

PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE PUBLIC HEARING

July 30, 2012
County Board Room – Administrative Center
6:30 p.m – 8:50 p.m

MEMBERS PRESENT: Marilyn Pedretti, Dave Holtze, Richard Becker, Tina Wehrs, Andrew Londre, Peg Jerome
MEMBERS EXCUSED: Dave Holtze, Ray Ebert
MEMBERS ABSENT:
OTHERS PRESENT: Nathan Sampson, Bryan Meyer, Chad Vandenlangenberg, Charlie Handy, Annette Kirchhoff (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 6:30 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.

ORDINANCE TEXT AMENDMENTS TO CREATE SS. 17.04(44A), 17.36(8a), AND 17.41(1)(c)15. AND TO AMEND SS 17.36(1) AND 17.36(12) OF THE REPEALED "ZONING CODE" OF THE GENERAL CODE OF LA CROSSE COUNTY, WISCONSIN.

Pedretti: On the agenda is listed an Ordinance Text Amendment. I don't know if anybody's here for that; proper notice was not given to townships so we are postponing that for thirty (30) days, so if anybody was here for that portion, my apologies, we will hit that next month.

ZONING PETITION NO. 1885 Travis J Powers, W8125 Tower St, Onalaska, WI 54650, petitions to rezone 24.01 acres from the Exclusive Agriculture District to the Agriculture District "A" for proposed new residential use. Property is described as part of the NW-NE and SW-SE, Section 31, T18N, R5W, Town of Farmington. Tax Parcel 5-359-1.

Appearing in favor: Travis J Powers, W8125 Tower St, Onalaska, WI 54650. I had purchased this land in 2010, or I'm sorry, in 2009 and have been married since then and all of a sudden have dreams of wanting to build a house and hoping that can come true. My brother on the west of me owns 85 acres and it's a very good location for us to kind of centralize in and be...he lives in Madison if I can say that and it would be a place for him to be able to come home or come to his land and be able to stay with us. And if I can also say that on his 85 acres he owns, he may someday have plans of building one house type of...a retirement type of house. He has no plans on developing it off and trying to sell a bunch of homes. So I was hoping that would help into mine. I realize I don't have the 35 acres and that's why I'm here.

Pedretti: That was going to be my question, in 2009, when you purchased the property you realized you needed 35 acres in which to build a home?

Powers: No I did not. I'm understanding that the rules were different in 2009. That didn't come into effect until 2010. It really was never a conversation that we had it's something that I've heard recently. I didn't...I never had that conversation back then.

Pedretti: Did you purchase this from a family member?

Powers: No actually the Horstman family, their listed up there, they still own some land.

Pedretti: They're not related?

Powers: They're not related.

Pedretti: Ok so you didn't go through a real estate agent because that real estate agent would have told you that.

Powers: No real estate agent.

Pedretti: Huh...ok. Anything else you want to add for the record and then we'll open it up to questions?

Powers: Um...no I don't think so.

Pedretti: Questions from the committee?

Wehrs: Do you plan to farm any of that?

Powers: Actually the Horstman's that I bought the land from, they continue farming it. The acreage that is tillable. And I'm hoping that the disturbed land that I will do by building a house, putting a driveway in and building a house is only going to be about an acre.

Wehrs: Do we have an aerial that you (Chad Vandenlangenberg) could show us? You already have a building spot picked out? A site?

Powers: Yeah, I have not been out there with like an excavator to look at water, you know the best way to put it. But if I could point (refers to overhead) right about there is my ideal spot.

Wehrs: Is there an easement that you have for the driveway?

Powers: We have one drawn up, it has not been written into law or however you want to say that yet because I'm waiting to...I don't want to spend the money to do that if you guys tell me I can't build, you know what I saying?

Wehrs: Where would the easement be?

Powers: It would, proposed, start here (refers to overhead) at the highway, okay, I'll wait for you.

Wehrs: In the mean time, have you already been to the Town of Farmington?

Powers: Yes, I have. I've been to the planning commission and the town board and they've recommended this to go through. Ok so you've got the easement that we've got drawn up. So to get us in perspective, right about in here (refers to overhead) is where I was pointing earlier with the house, and the easement would be here. There's already a driveway that exists here. And this is a barn here that my brother owns; he's giving me the easement. So my easement's on my brother's property only, Chad Powers. And it will come up here towards his barn and cut across. The sheds that are listed here, are completely falling apart, one of them sunk into the ground. It's really only about 3 feet above the ground yet. They are all capable of coming out if need be. They're probably 200 years old and junk so...and I think he put it right there, "sheds showing are to be removed".

Pedretti: Any other questions? Supervisor Wehrs?

Wehrs: No.

Pedretti: Any other questions from the committee? Supervisor Londre.

Londre: Thank you madam chair. You mentioned a potential second new house. You're...did you say your brother?

Powers: Not on my land. My brother has 85 acres and that was my point. He doesn't have any desire to build numerous houses there, he just might in the...you know he lives in Madison now so 30 years from now whenever he wants to retire, he says he might want to put a retirement home there.

Londre: Ok.

Powers: So, but he's got plenty of acreage on his land to do such a thing.

Londre: Ok thank you.

Powers: But not two houses on my property.

Pedretti: I guess that brings up a follow-up question. Is there a reason you can't purchase additional property from your brother in order to make that 35 and you wouldn't have to go through the rezone process and you would be within the comprehensive plan?

Powers: Well it does...I don't believe it lays out all that well for me to be able to do that. You see that line right there (refers to overhead), there's my 10 acres. He only has 10 acres right here bordering me. Does that make sense?

Pedretti: No.

Powers: Ok.

Pedretti: Sorry. So who owns to the...further west then?

Powers: Further west is back to the original Horstman farm.

Pedretti: So where's this 85 acres?

Powers: His 85 is right up there (refers to overhead). You have to keep going north. Where it says Chad Powers, up there, he's got more up that way.

Pedretti: Ok any other questions from the committee? Supervisor Jerome.

Jerome: So even if you bought your brother's 10 acres, it still wouldn't bring you up to 35, correct?

Powers: Well that is correct. But also, I would be taking away his highway access and you know there's obviously reasons why he wouldn't want to sell to me at that point.

Pedretti: Alright, staff, do you have any questions?

Sampson: A few questions. You're contiguous with your brother's acreage approximately here (refers to overhead). What about the possibility of purchasing a piece out in that forty, and additional acreage up in that forty to the north?

Powers: Are you talking just jump in here (refers to overhead) and then go up?

Sampson: Correct.

Powers: Ok. I guess any conversation I've ever had with him about doing such a thing is in...these are reasons why you guys have the rules you have is you never know what's going to happen to me or what's...you know, if I end up having, you know, something, I have an accident or whatever and my wife has to sell the land and stuff...so it is difficult for me to ask my brother if he could forfeit this for me to be able to build and he possibly loses the right to go up that highway, or the road there, and access his land. I guess if you had the aerial photo back up you can see that road getting up the hill into his 85 would be part of that. See how the road comes up here? (Refers to overhead).

Sampson: And an easement could be granted for that also. That would be a possibility also.

Pedretti: Other questions?

Sampson: Yes, I notice Travis, the original date that you had contacted, or met before the planning commission with the town was March 20th.

Powers: With the planning commission, with the Town of Farmington?

Sampson: Yes.

Powers: It was actually February 21st.

Sampson: Ok, what happened at that meeting?

Powers: Honestly, there is a five board, five person board. There was only four people there so the four that were there did not feel comfortable ruling on it without the fifth person having his questions answered. So they delayed it. They wouldn't pass me there. And then on March 20th, the one that you brought up, I was not able to go because my wife and I were in the hospital having our baby so I missed that one. And then I went back again on April 17th.

Sampson: Was it the April 17th that the planning commission recommended approval to the Town Board?

Powers: Yes.

Sampson: No further questions.

Pedretti: Great, thank you. Anyone else wishing to speak in favor (called three (3) times)? Anyone wishing to speak in opposition (called three (3) times)?

Appearing in opposition: None

Pedretti: We are going to close the hearing portion and the staff will report.

Correspondence (Sampson): Madam Chair, we had correspondence from the Town of Farmington, the first was in an email correspondence dated March 21st of this year from a town planning commission meeting held March 20th (read into the record). We have correspondence from the Town Board from Clerk, Betty Sacia dated Sunday, July 1st at 10:30 p.m. (read into the record). No further correspondence.

Pedretti: Ok.

Staff Recommendation (Sampson): The comprehensive land use plan identifies the planning classification for this parcel as existing exclusive agriculture and environmental. We have seen no recommendation of a plan amendment from the Town of Farmington. Therefore the staff recommendation is to deny, based upon this change in zoning being inconsistent with the comprehensive plan."

Pedretti: Ok thank you. Committee? Supervisor Jerome.

Jerome: If he were to get a zoning change could this possibly work for him?

Pedretti: You mean a plan...a comprehensive plan change?

Jerome: Oh, yeah.

Pedretti: Because he's in here for a zoning change.

Jerome: Ok. Never mind.

Pedretti: Ok, Supervisor Wehrs.

Wehrs: Do you know if they discussed that at the meeting, a comprehensive land use plan amendment?

Powers: No they did not. I did not have any conversation with something like that. This is first I've heard of it.

Wehrs: Do you know Nate?

Sampson: That's something we advise all applicants when they make a zoning petition change is that the planning class has to match with the zoning district. And that planning amendment, that comprehensive plan amendment, needs to come first.

Pedretti: Ok, Charlie?

Handy: I think there's also another option for this landowner. I will call it the Leon Pfaff option. Where he wouldn't even be required to purchase acreage from his brother if his brother would be willing to deed restrict the amount of acreage needed to give him the one (1) per thirty-five (35) density. Now that's an issue on site because if his brother has 85 acres, if there's an existing house already on that 85 acres, and his brother wants to build another house on that 85 acres then you're talking thirty-five divided by three, the density is over that one (1) per thirty-five (35) acre limit. That's something that his brother would have to review very carefully if he's deed restricting a portion. That could happen without a plan amendment as an alternative for this land owner. One other issue of detail that I think is very important here is he's talking about an easement to a driveway to a residential use on a portion of land that's zoned Exclusive Ag. I believe that the easement would also need to be rezoned in order for him to use that for residential driveway access purposes. Am I correct Nate?

Sampson: That's correct.

Handy: So does this zoning request in front of us have that area as part of that rezoning?

Pedretti: That is not in there.

Sampson: No.

Handy: So even if you approved this rezoning tonight; he could not use that access for residential access without getting that portion of the easement rezoned to residential...a residential zoning district. We have to make sure that portion of the driveway is also taken care of when we're talking about anything in the future. If he has the appropriate size of 35 acres then that rezoning is not necessary. Then it's considered an ag use.

Pedretti: Supervisor Wehrs.

Wehrs: Mr. Sampson, do you know realistically what the time frame would be if we sent this back to the Town of Farmington saying that we thought that the plan should be amended and that we can't just be doing rezoning when it should really go through the proper process?

Sampson: It really depends on their plan amendment scheduling. And it's different from town to town and for the county. Typically our schedule, I believe, is only once per year. Correct me, but we've been holding them more frequently, quarterly?

Handy: Some of the towns have done it in as little as sixty (60) days.

Sampson: You'll hear a rezone later this evening where one of the towns took a couple of months.

Wehrs: Can you ask the applicant what his intentions are?

Pedretti: Sure. Do you have a time frame of when you're talking about building this home?

Powers: Yeah originally I was hoping April, of last year, this year, whatever. I would like to get started as soon as possible and I understand August 16th is another meeting where rulings will be made but I was hoping to start in September.

Wehrs: The fact that the driveway would have to go through the rezoning again...

Powers: Yeah.

Wehrs...that's going to delay you anyways. So if we did recommend that Farmington do the proper process and change...

Powers: Sure.

Wehrs: ...amend their map or their plan. Amend their plan. You would not have to go through twice then because that would, you would assume, include the driveway area then.

Pedretti: Charlie, the option on the Leon Pfaff option as we'll call it, with the deed restriction, is that something we could pass tonight and then he would work it out with his brother? Or is that something you really need to work out before?

Handy: That would be conditional zoning which we don't have a legal description of whatever acres he would deed restrict so no we could not act on that tonight.

Pedretti: So the options we have tonight is to follow staff recommendation and deny and he can't come back for twelve (12) months to do anything. The other option is to hold it over, is that the right...?

Sampson: Defer.

Pedretti: ...defer, thank you for the right terminology, and get a few more ducks in a row before we make a decision. The other option is to take this back to Farmington and include the driveway in the access and maybe even to look at the restriction of...the deed restriction in order for us to look at this favorably. Or the third option is to not take staff advice and to approve it as is tonight. Those are our options. What's the committee's preference? Supervisor Becker.

Becker: Thank you madam Chair. I guess I want to explore another option. Maybe this doesn't work as far as how we do things here at the county – what if we were to approve subject to, that he'd have to get all the pieces fitting together?

Pedretti: Again, I think that's speculation zoning. Is that contractual zoning?

Handy: But it's also, the landowners adjacent have a right to a public hearing and so if we're changing what's proposed then we need to notify the adjacent landowners again and they have that ability to come into another public hearing. So we really can't do contingent.

Becker: Ok, thank you Mr. Handy.

Pedretti: Supervisor Wehrs.

Wehrs: I'm leaning towards deferring it for at least sixty (60) days. And if we did that, the intent would be that it goes back to Farmington and Farmington actually decides to amend their plan. Is that something that, I mean that we can ask them to do or how would that process take place?

Sampson: It may be in the petitioner's interest actually to withdraw in case that sixty (60) day time frame was too compressed for the process. Because if you set that sixty (60) day arbitrary number, he's going to have to come in before that and make sure that he has all his ducks lined up and he's at the mercy of planning commissions and town boards and everything else. That may be a better option for him to consider.

Pedretti: Just so we can explain it clearly for the applicant here, we have a tough decision. We need to stay consistent as a zoning to stay consistent with our comprehensive plan. So that's what we're struggling with. This is not consistent. We'd like to give you every opportunity to make it consistent or to make it work without us having to vote this down, because if we vote it down, you have to wait a year to come back in. So did Supervisor Becker have something before? And we'll open it up to you in just a second.

Becker: Yes, when he made application what was his fee?

Sampson: \$372

Becker: So if he was to do that, withdraw that and get all the ducks in a row, he'd have to come back, pay another \$372 fee?

Sampson: That's correct.

Becker: Ok thank you.

Pedretti: Ok now I'm going to open it up to the applicant. Are you understanding what the conversation is at this point?

Powers: I am understanding what you're saying. You know, as we talked, I didn't have that conversation with Farmington. But I do have a question with the easement getting rezoned. Is that something I have to get my brother to come up here and do?

Pedretti: No.

Powers: How would I be in control of rezoning that easement is my point. And another thing, that land that little sliver of land that the easement is on has a, I mean it was part of the original farm; it's got a barn and stuff. I guess I don't have the map like you guys probably do but I'm not certain that is exclusive ag.

Pedretti: We'll double check the zoning on it, but I'm...

Powers: Ok that would be great.

Pedretti: I'm sure they have that but we'll double check that.

Powers: That would be great.

Pedretti: Meanwhile, let's answer the first question for you.

Powers: Ok.

Sampson: I'm sorry your first question? Oh, your brother, the authorization that can come in the form of a letter that would authorize you to act on his behalf to rezone that 66 foot wide easement. So he wouldn't have to necessarily have to appear, if he grants you the authority to act on his behalf.

Powers: Ok and that would still all be covered under one...

Sampson: Yes.

Powers: ...meeting, one...

Pedretti: Right.

Powers: ...one fee

Sampson: Yes.

Pedretti: We would put it into this petition next time.

Powers: Right, and I have to take that to the town of Farmington and they have to put it in properly.

Pedretti: Correct.

Powers: I'll probably have to work with them to do such a thing.

Pedretti: And we've confirmed that it is zoned Ag, Exclusive Ag?

Vandenlangenberg: I'm working on it.

Pedretti: Ok. That's a good question. Make sure we do have all the...

Powers: Yep.

Pedretti: I'm sure it is because Exclusive Ag is clear; it doesn't have hash marks where as to the north there are hash marks.

Powers: Ok.

Sampson: It would show on the map.

Pedretti: So it would show up that way. So I'm pretty sure that we're all consistent on that.

Sampson: It should be keyed out on the notice map.

Pedretti: Correct. Any other questions you have on the formality of what we are doing?

Powers: Well I just have one more thing to say, you had talked about a deed restriction on some property and I don't know, when I originally came in I had been talking with Chad and dealing with him in zoning, we had talked about deed restrictions on my property to only allow one (1). I understand that, you know, if I go to Ag A, I can have like one (1) house for every two (2) acres but that's obviously not my intent and I'll deed restrict whatever I have to on that end of things.

Pedretti: But I think what we're offering as a solution...

Powers: I understand.

Pedretti: Ok. Alright. As long as you understand.

Powers: You're trying to be consistent in what you're doing and give me all the options and I appreciate you letting me, giving me these options instead of the twelve (12) month thing.

Pedretti: So at this point, we can't call for a vote until we know if you wish to withdraw at this point. That is your option, you can withdraw, there would be no vote, you can...do we have to vote withdrawal?

Sampson: Yes, you have to accept it.

Pedretti: But that wouldn't be an issue.

Sampson: Correct.

Pedretti: We'll vote on that. If you don't, you have to specifically ask for a withdrawal. If you don't withdraw then we will take a vote on something tonight.

Powers: I wish to withdraw.

Pedretti: Ok.

Motion by Wehrs/Jerome to accept his withdrawal request.

Pedretti: Do you have any specific questions on that? The staff is willing to work with you to get the next step done for you.

Powers: Thank you. I do, is this something you're going to contact the Town of Farmington and let them know or do I need to take some notes here right now and make sure that I know what I'm talking about whenever I get a hold of them?

Sampson: You really need to take the lead on that but...

Powers: Yep.

Sampson: ...we're more than willing to answer any questions or help...

Powers: So what did you call that that you need to do?

Sampson: An amendment to their comprehensive plan.

Pedretti: It's either an amendment to the comprehensive plan or do a Leon Pfaff route and they'll know what that is. We just did it recently for Leon, for his whole acreage.

Powers: Yep. And also include that easement.

Pedretti: Correct.

Sampson: Yes.

Powers: Because Chad's about to speak about that.

Pedretti: The easement's critical.

Sampson: Yes.

Vandenlangenberg: Travis, call me tomorrow morning and we can discuss it.

Powers: Ok, perfect, thank you.

Pedretti: Supervisor Londre.

Londre: Thank you madam Chair. Could either staff or somebody more familiar with the process of withdrawing this explain whether or not there are any other repercussions? I mean Mr. Becker brought up the fact that he would have to pay another \$325...

Pedretti: \$372

Londre: Right, and I would just like to make sure he understands any other sort of things he would be incurring because of this withdrawal because otherwise...and I guess it sounds like that's probably the best option just to be sure he understands all that will come of it.

Pedretti: Sure, be clear in the picture.

Pedretti: As far as a cost to him, \$372 is the issue. He will have to repay that. He wouldn't have to do any other legal things.

Sampson: No.

Pedretti: The \$372 is really for the notification. We have to send a lot of notification. We have to file all the legal things we have to do.

Sampson: Class two publication.

Pedretti: Publication in the paper, etcetera.

5 Aye, 0 No, 2 Excused (Holtze, Ebert). Motion carried unanimously.

ZONING PETITION NO. 1903 Tom Whitney, acting on behalf of Diversified Investment Services, LLC, 1285 High St, Ste B, Auburn, CA 95603-5066 d/b/a Neshonoc LLC, N5334 Neshonoc Rd, West Salem, WI 54669, petitions to rezone from the Agriculture District "A" to the Agriculture District "B" an approximate 0.009 acre parcel described as part of the SW-SE; and, an approximate 0.448 acre parcel described as part of the SE-SE, commencing at the intersection of the East line of the SE-SE with the south right-of-way line of State Road 16; thence Westerly along said South right-of-way line 400-ft to the POB of this description; continue Westerly along said South line 390-ft; thence Southerly perpendicular to said South line 50-ft; thence Easterly parallel to said South line 390-ft; thence Northerly 50-ft to the POB. To rezone from the Commercial District "B" to Agriculture District "B" an approximate 5.86 acre parcel described as part of the SE-SE and SW-SE, identified as Parcel No. 6 on ALTA/ACSM Map File No. 1211-455 dated 12/21/11. Petition is for continued use of property as a campground. All property located in Section 26, T17N, R6W. Town of Hamilton. Tax Parcel 7-968-0. Property Address is N5334 State Road 16.

Appearing in favor: Tom Whitney, OBO Diversified Investment Services, LLC, 3638 E Blackhawk Dr, Milton, WI 53563. We are requesting this rezoning simply to have all the properties zoned the same. This is not going to change our business in any way. It's also not going to affect any landowners in the area. The commercial zoning was done by the prior owners, the Martell's, for them to sell travel trailers and park model trailers on the property. We are not doing that and have no intention of doing that. So we simply want to have all the zoning be consistent.

Pedretti: That area is along the highway correct, along Highway 16?

Whitney: Well the highway and it's also by the office. There was strip on the highway which I assume they would have had as a display area so they could be viewed from the highway. And by the office area is probably where they had their inventory stored and where they conducted business with customers.

Pedretti: So this rezone is basically housekeeping, you want to get everything in the same order...

Whitney: Exactly

Pedretti: You have no plans to put in a whole bunch of lots in there. I mean that isn't the idea?

Whitney: No. It's all a campground. We have no...

Pedretti: So you're going to run the business as is, it's not changing anything?

Whitney: Exactly.

Pedretti: It's just keeping the housekeeping consistent.

Whitney: Yeah.

Pedretti: Alright. Questions from the committee? Staff?

Sampson: None.

Pedretti: Alright, thank you. Anyone else wishing to speak in favor (called three (3) times)? Anyone opposed to this petition (called three (3) times)?

Appearing in opposition: None.

Pedretti: We'll close the hearing portion and staff?

Sampson: First of all I'd like to say that this was discovered...I think it was a financially driven rezone based upon financing and Chad in our office did an excellent job researching this, there were a lot of things to find and did a great job.

Correspondence (Sampson): We have one (1) piece of correspondence from the Town Clerk from the Town of Hamilton, actually from Sara Schultz, the clerk dated Sunday, July 8, 2012 at 9:32 p.m. addressed to Nathan Sampson with a subject of Town of Hamilton Zoning Request (read into the record).

Staff Recommendation (Sampson): Staff recommendation is for approval.

Pedretti: Any conditions?

Sampson: None.

Motion by Becker/Jerome to approve this rezone petition.

5 Aye, 0 No, 2 Excused (Holtze, Ebert). Motion carried unanimously.

ZONING PETITION NO. 1905 David Rundahl, acting on behalf of Rundahl Ranch LTD, N592 Kreibich Rd, Coon Valley, WI 54623, petitions to rezone from the Exclusive Agriculture District to the Rural District for continued residential use on an approximate 6.37 acre parcel described as part of the NW-NE and NE-NE, Section 31, T15N, R5W, Town of Washington, and as shown on a Plat of Survey prepared by Coulee Region Land Surveyors. Part of Tax Parcels 12-649-1 and 12-650-1. Town of Washington. Property address is N480 State Road 162.

Appearing in favor: This petition was signed by my brother David who I'm in partnership with in our corporate farm. My name is John Rundahl and I currently live at that address there.

Pedretti: Could you say it out loud for the record please.

Rundahl: It's N480 State Road 162.

Pedretti: Ok make sure you talk into the mic; we need to get this on the recording.

Rundahl: Ok.

Pedretti: Thank you. We won't bite.

Rundahl: Yeah, yeah all right.

Pedretti: If you want to go ahead and state what it is you want to do.

Rundahl: We purchased this property from an estate and we rented the entire farm for many years and then the fellow died. I've lived 40 years on Evans Dwyer Road, which is part of our corporate farm too in a different dwelling. And then at the ripe old age of 60, I decided that maybe I should move into the Town of Washington because this is a better house than I had in Greenfield. We thought, well maybe because I own half of Rundahl Ranch and we would like to have our nephew involved in the farming. I'm giving up some of my shares and selling them to him and then in return I could get this 6.37 acres, or whatever it is, in return for a portion of my shares in the corporation. So that I have a place of my own that down the road, I could semi-retire at too. So that's the reason why we're petitioning this.

Pedretti: Ok, thank you for that explanation. If you want to stay there for a minute. Do we have questions from the committee? Supervisor Jerome.

Jerome: Just to make this clear. So there are two (2) houses on the property and you already live in one?

Rundahl: No the old house. See this fellow that was building this, he was an artist and he took a long time to build the new house. He was working on it for many years. It's a really remarkable house. And the old house was hooked up to the sewer and then we had Hess disconnect that. The intentions are for Hess to take that building down, but we were waiting for some rain so that we could burn a portion of it. The rain isn't cooperating. So the two (2) houses are still there, but the intentions are to tear the old house down and...disconnected from the sewer and that will be torn down.

Pedretti: Further questions?

Jerome: Yeah, why can you not just live in this house the way it is now? Why do we need to have the rezoning?

Rundahl: Because we ah...

Pedretti: You're splitting it off from the...

Rundahl: It's 35 acres that you're required in Washington to have a separate thing and so...

Jerome: Oh.

Rundahl: ...we are portioning off just this so that...and then I would get that transferred from the corporation to my name.

Jerome: Oh, I see for the trade.

Rundahl: Yeah.

Jerome: That you talked about. Ok thank you.

Pedretti: Any other questions? Staff?

Sampson: The only question that I have was that when we were up to visit the property, was that railroad spur that went out of your old...it really has nothing to do with your rezone but I was just kind of...

Rundahl: What was it? Why was it...?

Sampson: There was a railroad track that came out of the...

Rundahl: Oh!!! Well the guy that lived there, he was quite a guy, and had big hobbies and he restored railroads, full size railroads. He restored engines and then he's got two (2) rail passenger cars. And in that big shed has a rail car in it right now and I give really good railroad tours. It's supposed to go to Chicago Railroad Museum; or Illinois Railroad Museum but they have to knock it apart and put semi wheels under it and it's quite a deal. They got until the 1st of March to get those cars out of there and then the tracks are ours and we'll take them out once the cars are out of there.

Sampson: Just curious.

Rundahl: Well if you want a railroad tour, I can give real good ones.

Pedretti: Anything else?

Sampson: Nothing else.

Pedretti: Ok thank you. You can sit down. Anyone else wishing to speak in favor (called three (3) times)?

Appearing in favor: Hello, my name is Jerome Deflorian and I am a supervisor for the Town of Washington, I live at N1175 County Road G, Coon Valley, WI. I am chairman of the town planning commission right now. This is the third one we've been going through in the past year where a farm has been bought and they're zoning off like five (5) to seven (7) acres for buildings and stuff. The town board is in favor of it and planning commission was in favor of it. It's good. I guess what John was trying to explain was that the Rundahl Ranch LLC, I think it's called, bought the whole farm and he's personally buying the buildings for himself and not be involved with the Ranch and the buildings and stuff. Like I said the town board's in favor of it, I'm in favor of it, I went through all the buildings with John one day and they're all good buildings and stuff, hopefully the County's working on the variances now.

Pedretti: Ok. Hold on don't leave yet. So you did talk about the building issue as a planning commission and you still see it as viable?

Deflorian: Yes.

Pedretti: Ok, questions from the committee? Questions from staff?

Sampson: None.

Pedretti: Ok than you for that. Anyone else wishing to speak in favor (called three (3) times)? Anyone opposed to this petition (called three (3) times)?

Appearing in opposition: None

Pedretti: We're going to close the hearing portion and we're going to hear from staff.

Correspondence (Sampson): Madam Chair we have a piece of correspondence dated July 9th and received July 10th in the zoning office from Barb Muenzenberger (read into the record).

Staff Recommendation (Sampson): The Town of Washington has adopted the new Zoning Ordinance and this is kind of a unique situation where we have a base farm tract (BFT) that extends into a town that has not adopted the revised Zoning Ordinance. I think during this transition period we're going to have towns that have adopted, you know, very similar situations where petitions are going to span the two (2) towns. The Town of Washington has approved this district change. You know you could consider this part of a 3% rezone, but there really isn't an option for the applicant to go down that road of a Conditional Use Permit for farm residences and therefore as staff we'd recommend to the committee to view this as a rezone of an existing land use outside of the 3% rezone or 5 conditional uses option. We recommend rezoning from the Exclusive Agriculture District to the Rural District subject to the recording of deed restrictions indicating:

1. One (1) single family residence only is allowed;
2. There shall be no further subdividing of this parcel; and
3. These restrictions can only be amended or lifted by the La Crosse county Board of Supervisors.

Pedretti: Thank you. Just to make sure the committee understands, this zoning petition is fully in the Town of Washington; it's the base farm tract that spans two (2) townships so just to clarify. And the wishes of the committee.

Motion by Wehrs/Becker to approve with condition for one (1) single family, no further subdividing and only amended if received by the County Board and properly processed.

Wehrs: And, I just wanted to point out to the Town of Washington Representative that they still would have to come for the variance at this time and I would add a little side note in there that your township received the parcel split request that makes it look like at this hearing one (1) of the options is that we could have just done both at this hearing eventually. The PR&D Committee would welcome the township's comments on that. We have not received comments from any townships yet, but...

Deflorian: I guess it's my understanding that it'll probably be a change in January when zoning takes effect.

Wehrs: But we would just request that you would, as an official town board, send your comments in on the specific sheet that was sent to the township that gives the two (2) options.

Deflorian: We kind of talked about that at the last meeting. We've got it on the agenda for our August 9th meeting.

Pedretti: Good.

Deflorian: You'll have it by the 15th.

Pedretti: Good.

Wehrs: Unfortunately, I just wanted to make sure the applicant knew that even though it was recommended by the township that you would have to still come back at this point.

Deflorian: David Rundahl, he knows about this.

Pedretti: Alright, Charlie?

Handy: I was just going to say that we talked with Dave about his options and he's looking to wait until there's some conclusion to our debate on that issue. And then they'll discuss those buildings.

Wehrs: Ok.

Pedretti: Great.

Becker: Madam Chair, I wonder if you could ask the applicant if he understands the restriction.

Pedretti: The single family restriction?

Becker: Yes.

Pedretti: Sure. You understand the single family...?

Rundahl: So that means on that six and half (6 ½) acres or 6.37 acres, I guess, that would just be restricted to one (1) dwelling then.

Pedretti: Correct.

Rundahl: Yeah, ok.

Pedretti: And you're fine with that?

Rundahl: Yeah.

Pedretti: Yes ok. Any other discussion?

Sampson: Question?

Pedretti: Yes.

Sampson: Um...so the motion is just for the one (1) deed restriction of one (1) single family dwelling or no further subdividing?

Pedretti: No further subdividing. I think it's the deed restrictions is how I worded it so we'll get both deed restrictions on there. There's three (3)? Well, yes, ok so we'll say the motion correctly. The motion is to approve with condition for one (1) single family, no further subdividing and only amended if received by the County Board and properly processed. Ok, we've got them all. We're covered.

5 Aye, 0 No, 2 Excused (Holtze, Ebert). Motion carried unanimously.

CONDITIONAL USE PERMIT NO. 858 Arthur W and Lynn E Paddy, N4783 Linse Rd, West Salem, WI 54669. Applies for a Conditional Use Permit to use the basement of their existing residence and portion of their garage to store shipping supplies and inventory, in association with an on-line business involving sale of items purchased off-premise, on an approximate 1.23 acre parcel zoned Agriculture District "A". Property is described as Lot 4 of Certified Survey Map No. 46, Volume 9 and part of Lot 3 of Document No. 1248441. Town of Hamilton. Tax Parcel 7-5-14. Property address is N4783 Linse Rd.

Appearing in favor: Arthur Paddy, N4783 Linse Rd, West Salem, WI 54669. I just in February started a small one-man online business. I sell basically on eBay, Bonanza, and a few others. Items that I buy at auction, state sales, garage sales, put it on-line and sell it. And I ship from my house. That's pretty much it.

Pedretti: Ok, I'm reading your impact statement. Shipping does not require trucks showing up to your house?

Paddy: No.

Pedretti: Because this is the neighbor's concerns are generally are traffic, customers, etcetera. So we need to get this into the record.

Paddy: I use the postal service. And they pick up any boxes that I have as part of my regular mail delivery. Any, if it's after the normal mail delivery, I just drop it off at the post office in West Salem.

Pedretti: And again, just for the record, do you plan to advertise on-site or use lighting?

Paddy: No.

Pedretti: Ok. And no employees?

Paddy: No employees, just myself.

Pedretti: Ok. Questions from the committee? Staff?

Sampson: Merely as a point of bringing this to the applicant's attention and the committee's too, just wondering if you were aware of the deed restrictions for those CSM lots in that area of the county?

Paddy: No.

Sampson: One of the restrictions was that all lots shall be used for single family residences only. And I'm merely pointing that out.

Pedretti: Is that a deed restriction or covenant?

Sampson: Deed restriction.

Pedretti: Ok.

Paddy: I was not aware of that.

Pedretti: Ok. Anything else? Mr. Sampson?

Sampson: No.

Pedretti: Ok thank you. Anyone else wishing to speak in favor (called three (3) times)? Anyone opposed to this petition (called three (3) times)?

Appearing in opposition: None.

Pedretti: We'll close the hearing portion and let's hear from the staff.

Correspondence (Sampson): We have one (1) piece of correspondence from the Town of Hamilton dated July 5th of 2012 (read into the record).

Staff Recommendation (Sampson): Staff recommends approval subject to the following seven (7) conditions:

1. This permit is granted specifically to Arthur and Lynne Paddy at N4783 Linse Road for an on-line retail business named "Bills' Offbeat Bargains" selling collectibles and antiques;
2. All items shall be stored inside the existing attached garage and basement as described in the impact statement;
3. No shipments or deliveries will take place to or from the home as indicated on the impact statement;
4. No employees other than the owners;
5. No signage, advertising, or any other item, practice or structural alteration shall distinguish this home as anything other than a single family residence;
6. Any findings of non-compliance with the deed restrictions recorded in Document Number 1252024 in the manner prescribed by said deed restrictions and due to the approval of this permit shall result in the rehearing and possible termination of this permit; and
7. This permit is not transferable.

Pedretti: Does the applicant understand the conditions?

Paddy: Yes, I do.

Pedretti: And any problem with any of those seven (7) conditions?

Paddy: No.

Pedretti: Thank you. Alright. Supervisor Wehrs.

Wehrs: I just have a question on condition number 3, no shipments to or from home; do we want to say other than the scheduled USPS delivery? Because he said they, that it gets picked up with the regular mail.

Paddy: Yes, with the regular mail.

Wehrs: So we want to say other than...

Sampson: U.S. Postal Service.

Wehrs: ...daily USPS service.

Pedretti: Good catch.

Sampson: We'll modify that.

Wehrs: Ok.

Pedretti: We'll add that.

Motion by Wehrs/Becker to add to condition number three (3) "other than the daily USPS"
5 Aye, 0 No, 2 Excused (Holtze, Ebert). Motion carried unanimously.

Motion by Becker/Wehrs to approve with seven (7) conditions as amended.
5 Aye, 0 No, 2 Excused (Holtze, Ebert). Motion carried unanimously.

CONDITIONAL USE PERMIT NO. 859 Sheldon Everson, d/b/a At Roll-Off, LLC, W2863 County Road T, Mindoro, WI 54644. Applies for a Conditional Use Permit to continue operating a dumpster roll-off business as approved under CUP 815 that expires August 19, 2012; and to amend conditions of that permitting including number of dumpsters allowed to be stored on-site, number of employees, and to establish business hours, on property zoned Agriculture District "A" and described as part of the NW-SW of Section 24, T18N, R6W lying southwesterly of County Road T and further described as Tax Parcel 5-1080-1. Town of Farmington. Property address is W2863 County Road T.

Appearing in favor: Sheldon Everson, W2863 County Road T, Mindoro, WI 54644. I guess all we want is to just renew our existing use permit with a few changes. First of all, instead of going from ten (10) dumpsters up to thirty (30) dumpsters as we spoke the previous year, we were at forty (40) but we started the business with ten (10). The only reason we want to go up to thirty (30) is because our revenue that we're getting from Jackson County, Monroe County and that area so we have storage instead of coming all the way into La Crosse all the time. And then from our business hours from...where the...it's existing right now from 6-6 from 6-7 so, because it's a longer haul up to Black River and, well I've had a few jobs up in Buffalo County too. Gives me, you know, so I don't have my neighbors upset that we're outside business hours. Um...number three, permit for as long as we can, you know, for the conditional use, as long as we're going to live there. I mean like nothing's changed other than that. We have not received any complaints, unless you guys know something that I don't. I guess that's all I have unless you have questions.

Pedretti: Well just a little bit of background for the committee members who weren't here, this was in July of 2010. We did a two (2) year, if I remember right?

Everson: Yes.

Pedretti: So that's why he's back again. We wanted to give it two (2) years to see how it was going to work, to see if the neighbors would complain, etcetera. I do want to ask the question, back in July of 2010, at the beginning of the hearing, you stated if it gets bigger than twenty (20) or forty (40) dumpsters we'll look at a new site.

Everson: Yeah.

Pedretti: So the question has to be asked, because we asked two (2) years ago, why aren't you looking at an industrial area?

Everson: Because the revenue ain't there to move to a new site. And, Town of Farmington is not ready. Farmington was looking for a bigger investor coming into our industrial site that would help the process of the money wise for me coming in by myself to develop it.

Pedretti: So you're saying that the Town of Farmington has no industrial site? Because I...

Everson: Yes, they do.

Pedretti: They do.

Everson: They do, but it's agriculture right now. They're waiting for a bigger corporation to come in and help develop it.

Pedretti: Ok. Again, just for background, when we looked at this, it was like a starter company to get you going and to get it started.

Everson: Yes.

Pedretti: We thought it was great that you have this energy towards it, but it seems like it's getting bigger and it seems like perhaps a 2.67 acre parcel isn't big enough for the amount of work you want to do on here.

Everson: Well I don't know, to me it is. I know the committee was out there and they looked at it.

Pedretti: Right.

Everson: Um...I know I only had, I believe I had four (4) dumpster that day. If I had more dumpsters it would be single file like what we store them at the landfill. And it would look more organized than what it did right now.

Pedretti: Oh, I thought it looked very organized; it looked very neat.

Everson: Well thank you.

Pedretti: I will say that the site looked very good. It's just my question is, you're talking about a lot more dumpsters and then it becomes more industrial looking and is that the proper use out in the farmland.

Everson: Hmm...

Pedretti: That's my question.

Everson: I don't know, I guess at this time we are not ready to go for an industrial property. My understanding, that's what a conditional use permit is for. We're going to live there, I don't plan on moving. And going towards Jackson County and Buffalo and Trempealeau, it's beneficial to be out there instead of – that's another hour then when you're going in the landfill and grabbing dumpsters than it is, you know, driving it from my site and then go and deliver.

Pedretti: And again, we appreciate the business. It seems like it's a good solid business and it's made in the northern part of the county, we are just questioning the use in that area as being farm so ok. Um, questions from the committee? Supervisor Jerome please.

Jerome: How many dumpsters are you already approved for?

Everson: Ten (10) ma'am.

Jerome: Thank you.

Pedretti: Supervisor Wehrs.

Wehrs: So Farmington does have an industrial area?

Everson: Yes, but they're not ready to develop it.

Wehrs: So there's no water and sewer there?

Everson: No.

Wehrs: At this point?

Everson: No, it's all agriculture.

Wehrs: Ok.

Pedretti: Are you done Supervisor Wehrs?

Wehrs: Yes.

Pedretti: Other questions from the committee?

Sampson: Maybe it would help the new committee members if I listed off the conditions that were approved originally on the petition.

Pedretti: That's a good idea because it was two (2) years ago.

Sampson: Condition number one was to operate with two (2) hauling trucks, number two was ten (10) empty dumpsters at all times. Ten (10) empty may be stored on the site. One (1) unlighted sign with a zoning/occupancy permit. Up to two (2) employees besides owners. Number five, this permit expires at the end of two (2) years after County Board approval. And number six, this permit is non-transferable.

Pedretti: Thank you. I probably should have done that from the beginning. Any questions on the previous conditions? Supervisor Wehrs.

Wehrs: Sorry, I was not on the tour, my apologies. So you said you had four (4) dumpsters there at the time, how many are usually stored there at this point?

Everson: The most I believe we've had is probably four (4) or five (5).

Wehrs: So if you had thirty (30), how many do you foresee, in average that would likely be stored there on a daily basis?

Everson: Maybe ten (10), but I don't want to hold myself down to ten (10) for the simple fact that they're not going to be there and it's easier to grab them from there because I can have rows...how many people have to the landfill?

Pedretti: We all have.

Wehrs: Most of us.

Pedretti: We've all toured.

Everson: That's what my plans are to have thirties in one row, twenties in a row and twelves in a row because twelves are mainly for roofers and it would be a quick access to grab it from there and go and

drop it. But that's why I'm saying that ten (10) was just to get me started. The reason...if you're going four (4) thirties, four (4) twenties and four (4)...that would be twelve (12) and then what if you have extra? That's, I don't know it...forty (40) yarders, that's, I'm looking into forty (40) yarders because I've done a lot of demolition sites and they're not going to be there all the time either. But then that would be another row. Do you follow me?

Wehrs: Is there fencing around this?

Everson: Yes, No ma'am, I planted trees. I had shown...

Pedretti: We'll get an aerial here.

Everson: Yeah. I got trees all the way along here (refers to overhead). But I started another row but with the drought they all died. That was pines, you know, for a barrier. I guess I don't have...have anybody complaining about the dumpsters being there, for being an eyesore. I know this here's cleaned up because of different ownership. But um...I'm going to try to do trees here again. This is an extreme, you know, terrible year for planting anything and with the crops too.

Pedretti: Ok, are you done? Supervisor Londre.

Londre: Thank you madam Chair. Would it be possible to have some sort of condition where the permit would expire once industrial land became available? In other words, if that's the main barrier now, that there's supposedly is no industrial land available, where something like this, which would seem to fit the need, to go to a more appropriate location. If that's not available now, and that's the issue, that the permit would expire once that is available so that he could come back and either reapply for keeping it at this property um, and then explain why, "well there's this land available now but I still can't go there".

Pedretti: Mr. Sampson or Mr. Handy.

Sampson: It's really difficult to – it's almost like speculating on the county's behalf to assume that there will be industrial property at some point available to him. It's kind of hard to do that and to force someone into making that kind of a transaction. And for us, frankly, to police it, I don't think it would probably be an option as a condition to place on a permit.

Pedretti: Mr. Handy, you add to that?

Handy: Yeah, and I think the other point to be made is that there is a significant amount of industrial land available. Just not at his price and location that he wants for his business. And so, you know, your condition would almost have to be very specific to a specific piece of land and a specific price range and I just, you know, we don't unlevel the playing field for any other business. We try to keep the playing field as level as we can. We try and not to pick winners and losers.

Londre: No I thought what I understood was that one of the issues was that there was industrial land but it didn't have the right hookups and that sort of thing available at the moment.

Pedretti: Alright. Thank you. Supervisor Wehrs? Ok, we'll probably get a little more discussion when we come down to a decision making but I...oh, I'm sorry. Mr. Sampson.

Sampson: Just for the record then Sheldon, you have been to the Town of Farmington and inquired that since you were last approved for the conditions?

Everson: I have not, but I have spoken with Mike personally and there was an inquiry two (2) years ago when I was applying the first time and it fell through. Now I have not spoken, like I said, I have not spoken with him, if there was a chance that there was a big developer coming in on the industrial site, we already have a place outlying that we're thinking.

Sampson: Have you spoken with any Economic Development staff at the county here since the original CUP was issued?

Everson: No sir.

Sampson: Ok thank you.

Pedretti: You know when you go through this Conditional Use Permit, they get the same form that you would for zoning where they have to take it to the town board?

Sampson: Yes.

Pedretti: Ok so you had a form that you should have taken to the town board to get on their agenda? Are you on their agenda?

Everson: Yeah that was signed and turned in with my...

Pedretti: Ok. Thank you, I was just making sure. Any other questions of the applicant? Thank you. You can sit down now.

Everson: Thank you.

Pedretti: Anyone else wishing to speak in favor (called three (3) times)? Anyone opposed to this petition (called three (3) times)?

Appearing in opposition: None.

Pedretti: We're going to close the hearing portion and let's hear from staff.

Correspondence (Sampson): We did have three (3) pieces of correspondence actually. One in the form of Town of Farmington Plan Commission Minutes from Tuesday, June 19th of 2012 (read into the record). We have correspondence in the form of an email dated Monday, July 9th, received July 10th, from Betty Sacia, Clerk for the Town of Farmington (read into the record).

Pedretti: Just for clarification, they didn't talk about additional, that just talks about extending.

Sampson: "Extending to a longer period of time or permanent basis." It doesn't address the changes in conditions.

Pedretti: Ok thank you.

Sampson: The third piece of correspondence we received was from a legal objector within 300 feet of the perimeter of property, subject property, we do not read those into the record because the committee can't ask any questions of that person so we just make note and inform the committee that we received the piece of correspondence in opposition to this application.

Pedretti: Supervisor Wehrs.

Wehrs: Can you say who that was, so we can look on the map?

Sampson: We can't because then we're getting to the point where...it's not policy that we've done that in the past either.

Pedretti: But it is someone within the 300 feet?

Sampson: Correct.

Pedretti: Ok, you want to continue?

Staff Recommendation (Sampson): Staff recommendation, since the original conditional use permit was applied for in 2010, staff recommendation has been and continues to be denial. Continuation and expansion of this industrial use of property is not consistent with the county's comprehensive land use plan.

Pedretti: Supervisor Wehrs.

Wehrs: I have a question on Ms. Sacia's, from the Town of Farmington's email that says that they are in favor of it because it is in compliance with their comprehensive land use plan that says for small home based businesses. Is that, how is it in compliance when it's zoned Ag A?

Sampson: That's a disagreement that we have, or I don't want to say a disagreement, a divergent view on what's considered a home based business and what's really an industrial use of property. So they (Town of Farmington) feel this is consistent with a home or a farm based business; we feel it's industrial use of property.

Pedretti: Anything else? Supervisor Wehrs. Supervisor Jerome.

Jerome: Was this approved then against staff recommendation in 2010?

Sampson: Yes.

Jerome: Ok thank you.

Pedretti: Supervisor Becker.

Becker: Thank you Madam Chair. I just want to back up to this legal objector. Since you can't give us the name, could you give us approximately, and I don't know if this is legal for you to do, but could you give us approximately how far away the person is that's the legal objector?

Sampson: Approximately 240 feet.

Becker: Thank you.

Pedretti: I do want to make a comment for the record. I did talk to Department Head, Henry Koch, out at solid waste, he said that this applicant has been a very good customer. They've had no problems, no issues with them. Hank obviously likes the fact that the trash from a county north is coming in. That solid waste is good for them. He made no comment on what we do with land issues. He just wanted to make sure that we were aware of no issues on his point. So committee do we have other questions? Supervisor Wehrs.

Wehrs: If we denied this, that means they would have to stop altogether? They couldn't even continue with their ten (10) dumpsters?

Sampson: Their Conditional Use Permit expires the day after County Board meets in August.

Wehrs: Ok, if we approve this, can you approve it without going up to thirty (30), can we say there's still ten (10) or fifteen (15) or twenty-five (25) or whatever, or thirty (30)?

Sampson: That would be at the discretion of the committee. Any conditions that would be placed on that permit could be at the committee's discretion.

Pedretti: Other comments from the committee? Supervisor Jerome.

Jerome: Thank you Madam Chair. Since this is against staff recommendation because of land usage and yet Farmington does say that they want it, I would be hesitant to approve more than what we already have if we were to approve this.

Pedretti: Any other comments from the committee? I guess my only comment is; I think they are doing a nice job with what they have. From what I've seen and what I've heard, I would have a concern that it becomes more industrial when you're talking thirty (30) dumpsters versus ten (10) or twenty (20). I think you get over that number and it's going to look industrial out there. That's my own personal feel. We gave it a two (2) year trial to see how it went. We're at that two (2) years. I guess I personally don't have a problem with them continuing as is, and perhaps that industrial park will open up and we can expand that way. Maybe increase it a few to give them a little bit of leverage but I can't see going to thirty (30) and I would vote against that. Supervisor Wehrs.

Wehrs: Is there a number, is there a magic number that for you guys it becomes feasible to move somewhere else?

Everson: Like the first, two (2) years ago when we came here we tried for forty (40), we thought we needed to lower it because of the fact, I guess I'm open, I don't want to go less than ten (10) but I'm open for suggestions from the committee because of what we are bringing in. If we could get twenty (20), but we need it to go longer. And like I said they're not going to be there all the time. It's, there in and out. It's like the landfill. I know Hilltopper and everybody else got dumpsters there, we have one (1) row at the land fill and that's only open to us in the summer time when all the other dumpsters are rented out. And this year we're rented, I believe ten (10) dumpsters from the county too and are out. I guess, like I said, I'm open for suggestions. But twenty (20) would be, I guess...

Pedretti: A compromise.

Everson: It's not going backwards, but it's an increase too, you know what I mean? And hopefully something happens.

Pedretti: Supervisor Londre.

Londre: Thank you Madam Chair. I'm just curious; very basically, would you like to at any point move your business to a more industrial setting? I mean is that, are you hoping that you can grow your business enough to be able to move it off of your residential property?

Everson: Very much so.

Londre: Ok. I just, I would hesitate to, I think that we should try to maintain this as a residential property as much as we can. I guess when it comes to the number of dumpsters approved, I don't know, I feel like we have to. I'm struggling with do we approve more for the sake of helping to grow your business so that you will eventually, and hopefully soon, be able to get it into a more, in my mind, a more appropriate setting than where it is now. But you know if we approve you know an extra five (5) or whatever we end up doing, or less, I don't know. Then do we just say ok well we've given you the ability to have more on your property that it's at now and it's just going to stay there forever?

Pedretti: You're welcome to comment if you want, you don't have to (refer to Everson).

Everson: No comment.

Pedretti: Mr. Handy.

Handy: Just a really quick common sense recommendation, the larger the number the shorter the term; the smaller the number the longer the term.

Pedretti: Supervisor Jerome, you had a comment or a question?

Jerome: I was just going to make a motion that we do the same thing that was done in July of 2010 with the conditions that were back then and keep it as a two (2) year and ten (10) dumpster thing.

Pedretti: That is your motion is to keep the conditions...

Jerome: The same.

Pedretti: ...equivalent to what they were two (2) years ago?

Jerome: Yes.

Pedretti: Is there a second?

Becker: I'll second that for discussion.

Pedretti: Ok.

Motion by Jerome/Becker to approve with the conditions the same as they were two (2) years ago.

Pedretti: Let's have a discussion. Supervisor Londre.

Londre: Ok maybe I wasn't clear enough with what I just tried to say but...so if we go with what was...if we, in essence, just reapprove what was approved before and we go with giving you the ability to have ten (10), okay well then are we just going to be at the same point in two (2) years so that you haven't grown your business enough because we didn't give you enough room to expand so that in ten (10) years, or I'm sorry in two (2) years, you haven't grown your business enough because we said you can only have ten (10)? I mean that's my worry about limiting it to ten (10).

Pedretti: Is that a question to him or...?

Londre: I guess I'm just expressing my concern about the ten (10) number.

Pedretti: Supervisor Jerome.

Jerome: Well, my concern was the fact that there was someone who made a complaint about it. Who lived within 300 feet and the fact that he said he only kept about four (4), usually there, so if he still can have ten (10), he's got that possibility to add the other ones. Those were my thoughts and making this motion.

Pedretti: Supervisor Wehrs.

Wehrs: I would echo Supervisor Londre's concern and say we've already given them ten (10) for the last two (2) years and it obviously hasn't allowed them to be able to move at this point. So, I mean, if we want them to grow and we want them to move we're going to have to try something else. If we want them to stay where they are and be back here in two (2) years again and then so I guess I would have a problem with not increasing it some, maybe increasing it five (5). If you look at, for example, a farm which it would be an agriculture or ag a or exclusive ag, you're going to see equipment around there that aids in their farming operation that's likely more than four (4) or five (5) pieces of equipment at a time. So I struggle thinking that ten (10) is the magic number. At this point I would hope that we would do something along the lines of fifteen (15) or twenty (20).

Pedretti: Supervisor Becker next.

Becker: I'll make an amendment to increase the number of dumpsters to fifteen (15) and also change the time from 6am to 7pm.

Motion by Becker/Wehrs to amend the original motion to allow for fifteen (15) dumpsters and to change the hours from 6am to 7pm.

Pedretti: Discussion on the amendment? Supervisor Wehrs.

Wehrs: Sorry, do we need to, were you going to add a time frame in there for this...

Pedretti: Right now it's at two (2) years.

Becker: I thought the time frame was two (2) years so I guess if you want to make an amendment to change that, that maybe I'd second that.

Wehrs: No, I was just making sure that was what you wanted.

Becker: It's already two (2) years so unless the committee needs to change it.

Pedretti: Supervisor Jerome.

Jerome: I have another question for the applicant. Do you need more dumpsters in order to move this business?

Everson: Yes, very much so. And there's improvements that I would like to do too. And this holds me back, to keep coming back here to see if I'm going to be approved and approved. I need the room to grow and I'm just, I'm...

Jerome: Right I understand. But you understand what we're dealing with too with the situation of the land use and things like that?

Everson: If this...if he could tell us who this individual was, I'll guarantee I know who it was, for the simple fact that there was a land dispute and we paid for everything on this land dispute area and hard feelings ever since. I wave to all my neighbors, I enjoy all my neighbors, I can't make somebody like me.

Pedretti: Mr. Sampson.

Sampson: A question for Sheldon again. You mentioned making improvements; did you mean improvements to your property in relationship to the business?

Everson: To the business. My driveway.

Sampson: Structural improvements also that would make more of a vested interest in retaining the use of that, your property?

Everson: It's mainly because of the big truck and...

Sampson: Ok.

Everson: The main driveway coming in to the shed.

Sampson: Ok.

Pedretti: The amendment is on increasing to fifteen (15) and changing the hours, we can still further amend if we need to, but this is the amendment we're going to vote on at this point. Any other discussion on that amendment? Supervisor Wehrs.

Wehrs: I just wanted to get your feedback on fifteen (15). Is fifteen (15)...do you foresee your business being open two (2) more years and we know you operate your business well based on the lack of complaints, the report from the Solid Waste Department and so we really want you to be able to move; we want you to do well, we want you to be able to move, to grow. In two (2) years are you going to be back here again saying that wasn't enough

Unknown: Well just...we started out...

Pedretti: You're not in the record yet.

Unknown: Oh, I'm sorry.

Pedretti: Your name and address and technically you weren't at the hearing portion but we'll let you go.

Appearing in favor: Jody Everson, W2863 County Road T, Mindoro, WI 54644. I guess I'm just the other part of the owner...or part of the ownership. When we started this out; we started out with ten (10) leased dumpsters from La Crosse County. Just in the last year, we purchased one (1) on our own and I think we have four (4) more leased from the county. So that puts us at the fifteen (15) where we're at but like he did say we, you know, we lease, you know, up to ten (10) of them, or not lease, I'm sorry, rent up to ten (10) of them from the landfill. I guess I'm just – I would like to bargain with you may be up to twenty (20) being as though we own, you know, sixteen (16) of them. And during the winter you know when it's lower there may be that possibility but I mean I would definitely say that forty (40) would make it look very industrial I guess at a woman's stand point. I guess that would be the only thing that I would be concerned about.

Wehrs: Have you thought besides the, um, I guess, the effort to plant trees or shrubs, about a fencing system that would look nice?

Jody Everson: I guess living out in...I mean living out in, you know, in a rural area, I guess I particularly don't like fenced, blocked off areas. But like I said, you know, we did do a row of trees that are doing real well, um the pines that we planted, um just on the inside, to make it two (2), you know trees, a barrier, two (2) tree barrier, I mean we are willing, more than willing, you know to somewhat hide it if that's a concern.

Wehrs: I guess my, I'm having trouble with the fact that we're allowing you fifteen (15) and you likely will not even have fifteen (15) there at a time. Stored there at a time though. I mean the actual being stored. Is there something that we could do where you can have so many but only a maximum storage there at fifteen but you can have twenty (20) but as far as being stored on the property only fifteen (15)?

Pedretti: That is a condition right now, they can only store, at this point what we're saying is fifteen (15). They can own as many as they want. They store them at the landfill.

Wehrs: Right.

Pedretti: Right. It doesn't matter how many they own. This condition is what can be stored on site. I know what you're saying but they can grow their business but they would then have to have that storage at the landfill if they're going to increase their dumpsters.

Wehrs: Right.

Handy: Or any other industrial site.

Pedretti: Or any other industrial site, excuse me.

Handy: The landfill is not the only industrial site.

Pedretti: Correct.

Wehrs: Right.

Pedretti: Correct. Supervisor Londre.

Londre: I think the whole group here would like to be as flexible and supportive as possible. But the more we talk about, you know, the physical nature of your property, it sounds like you guys are making the case that your limited by your property which sounds like...your almost making the case of why it really needs to go to a more appropriate location. Because it sounds like a very limited environment that you have here, I mean up to a point of, you know, twenty (20) to forty (40) but I don't think that this group would find that appropriate for this location. So, I guess, I mean it's a very uncomfortable position because, like I said, we want to be very supportive but, you know, it sounds like it's not a property that was designed for it. And it sounds like, as you continue to grow your business, and we're very happy that's happening, it sounds like you are realizing that this is not the appropriate location for such a large business.

Jody Everson: Right and that's why we eventually want to go into an industrial site that's close enough to Jackson County to where, you know, we can keep bringing that income into La Crosse County from the other counties. Um, and like I said, just in the last two (2) years, we've grown six (6) more dumpsters. I mean it's going somewhere.

Londre: It just takes time.

Pedretti: Ok, I really don't want to open this up to a public hearing. If we have direct questions, I want them answered but the applicant...the public hearing portion really is closed so if you have direct questions, ask them. If not, this is a committee discussion at this point.

Jerome: I have another question.

Pedretti: Ok, if it's a direct question for your decision then yes, but if you're going to do public hearing, no.

Jerome: No.

Pedretti: A direct question.

Jerome: A direct question. In how many years do you think you would be able to move to another site? Do you have a plan like that figured out already?

Sheldon Everson: No, not really.

Jerome: Ok thank you.

Pedretti: Thank you. Alright, committee, we are on the amendment at this point of increasing from ten (10) to fifteen (15) and in changing the hours from 6 to 7. Any other discussion on the amendment? Supervisor Jerome.

Jerome: Would we keep it for two (2) years?

Pedretti: That hasn't changed at this point.

Jerome: Ok.

Pedretti: This amendment is just those two (2) issues.

Jerome: Thank you.

5 Aye, 0 No, 2 Excused (Holtze, Ebert). Amendment carried unanimously.

Pedretti: Ok, that amendment passes, now we're on the original with the, what do we have, seven (7) conditions? I forgot to write that down. Does anyone want to discuss anything on the years? Do we want to put a two (2) year, leave it as that? No other amendments on that? So, if um, Mr. Sampson could you read the conditions again so we're all very clear, with the amendment, what the conditions are?

Sampson: Number one of the original was to operate with two (2) hauling trucks; number two was ten (10), empty at all times, dumpsters; and the amendment was to go to fifteen (15); number three was one (1) unlighted sign with a zoning permit that possibly the committee might want to discuss after the adoption of Chapter 33 of the Code of Ordinances, regulating signs; number four was up to two (2) employees besides the owner and I wanted that clarified also so if I could, two (2) besides the owners, Sheldon?

Sheldon Everson: Yes.

Sampson: Ok.

Pedretti: Right now that would...

Sheldon Everson: Yes.

Pedretti: Ok.

Sheldon Everson: As we grow.

Pedretti: Ok.

Sampson: And incorporate, well let's see, number five is this permit expires at the end of two (2) years after the County Board approval; number six, hours of operation would be from 6am to 7pm and that would be seven (7) days a week? Or Monday through Saturday?

Jody Everson: It would be Monday through Sun...or it would be seven (7) days a week.

Sampson: Ok.

Pedretti: So there are six (6) is there a seventh (7th) condition?

Sampson: Number seven, this permit is non-transferrable.

Pedretti: Supervisor Wehrs.

Wehrs: I would like to amend condition number five (5) to four (4) years. I'm sure we're saying fifteen (15) is ok if they want to keep going with fifteen (15) for the next four (4) years they've shown no reason that we can't allow them to not be coming in here and paying this fee every two (2) years and...

Pedretti: Let's get a second on that. Your amendment is to amend number five (5) from two (2) years to four (4) years, is there a second? I'll second. Alright, now the discussion.

Motion by Wehrs/Pedretti to amend condition number five (5) from two (2) years to four (4) years.

Wehrs: I think based on their history and showing, um, you know no problems, no complaints and ah you know given Mr. Koch's, I guess verification and they've done well and there's been no problems, I don't see why we can't extend it. I'm sure they have things to do running their business where they don't need to be coming down here every two (2) years.

Pedretti: That was kind of my feeling as well. I think they've proven it in the two (2) years. They need to grow their business; at some point they need to move to an industrial park. Is two (2) years enough time? Perhaps not and to continue to nickel and dime them and come down here so I'm agreeable to four (4) years as well. Any other discussion from the committee? The amendment we're voting on is to extend this permit to four (4) years. All those in favor say...is there anything else, I'm sorry, staff.

Sampson: I just had a question, Charlie made a good point earlier about more in a shorter period of time, I don't know if that's something the committee might want to discuss the possibility of two (2) years and twenty (20) dumpsters as opposed to four (4) years and fifteen (15). Just throwing that out there.

Pedretti: Great, just going to give us more confusing...

Wehrs: But they can come back at any time they want and apply for more right? I mean they don't have to wait the two (2) years, they...

Sampson: Well and maybe whatever would be more workable for them, you know the twenty (20) and the two (2) years or the fifteen (15) and the four (4) years? I'm just throwing that out there as...

Pedretti: Supervisor Wehrs.

Wehrs: I guess my reasoning for the fifteen (15) and four (4) is because fifteen (15) is appropriate where they're located, twenty's not so it doesn't matter how many years or not. That was my reasoning.

Pedretti: Supervisor Jerome.

Jerome: I like the twenty (20) in two (2) because it may get them out of there sooner. Meaning just into a more appropriate venue for their business.

Pedretti: Let's ask the applicant. Let's make a deal. The applicant, we're struggling with this obviously, you can hear our struggle, we're trying to work with you, we want to do what's best but we need to come up with a good solution here. Do you prefer more dumpsters, less time; more time, less dumpsters?

Sheldon Everson: I prefer more time, less dumpsters.

Pedretti: Alright so the amendment right now is what your preference would be?

Sheldon Everson: Yes.

Pedretti: That would be fifteen (15) dumpsters for four (4) years, that's the amendment that we have on the floor. Alright any other discussion from the committee?

3 Aye (Pedretti, Wehrs, Londre), 2 No (Becker/Jerome), 2 Excused (Holtze, Ebert). Amendment passes.

Pedretti: Alright now we're back to the original seven (7) conditions with the two (2) amendments. Any other discussion? Does staff have anything else?

Wehrs: I would make a motion to approve this application with the seven (7) conditions.

Pedretti: I think we already had the motion on the floor, we were amending it. The motion's already on the floor.

5 Aye, 0 No, 2 Excused (Holtze, Ebert). Motion carried unanimously.

ZONING PETITION NO. 1906 Todd M Degenhardt, N3343 County Road M, West Salem, WI 54669, petitions to rezone from the Mobile Home Court District to the Agriculture District "A" for continued residential use an approximate 0.67 acre parcel described as Lot 1 of Certified Survey Map No. 174, Volume 7. Town of Barre. Tax Parcel 2-173-4.

Appearing in favor: Todd Degenhardt, N3343 County Road M, West Salem, WI 54669. I recently put my home up for sale and I did accept an offer on it. As the buyer went through his financing, I found out, which I didn't know before, that the house was zoned as a Mobile Home Park. This is a two-story old brick farm house. Basically like a residential lot or part of the old farm. I was not aware when I bought it that it was zoned as a mobile home park and just looking to get the zoning changed to the Ag A so the buyers financing can go through. Hoping to get it done as soon as possible so I don't lose the buyer because they are looking to get into the home.

Pedretti: And it is very typical that people don't know how their land is zoned until they try to sell it. Then it's like "oh". We are going to assume it was part of the mobile home park, like it was probably the owners at that point or something.

Degenhardt: I believe the original owner of the house started the mobile home park; it is an old mobile home park. Like I said, never seen that zoning was rolled up that way originally.

Pedretti: Sure. And it seems like since the new banking regulations, we've had a lot of these housekeeping issues where we need to get the zoning appropriate for the use. Comments or questions from the committee? Staff?

Sampson: No questions.

Pedretti: Thank you. Anyone else wishing to speak in favor (called three (3) times)? Anyone opposed to this petition (called three (3) times)?

Appearing in opposition: None.

Pedretti: We'll close the hearing portion and we'll hear from staff.

Correspondence (Sampson): We did receive two (2) pieces of correspondence; one (1) was dated July 5, 2012 from a realtor, Assist 2 Sell that's in favor of this rezone going through. The other one is from the clerk from the Town of Barre, Sally Stelloh, was sent Friday, July 13, 2012 to Nate Sampson (read into the record).

Staff Recommendation (Sampson): "This petition is consistent with the future land use planning class of residential, and is also an existing residential use. The land use is not changing."
Approval with no conditions.

Motion by Becker/Jerome to approve this rezone.

Pedretti: Any other discussion?

5 Aye, 0 No, 2 Excused (Holtze, Ebert). Motion carried unanimously.

SPECIAL EXCEPTION PERMIT NO. 2012-06 Deke Mader, N119 State Road 35, Stoddard, WI 54658. Applies for Special Exception to fill/grade an approximate 5,200 square foot area within the 300-ft Shoreland District of unnamed backwaters of the Mississippi River. The existing cottage will be removed, the driveway filled to the same elevation of the driveway serving N129 State Road 35, and the remainder of the lot filled to allow for mowing. Property is zoned Agriculture District "A" and is described as the North 125 feet of the South 400 feet of Gov't Lot 4 lying East of the railroad right-of-way and West of the State Road right-of-way, Section 34, T15N, R7W, and includes proposed filling of a portion of the adjoining State Road 35 right-of-way. Town of Shelby. Tax Parcel 11-2232-0.

Pedretti: I'm just going to remind the committee that this is a Special Exception so it gets approved tonight. Just so you're aware of that.

Appearing in favor: Deke Mader, N119 Highway 35, Stoddard, WI 54658. As was stated already, I bought the house that I'm living in now about 4 years ago and this lot that was north of me owed back taxes and was...I purchased it through an auction a few months ago and since it is adjacent to my lot, I do plan on filling in the lot to the previous height of the cottage that was on this lot. I believe that the majority of the land on this lot had been eroded by the flood of 2007. So I'd like to bring it up to the height I thought it was probably previously at. I don't forecast any change in stormwater runoff. I think 95% or more will be held on the lot itself, especially because the house...or the cottage has been leveled. The soil is pretty sandy down there. My neighbors to the south of me, who I have talked to, and my neighbors to the north of me agree that the majority of the stormwater will be held or dissipated through the soil that's on the lot itself. I have talked to both of those neighbors and they agreed that...uh... they agree with me on bringing the level of the lot to the existing level of the cottage. That's it.

Pedretti: Do you...you're filling this in, is it just to mow it, just to have it level with everything? Are you planning to put a shed on there again or...?

Mader: Maybe in the future, but as of now, not. I just like to make it look better. It was kind of an eye sore for the past ten (10) years or more and I'd like to just mainly mow it now and maybe possibly apply for something later on.

Pedretti: Ok. Questions from the committee? Staff?

Sampson: I'm just wondering. Deke, have you been to the town of Shelby yet?

Mader: Have I been to the Town of Shelby?

Sampson: Yes.

Mader: No.

Pedretti: You need to stay up there please, at the microphone.

Mader: Been to the Town of Shelby for?

Sampson: This Special Exception Permit.

Mader: No, I haven't, no.

Sampson: Ok. That's all the questions I have.

Pedretti: Did you know you needed to go to the Town of Shelby?

Mader: No.

Pedretti: Hmm...interesting. Thank you. Any other questions? Alright thank you. Anyone else wishing to speak in favor?

Appearing in favor: Steve Mader, N884 Valley View Road, Coon Valley. We did not go to Shelby because we were considering that it was the erosion control event. We contacted Matt at La Crosse County Land Conservation, he came out and did a site survey did some measuring and we said we want to fill it in. And I'm on the township board of Greenfield and we do not take fill-in requests at our town meeting, ok? So maybe I'm wrong but we considered a Special Exception Permit. We knew the DNR was going to be notified, the Highway Department, Land Conservation and the County. But either through ignorance or what we did not go to the township because it's a fill issue. We did go to the township to get a demo permit and that cottage is gone. That was a foreclosed property, the county owned it. We purchased it at an auction. Not an auction a silent bid. So if we did make a mistake Nate, you'll have to send us there but Matt was out there and Chad knows about it and Mike at Zoning. So we wanted to fill it in. When Deke said we want to fill it in to the level of the existing cottage, not really, it's from the existing level of the cottage down to his driveway, which is about two (2) feet lower. So we want to make an equal plain and that's where they came up with that map up there (refers to overhead). I think we can go 2,000 feet without a permit. I'm not sure if that's true. But we wanted to fill it in, that item on the right there (refers to overhead) is a highway easement. We were not even going to ask for that unless we get permission here tonight and then we'd go to the Highway Department. But we're not going to shed any water anywhere. The lot is barely walkable...

Pedretti: Let's get a visual please.

Steve Mader: ...now because of the erosion and the flood, it was never cleaned up after that. Maybe Nate could shed some light on that.

Pedretti: Ok, so we have an aerial on the screen.

Sampson: Yes, there was a small shed, is that it right there (refers to overhead)?

Steve Mader: That's it. And it's gone now. It was 20 X 22, I think that's correct.

Pedretti: Ok.

Sampson: I think that, yeah this property did go to tax delinquent back in '07" there was a tremendous amount of water that went through here (refers to overhead). In fact I've got, I don't know if Deke had ever seen pictures of the house after that had flooded.

Steve Mader: Probably not.

Sampson: Ironically, that property to the south, his address is no longer mapped flood plain after that. The revision.

Pedretti: Fascinating.

Sampson: And um...a portion of this lot (refers to overhead) is also not flood plain, but the overlapping setback requirements of 50 feet from that right-of-way line (refers to overhead) and 75 feet from that ordinary high (refers to overhead). They basically overlap. The only thing that would be proposed for construction would be a variance.

Pedretti: Ok. Perhaps the Town of Greenfield doesn't have any creeks because, the Town of Holland, we get notices for Special Exception Permits. It gives the town a chance to weigh in.

Steve Mader: To kick it around.

Pedretti: Exactly and so...

Steve Mader: Do you know, did they (Town of Shelby) get notified Nate?

Pedretti: Shelby should have gotten...

Sampson: They get noticed and one of the forms that signed when application is made, as a public hearing requirement for Special Exception Permit applications, and it states "It is important that you discuss your application with town reps as the town boards act in an advisory capacity to the Planning, Resources and Development Committee."

Pedretti: Because, you know maybe the township sees something we don't or some history we don't know so it is very helpful...

Steve Mader: I don't have any experience with that and if that's what we have to do that's what we'll have to do.

Pedretti: Ok, thank you. Questions, any other questions? Anything else Mr. Sampson?

Sampson: Nothing.

Pedretti: Thank you. Anyone else wishing to speak in favor (called three (3) times)? Anyone opposed to this petition (called three (3) times)?

Appearing in opposition: None.

Pedretti: Thank you. We will close the hearing portion.

Correspondence (Sampson): Madam Chair, we have one (1) piece of correspondence from Michael Wenholz with the Wisconsin DNR sent Tuesday, July 24, to Chad Vandenlangenberg (read into the record).

Pedretti: Ok, you say that was the only piece of correspondence? We have nothing from Land Conservation? I sure would like to know what Matt says.

Sampson: We do not have anything from...Oh, I'm sorry; we have a report that is in the form of Land Disturbance Site Investigation and Actions to be taken by the La Crosse County Department of Land Conservation.

Pedretti: And everything looks in order.

Sampson: Yes.

Pedretti: Ok.

Sampson: I apologize for that.

Pedretti: Ok, thank you. Alright, staff recommendation.

Staff Recommendation (Sampson): Recommendation is for approval subject to the following seven (7) conditions:

1. This permit is granted specifically to fill and grade an area of approximately 5,200 square feet with approximate minimum and maximum fill depths of approximately six (6), ten (10) and twenty (20) inches and indicated on the submitted grading plan;
2. Fill shall be clean material with no concrete rubble or asphalt;
3. The proposed approximately 1,200 square foot area within State Road 35 right-of-way is not allowed unless written documentation verifying permission to fill is received by this office from the appropriate agent of the Wisconsin Department of Transportation;
4. An Erosion Control Permit issued by the La Crosse County Land Conservation Department, if required, shall be obtained prior to starting the project. A copy of this permit shall be provided to this office by the applicant and shall be made part of this file;
5. Any other permits or permission required by any state or federal agencies are the responsibility of the applicant;
6. This permit shall be subject to any conditions placed on it by the Town of Shelby; and
7. This permit expires September 30, 2012.

Pedretti: Oh, September 30th. I'm going to ask the applicant. First of all you understand the conditions and it is July 30th of this year, or September? I heard July. Thank you, September 30th, that makes more sense. Ok, September 30th. You want to turn on that microphone (speaking to applicant)? Did you hear all the conditions?

Deke Mader: Yes.

Pedretti: I just have a question on the condition number one (1), you said 4,000 square feet, but the application is for 5,200 square feet.

Sampson: Yes.

Pedretti: That's just the area, that's not the actual fill?

Sampson: The 4,000 square foot area's within the lot now owned by Mr. Mader. The 1,200 square feet is within the right-of-way.

Pedretti: Oh, the rest is in the DOT. Thank you for explaining that.

Sampson: Sure

Pedretti: Ok. Supervisor Becker.

Becker: I don't know who to address this question to so whoever wants to answer it can jump in. Has the County Board ever approved one of these without the approval from the proper town?

Pedretti: Ok that's a good question.

Sampson: Actually this is under the Shoreland Zoning Ordinance so anything the town does is advisory. The PR&D Committee makes a decision how much weight to place on that advice from the town. It's really approved here tonight. It doesn't go to County Board.

Becker: Um, Mr. Sampson, do you think it would be a good idea if we referred this for thirty (30) days so we can hear the advice from Shelby.

Sampson: We've done this in the past where the applicant...just made a condition of the Special Exception Permit for the applicant to go back to the township and then any conditions, if they go...in fact Jeffrey Berg, that Special Exception was heard last month and he hadn't been to the Town of Barre yet. So one of the conditions placed on that was any conditions that were requested by the town are made part of the permit. So he actually went back to the Town of Barre, we received correspondence from the town saying that we approved it without any other conditions and that doesn't force the applicant to reapply and pay that fee again.

Pedretti: And that is item number six (6) of your conditions?

Sampson: Yes.

Becker: So, if I'm hearing you correctly, what you'd like us to do, or you're suggestion is approve this subject to Shelby's blessing?

Sampson: Yes and any additional conditions that they may place.

Becker: Ok. Madam Chair, if you're ready for a motion?

Pedretti: We have another question.

Becker: Ok.

Pedretti: We will be though.

Wehrs: I was just making sure that meant when Shelby, I know it was in the conditions but I just wanted to make sure if they did put their own conditions on it because we are actually approving it tonight that it's still in effect.

Sampson: It's not...

Wehrs: Or would it come back to us at Business?

Sampson: The issue, no it won't come back but the issue button really isn't hit until the town has...the folks have a chance to meet with the town and we get correspondence from the town saying yes, we met...

Wehrs: Ok.

Sampson: We have these conditions or we don't have and then...

Wehrs: My other question was just based on that form that...I feel like Rich would know that or this would maybe answer his question about if we have ever done this, like we just came up with that form where the town chair people had to sign not too long ago...doesn't the town Chairperson have to sign that they are on the agenda?

Sampson: We don't do that for Special Exception Permits.

Wehrs: Just for Conditional Use?

Sampson: And Zoning issues.

Wehrs: Ok.

Pedretti: Good point.

Wehrs: So that one's actually just signed by the applicant?

Sampson: Correct.

Pedretti: But a notice is sent to the township.

Sampson: Notice is sent to the town.

Pedretti: Ok.

Wehrs: Just wanted to make sure.

Pedretti: Supervisor Becker.

Becker: Mr. Sampson, so it's number five (5) if I believe it says in there that one of the restrictions is that it's got to be blessed by the Town of Shelby?

Sampson: No - number six (6).

Becker: Number six (6) – Ok with that being in there, I'll make a motion to approve Mr. Sampson's conditions which I believe there are seven (7) of them?

Pedretti: Seven (7) conditions.

Becker: Ok I'll make a motion to approve Mr. Sampson's recommendation with seven (7) conditions.

Motion by Becker/Wehrs to approve with seven (7) conditions recommended by staff.

5 Aye, 0 No, 2 Excused (Holtze, Ebert). Motion carried unanimously.

ZONING PETITION NO. 1907 Jerry Stoeckly, acting on behalf of Busman Enterprises LLC, W4456 County Road "O", La Crosse, WI 54601, petitions to rezone 10.01 acres from the Transitional Agriculture District to Agriculture District 'A' for continued residential use. The property is part of the NW/SW, Section 20, T16N, R6W, Town of Barre. Part of tax parcel 2-131-0 as shown on a Plat of Survey by Michael Lydon dated May 19, 2012.

Appearing in favor: My name is Jerome Stoeckly Sr., and I live at 4456 County Road O, La Crosse, WI 54601. The land that I purchased across the road is part of the family farm that's...I'm going to be 69 years old and I've been on that farm on and off all my life. My mother was born and raised there and the reason I'm here is because I want to put up...originally I went up to the town board and I wanted to put a shed there so I could put some of my...I have two (2) tractors and this and that. I want to get them under cover and I...they told me I had to go through Barre first before I even came to this meeting. So after four (4) meetings in Barre Mills, I got it amended. They sent me here, now I would like to have this rezoned so I'm able to build on this land.

Pedretti: Ok. So, to clarify, you want to build a pole shed to store farm tractors?

Stoeckly: Well I have a Farmall and I have a Ford tractor and I have some lawnmowers there that I use for mowing because I mow a lot of grass you know. And I don't have any buildings, the old farm, barn and the shed and all that was tore down. I brought a garage in there myself that I had purchased and had it moved in. But then my wife took it away from me to park her car in. So I'm just, I'm still out of a building.

Pedretti: Ok so its, again just to clarify, it's for personal use? It's to put in storage that you have that you personally own?

Stoeckly: Exactly.

Pedretti: It's not to store for somebody else; it's not for some kind of a business your running?

Stoeckly: Absolutely not.

Pedretti: A repair shop, anything like that?

Stoeckly: Absolutely not.

Pedretti: Ok, committee, any questions of the applicant? Mr. Sampson.

Sampson: I've got a few questions. You stated in the impact statement also that you expect to build a small residence?

Stoeckly: I would like to put a...I am retired and my wife and I would like to, our house is right across the road so we'd like to put a small ranch there on that land also in the future some time.

Sampson: On the property that you're planning to, or asking to rezone?

Stoeckly: Right.

Sampson: I see the Warranty Deed is listed under Busman Enterprises, an LLC, what is Busman Enterprises?

Stoeckly: Ok. That did throw up a red flag. I was advised to do that and I didn't really want this up for open for discussion but if I have to I will. I'll just tell you that I, when I was younger and I had three (3) girls and then a son and I named him after myself. Don't ever do that. So he has some bad credit and it has affected me. So I was advised to put this in Busman Enterprise with my name under it. For that reason only. I do drive part-time bus for Lamers and I have no, no reason to...there was comments by my neighbors, am I going to start a bus garage up there or something like that? I'm going to be 69 years old. I'm not going to start a business. I just want to relax. I definitely don't want to start any business.

Pedretti: Thank you. Any other questions Mr. Sampson?

Sampson: None.

Pedretti: Great, thank you.

Sampson: Oh, I'm sorry, just one more. I'm wondering, is this the access point right here that you're planning (refers to overhead)? That would be one of the fields.

Stoeckly: Yeah those...that's the top field. Yes.

Sampson: Ok. Have you been to the county highway department at all to apply for a driveway permit or ask about that?

Stoeckly: Not until...I wanted to get this rezoned first. I've been listening to everybody in your office and I'm trying to do it just the way it's supposed to be done. So I did not go to the County.

Sampson: Ok.

Stoeckly: There is a road in there already.

Pedretti: A farm road?

Stoeckly: Yes.

Sampson: This would be a change in use that would require an issuance of a county driveway permit.

Stoeckly: Ok.

Pedretti: Alright. Anyone else wishing to speak in favor (called three (3) times)? Anyone opposed to this petition?

Appearing in opposition: I'm Sharon Johnson, 1019 Willow Way, West Salem, WI 54669. Talking on behalf of Marlin & Charmayne Tauscher Revocable Trust, W4581 County Road O, La Crosse, WI 54601. Yes, one of our concerns was, is Busman Enterprise, LLC. It's a Limited Liability Corporation. When you put property in a corporation, usually you're going to have a business. That's what everybody's thinking about in the neighborhood. When you put property in any kind of a LLC. Yes, he does do lawn mowers, we know that. And he does sell them on the side of the road, which is a business. And we're just concerned about that. That's one of the biggest concerns amongst all of the neighbors. I don't live there but I'm the daughter of Marlin & Charmayne Tauscher and that's probably the main thing is what we're worried about is what's going to happen, is he going to build a house today, and then maybe three (3) years down the road come back in and say well I want to do a business? You know, I want to start a business, I want work on something. I know the guy's very talented on working on equipment you know. But then another thing is how big of a shed does he want to put up there? How long?

Pedretti: Do we have a dimension?

Sampson: The maximum allowed on a 10.01 acre parcel, and I suspect that the plat of survey took the piece over ten (10) acres, was to go 5,000 square feet which would be 50 X 100.

Johnson: Ok a 50 X 100, that's a long shed. You know, I mean you could do a lot with 50 X 100. So our...you know this is a concern we have is what's he going to do with it down the road?

Pedretti: Ok.

Johnson: Ok.

Pedretti: Thank you. Hold on a sec. Stay there please. Any questions from the committee? Supervisor Wehrs.

Wehrs: So you're problems wouldn't be with it if there were no sales out of there or there...?

Johnson: We wouldn't care if there was just the house and a shed put up there. But you know back in the years the Stoeckly's and the Wagner's and the Sager's were all related and the Smith's were all related together. There used to be a junkyard across behind his house that used to be solid junk cars. And my dad and mother farmed that land and it was solid junk cars back there. We just don't want to have a whole line of junk sitting up along the land that joins onto ours or the other two (2) neighbors or three (3) neighbors that are there. We just don't want to have it looking like, you know, something else, you know.

Wehrs: A junkyard.

Pedretti: We'll give you time at the end (to Stoeckly). Ok, any other questions from the committee? Mr. Sampson.

Sampson: It looks like from the aerials that there must have been a substantial amount of clean up in the great junk vehicles over the past years. Or it looks like there might be still some...

Johnson: There is.

Sampson: ...things back there but apparently it must have been substantially clean from what it was?

Johnson: It has been cleaned up a lot yes.

Sampson: Ok.

Johnson: But there is still some back there. If you go back there, and look, there is some things.

Sampson: Ok.

Pedretti: Ok thank you.

Johnson: You bet.

Pedretti: Anyone else opposed to this petition?

Appearing in opposition: Laura Hedgcoth, W4497 County Road O, La Crosse, WI 54601. We're right next to his property. And again, I'm in agreement with her (Johnson), as that we're fine with the residential property going in, that would be great, but we're a little fearful of having piles of stuff and like you said he has cleaned it up or somebody has cleaned it up and you know it is looking better. So that would be my only concern because the property line runs right along us and then actually south of us also. So we'd kind of like to keep the agriculture, you know.

Pedretti: Committee members, any questions? Staff?

Sampson: None.

Pedretti: Thank you. Thanks for taking the time. Anyone else opposed to this petition (called three (3) times)?

No one else appearing in favor or opposition.

Pedretti: Ok, we'll give the applicant a chance to respond to any of the concerns. If you would turn on your microphone there.

Stoockly: Ok. They're right, when I moved in there years and years ago my uncle did have it like a junk yard. I hauled many, many cars out of there and I cleaned up old lumber from the barn and I did make the place look presentable. There's still a little more to do. I haven't done it yet, but I'm working on it. It's not, you know, I'm trying to make it nice. It was terrible, I do agree with that, but I did change that.

Pedretti: Before we get to staff the, Supervisor Wehrs.

Wehrs: I guess I don't really need to ask this again, but you did say there would be no business there and so you'd be ok with a condition stating it's only for residential and personal storage use?

Stoockly: Exactly, I don't want to start a business. I'm just too old to do it.

Pedretti: Thank you. Ok now we have officially closed the hearing portion. We will go to staff recommendations or staff correspondence.

Correspondence (Sampson): I'm not going to read this entire Resolution, 212, from the Town of Barre but it is an amendment to the comprehensive plan for the Town of Barre (partially read into the record). This correspondence states that it contained 8.5 acres more or less, but that may have been before they obtained this additional acreage on the north side is what I'm guessing.

Pedretti: What's Rural Residential Three?

Sampson: That must be a planning class in their comp plan.

Pedretti: Ok thank you.

Sampson: (Finished reading into the record part of the Resolution 212). We have correspondence from the Town Clerk for the Town of Barre, Sally Stelloh, it's addressed to me (Sampson) and dated and received June 13, 2012 (read into the record). There's something I wanted to bring the committee's attention to too. That's why Bryan (Meyer, County Surveyor) put in the long haul here tonight. That's a portion of right-of-way for County Road O (refers to overhead). And I'm going to let him explain that.

Meyer: County Road O was changed in 1969 and the portion that you see kind of jutting up into the, yes that part right up there (refers to overhead), that's the old alignment of the road. In 1969, deeds were executed where they purchased the new right-of-way where current County Road O now runs. While they did a fine job of obtaining the new property, nothing was said as to what was to happen with the old property. There are reversionary clauses that take place that one assumes that land reverts back to the adjoining owners if the county doesn't use it anymore. And that would appear to be the case. What would really be nice is if we could pin this down and clarify it with a Quit Claim Deed back to the adjoining land owners, not just Mr. Stoockly but everybody. So...

Pedretti: Does it go further than the Jaekel's?

Meyer: Yes.

Pedretti: Go ahead.

Meyer: So just making you all aware that there's a bit of a cloud of title on a portion of this land but the reversionary, just to make it crystal clear, it would be good. We have involved Ron Chamberlain in this, the Highway Commissioner, and he is in agreement that that they have no, that the County Highway Department has no use for this abandoned portion of the road and they're willing to give it back.

Pedretti: So who has to do this reversionary? Is it the town's behest or is it something the landowners have to do?

Meyer: This is a county road and so it would probably be best if we did it because it's technically held what clouds the ownership issue is the fact that it could be held by the County and so it would be good if we were able to deed that.

Pedretti: We, meaning?

Meyer: County, La Crosse County.

Pedretti: La Crosse County, so this is something Ron (Chamberlain) would take...I'm trying to figure out who responsibility it is to kind of do that next step. It wouldn't be part of the zoning petition today?

Sampson: No and actually, probably Corp Council would take the lead on this. We did get a clarification from Dave (Lange) because this had held up the petitioner from making his petition for a while. Dave's (Lange) statement was that "I don't think this highway deed should hold up the rezoning because by the terms of the deed I don't believe the County has valid title any longer".

Pedretti: Ok so it's more of housekeeping, let's clean it up since we see it on this issue.

Sampson: Yes.

Pedretti: Ok thank you. Back to Mr. Sampson.

Staff Recommendation (Sampson): This petition is consistent with the recently amended Town of Barre Comprehensive Land Use Plan, indicating a future residential land use planning class.

Staff recommendation is approval subject to the recording of deed restrictions indicating:

1. Only one single family residence is allowed;
2. There shall be no further subdividing of the property; and
3. These restrictions shall apply until amended or lifted by the La Crosse County Board of Supervisors.

I would like to clarify that on item number one (1) that does allow the inclusion of accessory to residential use; it's like the detached accessory garage.

Pedretti: But it does not allow for a business?

Sampson: Correct.

Pedretti: It does not allow for sales or storage for pay?

Sampson: Not prior to some zoning action taking place. There are certain home occupations that are very, very limited in nature. Some professional offices that are allowed without anything like that but again, these deed restrictions are for one (1) single family residence only.

Pedretti: Ok we want to be able to assure the neighbors that this is for...

Sampson: Yes.

Pedretti: This is a residential use. This is not for commercial. We want to be assured that is what we're voting on if we vote on this. We also want to make it clear to the applicant, which I think the applicant understands that it's for residential. Ok. Committee, discussion, questions or a motion.

Motion by Jerome/Becker to approve with the three (3) deed restrictions.

Pedretti: Any other discussion? Supervisor Wehrs.

Wehrs: Sorry, it just makes me nervous. Can you specify those allowances for the business? Like, can he sell lawn mowers on the side of the road?

Sampson: That would require a Conditional Use Permit and rehearing by the committee.

Wehrs: Ok.

Sampson: He would have to come before the committee and the neighbors would get the same opportunity...

Wehrs: And he...

Sampson: ...be notified to come in and testify or to speak in favor...

Pedretti: If you could hold off on other conversation until the hearing is over. Could you hold off sir, just until the hearing is over?

Wehrs: I was just wondering the specifics.

Pedretti: We want to make sure the applicants understanding this...there's no sales of mowers alongside the road.

Wehrs: And storage is not allowed to be rented out to anyone else.

Sampson: That is correct; this is accessory to residential use storage building.

Pedretti: Residential use only.

Wehrs: You just had me nervous with your, "well there are some allowed".

Sampson: Really limited though, professional offices are like one (1) floor and no more than twenty-five percent (25%). Home occupations where you're taking applesauce to the farmers market or things like that.

Wehrs: Ok.

Sampson: It has to be produced in the house and taken elsewhere to be sold.

Wehrs: So like motor repair, nothing?

Sampson: No.

Wehrs: Ok, great.

Sampson: That's a either a CUP or a Rezone.

Wehrs: Thank you. I wanted to make everybody feel better.

Pedretti: Ok, we've addressed the concerns I think, of the neighbors. Any other discussion or questions?

5 Aye, 0 No, 2 Excused (Holtze, Ebert). Motion carried unanimously.

Motion by Wehrs/Londre to adjourn at 8:50 pm.

5 Aye, 0 No, 2 Excused (Holtze, Ebert). Motion carried unanimously.

Hearing adjourned at 8:50 pm.

*The above minutes may be approved, amended, or corrected at the next committee meeting.
Annette Kirchhoff, Recorder.*