

PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE PUBLIC HEARING

April 30, 2012
County Board Room – Administrative Center
6:00 p.m – 8:07 p.m

MEMBERS PRESENT: Marilyn Pedretti, Tina Wehrs, Andrew Londre, Dave Holtze, Peggy Jerome, Richard Becker
MEMBERS EXCUSED: None
MEMBERS ABSENT: None
OTHERS PRESENT: Nathan Sampson, Chad VandenLangenberg, Charlie Handy, Bryan Meyer, Jonathan Kaatz (Recorder)

CALL TO ORDER

The Recessed Meeting and Public Hearing of the Planning, Resources and Development Committee was called to order by Marilyn Pedretti, Chair, at 6:00 p.m. Let the record show that this meeting is called in full compliance with the requirements of the Wisconsin Open Meetings Law.

The procedures for tonight's meeting were explained to those gathered. This meeting is being recorded.

CONTINUATION OF CONDITIONAL USE PERMIT NO. 854 Thomas and Nancy Schomberg, N2764 County Road YY, La Crosse, WI 54601, acting on behalf of Octagon Farms, N2832 County Road YY, La Crosse, WI 54601, and doing business as Schomberg Kennels. Applies to amend Conditional Use Permit No. 726 to increase the maximum number of dogs from 45 to 60, to allow for one full time employee in addition to family members and to allow for Schomberg Kennels to operate on the west side of County Road 'YY' on lands zoned Exclusive Agriculture and located in part of the SE/NE, Section 33, T16N, R6W and part of the SW/NW, Section 34, T16N, R6W. Tax parcels 2-452-0 and 2-479-0. Town of Barre.

Appearing in favor: Tom Kiefer – no address given.

Kiefer: I'm here as a representative for the Schomberg's. What we're asking here is a Conditional Use Permit, but since the original request we are now amending our request in that we are not seeking an increase in the number of adult dogs from forty-five (45) to sixty (60). The sole reason why we're here tonight is to request an amendment to our conditional use permit so as to allow us to use our facilities on the west side of the road along with the east side of the road where we are currently licensed. The reason we were under the belief that we had a conditional use permit for our entire facility when we were understood that we only have from the east side. This is why we're coming here today to ask for use of the west side. The west side is a newer facility, it used to be for handling with pigs but now is going to be used in the dog breeding operation. It's far more set up, newer facilities, even the animal control people have said this more primariat to conduct the operation along with the east side of the operation. The Town of Barre has also approved, in a recent meeting, or in support of this request for this conditional use permit. So really that is all that the Schomberg's are really asking for here.

Pedretti: Clarification. What about the additional employee?

Kiefer: Let me get to the conditions here too.

Pedretti: Ok.

Kiefer: There are, we had seen a list of proposed conditions, most of which are agreeable to the Schomberg's, there are two (2) that we would like to comment on tonight. One is the employee situation.

Pedretti: Except that is in the permit. That is not a condition.

Kiefer: I'm sorry if it's in the permit, what we would like to have is that they would have unlimited right to hire employees who are not family members. Again, we really don't see the need to have a limitation on how any one business should have employees, if they wish to have more employees. This isn't an effort right now that they're going to hire twenty (20) new people here, but in fact they don't even have a full time employee yet. But there are plans that they would want to have that full time. But there may be times down the road that they may want to hire a half time beyond that one full. Under these conditions, or the way the permit reads now, they would have to come in front of your committee and say "now we need to amend our conditional use permit again". We just don't see why any reputable business in the county really needs to keep coming back to say "do we need to add one more or two more people to be

employed by us"? So that's what we're requesting, that there would not be a limitation on the number of non-family employees. Another reason for that, they used to have a lot of their children to help, while they still do, their children are getting older and moving on so they're going to need, you know, this outside help besides what they used to have when they first started this business. The second is, what reporting requirements that they need to do? There has been some, what I've possibly seen in some of these conditions is that, what we want to know is, how many dogs were born, who did you sell them to, when did you sell them? What we're saying is we don't see the real need why that extra paper work needs to be done. What we're certainly willing to do is to every six months have a written certification saying at this point and time this is how many adult dogs we have and for the last, and up until the last time we did this certification that we did not exceed forty-five (45) adult dogs. What this committee is looking for is a land use condition, so are we complying with the number of dogs there are? What we're saying is what paper work we're certainly willing to give, is to give the committee, and anybody in the county who has the obligation to review these things, will have that necessary paperwork. What is somebody going to do whether the Schomberg's sell a dog to Tom Kiefer in Barre Mills or to Tom Kiefer out of Wausau or Iowa? What is anybody ever going to do with that other than it's going to be a piece of paper filed somewhere that no one's ever going to look at? It's just needless regulation of a business. Again, we're more than willing to provide the written documentation to comply with the requirement that forty-five (45) adult dogs have not been exceeded. So, with those, and again, if there's other conditions that get brought up we'd like to have an opportunity to comment on them if they come up. But just from what we've seen so far those would be our comments. And again, to make it clear to the committee, we are seeking a very limited increase in our conditional use permit and more than anything it was just to clarify where can we operate the business on their farm? Not expanding any more than what they are already doing.

Pedretti: Thank you.

Kiefer: Again, my client will be here to answer any specific questions about their operations far better than I can since I'm not an expert in raising Rottweiler dogs. We also have the veterinarian who routinely comes to do that to also speak about his views about how they operate their business as well. Thank you.

Pedretti: If you could wait?

Kiefer: Certainly.

Pedretti: Questions from the committee? Questions from staff? Thank you.

Kiefer: Thank you.

Pedretti: Anyone else in favor of the petition?

Appearing in favor: Hello, my name is Mark Madison, I live at N3662 Scenic Drive, Medary Township.

Pedretti: Thank you.

Madison: I am the veterinarian that usually goes out to inspect the dogs. With the new state laws we have to inspect puppies almost every month we're going out to make sure they're ok to be sold. But I've been going to the farm since 1976 and almost now on a more regular basis looking at these puppies. So, the question basically is what is my opinion of their care of dogs? And I would say "quite excellent". Basically, from what I see as a veterinarian day in and day out; when I see puppies come to me in really tough shape and I wonder, well who's breeding this dog? Or what breeder's doing this? When I see a Schomberg puppy, it's always alert, healthy, good hair coat, robust, not full of parasites and when there is a problem, and there always is, they, I get a phone call. What's going on? What can we do about it? So, as a client I appreciate that. Taking care of their dogs. And the fact that almost every dog you go there is so robust, it's not always easy to give a rabies vaccination, they're just that robust and happy. And the other statement is having been inside every nook and cranny of every shed on this place for thirty-five (35) years, I think that new side of the road is just across the road from where all the other dogs have been, is an excellent facility, especially for large breed dogs. And like I say, I've been in every nook and cranny for years and years and years. So I think it's a good place for Rottweiler's to be raised out in the country and I like the facilities over there and I really like the product that they keep turning out year after year.

Pedretti: Ok. Any questions from the committee? Staff? Thank you. Anyone else wishing to speak in favor?

Appearing in favor: Hello, my name is Mike Damroth, I'm from Chetek, which is in Barron County. My contact with this very fine small business and the Schomberg's started when our dog of many years died in my presence. I had to resuscitate her or try to. Anyway, I sent my family members to this kennel to look things over and give an opinion. They're both, one is in college and one is applying for medical school and they scrutinized every nook and possibly every cranny too and they found nothing that was of a

negative factor. When I came down to select a new puppy, I thought, in comparison to other kennels that I've visited over the years, because we've had Rottweilers for thirty-five (35) years, that this was one of the best, and cleanest and most humane kinds of businesses, of that kind, that I've ever seen. All these dogs before they're sold wind up being socialized to a large extent, even though they're still puppies, and that's extremely important when we're dealing with dogs that can be very large, very mean looking and can be aggressive. But these animals are not because of the interaction time spent with the family. These people provide, Tom and Nancy, provide a true service. A service that is not available in this part of the country otherwise. There's nothing quite similar to this in this part of the world and we've done some little research in that regard looking for a place to purchase a puppy. It is a small business, and as you know, small businesses are under fire, they have often infinite, nearly infinite number of regulations that they have to abide by. I think they couldn't do a better job than they're doing already.

Pedretti: Thank you. Any questions from the committee? Staff? Thank you. Anyone else wishing to speak in favor(3 calls)? In Opposition?

Appearing in opposition: My name is Susan Amy Gabriliska, I am the Senior Humane Officer for the County of La Crosse. We've been working with the Schomberg Rottweiler farm since approximately 2003 when they first requested a license to be operating legally in the County of La Crosse for a commercial animal establishment. Since that time, we've had a variety of times where we've had confrontations or indications that the Schomberg's were not happy with the requirements that were placed on them for having to manage a business in the County of La Crosse. The regulations, the codes, the restrictions have not changed since the time that the Schomberg's went into this business. It's not like they started out and then someone changed the rules, you know, later as we went through the years. You know the rules have still been the same. The rules are that you make sure that your dogs are cleaned daily, we continue to this day to have disagreements with Tom and Nancy about what cleaning means. You know, cleaning means that you clean and sanitize the areas that those dogs are in. It doesn't mean that you take a shovel and you go out and you scoop the poop out of the kennel. And they still refuse to clean their kennels on a daily basis. Providing the animals with fresh water, when you have buckets that are frozen solid, those animals do not have fresh water available to them. It's a simple matter to be able to change things out and after an incident this winter they did indeed go get some electric buckets that they could use to keep the water from freezing, but those things are so common, just such common knowledge to be able to provide fresh drinking water to animals and not expensive. You know the cost of those buckets that I had indicated that they should get to try and assist with their being able to provide that fresh water is less than the cost of one puppy that they would sell. These aren't huge investments. Making sure that the water itself in the summer time is clean and free of algae, you know that's very important you know to provide those animals with that. Making sure that areas are mowed down and kept free again of feces, of urine. Right now anything that drains out of the barn, drains directly into the kennels that go outside into an area that, where there are runs for the dogs also. So all of that you know slop and stuff that comes out of the barn goes directly into the areas that the dogs are also having to be in. I'm talking about the area on the east side of the road right now. That area on the west side of the road I've talked at length with Tom and Nancy about the fact that that would be a far better facility for them to attempt to move into. They would have to do some upgrades there to make it reasonable. But in order to do that I would like to see the area on the east side of the road stop use completely with the exception of, there are six (6) rooms there they could still use for male dogs. But that would allow animals to have an area where they would have automatic watering systems, they would be able to have concreted areas that they could go outside onto, so they'd have inside/outdoor things and there would be no more of the internal, landlocked, lightless, poor ventilated areas that we see now in those areas. So....

Pedretti: Ok, questions from the committee?

Jerome: At what time did they start housing dogs on the other side of the road?

Gabriliska: I believe they started housing the dogs on the west side of the road in 2010.

Pedretti: Any other questions? Staff, questions? Thank you. We do have the testimony from the last meeting obviously so we'll have that in the record as well. Anyone else wishing to speak in opposition (3 calls)? The public hearing portion is closed, now we'll move to the committee work and the staff will help us with that. Staff?

Correspondence (Sampson): Correspondence first. We do have a piece of correspondence from the Town of Barre, this was addressed April 26th, 2012, sent by clerk Sally Stelloh, and it was received April 26th, 2012 via email. We received a hard copy follow up addressed to me (Nathan Sampson) (read into record). No further correspondence.

Sampson: We do have staff recommendations, if I could get you (Bryan Meyer) to hand these out to the committee and also to the applicants and to Amy?

Pedretti: You will be reading these into the record?

Sampson: Yes.

Pedretti: It's just that this allowing us to follow along?

Sampson: Yes.

Vandenlangenberg: Nate, do you have an extra one for the Elmo? Do you want to put one up?

Sampson: Yes, we could do that.

Staff Recommendation (Sampson): Staff recommendation is approval of this conditional use permit subject to sixteen (16) conditions.

1. This permit is granted in order to operate a commercial animal establishment (CAE) for 45 adult dogs as defined in s.11.31(7)(b) of the La Crosse County Code of Ordinances.
2. This permit is valid only with an approved commercial animal establishment license and upon payment of any fees as required under Chapter 11 of the La Crosse County Code of Ordinances.
3. Chapter 11 of the La Crosse County Code of Ordinances deals with the minimum standards providing for construction materials, space and habitation requirements for dogs, temperature control, air exchange, food storage, potable water and vaccination, which must be met in order to comply with this conditional use permit. Issuance of a CAE license shall certify compliance with these conditions.
4. Off-street parking is required and should be designated for customers.
5. Previously placed signs in accordance with condition number 5 of CUP No. 630 and condition number 16 of CUP No. 726 can remain. Any new or replacement signs proposed in the future shall comply with Chapter 33 of the La Crosse County Code of Ordinances.
6. The equivalent of ~~one (1) full-time employee~~ two (2) full-time employees, in addition to family members, is authorized.
7. Unannounced inspections by La Crosse County Zoning, Planning and Land Information staff are authorized.
8. Kennel and runway areas shall be authorized for use by the appropriate agent of the Health Department and may include the use of the existing barn facility, kennels and dog runs on the east side of County Road YY in addition to the existing pole shed, kennels, and dog runs on the west side of County Road YY. No structural expansion of these facilities are allowed unless amendments are made to this conditional use permit.
9. Absolutely no animal waste generated from this establishment shall be allowed to enter or drain toward the nearby creek. Animal waste shall be collected and land applied in an agricultural setting.
10. This permit is non-transferable.
11. A state tax identification number is required to record sales tax and to report the county's 0.5% sales tax.
12. The owners must provide a written training and socialization plan to be followed and given to all persons who purchase a dog.
13. The owners shall keep a record of return buyers to aid in potential investigation of possible or alleged mistreatment of previously purchased dogs.
14. Pens and enclosures shall be cleaned and disinfected in accordance with Chapter 11 of the La Crosse County Code of Ordinances.
15. Findings of non-compliance resulting in the revocation or non-renewal of a commercial animal establishment issued under the authority of Chapter 11 of the La Crosse County Code of Ordinances shall result in rehearing and possible termination of this conditional use permit.
16. This Conditional Use Permit No. 854 terminates CUP No.'s 630 and 726 and replaces them in their entirety.

Pedretti: Thank you. I think we should probably debate, or discuss some of the conditions that were questioned and then we'll check with the applicant to make sure that we have the same understanding as they do on some things. Starting with item number 6, the equivalent of one full time employee. As Attorney Kiefer indicated, they don't understand why they have any limitations on employees. Nate, could you explain, for the record, why it is under Conditional Use Permits we do have some restrictions on employees?

Sampson: There are issues involved such as, you know, providing private sewage, sanitary facilities for employees, there's employment rules that they have to follow whenever there are employees there so you know when you get past a certain number there may be certain things they have to do. We want to make sure there's off street parking available for employees, a number of things like that.

Pedretti: But we do that in other cases with conditional use permits. And that's very common.

Sampson: Very common.

Pedretti: Very common. The question is how many at this point?

Sampson: It's kind of gauge of success and expansion, you know if more employees are taken on, typically that may be an expansion of a facility or may indicate something else that maybe something's going above and beyond some other condition of the permit.

Pedretti: Ok. Thank you for that explanation. Committee?

Wehrs: Maybe we could ask the Schomberg's how many they would request instead of, Mr. Kiefer indicated that it would be an unlimited number, but maybe they have a specific, maybe if it's two (2), maybe there's something we can work on there.

Pedretti: You can turn the microphone on there please (speaking to Nancy Schomberg). And state your name again for the record please.

Schomberg: My name is Nancy Schomberg.

Pedretti: Thank you

Wehrs: And this would be non-family members

Schomberg: For non-family members, I would think that the equivalent of two (2) full time employees would be the most we should ever need for a long, long period of time.

Pedretti: Ok, thank you.

Wehrs: I would recommend that we change that condition to two (2).

Motion by Wehrs/Holtze to change condition number six (6) to two (2) full-time employees.

6 Aye, 0 No. Motion carried unanimously

Pedretti: Ok, that has been amended in the conditions.

Holtze: Nathan, has the petitioner received this, they are aware of it?

Sampson: Yes, we have, in fact Bryan handed out a copy of that tonight.

Holtze: Just now, or previously?

Sampson: Yes, just now.

Holtze: Is it proper for you to try and ask if they have a problem with any of these?

Pedretti: Well I will as soon as we're done amending it and such, but if there's something particular....

Holtze: Yes, that's what I'm looking at to see if there's something they have a major concern with. Maybe there's something in there that's a heart stopper or something, I don't know.

Pedretti: We can ask that at this point we'd like.

Holtze: Thank you.

Pedretti: We're going to open it back up to get your input (speaking to Nancy Schomberg).

Schomberg: I guess I would just clarify that if it was two (2) full-time or the equivalent of two (2) full-time. Meaning two (2) part-time or one (1) full-time and one (1) part-time and I haven't yet filled it. Is that understood?

Pedretti: I believe the language is the equivalent of two (2) full-time. So it could be four (4) part-time or twenty (20) hours per week or something like that.

Schomberg: Ok.

Holtze: Anything else?

Pedretti: That was your only....ok.

Holtze: Anything else in here that you'd like to comment on quickly?

Pedretti: I want to make sure we get all the amendments in I think and then at the very end we'll make sure that they can comply with all them.

Holtze: That's why I thought if there's some things we would maybe making some amendments in that process.

Pedretti: Sure.

Wehrs: I guess I want to address Mr. Kiefer's question on reporting requirements. It doesn't look like we have requested those reports that you indicated. So I just want to clarify, did you, were you under the understanding that we were requiring that you were going to have to keep letting us know about how many dogs you sold to who?

Kiefer: We weren't aware of the exact conditions; we had seen some other paperwork.

Wehrs: Ok.

Kiefer: What's here in regards to the reporting is acceptable to the Schomberg's in doing any of that.

Wehrs: Ok thank you.

Kiefer: What's here on this list.

Pedretti: I guess in this same light then, I would want to ask Amy Gabriliska, your concern with that reporting, is that being met with these conditions?

Gabriliska: Current County Code does require that a person that is breeding, buying, selling animals keep accurate records of each dog, cat, bird or non-human primate sale for a minimum of twelve (12) months after a date of sale and transfer of animal and shall include the source of that animal date of sale, description, approximate age and sex of animal sold. That's a part of our current County Code.

Pedretti: Ok, but it doesn't say every day, it just says to keep those records.

Gabriliska: No, just to keep those records. What we were asking for was minimally every three (3) months. Even if it could be provided electronically, whatever would be the most non-intrusive way to get that information.

Pedretti: Ok good. So we all have a good understanding of what that means. Ok another concern that was brought up was whether or not to have it so that everything was switched to the west side except for those six (6) runs. Is there any discussion on that? That was one of the recommendations that is not in here.

Holtze: Say that again. What number was that?

Pedretti: The Humane Society has suggested that on the east side there isn't the lighting issue, the inside barns that perhaps that should be shifted over to the west side and on the east side could only have the six (6) runs. No it's not addressed in these conditions. I'm just asking the question, do we want to address it?

Wehrs: I'm ok with how they have it set up now and we did take the tour over there and we saw how things were going and I do appreciate the....what you've done on the west side of the road. I think it's very nice and obviously it seems like you're keeping the dogs where it's appropriate so I'm comfortable with leaving it how it is.

Pedretti: Ok.

Jerome: I'm concerned about, we didn't get to see the inside of the buildings at all and I don't know if improvements have been made as far as the lighting issues and things like that so that we can...

Pedretti: We were in the building.

Wehrs: On the east side.

Pedretti: On the east side, we were in the barn. That was our first.

Jerome: But on the other side we didn't go back in...to the main...to the inside of the dog (inaudible on both recordings)

Pedretti: Oh, the small inside. I wouldn't want to go in there. I don't think so. I thought we could see it fairly well.

Jerome: There were some concerns about areas that didn't have runs connected to them. Some lighting issues and things like that.

Pedretti: I don't think that, we'll get clarification here.

Sampson: If I could clarify, and maybe Amy or the Schomberg's could confirm this, the runs around the outside of the barn on the east side, correct?

Jerome: Yes.

Sampson: There's shelter underneath the barn where these runs are and I think that's probably the portion that the committee didn't see.

Jerome: So would that have been upgraded the way the Humane Society wanted it to be?

Sampson: I guess that would be a question for Amy also.

Gabriliska: Again, these would be recommendations of the Health Department, the Humane Society doesn't have any authority to order anything, but the Health Department does. Just as a point of clarification. The areas on the east side of the road that we have our greatest concerns with are the landlocked areas inside of the barn. The old original barn. There's an area downstairs that is always dank it's always dark it is not an area that is ever conducive to life, you know, an unfortunately there's a larger area inside that lower barn that probably has another four (4) or six (6) runs in it and then we have a couple of runs that are indoor/outdoor runs that come off of that whole lower barn area. There's also the current puppy area that we really have been trying to advocate with the Schomberg's to move that puppy area across the road and getting that area across the road adequate as far as compliance for keeping the puppies over there. Because right now the area is just minimally meeting code if they're trying hard. But the rest of that area of the barn is really not something that I for see anybody being able to turn this into

the sort of facility that they would have on the other side of the road. Our concerns with the long west side areas where you have the inside/outside runs for those dogs, is those outside runs are all, umm, it's all grass that it runs out into, there's absolutely nothing, you know, to be able to clean that area. All of the waste from that barn again, are just running right out, I don't know if you had an opportunity to look through your packets, and they had pictures and you could see the pictures of those outside runs, those large green pipes coming out, you know, that's the wastes that are running out into those runs. And that too runs right toward the creek. You know, so there are some concerns with that with whether or not continuing to use that area or to have to actually use concrete or something to be able to maintain that surface better.

Pedretti: Thank you for that clarification.

Gabrilska: Any questions about the barn?

Jerome: That's kind of what I was concerned about on this new staff recommendation, is that it doesn't really address those concerns on the east side.

Gabrilska: Because we would love to see them be successful on the west side. But not to continue to use those areas on the east side that are substandard then. If you have a better area, you know, get that up to standard and use it. You know what I mean? Do away with the things that are of the past.

Wehrs: Do you have dogs, right now, that are kept solely indoor? Or are they staying in the indoor/outdoor?

Schomberg: The dogs are mostly indoor/outdoor, there are occasional dogs in the indoor area, there's our (4) pens that they described as landlocked, we do have some bright lighting that is turned on every day if there are dogs in there. Many times, there are no dogs in that landlocked area, but it may be a special dog that is being housed in there because she's in heat and you don't want her running loose and being indoor and outdoor for that short time period. But it is lit and it does have fans and ventilation. The lighting is, we really bumped up the lighting, there's a lot of lighted provided in any portion of an enclosed barn.

Pedretti: I guess a follow up to that, if I could, would it be possible to do like a phase out of that? That eventually the runs on the west side are going take over, you going to have more than enough runs for forty-five (45) dogs. I mean originally I think you were looking at sixty (60), we're now back down to the forty-five (45), is that something you could eventually shift over to the west side?

Schomberg: Umm, I really hate to phase out what is already there because it's such a great facility that we've used for so many years that the dogs have always been such healthy, I know that grass and the softer surface other than concrete for their whole life is really ideal and I would probably think that my veterinarian could even vouch for that; that dogs being able to get some of their exercise on something other than pavement all the time. We do have ways of keeping those areas clean and we think it's been a nice area. I hate to do away with it; we've put a lot of money into it.

Pedretti: Ok thank you.

Wehrs: I think that we have to take that into consideration that they've been using that from 2003 until, you know, the recently renovated west side of the road so, you know, I think that those are issues you need to keep dealing with the Health Department on and if the Health Department says that those are ok and DNR is ok with everything, I don't think we should be making you phase something out that's been working in the past and that you've been working with the Health Department to make sure any issues are being taken care of right away.

Pedretti: Ok. Any other additions or changes?

Jerome: I just have a question about number 16 where this conditional use permit terminates the other two and what is the difference between this one and the other two?

Sampson: Originally, Conditional Use Permit No. 630 was granted with fourteen (14) conditions that were somewhat different than what's recommended here. That was for twenty-six (26) adult dogs, maximum. The second CUP included, it amended item number six (6) on the original CUP, the original CUP did not allow for any employees other than family members; the amended CUP No. 726 allowed for one part-time employee along with family members and added condition that pens and enclosures shall be cleaned and disinfected daily and the second added condition was to allow a 4-ft X 6-ft yard sign with a zoning/occupancy permit.

Pedretti: It is the norm that we...

Sampson: It's policy.

Pedretti: take out the old ones and work with only one conditional use permit. Any other discussion? Before we go any further, I just want to make sure that the applicant does understand all these conditions, I want this in the record. You do understand all the conditions, correct?

Schomberg: Yes, I do.

Pedretti: Thank you, alright.

Motion by Wehrs/Becker to approve Conditional Use Permit No. 854 with the amended sixteen (16) conditions.

Pedretti: I just want to state for the record, that I'm struggling with this, because I was originally going to not vote for this, I will vote for it, I think you've made the effort. However, I will want to caution, we have a Conditional Use Permit to put conditions on, you did not follow those conditions, so I have a hard time saying "Ok, you didn't follow the conditions so we're going to reward you". I do think you are working with us and I appreciate that. We are going to be watching this. So I do want you to be aware of that. These are the conditions, if you can't live with these conditions you need to come back before you change your conditions, ok?

5 Aye, 1 No (Jerome) Motion carried.

ZONING PETITION NO. 1890 Francis A Wedam, W2022 County Road T, Mindoro WI 54644. Petitions to rezone from the Exclusive Agriculture District to the Agriculture District "A" 29.56 acres for continued residential use of one single family residence on the following described lands: Part of the W½ of the SW¼, Section 20, T18N, R5W, more fully described as tax parcel 5-256-2. Property address W2022 County Road T. Town of Farmington.

Appearing in favor: Francis A Wedam, W2022 County Road T, Mindoro WI 54644.

Wedam: I'm Francis Wedam and I own the parcel at W2022 County Highway T. The reason that I'm requesting this rezoning is because I was notified that it does not meet the minimum size of 35 acres for Exclusive Ag. I acquired this property in 1998 and the violation occurred back in 1984. So it's with that, I only have 29 and a half acres. And I'm requesting that it be rezoned to Ag A.

Pedretti: Thank you. And just to clarify, in some ways like a house cleaning issue in order for you to continue.

Wedam: I'm sorry.

Pedretti: It's like a house keeping issue. You are already living there and it already exists. You want to get it within the right zoning.

Wedam: That's correct.

Pedretti: Questions from the committee? Staff?

Sampson: This happened back in the late 80s when this parcel was split. I think farm acreage may have been sold off to...

Wedam: Forty-five acres were sold to Hanson's.

Sampson: We do have the detached area building limitation that we talked about earlier today at the business meeting that we're looking to find relief for that. But at this time we don't have that. The area limit for detached accessory buildings is 5,000 square feet on this. We'll have to assess the area of all detached accessory buildings and it might require a variance also.

Pedretti: Thank you. Any other questions for Mr. Wedam?

Appearing in opposition: None.

Correspondence: Town of Farmington Plan Commission Minutes dated Tuesday, March 20, 2012. Minutes state the Plan Commission recommended approval of Fran's rezone request.

Sampson: Those are the Planning Commission minutes. I have an unofficial set of minutes from the Town Board. Maybe I can ask Mr. Wedam, has the town acted on this?

Wedam: Yes they have.

Sampson: We will get that correspondence.

Pedretti: We have the 10 day as well.

Sampson: Yes.

Staff Recommendation (Sampson): Approve with conditions. Only one single family dwelling on this 29.56 acre lot; and No further subdividing of this parcel is allowed until these restrictions are amended by the County Board. Staff finds this is not changing the existing land use and meets the consistency requirements of the Comprehensive Plan.

Motion by Wehrs/Holtze to approve subject to the recording of deed restrictions indicating only one single family home is allowed and no further subdividing of the parcel.

6 Aye, 0 No. Motion carried unanimously.

CONDITIONAL USE PERMIT NO. 855 Jeffrey L and Sharon A Kramer, 4412 Cliffside Drive, La Crosse, WI 54601-8356. Applies for a Conditional Use Permit to operate a pizza preparation food business within a portion of a proposed 36-ft x 54-ft pole shed and future home on a 54.46 acre parcel that is zoned Agriculture District "A" and described as follows: Part of the NE¼ and part of the SE¼ of Section 35, T15N, R7W, more fully described as tax parcel 11-2329-0. Town of Shelby.

Appearing in favor: Jeffrey L Kramer, 4412 Cliffside Drive, La Crosse, WI 54601-8356.

Kramer: We purchased this land in August and we're planning on building, possibly building a house up there in the next year or two. We're going to build a pole barn right now there to store some of the things I have. And in that building we're proposing to put a 12 by 12 room. It will be basically, it will be sealed off but you know it will be closed off. And it's going to be up to the standards by the state health inspectors. They will be present when we assemble the pizzas. All this is just a small, like I said, 12 by 12 room. We're looking to get into the wholesale business of pizzas. Nothing major. Pretty much just an assembly area. We'll take them out of there. There won't be any retail coming in. No signage. Well they discussed it at the meeting about signage. No heavy traffic other than our own vehicles and that's about it.

Pedretti: Okay. Questions from the Committee?

Wehrs: I just have a question. The driveway, to get into there, can you tell me what that...that's a town road. Correct?

Kramer: Well, no, there is no town road into this property. This is kind of an issue with the property down there. There's no actual county road. (*Referring to map on overhead.*) If you look at the map there, the red line is the county line. There's blacktop to that. There's a small road coming in, Sunhaven Drive, below the county line. That's in Vernon County. And the blacktop stops there. This here is the county line. This is coming off of County K. You can see it there. This is Sunhaven Drive. The road that goes to there is blacktop, then it turns into... Actually this is all private road. Our property is right here. It goes up the whole... What we're proposing is a pole barn right about here. Kind of centered on the property there. And possibly building a house up in this area here. There's just a drive out in the field right now. This is a grass field. We're going to put a gravel road in there going to the pole barn. Obviously a road up to the house when we do decide to build a house.

Wehrs: So you're responsible for maintaining that gravel road part?

Kramer: Yes.

Wehrs: And there's no one else that uses that driveway or are there some people?

Kramer: There's approximately six, well I believe there's seven properties, six houses up here that are occupied along this side of the road. This is a private road from like I said from the county line all the way back. And all those residents do use that road. When we turn we'd be on our property.

Wehrs: Do you have a recorded maintenance agreement for that?

Kramer: No.

Wehrs: Because a freezer truck, I'm assuming you have to use a freezer truck to transport the pizzas.

Kramer: No. All we need is... When we make them, we take them out of the freezer, put them in a cooler and deliver them. We won't be using a freezer truck.

Wehrs: Okay.

Kramer: It's all within the local area here. Even if it was it'd be a small...

Wehrs: I'm just thinking about the maintenance. That's going to be increased traffic on that road and I'm just concerned that the neighbors are going to be noticing. You know, it's just gravel. Who takes care of the maintenance now?

Kramer: Actually nobody. I shouldn't say that. The township, nobody does it. The people that live there are taking care of it. You know grading it off. When they had the flood a couple years ago, we weren't in there but they had to put a considerable expense into repairing it where it had washed out. And there are concerns with them that we've told them...we've assured them that this is just going to be basically my pickup, her SUV, possibly a van.

Wehrs: Even in the summer? I know that most wholesale pizza distributors have to have a freezer truck but that's not for us to decide, that's for the state people. I was just wondering about the road and if you've talked to your neighbors about it. If you did have a truck in there and what if there's pot holes.

Kramer: Well I think one of the conditions on the Shelby Town Hall was that there would be no semis. So we're looking at, worst scenario would be a van, a cubed van or something no bigger than a normal vehicle. No bigger than a UPS truck or even less. It wouldn't be any bigger than a UPS truck. And that's in one of the conditions I believe from the Town of Shelby.

Wehrs: Okay.

Kramer: That we would not have any semis. And they limited us on the size of the room itself which is...I think they said 15 by 15. We're proposed 12 by 12. Best we could do is expand it to 15 foot which, a semi, you couldn't put enough product in that room to empty a semi, is what I'm getting at.

Wehrs: What about deliveries of your ingredients?

Kramer: Those will be all in our own personal vehicles.

Wehrs: Okay.

Jerome: So are you going to build a pole shed and that's where the production place is going to be?

Kramer: Yes, we're planning on building a pole shed no matter what. It is basically a simplification. Instead of doing it... We own a tavern right now, instead of doing it in the kitchen area, we're proposing to do it in this and developing that little 12 by 12 room. It'd be more beneficial to us to do that in that small room than to revamp the bar.

Jerome: And the house might be an extra thing, right?

Kramer: The house is a year or two down the road.

Jerome: A year or two down the road.

Kramer: Right.

Jerome: My other question I had was, you said no waste would be generated on the site and I was just wondering when you make pizzas and stuff you might have some waste.

Kramer: All we're doing is assembling pizzas. And I can't imagine what wasted you've have other than maybe a small little bag of garbage at the end. No different than our house.

Jerome: You're bringing in the ingredients, right? Putting them together and then taking them out?

Kramer: Right.

Jerome: Thank you.

Pedretti: Any other questions from the committee? Staff, follow up questions?

Sampson: Yes, I have a number of them. Is legal access provided to this lot do you know?

Kramer: Pardon me.

Sampson: Legal access provided to this lot? Is there an easement that provides access on the deed or...?

Kramer: To our knowledge, no. Apparently there's easements obviously to get back to the property. We have not found on our title...does not show access to any of the properties back there on our title that we have.

Sampson: Okay. The two employees that are listed in your impact statement are they other than family members or just family members?

Kramer: Right now they would be family members. We don't look to have that as a conditional use. I mean if my daughter decides to get married and move out and not want to work there, I guess we would probably, we'd appreciate the ability to hire another employee.

Sampson: Sure. Have you talked to the La Crosse County Health Department yet?

Kramer: Yes, in fact I'm meeting with them tomorrow. No, not the La Crosse County, no. This is the state inspector. I don't think we've talked to La Crosse County Health, no. That's not a problem.

Sampson: Okay. You'd also discussed about probably constructing a home in the future. Would you combine septic systems with the pole shed or...?

Kramer: Yes.

Sampson: So they'd be on one common system.

Kramer: Right. And we have state approved plans for that.

Sampson: Okay.

Kramer: We just got them back.

Sampson: You had estimated waste water out from both?

Kramer: Yes.

Sampson: Okay. Could you indicate up on the map where the pole shed is proposed and where you're thinking about building a home?

(Referring to map on overhead.)

Kramer: This field down here. We're proposing a pole shed is about right in the center area, up in the field there.

Sampson: Okay.

Kramer: And then the house would be up in the flat area up in the hill here.

Sampson: Where they kind of staked out Jeff?

Kramer: They pole barn has been, yes.

Sampson: Okay.

Kramer: And I believe Mary-Jo has been out there and looked at that and approved, you know, where the pole barn is going in. She is the one that brought up the idea of, you know, up on that flat area for the house.

Sampson: That was a question I was going to ask too, if you'd checked with Land Conservation for construction on steep soils up there. Have you checked, there's no plan then to construct near the power line easement? Do you know what the setback requirement is there?

Kramer: I believe it's...I believe it's 40 feet. And we're hundreds of feet from the power line.

Sampson: Stock is going to be brought to the site how? Are you just going to bring it in by your own personal vehicles?

Kramer: Yes.

Sampson: Okay. No further questions.

Pedretti: You mentioned that the Health Department, the State Health Department, do we need the County Health Department involved? Or is that just for the septic?

Sampson: Yes we need the County Health Department involved on this. They do inspections relating to food service and restaurants.

Pedretti: I'm having a hard time grasping how it is that you don't have to have freezers or coolers. I'm just not understanding how you're going to bring ingredients, like you go to the store and buy...

Kramer: No, there'll be a refrigerator and freezer in this room.

Pedretti: In the facility. But to bring it back and forth. And you're going to make these pizzas and then bring them out and you don't have to...

Kramer: This is just a local thing. Just like local bars and that. That would be something the state would bring up if we were required to do that.

Pedretti: Right and that's why I think the state or the local health department needs to certainly be involved with that. Because it just seems odd.

Kramer: Who did we talk to? Was it Pat? No it wasn't Pat. I don't remember who we talked to from the county. We'll we've talked to that state inspector. Like I said we're meeting with them again tomorrow.

Pedretti: And that is certainly something they will need to, we will need that paper work once you get approval to be sure. What we need to look at is the Conditional Use Permit. What is the use going to be on that site? And whether or not that seems like a use that could be used on that site. Any other questions?

Wehrs: I guess that, just echoing that I'm struggling because if they do tell you that you have to have deliveries from someone else like a Reinhart or Sysco or something like that, then I'm struggling with, is that road going to be able to handle that?

Kramer: Well being a bar owner right now I know I can go pick up all my product right now. No problem. I don't have to have it delivered. Matter of fact I chose not to do that because of the gas surcharge.

Wehrs: Okay.

Holtze: Talk into the microphone.

Kramer: I'm sorry. I just said that I, having the bar, I pick up all my own deliveries right now. I won't say all of them. But anything from Reinhart, you know. And if it is we were planning on going through the bar with this. You know, bringing the product there and we will take it out there as we need it. But there will be freezers, there will be one or two freezers in the production area and a refrigerator.

Pedretti: The other thing I'm just questioning is the waste issue. I don't know what the conditions are, should staff approve this, suggest approving it, but you're bringing stuff in. You're creating this production. I would imagine there'd be jars or packaging. There's got to be some amount of waste, more than a house.

Kramer: Well, this isn't a large scale production, you know. And I'd said, Town Board, Shelby, that if it would get to that obviously we would have to do it in a different area. Or have to come back for a larger...that's why they put the 15 foot by 15 foot room condition on there. The waste that is generated, they didn't feel like there'd be a problem with it. And I said if need be, I can dispose of it. I can take it back. Cans we recycle. The only thing would be plastic bags the meat comes in. Plastic bags that the cheese comes in. Even if we would build, I want to say probably, a phenomenal amount of a couple hundred or 500 in a week, I could tell you that the cardboard boxing would be recycled, the tin would be recycled from the cans and we'd be willing to take that if they don't have recycling. We would take it to

the recycling area and the plastic bags or whatever, would probably fit in one or two garbage bags. No different than like I said... I guess if need be, if it did get to that point you know, we could probably contract a dumpster.

Pedretti: Well this is what we have to determine. What is it you're going to be doing on-site? What does that mean for the services? The road, the services, you know, etcetera. So that's what we're trying to grasp. Because this a little bit of a different...I've not seen this in the four years I've been here. So we need to understand and get a good grasp of what it is you're doing. Okay. Any other questions? Staff anything else?

Sampson: No.

Appearing in opposition: None.

Correspondence: Town of Shelby Board Meeting minutes dated April 23, 2012. Item number six indicates motion carried to approve the the Conditional Use Permit subject to the following conditions:

1. The pizza prep room be no larger than 15' x 15'.
2. The business be wholesale only.

Staff Recommendation (Sampson): Staff recommendation is to approve this subject to 13 conditions:

1. This conditional use permit is non-transferrable.
2. Report all commercial real & personal property to the Town of Shelby Assessor.
3. Follow all food grade requirements per local, state and federal health departments and codes.
4. Copy of approved permit and permit conditions required by any health agency to be made part of this file.
5. A letter from Safety and Buildings Division of the Department of Professional Services indicating whether state building plan approval is required shall be made part of this file.
6. No commercial deliveries and only two employees per impact statement.
7. Up to 25% of the future home can be utilized for the conditional use permit.
8. One parking space shall be provided for the meat inspector.
9. This Conditional Use Permit use can be the primary use on this property for a maximum of 24 months from the date of approval.
10. The interior area within the proposed pole shed to be used for pizza preparation shall be limited to no larger than 15-ft x 15-ft. (Town of Shelby condition)
11. Hours of operation: Three days per week, from 6:00 am to noon on Monday through Saturday.
12. This business shall be wholesale only; no on-site retail sales. (Town of Shelby condition)
13. The applicant shall provide documentation of legal access to this lot for this purpose prior to the issuance of a Zoning/Occupancy Permit.

Pedretti: Thank you. Okay. Committee?

Wehrs: I know you have that condition on there, provide documentation of legal access but there's nothing on here still that they have to have a recorded maintenance agreement with the other six residences.

Sampson: No.

Wehrs: I would make a motion to add that to the condtions.

Londre: Second.

Pedretti: Motion by Wehrs. Second by Londre to add a fourteenth condition that a maintenance agreement is required with the... Are we sure there are six?

Wehrs: Is there six other residences on that road?

Pedretti: I counted seven. Well we can say maintenance agreement with other land owners. Okay, the motion has been made and seconded. Questions about the motion?

Kramer, Sharon: I'm Sharon Kramer. In the business plan I stated from 6:00 am to noon but subject to the state inspector being available at that time. They're available from 6:00 am to 6:00 pm but it depends when they're in the area. It may not be five days a week. I don't think it's at all on Saturday. But it's five days a week, 6:00 am to 6:00 pm. Obviously I'm not going to work 12 hours a day. But I need to be able to be available when the state inspector is available.

Pedretti: Alright. Let's take care of this amendment first.

Kramer, Sharon: I'm sorry.

Pedretti: That's alright. Do you have any concern with the maintenance agreement with your neighbors on the driveway? I think that's a protection for yourself as well as your neighbors.

Kramer, Sharon: Okay. What will that...I don't understand what that...

Pedretti: I think the staff can certainly help you with that when it comes to it. It just means that everybody is in agreement of who is maintaining it. Who fills in the pot holes? Okay so we're still on the amendment for the fourteenth condition.

Becker: Just a technicality. Shouldn't the motion include all the neighbors not just neighbors.

Pedretti: So it's a maintenance agreement with all neighbors. Thank you. Better make sure we're very clear on this. Thank you.

Motion by Wehrs/Londre to add condition number 14 stating 'a maintenance agreement for maintaining the private drive shall be entered into by all users of this private road prior to commencing use'.

6 Aye, 0 No. Motion carried unanimously.

Pedretti: Okay that is carried. So now we have 14 conditions. Let's revisit condition number 11. As the applicant said she was thinking more six to six, kind of hours and no Saturday hours. Does anybody have an issue with that? It would only be three days a week still. It wouldn't necessarily be five days. It could be any of the three days. Please come up to the podium if you're going to speak. We want to make sure we understand the conditions on both sides here.

Kramer: Right. I guess I'm questioning that because if the state inspector can't be there... Well I guess three out of the five days would be okay. I guess what I'm trying to get at, any one of the five days.

Pedretti: Right. It would be any one. It would be that you can't run it five days a week. Okay. Alright, I think that's a consensus. We'll switch then unless someone wants to make an official motion.

Jerome: I just have a question. On this application that we have it says two to three days per week for production, morning hours. So I'm just wondering if they're saying that if the meat inspector is not going to be available in the morning and it would be, was it three days of the week, would that mean we're extending it to three days a week, like eight hours a day?

Pedretti: I think we'll probably have a motion on this one to have it clarified. I think what they're asking for is to have that meat inspector to come at any point between 6:00 am and 6:00 pm. Not that they're going to work for 12 hours that day but that they're going to be able to have that availability for the meat inspector. Am I correct in assuming that is what you're looking for?

Kramer: Yes.

Pedretti: Not that they're going to work for 12 hours that day, necessarily.

Kramer: Correct. And I guess I'm looking at a clarification. If you wanted to have it five days, if there was any reason why they would have to limit it to three days.

Pedretti: Well I think this comes from your plan. You were planning on a two to three day per week production, morning hours. That's your plan. So that to me says it's kind of a part time. It's not a full time thing. If you're talking six to six, five days a week that sounds a little more full time.

Kramer: I'm trying to get a picture, that it should be clarified, that it would be...

Wehrs: I think we're just limiting this because this isn't a commercially zoned area. If you're going to be doing 12 hours a day, five days a week you're going to be in a better location zoned commercial so that's why. I'm assuming staff could clarify. It's just because it's an agricultural area.

Kramer: Trying to get that clarified. Like I said she's not going to work 12 hours a day, five days a week no matter what.

Pedretti: Again, let's be very clear what the uses are. We've had this come up from time to time. Oh I didn't know we couldn't do it five days a week. We need to be very careful that everyone understands the same conditions here. I would like a motion that a formal motion on number 11.

Motion Wehrs/Becker to modify condition number 11 to 'Three days per week, any time from Monday through Friday from 6:00 a.m. to 6:00 p.m'.

6 Aye, 0 No. Motion carried unanimously.

Pedretti: Back to the full conditions, all 14 of them. Any other discussion?

Holtze: There's no motion on the floor is there? I've got some serious reservations about this one. I think what we're doing is we're creating a commercial zoning district without zoning it to commercial. A house being built at a later time does not ever guarantee a house will ever be built. The road has some very fuzzy legal descriptions. There's not even an easement that the petitioner is aware of. I was in the

restaurant business for a lot of years and I never saw where food could be delivered that was pre-frozen without a refrigerated unit. I mean I know it probably happens but I never saw a code that allowed it to happen. When the motion is made, I'm afraid I have to vote no.

Pedretti: Condition number nine does say a house has to be built within 24 months. There is some of that insight.

Holtze: I know.

Pedretti: I understand your reservation. Thank you.

Holtze: I'd like to see it built first.

Pedretti: Any other discussion? I'll entertain a motion. Is there a motion?

Motion by Jerome/Londre to approve subject to 14 conditions.

3 Aye, 3 No. (Londre, Holtze, Becker) Motion to recommend approval dies on a tie vote.

ZONING PETITION NO. 1895 Carmen Liebelt, W486 County Road A, Mindoro, WI, 54644, acting on behalf of Oscar S and Connie Lee Liebelt Revocable Trust, W486 County Road A, Mindoro, WI, 54644. Petitions to rezone from the Exclusive Agriculture District to the Agriculture District "A" a pending 4.27 acre one lot Certified Survey Map for residential use described as follows: Part of the SE/NW, Section 12, T18N, R5W, commencing at the W ¼ corner of Section 12; thence along the East-West quarter line of said Section 12 N89°12'04"E 1907.64 feet to the POB; thence N00°19'29"W 886.0 feet; thence N89°12'04"E 210.00 feet; thence S00°19'29"E 886.0 feet to said East-West quarter line; thence S 89°12'04" W 210.00 feet to the POB. Part of tax parcel 3-849-0. Town of Burns.

Appearing in favor: Carmen Liebelt, W486 County Road A, Mindoro, WI, 54644.

Liebelt: I am asking to rezone a portion of my parent's farm from Exclusive Ag to Ag A so I can build a house. I need to rezone it to get support from a lending institution to do this. So they've asked me to be proactive and rezone it before I would start building because I am the land owner's daughter. So that is why I am here.

Pedretti: Okay. Question from the committee? Staff?

Sampson: None.

Pedretti: Just for clarification. She could technically not rezone this and build a house under our current zoning codes. She's allowed that. But in order for the lending institution, they're asking her to do the rezone.

Sampson: This sounds like it's a lender required rezone. Correct.

Pedretti: Thank you.

Sampson: And she could build legally.

Wehrs: Just to clarify, you're actually farming on this, on your family farm?

Liebelt: Yes.

Wehrs: The residence will be attached to your farm.

Liebelt: Yes. Actually the house is going to go in an adjacent kind of corn field and then a wooded area. We put it at the end of the farm so we'd do the least disruption to the farm setting. But yes, I do have a herd of cattle, beef cattle, on the farm.

Wehrs: Great. Thanks.

Pedretti: Any other questions? Thank you. Oh, did you have something else? Sorry.

Liebelt: I have this little note from one of the neighbors that they sent to our house in favor of. And I don't know who...

Pedretti: If you'd read it out loud please.

Liebelt: Okay. It says, "To Whom It May Concern, We approve of the Zoning Petition Number 1895, for Liebelts. Arlene Foerstner and Mike Burns, N9348 Sommers Rd, Mindoro, WI."

Pedretti: Thank you. But they're not here. We'll take that for the record.

Sampson: I'll need that as part of the record too.

Appearing in opposition: None.

Correspondence: 1) Town of Burns Resolution #4-10-2012#1 received via email on April 12, 2012. Resolution states the Town will show this parcel as Agriculture District A in the Town's Comprehensive Plan. 2) Letter read into record by Carmen Liebelt.

Staff Recommendation (Sampson): Staff recommendation would be to approve. The County Comprehensive Plan identifies this future land use as an existing agricultural zone. However, this petitioner is an eligible occupant under the current ordinance and a residence could be constructed by the petitioner without the rezone and would be considered consistent with the Comp Plan. Therefore we recommend approval subject to the recording of deed restrictions indicating only one single family residence is allowed on this 4.27 acre lot; and no further subdividing of this parcel is allowed until these restrictions are amended by the County Board.

Motion by Wehrs/Jerome to approve subject to the recording of deed restrictions indicating only one single family home is allowed and no further subdividing of the parcel.
6 Aye, 0 No. Motion carried unanimously.

ZONING PETITION NO. 1896 Julie Fernholz, 700 3rd St N #101, La Crosse, WI 54601 acting on behalf of Federal National Mortgage Association, PO Box 650043, Dallas, TX 75265. Petitions to rezone from the Transitional Agriculture District to the Residential District "A" a 2.26 acre parcel for continued residential use described as follows: Lot 1 of Certified Survey Map, Volume 7, Page 40. Property address: W4858 Meyer Road. Tax parcel 11-10-1. Town of Shelby.

Appearing in favor: Julie Fernholz, 700 3rd St N #101, La Crosse, WI 54601.

Fernholz: Hi I'm Julie Fernholz here on behalf of Fannie Mae for the property located at W4858 Meyer Road and you've just heard my address. It's my understanding that this was a family owned property. That is was built on family land. It's 2.26 acres zoned currently Transitional Ag. So it's non-conforming because the owners lost the property and they don't have the 35 acres. In order to sell it, we need to change it to the new zoning which I believe is Residential A now.

Pedretti: You're asking for Residential A, not Rural?

Sampson: Yes. I may have misspoken. It is Residential District A. Correct.

Pedretti: Thank you. Hold on a second. Any questions from the committee? Any questions from the staff?

Sampson: No.

Pedretti: Okay. Thank you.

Appearing in opposition: None.

Correspondence: Town of Shelby Board Meeting minutes dated April 23, 2012. Item number five indicates motion carried to approve the rezone.

Staff Recommendation (Sampson): This is an existing land use. There is no change in use. Therefore staff considers this to be consistent with the County's Comp Plan. Staff recommendation to approve this rezone of this 2.26 acres lot from the Transitional Agriculture District to the Residential District A subject to the recording of deed restrictions indicating only one single family residence is allowed on this 2.26 acre lot; and no further subdividing of this parcel is allowed until these restrictions are amended by the County Board. There is one thing I'd like to advise the Committee on. There is an existing Conditional Use Permit, number 367 that applies to this lot. That was for an account business. It's a non-transferable CUP. It will not transfer to the new owners but it will be the subject at a very new future PRD.

Pedretti: Termination.

Sampson: I'm sorry.

VandenLangenberg: That will not need to be terminated because it's non-transferable. It will automatically terminate.

Sampson: That's right. Thanks Chad.

Pedretti: I think we're going to see more and more of these. Banks aren't going to give loans any more for anybody who is not in the proper zoning. And we've had a lot of farms that split off and etcetera. I think this another one of those housekeeping. Any other discussion?

Motion by Becker/Holtze to approve subject to the recording of deed restrictions indicating only one single family home is allowed and no further subdividing of the parcel.
6 Aye, 0 No. Motion carried unanimously.

SPECIAL EXCEPTION PERMIT NO. 2012-02 Larry Bodin acting on behalf of the Holmen Area Foundation, PO Box 432, 1001 McHugh Road, Holmen, WI 54636 and acting on behalf of Elmwood Partners Limited Partnership, 1859 Sand Lake Rd, Onalaska, WI 54650. Applies for Special Exception to conduct grading and fill work in preparation of improving an existing trail by using 45 yards of on-site cut/fill material to finished dimensions of approximately 7.5-ft. wide by 525-ft long, with a 4 inch gravel/recycled asphalt finish layer trail on a proposed portion of said trail located within the 300-ft Shoreland District of Halfway Creek. Property described as part of the NW/NW, Section 18, T17N, R7W. Tax parcel 10-379-0. Town of Onalaska.

Appearing in favor: Larry Bodin.

Bodin: Just a point of clarification to the notice of the public hearing, I'm actually here on behalf of the Holmen Area Foundation. I got a call from Paul Gleason from Elmwood Properties and he wanted to make sure that I wasn't here on behalf of Elmwood Properties as it was stated in the public hearing.

Pedretti: Thanks for the clarification.

Bodin: Right. Just in short, requesting approval of Special Exception Permit for the completion of the Halfway Creek Trail to Remington Hills. It's from the infamous bridge to nowhere in the Village of Holmen. Being constructed to specs provided by Paragon Associates. All application fees have been paid and the applications have been submitted. Any questions?

Pedretti: Questions from the committee? Staff any questions following up on...?

Sampson: Nothing.

Appearing in favor: Rolly Bogert, Town of Onalaska Town Chairman.

Bogert: I just wanted to state that we didn't vote on this because lack the map, we've got the map. And I think I can speak on behalf of the members of the Planning Commission and the Town Board that we would be in favor of this.

Pedretti: Hold on one second. Any questions from the Committee? Staff?

Sampson: No.

Pedretti: Out of curiosity, when do you meet? It's within the 10 days. Or they have the 30 day, correct? Oh this is Special Exception.

Sampson: This is advisory. Completely advisory.

Bogert: Strictly advisory right.

Appearing in favor: Scott Heinig, Village of Holmen Administrator.

Heinig: Village of Holmen strongly supports this proposal. It does complete the trail connection that currently is vacant between Halfway Creek and Remington Hills. We greatly appreciate the partnership that we have with the Town of Onalaska as well as with the Holmen Area Foundation as well with McHugh Excavating to implement the improvements. We would welcome your favorable consideration. Thank you.

Pedretti: Any questions? Staff anything? Hold on a second Scott.

Sampson: I maybe should have asked this of someone earlier too, but do you have a project end date on this? An idea of an end date on the project?

Heinig: My understanding is that this should be done within the next month if in fact we receive approval. We've already received the DNR permit. We have that in our hands.

Sampson: Okay. Thank you.

Appearing in opposition: None.

Correspondence: Email from Michael Wenzholz, Department of Natural Resources, dated April 26, 2012. Email states that since a stormwater permit has been issued and a waterway permit is not needed, I have no comments.

Pedretti: So another DNR no comment?

Sampson: Yes. And we do have a copy of the land disturbance site investigation and actions to be taken from the La Crosse County Department of Land Conservation. That is dated April 9th, 2012. No further correspondence.

Staff Recommendation (Sampson): Staff recommendation is to approve subject to 4 conditions:

1. This permit is granted specifically to conduct grading and filling in preparation of improving an existing trail to finished dimensions of approximately 7.5-ft x 525-ft located within the 300-ft Shoreland District of Halfway Creek.
2. The applicant is responsible for all state and federal permits associated with this project.
3. Any trees or shrubbery removed within the 35-ft buffer shall be replaced pursuant to a revegetation plan approved by the Planning, Zoning and Land Information Department.
4. This permit expires September 30, 2012.

Sampson: I thought to give them the entire construction season. He stated tonight they only needed a month.

Pedretti: Mr. Bodin, do you understand the four conditions and can you live with them?

Bodin: I believe I understand them yes.

Pedretti: And you can live within those?

Bodin: Yes we can.

Pedretti: Okay. Thank you. Committee?

Motion by Wehrs/Jerome to approve subject to 4 conditions.

6 Aye, 0 No. Motion carried unanimously.

ZONING PETITION NO. 1897 Craig S Reedy, N4043 County Road M, West Salem, WI 54669, and also acting on behalf of Larry D, Donald G, Gloria M, and Bonnie K Gensch, N4355 County Road M, West Salem, WI 54669. Petitions to rezone from the Residential District "C" to the Residential District "A" for a proposed single family residence, and to rezone from the Exclusive Agriculture District to the Residential District "A" to add additional area for residential use the following described lands: Lot 37 of the Scenic Valley Addition and part of the SW/SW and SE/SW, Section 8, T16N, R6W, commencing at the Southeast corner of Section 8; thence N80°45'34"W 3674.62 feet to the southeast corner of Lot 37, Scenic Valley Addition; thence along the South line of said Lot 37 S89°33'02"W 126.85 feet to the POB; thence S89°33'02"W 146.18 feet to the southwest corner of said Lot 37; thence N00°04'08"W 195.01 feet to the northwest corner of said Lot 37; thence S47°16'48"W 157.72 feet; thence S25°37'36"E 153.35 feet; thence S28°41'06"E 124.02 feet; thence N40°25'06"E 210.42 feet to the POB. Tax parcel 7-1647-0 and part of tax parcels 7-227-0 and 7-229-0. Town of Hamilton.

Appearing in favor: Craig S Reedy, N4043 County Road M, West Salem, WI 54669.

Reedy: I'm petitioning to rezone the current parcel from Residential C to Residential A. And the proposed parcel I'm trying to buy to...Exclusive Ag to Residential A.

Pedretti: Okay, maybe expound on that just a little bit because this is for the official record what you'll be doing with that lot.

Reedy: Building a single family home.

Wehrs: We kind of, when we went out there, there's a tree line that goes behind the back there, is going to just follow that tree line?

Reedy: It's on that fence line. That lot follows the hillside all the way around.

Wehrs: Okay, so it kind of was the natural...?

Reedy: Because there's a service road down there. We didn't touch that.

Pedretti: You did comment on the kind of odd shape that is. Makes sense with the terrain.

Reedy: We didn't want to disturb that road down below.

Pedretti: Any questions from the Committee? Mr. Sampson any questions?

Sampson: None.

Pedretti: Alright. Thank you.

Appearing in favor: Donald G Gensch, W4184 County Road B, West Salem, WI 54669.

Gensch: My brother and I are current owners of that parcel he's talking about which is approximately a half an acre. It's nothing but a hillside that he would make it look a nice view for his house and everything else back there. It's never been farmed. So, I'm in favor of him taking it.

Pedretti: Any questions from the Committee? Staff? Thank you.

Appearing in opposition: None.

Correspondence: Letter from Sara Schultz, Town of Hamilton Clerk, dated April 27, 2012. Letter states the Town of Hamilton Board approved the rezone request.

Staff Recommendation (Sampson): This is a proposed addition to a pre-existing lot within a platted subdivision with a future land use of residential. Staff recommendation is approval subject to the recording of deed restrictions indicating only one single family residence is allowed on this 1.36 acre parcel; and no further subdividing of this parcel is allowed until these restrictions are amended by the County Board.

Motion by Wehrs/Holtze to approve subject to the recording of deed restrictions indicating only one single family home is allowed and no further subdividing of the parcel.

6 Aye, 0 No. Motion carried unanimously.

ZONING PETITION NO. 1898 Timothy M and Julie A Lysaker, N7912 Bluffview Ct, Holmen, WI 54636. Petitions to rezone from the Transitional Agriculture District to the Commercial District "B" a 14.35 acre parcel for placement of billboards on an existing building. Property described as part of the SW/SW and the SE/SW, Section 25, T18N, R8W. Property address N7727 Bluffview Ct. Tax parcel 8-1105-1. Town of Holland.

Appearing in favor: Timothy M Lysaker, N7912 Bluffview Ct, Holmen, WI 54636.

Lysaker: The main reason is there's a pole building and I'm trying to get some billboards on the back of it, is the main reason. The Town of Holland Board wants that rezoned to commercial before I can do that I guess. Then we're kind of working with the Planning Commission and that's not approved yet. This is the first step to get that approved.

Pedretti: And just...if you want to explain what's around there. To help them understand.

Lysaker: There's a farm house, a barn, a pole building, couple of out buildings. In the future there'll be, you know, probably be a building to the north, north end of the property, towards Stewart's property, which I currently have on a land contract to buy, which is already rezoned. And it is in the long range commercial corridor to be rezoned commercial. So basically that's what I'm after I guess.

Jerome: Do you have a business there?

Lysaker: In the future. Probably one or two years down the road. I currently have a Conditional Use Permit at the end of Bluffview Court.

Jerome: So right now it's just to put a billboard there?

Lysaker: Four billboards actually on the building that faces the highway and faces no residential, people.

Pedretti: Any other questions? Questions from staff?

Appearing in favor: Len Beranek, N7910 Bluffview Ct, Holmen, WI 54636.

Beranek: My land adjoins, practically adjoins, it's across the street. The quarry is on my place, Bluffview Quarry. I see no opposition at all into making this area commercial. Just like you say, the whole area is planned that way. And I think if he needs some signage to promote his business, I'm in favor of that too. Thank you.

Pedretti: Any questions from the committee?

Wehrs: Just clarification from the staff. This is for offsite advertising or just for his business?

Sampson: This is in the Town of Holland so we don't have any control. They have their own sign ordinance so we wouldn't be able to regulate signage.

Wehrs: Not saying that we would, I'm just wondering are the signs that are on there for his own purposes. I don't want to regulate what his sign says.

Lysaker: I do have a...if you want to look at it...my business and other businesses with no lighting. And I mean I'm working with the Town of Holland with that.

(Applicant submitted a plan showing the proposed signs on the existing building.)

Wehrs: Thank you. Helpful. Can we put this up?

Pedretti: Just for background, the Town of Holland has a condition that it must be commercial for any kind of billboard whatsoever so that's the start.

Lysaker: And that's not a done deal.

Pedretti: Right because the Town of Holland also has limits on size and the number of billboards so it's not a done deal. But in order for him to get that process started...

(Referring to plan on overhead)

Pedretti: It's amazing what technology can do. They are not up. They are not on the building. Purely graphics.

Lysaker: And that faces the four lane.

Pedretti: Correct.

Lysaker: And there'd be no way any other residential home could see that.

Pedretti: Any other questions?

Appearing in opposition: None.

Correspondence: Town of Holland Board Meeting minutes dated April 12, 2012, state the motion to approve the rezone from Transitional Agriculture to Commercial carried unanimously.

Staff Recommendation (Sampson): To approve as this rezone to Commercial District B as it's consistent with the Comprehensive Plan.

Motion by Londre/Jerome to approve.

6 Aye, 0 No. Motion carried unanimously.

SPECIAL EXCEPTION PERMIT NO. 2012-03 Jeff Berg, W3439 County Road M, La Crosse, WI 54601. Applies for Special Exception to fill/grade an area greater than 2,000 square feet within 300-ft of the Shoreland District of Bostwick Creek. The project involves regrading of existing slopes, using an estimated onsite cut/fill of 1640 cubic yards for general fill, and importing approximately 1640 cubic yards of general fill, fill with P200 > 20%, road gravel, and gravel for concrete sub-base all for the construction of an approximately 133-ft x 64-ft robotic milking barn with associated access roads, breezeway connecting to an existing barn, culvert drains, retaining walls, and underbarn basin in accordance with plans prepared by Resource Engineering Associates, Inc., identified as project Number 110096.1. Property described as part of the NW/SE, Section 27, T16N, R6W. Tax parcel 2-309-0. Property address: W3471 County Road M. Town of Barre.

Appearing in favor: Bob Pofahl, Resource Engineering Associates, Inc.

Pofahl: Jeff and Johanna Berg's engineer for the project. As described, the new barn has an underground storage. We have very limited space between the road and stream to get the building in. We've gone through the plans in great detail to make best use of the space there. Also removing a building that's already closer to the stream. And I think it will be a great improvement to the area. Slope would be stabilized with erosion matting and there will be silt fence put down along the stream there to protect that from erosion. We recently obtained a permit from DNR on 4/24, a Chapter 30 Permit, for the work too.

Pedretti: Any questions from the Committee? If you could maybe use the little laser thing. This is before us because it's a Special Exception. It's within 300 feet of the Shoreland District. So if you could just maybe... There really is nowhere to build on there without being in the Shoreland District. Is that the key?

Pofahl: That's right.

Pedretti: There's not much you could do.

(Referring to aerial on overhead.)

Pofahl: There's the stream again. Here's the building that's going to be removed. The barn goes right in this area here. The back of the building needs access point so you can drive through to feed the cattle. So we have to have a drive out there. Normally we would have about a 60 or 75 foot turn out. We have about a 35 foot one to minimize the area. And I do have a set of plans here if that's of interest to you.

Sampson: We have those plans.

Pedretti: We going to get another aerial view here. Maybe just explain it briefly.

(Referring to site plan on overhead.)

Pofahl: Again there's the barn that's being removed. So again if a feed wagon drives in. Here's the setback from the road. Here's the...I believe that there line is the setback from the stream. So you'll have to drive through and somehow get out there. As I said we're removing this building. There will be silt

fence down here along the stream, which is down here. This embankment here along the road and the access in back of the barn that would be...they use the erosion mat for that to stabilize it to get quick growth and some good durability. So the current barn is right here and that would just be attached to that. That's going to be downgraded to some extent to calves.

Pedretti: Thank you for the explanation. Questions?

Jerome: Are they pasturing on the stream right now?

Pofahl: Currently there's some pasture here and here. We've done a comprehensive nutrient management plan for which I do have a copy back at my desk there. And there's a few suggestions there to... I believe over here they're fenced out of this part over here. There's some fencing that we're proposing to add to that. Again, Mr. Berg will be following his nutrient management plan which does include those sorts of things, the comprehensive plan.

Jerome: After the new structure is built, will it still be used as pasture then or maybe not?

Pofahl: I believe there's still going to be heifers out in this area. It will just be upgraded. Jeff will have to answer that one.

Pedretti: If you want to state your name and address for the record.

Berg: Jeff Berg, I'm the owner, my wife, Johanna. Do I have to say my address?

Pedretti: Please.

Berg: W3439 County Highway M. Currently most of the creek is already fenced off, on both sides of the stream. It's got a little bit of an area that we have to fence off. And there is a cattle crossing to the far left.

Pofahl: Is it over here?

Berg: Yeah. Right there.

Jerome: Thank you.

Holtze: I was concerned about runoff from animals into the creek. And that's being addressed?

Pofahl: By runoff...of course the barn is totally self-contained. That wouldn't have runoff in this direction. The old barn has a cattle lot up here. That cattle lot currently has an erosion...not erosion but a runoff control system and a vegetative treatment area. That's currently serving the cows which I believe he has 40 cows right now in the barn. In the future there would just maybe be a few livestock out there so that is more than adequate. There's a program NRCS calls it BARNY. It's a runoff prediction model and that shows that they're within the discharge limitations from that.

Holtze: Because I'd be concerned in there was a lot of calves there. Because I've clean calve barns myself.

Pofahl: He has a building right over here...is where the larger calves are. Is that it there?

Berg: Yes.

Pofahl: That's where most of the heifers are. I think it's more exercise than anything. They're not going to really be out there.

Pedretti: Any other questions? Staff?

Sampson: Is there any idea of an expiration date on this project?

Pofahl: Expiration date. When it'd be completed?

Sampson: Correct.

Pofahl: I believe he plans on starting just as soon as he can get the permits. We still need the permit from the county for the animal waste storage we submitted. There's a few other parts we have to do for the manure storage. I presume he's going to get started soon. Jeff. I know his intention is to get it done by fall and be in it but I guess we need to ask Jeff.

Berg: Yes, that's what we planned. Is that it would be done in three months. And start as soon as we get all the permits.

Pofahl: So if we get started June one or so, hopefully by September or October we'd be in it. Again, it's a robotic barn so that unit comes as a big unit, kind of sits in there. It's not like some of the other barns where you need to put a lot of time and effort into building the parlor. It's a little more simple.

Sampson: My concern with this would be that...this is a fairly big project...things always happen. These things take longer than what you anticipate. If we would place an expiration date of say somewhere in the 2014 construction season that we make sure that any exposed areas are healed up, at least prior to September. I don't want to cut him short either by putting a September 30th, you know, expiration date of this year on the permit. I'm sorry, not 2014, but 2013.

Pedretti: I was going to say that's a two year. You're saying giving an additional year for what have you's.

Pofahl: I just know with the investment he's going to make he's going to get that basin, barn and parlor in quick once he starts. This is a... I don't know if you're familiar with a precast system. So that would

normally take about, once you get the excavation done, you pour the concrete, a week or so later they could be in there setting the walls in the slats. Then in another week or so you can backfill. So that can typically be done in less than a month. Once that's done, then you can backfill. Once we backfill he could at least do some temporary stabilization on those embankments. Usually you can get some oats or rye grass or something in there at least temporarily. Once the building itself gets done there would have to be touch up done around that. I see the back slope on the...again I think the drawing shows a cross section going through the back there. That's going to be...put the straw matting on there to get it stabilized because that's usually what works.

Sampson: Maybe what I should ask, would a September 30th, 2012 expiration date work for you?

Pofahl: At least for temporary seeding. There could be some tough up after that. I don't see a problem with that, do you?

Berg: No.

Pedretti: The key is though; if we don't give enough and something happens, you have to come back in there. And I don't think that's what you want. We'll talk about that when we get to the conditions.

Pofahl: That'd be plenty tight to finish it because they're still going to be out there doing building work and gravel work and things like that. But again, for that embankment we can get that temporarily seeded by then. Everything completed by then might be a little harder. That embankment again is, you know that's the one real limitation we got, getting that in. So that will just have to be just dotted and seeded and stabilized. And probably watered to get it going.

Pedretti: Okay.

Sampson: Thank you.

Appearing in opposition: None.

Correspondence: 1) Email from Michael Wenholz, Department of Natural Resources, dated April 26, 2012. Email states that since a general waterway permit has been issued and the structure is to be beyond the ordinary high-water mark setback, I have no comments except to assure that Berg does not need a stormwater permit or is in the process of receiving one.

2) Letter from Pat Danielson, La Crosse County Environmental Health Division, dated April 3, 2012. Letter addresses the requirements for a future septic system for the residence located at W3471 County Road M.

3) Letter from Carrie Olson, Department of Natural Resources, dated April 24, 2012. Letter states the project qualifies for a General Permit and a copy of the General Permit is attached to the letter.

Staff Recommendation (Sampson): Staff recommendation is approval subject to the following conditions:

1. This permit is granted specifically for the filling and grading associated with the construction of a robotic milking barn with associated access roads, underbasin barn, and other items in accordance with plans identified as Project No. 110096.1 prepared by REA, Inc.
2. Fill and cut quantities shall approximate the amounts listed in an e-mail dated and received April 5, 2012 from Darrin Sherstad of REA, Inc.
3. All required federal and state permits are the responsibility of the applicant.
4. All structures shall maintain a minimum setback of 75-ft from the ordinary high water mark (OHWM) of Bostwick Creek. This includes any concrete pads and retaining walls.
5. All permits required by the La Crosse County Land Conservation Department shall be obtained prior to construction.
6. This permit expires September 30, 2013.

Pedretti: Alright, everybody's heard the conditions. Any questions on those conditions? Applicant understand the conditions?

Berg: Yes.

Pedretti: Any issues with any of those?

Berg: No.

Pedretti: I just want to clarify number four. The 75 foot setback...that is cut in stone. I mean that just can't go any further than. I want to make sure we're clear on that.

Pofahl: We showed that on our drawing.

Berg: Yeah.

Pedretti: Okay.

**Motion by Wehrs/Jerome to approve subject to 6 conditions.
6 Aye, 0 No. Motion carried unanimously.**

**Motion by Holtze/Jerome to adjourn at 8:07 pm.
6 Aye, 0 No. Motion carried unanimously**

Hearing adjourned at 8:07 pm.

*Approved 6/4/12
Jonathan Kaatz, Recorder.*