. Pedretti, to try and rezone it for housing. That was turned down. Mr. Bluske had mentioned that this was in the middle of a residential area, it is not. It is zoned Agricultural District A, and this is a CUP, so if things aren't as they say, the permit can be removed and taken away. I am a little disturbed about some of the procedures that were taken by Mr. Bluske, but he is not here now so that is neither here nor there. We were told that it would not go beyond the 300 feet. We had these questions given to us and we answered all of them and then we got bombarded by another set of questions. That is why I wanted to meet face to face so that we could get these questions resolved. And we did. I called the town chairman and asked if he would send a town representative to the meeting to observe and if they felt that it should go back to the town planning commission or the town board that would be their decision. I wanted this out in the open. I don't know what more I can come clean on. I am donating the land to see that this project goes through because I think that it will be beneficial to the prairie and the county. The operation is top notch.

Appearing in favor: Nick Nichols: I am the sustainability coordinator for LaCrosse County and I am here on behalf of the solid waste department. I have a letter of recommendation that I would like to read into the record.

(Letter is read into record and also submitted for the record)

Sampson: The influent is limited to those items I listed earlier, the paunch manure, manure from the Schaller Farm and the liquid food waste from Monroe County. I think that when the initial publication for the January 3 meeting it had the term refuse in there. It is refuse, but in a broader sense of the word. It isn't meant carry the connotation of solid waste or demolition material that may impact the waste stream coming in to the county landfill.

Meyer: Have we answered that letter or is this the first you are hearing?

Nichols: Nate and I spoke this afternoon about the terms of the refuse and we are ok with that definition. The application also indicates food waste. Food waste makes up about 23% of the solid waste stream and that could significantly affect the solid waste department. All we are asking is that we be included in the discussions and receive any reports so that we could keep an eye on this.

Meyer: You mean, if this is approved?

Nichols: Correct, if this is approved.

Bina: I listened to the letter intently. I am wondering if you guys in the solid waste business want to get into the manure business?

Nichols: Absolutely not.

Bina: Then, we are along the same road. If we are going to start regulating farmers in finding them something else to do rather than putting the nutrients back into the soil. I guess I didn't know how far you were taking this and it sounds like you guys figured it out today. I know that you are all for alternative energy and I am too. Obviously, you need to do some experimenting when you do that.

Nichols: We are not opposed to the experimentation of the system. If there is a better way to take care of waste material, that is great, but it is our job to keep an eye on what is happening with the waste stream.

Mach: Is there a way that we could include that as part of the conditions, say something about working with the solid waste department?

Sampson: Certainly.

Appearing in opposition: Karen Alderman, N6261 County Road ZB. We are the closest neighbor and border Mr. Fogel's property. First of all, I received the same 50 or 60 page report that you received, I would like to point out some mistakes in that report. In question number 5 it states that the property is zoned Agricultural A and is surrounded by operating farms. As you can see it is surrounded on two sides by farm fields and then on one side by four residential properties. It also states in questions 9 and 17 that the property is surrounded by a fence. In fact, the fence does not surround the property on all four sides and in most areas that fence is steel posts with a single wire across the top. To me that does not address the safety concerns that were raised in those questions. Our home is located about 15 feet from the Fogel property line and about 350 or 400 feet from the proposed digester site. Mr. Dietrich has stated that this is a test site, yet Mr. Fogel has stated that it is not experimental. I understand the process of anaerobic digestion is not experimental anymore. My concerns are the safety of our children and our property. I have done a lot of research on this. I did find an article in the Progressive Dairyman from October of 2011 it states that anaerobic digestion can pose significant health and safety hazards. It also states that while biogas is a valuable and renewable energy resource, the components, including methane, carbon dioxide and hydrogen sulfide are dangerous and could be deadly. The article also states that there are a number of examples of unprepared or ill-equipped first responders falling victims. Given these factors, the placement of this test site within 350 feet of residential homes does create a dangerous situation. In question #10, Mr. Dietrich refers to their manure cleanup plan filed with the County Department of Land Conservation but he does not address what would happen if the amount of methane or hydrogen sulfide were released into the air or water table. We are also concerned about the added noise coming from the digester. There is already a lot of industrial noise coming from the Fogel property due to their repair business. This noise is so much so that during the summer I have to close windows when the kids go down for their nap. It is my understanding that the digester would have an engine room with the motor running all of the time. This is not the quiet country environment that we bought our home in. The Progressive Dairyman article also stated that other safety concerns include the potential for explosion, fires, burns and exposure to loud noise. If this is a safety concern then it is also a noise pollution concern. Mr. Dietrich says that the sound would not be considered noise pollution. I don't know how we would know that if this is a test site. In question #10, Mr. Dietrich states that the capacity of the tanks is possibly to increase to 32000 gallons and that they would need to seek an amendment to their permit. This is 16 times the capacity. How would this drastic increase affect the neighborhood, the traffic, the noise and the potential problem or disaster with this digester? He said that it would actually be less quantity of manure, which is true, they put manure on the fields 3 to 4 times per year in large quantities. But, this would be daily hauling of manure versus 3 or 4 times per year. If anaerobic digestion has all of the benefits that they claim, then why aren't they putting this on the Schaller property? What makes the Fogel site the perfect site for this test site? In our opinion, Mr. Dietrich and

Mr. Fogel are asking to make an industrial site in a residential area. In their responses they mention Gunderson Lutheran, City Brewery and the county landfill, all of which are zoned for industry. Mr. Fogel bought this land with the residential neighborhood already in place. Please don't ruin our neighborhood and create potential dangers for our children and families by allowing this digester to be built here on the Fogel property.

Appearing in opposition: Dave Huiss, W8327 Prairie Pine Ln, Onalaska. Again, just some concerns. The public notice says up to 6 tanks at 32000 gallons. The last meeting that we were at seemed that they were just going to start out at 2000 gallons. Now it is up to, they just said, 32000 gallons. What is next? The last meeting they were just talking about getting manure from the Schaller Farm and now they are talking about getting product from three different places. If this is just a test or an experiment, then what happens if it doesn't work out? Will they just leave the machinery there after the three years or is there money in escrow to take care of the machinery if it is left there? Could it end up being just some rusted buildings that no one is taking responsibility for?

Appearing in opposition: Mark Hoff, N6269 County Road ZB, Onalaska. I just received the mailing about this and I was not happy with it. I was surprised that Mr. Dietrich did not choose the property to the north of his, Zumach, in the Holiday Heights Addition. I know that is probably irrelevant, but that is where he lives. Now this is proposed just south of me and I am not happy with it. Thank you.

Appearing in opposition: Vicki Burke, W8349 Northshore Dr, Onalaska. I'm not opposed to digesters, but what is of concern is I am a county board supervisor in that particular area and I live just to the west of Pedretti. There is a housing development there of at least three roads and just on the other side is the channel and the lake that borders that. So, it is very close to the water there. I certainly respect Mr. Schaller and he does a fine job. I have no problem with the manure on the fields or anything like that. I have lived there for 37 years. My concern was that the people that live in that area to the east...they were informed. But, the whole housing development that is on the other side did not get a notice, as the county was not under legal obligations to do so. It was my understanding too that this is residential property and it has the ability to be residential. Obviously, when something like this happens, the concern that people have is that having my property next to a digester, does it improve my property value or does it not improve the value of my property. If I were to go to sell my house, is this going to make it more valuable or less valuable. I learned about this when I was going around getting signatures. Still, I haven't really heard the number of trucks. I hear them speaking of the gallons, but how does that equate to truck traffic. What does that translate into in the amount of vehicles there will be. On the comprehensive plan, this property is shown as future residential. Am I correct there? I also do understand that it is not going to be permanent which makes me feel better about it, that it isn't something that will be permanently located there. I do understand the concerns people have and they have some very legitimate questions. Thank you

Meyer: Mr. Dietrich, you heard a lot of comments up there. I guess that I would like to hear from you regarding some of the comments that were made and questions that were raised. What I have in mind is...this is a test site, we all know that by now I hope. Can you address the number of trucks, the noise, and I think I heard someone say, where the Pedretti land is, that is residential. Can you kind of fill us in on some of those? The committee may have some additional questions too.

Dietrich: 400 gallons...what does 400 gallons mean? You take a pickup load, probably at the absolute maximum. I went through and I said that we would be re-circulating some of this material. And I put in the range we may be hauling 200-250 gallons on a daily basis. That would equate down to about one pick up load. When we go back and we look at the test site, I said that we were working with a full featured system, with all of the facets, with the exception of the extremely large tank. When we look at the noise, there is no noise from that equipment. There is little mechanical equipment involved with the configuration. What equipment is involved is electric motors. Electricity usually does not produce much noise. There is a buffer in between that equipment and the location of the residential homes to the east. You have buffering of trees, Franks farmhouse, his barn, the mitigation of the noise, there just is no noise producing equipment in the configuration. The concerns about biogas, one of the things that you have to remember, in this material, we have a good letter of support from the University of Wisconsin in Madison. Dr. Becky Larson and Dr. Brian Holmes spoke very eloquently regarding this project. As a result of that eloquence, are they going to put themselves in jeopardy if we have an equipment configuration that is not safe? The answer is no. It is part of the public record. They are saying that they are looking forward to

working with Pabst Manufacturing and Engineering. They are going to have a similar setup on the experimental farm in Stratford, WI that is going to be in operation sometime this summer. During the interim time period, it really does not make a lot of sense for us to travel approximately 175 to 200 miles every time we need to do some adjustment to that equipment. As a result of that, we had chosen and worked very closely with Frank on his property. We were trying to go through and be as good of stewards as we could. We did not want to go through and do this kind of work on the Schaller Farm. We did not want to disturb his operation. Most of you from the Brice Prairie area can look at his farm...what a beautiful example of a farm. Is there anywhere on his farm that would shield this kind of equipment? No. When we go over and we looked at Frank's site, there were the shields and buffers already in place that we felt to be sufficient.

Mach: When there have been other tests and test sites like this, where have most of these digester type systems been set up previously?

Dietrich: If you go back and look at Dr. Holmes and Dr. Larson's letter, there are about 30 digester systems like this in Wisconsin. Where are they located? They are located on extremely large farms. 1000 head, 2000 head, 5000 head, 7000 head of cattle.

Mach: Are they usually set up in the same area as the manure is at where they don't have to haul it? Is it on the farm land?

Dietrich: Yes, usually it is on the farm for material handling purposes.

Mach: How far is it from a residential area? This one happens to be fairly close to some residential homes.

Deitrich: Well, you are going to have the individual farm residences on the farms themselves.

Mach: Except the farmer, him or herself, chooses to put the digester on the farm.

Dietrich: That is correct. And, that is the logical choice because of the material handling. This is why we went through and we were very conservative on the tank size. If you take 2000 gallons and divide by 5, that is 400 gallons, plus we will re-circulate some of that material. That way we won't be hauling 400 gallons per day. Rather, it will be 250 or 300. We use the 400 gallons as a matter of convenience. And, 400 gallons, 300 gallons, 250...probably a pickup load.

McDonald: I would like to speak briefly on the mechanicals and the noise. There is a series of pumps, electrically actuated that has to happen, but it is all contained within a concrete building with 6 inch concrete walls and 2 inches of insulation inside of that. All of those mechanicals are contained within this closed building without windows and only one steel door. The tanks themselves are just steel tanks filled with manure. There isn't anything else going on there besides that.

Correspondence (Sampson): From the LaCrosse County Land Conservation Department, an email dated January 24, 2012 from Bruce Olson. We also have the correspondence read into the record tonight from the Sustainability Coordinator, Nick Nichols. We also have a reply to Jeff Bluske from Melissa Erdman the Town Clerk.

Rolly Bogert: This was presented to our Town Planning Commission which unanimously recommended approval to the Town Board where it was passed by the board unanimously.

Gregg Stangl: A couple of comments, during the presentation, he mentioned that he had received a permit from our department. That is not true. As stated in Bruce Olson's email, the permit is pending the outcome of the CUP tonight. We will not process until that has taken place. We did receive the application on Sept. 21, 2011. There are some limitations that we would consider, such as the expansion to 32000 gallon tank. The application and permit approval is based on the 2000 gallon tank. If they decide to expand, they will have to file a new permit application prior to doing so.

Mach: He did ask to be able to have the 32000 gallon included in this so that they don't have to back through that process.

Stangl: That is correct, he would need a new permit from us.

Sampson: Basically, Gregg's permit is separate from ours.

Staff Recommendation (Handy): We would recommend to deny this conditional use permit. The comprehensive plan shows it as residential , so this is not consistent with residential plan.

Handy: From a review of the comprehensive plan, I think that this is a good object lesson for the committee. Obviously, we think that this is a use that we want to see happen and is an activity that is beneficial to landowners in LaCrosse County. But, the question is not, is this a beneficial use. The question is whether or not this is the proper location for this land use. Our recommendation is based on the comprehensive plan adopted by both the township and the county. The towns plan shows this as residential and the comprehensive plan of LaCrosse County shows residential. Our staff opinion is that it is not consistent with the comprehensive plan. You, as a committee, will have to find ways to see that it would be made consistent with the comprehensive plan by state statute. There are some strategies that you can take a look at, and you have in the past. One of the examples that you looked at with the Town of Bangor was with the trucking facility where you approved it contingent upon the township amending their comprehensive plan to accept that land use. Another possibility that is new, in this situation, is that it is a temporary land use. If you approve it as such, with conditions that it would be temporary and put a time limit on it and then also require that the test equipment be removed at the time when the limit is up and also the recording of some type of bond or financial requirement that the landowner be responsible for the removal. But the recommendation is still to deny based on the comprehensive plan.

Meyer: But, we could approve with conditions?

Sampson: That would be up to the committee to decide what is consistent with the comprehensive plan.

Bina: That was the one thing, the reason I was asking questions and the reason I thought there would be a problem. One additional question, you wanted to start with the smallest model with the opportunity to expand to handle more at some time. Now, you are not going to get the more unless you come back for a Conditional Use Permit again. Will the machinery you put in for the smaller amount, will it handle more than what you are indicating, is that why you want a bigger tank? How big is it and how much material can you run through in one day if you keep it running all day?

Dietrich: What I said was that it is a full featured unit.

Bina: I know, but I don't know what that is?

Dietrich: For instance, we could put a unit on Jon's farm and the piping and configuration would be adequate to serve all of his needs.

Bina: All of his needs?

Dietrich: Correct, with the exception of the processing tank. This is why we specifically limited the size of the processing tank. Gregg is 100% correct and I apologize to the committee and department regarding the terminology regarding the manure permit. The basic configuration that we have, if we make changes to the physical quantity of material processed, we know that we need to go back to the Department of Land Conservation because manure permits have to be amended as part of the nutrient management stipulations. We are aware of this. The reason that I did not bring these into consideration is that I did not feel it was necessary to go to the extreme nitty gritty of the details. At this point in time, with the combination of what we are permitted by the DNR and Land Conservation Department, the 2000 gallons is it, period.

Wehrs: I guess that I would like to make a motion to approve Conditional Use Permit #848, subject to 19 conditions.

1. This Conditional Use Permit (CUP) is issued to John Dietrich and Kirby Pabst to locate and operate one pilot thermophillic anaerobic digester on a 0.66 acre parcel described as Lot 3 of CSM No. 35, Volume 9, in the Town of Onalaska owned by Frank and Janice Fogel.
2. This approval is for four (4) 1,000 gallon influent and effluent storage and processing tanks and one (1) 2,000 gallon digester only.
3. Incoming waste stream is limited to liquid food waste from the Monroe County Landfill, paunch manure from VPP Group of Norwalk, WI and manure from the John Schaller farm in accordance with WI DNR WPDES General Permit No. WI-0055867-05. No other solid or demolition waste material or liquid waste shall be used.
4. Waste introduced, stored and processed at this site shall be limited to no more than 400 gallons per day and no more than 2,000 gallons per week.
5. A letter of approval from the Holmen Fire Department obtained by the applicant shall be provided to the Zoning Department and made part of this file if a flare is used to burn excess gas.
6. No vehicles transporting waste to the site or waste material from the site are allowed outside the hours of 7 a.m. to 8 p.m., Monday through Saturday.
7. All waste material to be landspread shall be applied only in accordance with an approved nutrient management plan.
8. No outside storage of influent or effluent waste material is allowed at the site. Clean up of any waste material shall be in accordance with an Emergency Action Plan that is part of an approved Animal Waste Impoundment Permit issued by the La Crosse County Conservation Department.
9. A Zoning/Occupancy Permit and 911# shall be required for this facility.
10. Correspondence from the La Crosse County Environmental Health Department outlining sanitation requirements for employees at this facility shall be provided to the Zoning Department by the applicant.
11. This facility shall be removed from this location and moved to an approved site within 90 days of discontinuance of operation.
12. A bond in the amount of \$5,000 shall be provided by the applicant to La Crosse County in the event compliance with the preceding condition must be accomplished by the county.
13. This permit expires 5 years from the date of approval by the La Crosse County Board of Supervisors.
14. Any proposed change to tank capacity, numbers of tanks, or extension of the expiration date of this permit requires re-application and amendment to this CUP.
15. Any findings of non-compliance with WI DNR Clean Air Standards shall result in rehearing and possible termination of CUP #848.
16. Adequate liability and property damage insurance is the responsibility of the applicant.
17. Regular reports to the La Crosse County Solid Waste Department are required.
18. A security fence around the facility or approved security plan is required.
19. This permit is non-transferable.

Meyer: Second. Did you hear all of the conditions and are they acceptable to you?

Dietrich: Yes, and yes.

Pabst: Can we have a letter of intent instead of a bond?

Sampson: Typically the county has requested bonds in cases such as this.

Meyer: I know that we have in the past, I think that we would stick with a bond.

Dietrich: That is fine. One of the things that we need to make some comments about, when you go through and you look at the configuration of the equipment. One of the concerns were bullets, Mr. Bluske was worried. The configuration of those tanks are as follows, you've got the engineering for the steel tanks and we are going to have 6" of foam insulation on the outside of the tanks, plus we will have grain bin panels. All of you are aware of the heavyweight metals that go on the grain bin panels. When you look at the building itself, as Jason pointed out, we have a pre-cast concrete building with 6 inches of concrete along with 2 inches of foam insulation and white foam board on the interior. There are no windows. The doors are without windows and are heavyweight steel. Everything is made for a very heavy industrial use. If you were to break in, you would need a sledgehammer and I don't know what the fencing would accomplish. The security of the building was discussed in the materials provided to you.

Wehrs: Is there any equipment that will be out?

Dietrich: No, everything is completely self-contained within the tanks and buildings. When you look at the configuration of the building, you will see angular where the tanks will bump in and there will be a chase between the concrete and the tanks so there is nothing exposed to the elements whatsoever.

Handy: Can I recommend that, rather than a fence requirement, we make it an approved security plan?

Meyer: I was just going to ask that.

Wehrs: Sure. So condition #18 would read a fence or approved security plan is required.

Dietrich: The whole equipment configuration is monitored 24/7 via internet. We could add a security camera and have the site monitored 24 hours a day via camera as well.

Mark Hoff: I was wondering if we could have that bond raised above the 5000. That seems to be way below what it should be.

Sampson: We met as staff and discussed that issue specifically and found that to be adequate.

Motion Wehrs/Meyer to approve subject to 19 conditions.

5 Aye, 0 No, 2 Excused (Pedretti and Keil). Motion carried unanimously.

ZONING PETITION NO. 1882 Harlan G. and Ingrid Ruroden, W1818 Davis Creek Road, Mindoro, WI 54644. Petitions to rezone from the Exclusive Agriculture District to the Agriculture District "A" a 10.13 acre parcel for continued single family residential use at W1818 Davis Creek Road, on land described as: Part of the W ½ - NE ¼, Sec. 8, T18N-R5W, commencing at the NW corner of NW ¼ - NE ¼, thence S 89°25'38" E 1313.38 ft. to NE corner, thence S 0°20'50" W along East line 659.70 ft. to POB, thence S 0°20'50" W 983.71 ft., thence N 62°30'21" W 100.00 ft., thence S 14°41'20" W 182.49 ft., to the northerly right of way of Davis Creek Road, thence, along said right of way, N 62°30'21" W 92.64 ft., thence N 63°48'35" W 238.36 ft., thence N 0°20'50" E 969.70 ft.; thence S 89°31'45" E 431.06 ft. to POB. Town of Farmington.

Appearing in favor: Ingrid Ruroden, W1818 Davis Creek Rd, Mindoro, WI 54644. Pursuing this issue since October because we wanted to refinance to get cheaper interest rate and of course that required an appraisal which was denied because they said it was zoned wrong. We purchased the property 7 ½ years ago. It was something I guess was zoned wrong back in 1984. So, we're just going through the procedures and all the steps to get it zoned right so we can get our new interest rate.

Meyer: Ok, Nate can you bring us up-to-date on the zoning?

Sampson: Yes, actually the house was built in 1974 which would have been considered a preexisting residence under the old farmland preservation rules. The parcel was created in 1984. The Town of Farmington adopted farmland preservation zoning in November of 1980. So, the parcel split came after the town adopted the farmland zoning. When the split was done they fell below the 35 acre minimum that was required for one single family residence. Then the property was purchase in 2004 by the applicants.

Appearing in opposition: None

Correspondence (Sampson): Received from the Town of Farmington Clerk, Betty Sacia on Thursday, January 5, 2012 (read into record).

Staff Recommendation (Sampson): Recommendation is approval subject to conditions. This is an existing use of the parcel and this rezone does not increase the density of residential use in the rural area. We recommend approval subject to the recording of deed restrictions: only one (1) single family residence is allowed and there shall be no further subdividing of the property.

Motion Bina/Manthei to approve subject to the recording of deed restrictions indicating only one single family residence is allowed and no further subdividing of the lot. 5 Aye, 0 No, 2 Excused (Pedretti and Keil). Motion carried unanimously.

ZONING PETITION NO. 1883 Terry A. and Susan L. Arentz, 5271 Magnolia Avenue, Rockland, WI 54653. Petitions to rezone from the Exclusive Agriculture District to the Agriculture District "A" a 12.09 acre parcel in order to split the farm house and outbuildings from the productive farmland at N2381 Antony Road, on land described as: The N 400 ft. of the SE ¼-NW ¼, Sec. 3, T15N-R5W, Town of Washington.

Appearing in favor: Terry Arentz, 5271 Magnolia Ave, Rockland, WI 54653. The parcel we're talking about, is what we did is purchase this summer with the intentions of our son and daughter-in-law to purchase the buildings and stuff and in order for them to do that they don't have enough down payment so we'd like to split off just the buildings and few acres so it makes it feasible financially so they can purchase the property. Also, at the same time we had to apply for a variance because of the existing farm buildings that are there don't fall into compliance once we break the property down. So that's basically what it is, we don't plan on building or changing nothing except just parceling that off. Eventually they plan on buying the complete parcel when the financing gets better.

Bina: Is the rest of the land going to be part of your farm then?

Arentz: Well, I farm it.

Bina: I was a little confused, we went up and looked at it last week and you're going to farm the rest of what you bought up there?

Arentz: Right.

Bina: And you're going to make this just for the house and your son?

Arentz: Right.

Bina: Okay.

Appearing in opposition: None

Correspondence (Sampson): We did not receive any correspondence Mr. Chair. Maybe we could ask Mr. Arentz if he's been in to see the Town of Washington.

Arentz: Yes, I was and they were supposed to send correspondence. We were there on the first meeting of the month, on Wednesday, and it fell within the Zoning and Planning Board in the Town of Washington and they were supposed to send correspondence down. This is my son-in-law Nick, he was there too and they approved it, pending your decision. I don't know. That's the way they worded it. I just thought they would have sent the correspondence down like the last one.

Sampson: Do you know, was that the planning commission or the town board?

Arentz: That was the town board. Actually I talked to Tom Filla, he's the head of the town board, the planning commission, and he recommended just going to the meeting and you know they ok'd through Danny the Town Chairman.

Sampson: We need to receive that from the town. If you could contact Dan and have him send that to us, that would be great.

Arentz: Okay.

Meyer: Do we have a recommendation, can we act on pending?

Sampson: We can. If we don't receive correspondence from the town that it was approved within 10 days in the Town of Washington...

Bina: They have their meeting on the first Wednesday so that's next week.

Sampson: Okay. We should have it prior to that.

Meyer: So, what's the recommendation from the staff?

Wehrs: I'm pretty sure that they haven't voted on this yet, but they'll have the ten (10) days then right?

Sampson: Yes.

Wehrs: So, we can still act on it.

Sampson: And if it has to it can be referred to the next business portion of the meeting if the timelines can't be met.

Wehrs: Okay.

Sampson: But, we should have word by then.

Bina: Within ten (10) days of tonight?

Sampson: Correct.

Bina: So, that's no problem?

Meyer: We can approve it tonight based on their input?

Sampson: Yes.

Meyer: So, that's all you have.

Sampson: We have a staff recommendation.

Staff Recommendation (Sampson): Recommend to approve as conditional zoning. The land use will not change in density and residential development in the rural area will not increase. We recommend approval subject to subject to the recording of deed restrictions that indicates only one single family residence is allowed and there shall be no further subdividing of the property.

Meyer: Will this be a condition that the Town of Washington comes through with the letter?

Sampson: That doesn't have to be part of the conditions as they have the 10 days to weigh in.

Mach: What happens if the town doesn't act on it within the 10 days?

Sampson: If the town fails to act on this it would be an automatic approval, unless they have requested the 20 day extension, then it could go up to 30 days from tonight.

Bina: I would suggest that the Arentz's be at the next town board meeting too.

Motion Bina/Wehrs to approve subject to the recording of deed restrictions indicating only one single family home is allowed and no further subdividing of the property.
5 Aye, 0 No, 2 Excused (Pedretti and Keil). Motion carried unanimously.

TERMINATION OF CONDITIONAL USE PERMIT NO. 531 – TERMINATION NO. 79 La Crosse County Zoning, Planning & Land Information Department, 400 4th St N – RM 3170, La Crosse, WI. Petitions to terminate Conditional Use Permit #531 filed by Dennis Reeck, W2753 Birch Lane, La Crosse, WI; current owners: same as applicant and passed by the County Board on March 15, 2001, to park a 16-ft enclosed trailer with pressure washer and supplies on his driveway associated with a mobile auto detailing business on property zoned Residential District "A". **Reason for terminating** - The business has not operated from this site for more than 12 consecutive months and has moved to a new location. Town of Greenfield.

Appearing in favor: None

Appearing in opposition: None

Correspondence (Sampson): None

Staff Recommendation (Sampson): Approval

Motion Bina/Manthei to approve.

5 Aye, 0 No, 2 Excused (Pedretti and Keil). Motion carried unanimously.

TERMINATION OF CONDITIONAL USE PERMIT NO. 87 – TERMINATION NO. 80 La Crosse County Zoning, Planning & Land Information Department, 400 4th St N – RM 3170, La Crosse, WI. Petitions to terminate Conditional Use Permit #87 filed by Century Teleview of WI, Inc., Box 1583, La Crosse, WI now operating as CC VIII Operating, LLC/Charter Communications, 12405 Powerscourt Drive, St. Louis, MO; current property owners are Judith A. Muetzel, and James J. and George J. Kohlmeier, N2614 County Road FA, La Crosse, WI and passed by the County Board on July 2, 1984 to construct and operate a 230-ft communications tower on land zoned Residential District "A". **Reason for terminating** – The tower was decommissioned and removed in the spring of 2010. Town of Medary.

Appearing in favor: None

Appearing in opposition: None

Correspondence (Sampson): None

Staff Recommendation (Sampson): Approval

Motion Mathei/Wehrs to approve.

5 Aye, 0 No, 2 Excused (Pedretti and Keil). Motion carried unanimously.

TERMINATION OF CONDITIONAL USE PERMIT NO. 669 – TERMINATION NO. 81 La Crosse County Zoning, Planning & Land Information Department, 400 4th St N – RM 3170, La Crosse, WI. Petitions to terminate Conditional Use Permit #669 filed by Paul & Debra Hosch, W6742 Strawberry Road, Onalaska, WI; current owners: same as applicant and passed by the County Board on December 16, 2004 to operate a business called The Big Event Company which includes the storage of eight inflatable playspaces, a trackless train, casino tables and décor along with an inventory of children's activities and trailers to haul them on land zoned Residential District "A". **Reason for terminating** – The business has moved to a new location zoned Commercial District "B". Town of Onalaska.

Appearing in favor: None

Appearing in opposition: None

Correspondence (Sampson): None

Staff Recommendation (Sampson): Approval

Motion Mathei/Bina to approve.

5 Aye, 0 No, 2 Excused (Pedretti and Keil). Motion carried unanimously.

Motion Manthei/wehrs to adjourn at 7:34pm.

5 Aye, 0 No, 2 Excused (Pedretti and Keil). Motion carried unanimously.