

PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE PUBLIC HEARING

September 4, 2012
County Board Room – Administrative Center
6:30 p.m – 7:58 p.m

MEMBERS PRESENT: Marilyn Pedretti, Tina Wehrs, Andrew Londre, Peg Jerome, Ray Ebert, Richard Becker(Excused at 7:03PM), Dave Holtze
MEMBERS EXCUSED: None.
MEMBERS ABSENT: None.
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 AND TO AMEND SS. 17.36(1) AND 17.36(12) OF THE REPEALED "ZONING CODE" OF THE GENERAL CODE OF LA CROSSE COUNTY, WISCONSIN

Section 1. Section 17.04(44a) is created to read: 17.04(44a) Vehicle Trip. The event of a vehicle entering or leaving a location. Each time a vehicle enters or leaves a location is a separate trip.

Section 2. Section 17.36(8a) is created to read: 17.36(8a) USES AUTHORIZED BY CONDITIONAL USE PERMIT IN AGRICULTURAL DISTRICT "B". Any use generating more than 200 vehicle trips per day.

Section 3. Section 17.41(1)(c)15. is created to read: 17.41(1)(c)15. Any use generating more than 200 vehicle trips per day.

Section 4. Section 17.36(1) is amended to read: 17.36(1) CONDITIONAL USE PROVISIONS.

(1) APPROVAL REQUIRED. Certain uses and situations which are of such a special nature, or are so dependent upon actual contemporary circumstances as to make impractical the predetermination of permissibility, or the detailing in this chapter of specific standards, regulations or conditions which would permit such determination in each individual situation, may be permitted as conditional uses in the residential districts, Agricultural District "A", Agricultural District "B", the Exclusive Agricultural District and the Agricultural Transition District, subject to such requirements as are hereinafter specified for each situation.

Section 5. Section 17.36(12) is amended to read: 17.36(12) CONDITIONS WHICH MAY BE ATTACHED TO A CONDITIONAL USE PERMIT IN AN INDUSTRIAL DISTRICT AND IN AGRICULTURAL DISTRICT "B".

Upon consideration of information supplied at the public hearing, the following conditions may be attached to the granting of a conditional use permit:

Sampson: Madam Chair.

Pedretti: Thank you. That's a lot of legal jargon that we have to get into the record. The basic gist is if there's something going to go in that's going to require more than two hundred (200) trips in a day, that they have to go through a conditional use process. That's the general gist.

Sampson: In two (2) specific zoning areas.

Pedretti: Correct. It would be for commercial or...ok. Anyone here wishing to speak in favor of this amendment (asked three (3) times)? Anyone opposed to this amendment (asked three (3) times)? Ok, do we vote on this at this point? Or does this just go automatically to the County Board?

Sampson: This will be read twice at County Board level. Nine (9) of ten (10) clerks have signed for the certified notice of this text amendment, the Town of Barre being the exception at this point. But six (6) of the ten (10) affected towns also have a thirty (30) day period in which to react from today's date. Therefore, the first reading can be held September 20th at the County Board meeting and the second, by the time the second reading comes up we'll know if any towns are protesting the proposed amendments.

Pedretti: But this, in effect, actually protects the towns?

Sampson: It does...

Pedretti: Under the current zoning?

Sampson: ... it's stop gap measure that's in the revised ordinance but it wasn't in the old ordinance. So...um yes.

Pedretti: Ok. Any comments from the committee? Again, Nate, do we need to vote on this tonight?

Sampson: It probably wouldn't hurt to have a vote.

Pedretti: Ok, I'll entertain a motion.

Motion by Londre/Jerome to recommend the ordinance text amendments to the County Board.

7 Aye, 0 No. Motion carried unanimously

ZONING PETITION NO. 1908 Scott G & Christine S Bakkum, N2381 Yanzer Rd, La Crosse, WI 54601, petitions to rezone 39.87 acres from the Transitional Agriculture District to Agriculture District 'A' to allow for the sale of a proposed 7.72 acre parcel to an adjoining land owner. Proposed parcels to be rezoned will be for continued residential and agricultural use. Property is described as part of the SW/NW and part of the SE/NW, Section 5, T15N, R6W, Town of Greenfield. Tax parcel 6-112-0 and part of 6-117-0. Property address is N2381 Yanzer Rd.

Pedretti: Are the applicants here? Let's go up to the podium. You go one at a time please. You can go up to the podium, but speak one at a time.

Appearing in favor: Well, we own the...

Pedretti: Your name and address for the record.

S. Bakkum: Scott and Christine Bakkum, N2381 Yanzer Rd, La Crosse, WI 54601.

Pedretti: Thank you.

S. Bakkum: Ok, um...

Pedretti: If you could explain your petition.

S. Bakkum: Ok. We have forty (40) acres there and we used to raise beef cattle, we don't anymore. And the 7.2 acres that you see there (refers to the overhead) is a large pasture with a stream through it. And our neighbors had asked us quite a while back you know if we were ever interested in selling it, let them know so we decided we're not using it, it's just growing up weeds and stuff, um, to sell it to them. So they're zoned Ag A, so we have to get it rezoned to Ag A in order to sell them that parcel. That's why we're petitioning to get it rezoned.

Pedretti: Ok. Questions from the committee? Questions from staff?

Sampson: Just one question Mr. Bakkum. Do you have any future plans on splitting that parcel or just...

S. Bakkum: No.

Sampson: ...or just leaving your only single family residence and...

S. Bakkum: Yep.

Sampson: Ok, thank you.

S. Bakkum: The rest of it's all corn and alfalfa and...

Sampson: Thank you.

Pedretti: Do you anything to add then or just... (refers to Christine Bakkum)?

C. Bakkum: I'm in support of the proposal.

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: Public hearing portion is closed, we'll hear from the staff.

Correspondence (Sampson): Madam Chair, we have correspondence in the form of minutes for a town board meeting in the Town of Greenfield. This meeting was held July 11, 2012. The minutes were received this morning (read into record).

Pedretti: Just a quick question. That was back in July?

Sampson: Back on July 11th.

Pedretti: And it was for the same amount of land? Sometimes there are a couple months in between.

Sampson: Yeah, they didn't specify, I requested that information to come from the town Friday afternoon before the weekend.

Pedretti: Ok, did the petition change at all? I'm going to ask the petitioners. And they are saying no, thank you.

Staff Recommendation (Sampson): The future land use planning class for this property is Agriculture and Rural in which agriculture and certain compatible low intensity uses are encouraged. New residential development density is recommended at one home per 20 acres. With a 7.72 acre parcel split proposed for the combination with an existing 1.05 acre parcel and leaving only approximately 32 acres in the parent parcel zoned Transitional Ag, staff finds the petition consistent with the comprehensive plan only if tax parcels 6-117-0 and that portion of 6-112-0 are deed restricted to existing residential development prior to the parcel split occurring.

Staff recommends approval of Zoning Petition No. 1908 from the Trans Ag District to the Agriculture District "A" upon the recording of deed restrictions on the lands that are the subject of this zoning petition indicating:

1. Only one (1) existing single family residential use is allowed on the approximately 39.87 acres that is the subject of this rezone petition;
2. No further subdivision is allowed; and
3. These restrictions can only be amended or lifted by the La Crosse County Board of Supervisors.

Pedretti: Thank you; do the applicants understand the conditions? Thank you. Committee?

Motion by Wehrs/Holtze to approve this petition with the three (3) conditions.

7 Aye, 0 No. Motion carried unanimously.

CONDITIONAL USE PERMIT NO. 839 Sylvester G & Patricia A Clements, N3620 Old M Rd, West Salem, WI 54669, applies for an after-the-fact livestock facility expansion for 259 animal units on land zoned Exclusive Agriculture District. Property is described as part of the NE/SW, part of the NW/SE and the SW/SE, Section 7, T15N, R5W, Town of Washington. Tax parcels are 12-157-0, 12-158-0, 12-168-0 and 12-170-0. Property addresses are W2333 & W2337 State Road 33, Coon Valley, WI 54623.

Sampson: Madam Chair.

Pedretti: Mr. Clements. Go ahead and welcome back. Did you not used to serve on this committee?

Clements: Right.

Pedretti: A few years ago? Well, welcome back. A little different being on that end.

Clements: It's always a little different to stand by the podium than if you're on the committee.

Pedretti: It is.

Clements: Um...

Pedretti: And again, for the record, your name and address.

Appearing in favor: My name is Sylvester G Clements, N3620 Old M Rd, West Salem, WI 54669. I live in Barre Mills, the farm's up in the Town of Washington that I own. I'm in favor. I'm glad to get it, hopefully, over with at the next County Board meeting anyway. Um, Madam Chairwoman, can I ask that...uh do I have time for a couple of questions or? I would like to ask the committee if they are familiar with my conditional use permit?

Pedretti: This is a public hearing. You have a right to speak what you want to speak but I don't think this is necessarily a time to question the committee.

Clements: Ok.

Pedretti: If you want to give your background, that's great, we'll certainly accept that.

Clements: Ok. Well, the thing that I was hopeful was that the committee knows how much money that I had to dish out in order to jump through the hoops of the State of Wisconsin and La Crosse County. And, to me, it's over ten thousand dollars (\$10,000). So I hope that the committee, if they were out and viewed the property, if they were up there without my knowledge but I live right on State Highway 33 so they could have drove past. So again, I don't have any other questions, I guess I voiced my opinion every meeting that I've been to.

Pedretti: Ok.

Clements: And hopefully that, in my case, I know it's after-the-fact, but I hope a lot of farmers out there, ah, that are in my situation with animal units, that ah, if they want to stay on the farm don't get nailed like I did. I'm not a happy camper but I'm happy to get it this far to get it over with.

Pedretti: And we appreciate your cooperation. Do we have questions from the committee? Staff have any questions?

Sampson: None.

Pedretti: Ok. Oh, sorry, Supervisor Jerome.

Jerome: Thank you. Um, how many chickens equal two hundred fifty-nine (259) animal units?

Clements: How many chickens?

Jerome: Yes.

Clements: Thirty-five thousand (35,000).

Jerome: Ok. Um, another question I have is, then, you said you had to pay ten thousand dollars (\$10,000) do you want to explain a little bit about that?

Clements: Well, the first thing is, La Crosse County gets a thousand dollars (\$1,000) for the Conditional Use Permit, the State of Wisconsin, because someplace along the line, I got put in the situation that in the sting application ATCP 51, that's another thousand bucks (\$1,000), that puts the, and Gregg can correct me if I'm wrong, that takes La Crosse County out of it. Anything for my nutrient management that I have and I, ah, the book that I have is this one right here (refers to book in his possession) a new book. Uh, you got to have a consultant put it together because La Crosse County just reviews what the consultant does. So I had to hire a consultant. The consultant that I hired was from Osseo. They do eleven (11) counties in the state if there's a problem like I have or some other problem. They charge one hundred eighty dollars (\$180) an hour. Then La Crosse County has an old ordinance, in 1999, that they went and endorsed or put it in with their ordinance that if you have a slurry tank on your farm that was built before 1999, you have to have it inspected. So to have it inspected I had to get an engineer. There's only two (2) in Wisconsin and one (1) in Minnesota. I think they hired a consultant with a PI, they said be sure that you get a PI behind their initial because I need that stamp. So the guy came from, the guy came from Minneapolis, got out of the car, first thing is he had a contract in his hand that I had to pay twenty-two hundred dollars (\$2,200). I knew I had to pay him before he would go and inspect so I had a check along and I paid him. He goes around my slurry store tank, takes two (2) pictures, takes one (1) picture, crawled up the side, took one (1) picture inside, came back out and he said "Well Syl, I'm supposed to, according to what I have documented here, from your consultant, that I got to inspect the erosion around here because we think you have erosion". I mow everything with a riding lawn mower. There was no erosion. There was no leak in my tank. Couple years ago we put all new equipment on the outside, he told me when he walked back to the car, he said "Syl, I've been with this consultant firm for seventeen (17) years", said "I don't care if you use my name or not", he said "this is the easiest job I've ever had in my life", he said that "to me it's a rip off". Well, I'm pretty vocal so I agreed with him. But these are the things that I, the only way it can get corrected, if the zoning board takes the initiative to do something. Where La Crosse County is sitting behind an ordinance of the two hundred (200) animal units that was put together in 19...well, let's say forty (40) years ago. And I maybe would happen to be on the County Board at that time. So does that clear up what you're asking?

Jerome: Yes thank you and I have another question though. If you had to, if you had to reduce down to two hundred (200) units how many chickens would you have to...

Clements: Yes I did. I...at ah...

Jerome: No, I mean if you had to. Because you already have...how many would you have to um...

Clements: In order, in order, I rented three (3)...this is what is hard for a non-farmer to believe. I had to go and, my neighbor, one was Don Bina and rent his manure management part of his farm. Then I had to go to Troy Strittmater, another hundred (100) acre farm that was side-by-side, rent his land and it still wasn't enough. I had to go to Roger Hundt, another neighbor, and rent his farm so I got a place to haul my chicken manure. We do a pretty good job of farming at our place and my phosphorous level, on some of my land, is pretty, is right up there or the tolerance is really close and the ordinance is not taken effect that we have chickens eight (8) months out of the year. Four (4) months out of the year those buildings stand there empty. But according to the ATCP 51, they use three hundred fifty-two (352) days of the year that I am completely stocked with chickens. And I couldn't tell them any different. They say that's what it has to be so I have to live with it.

Jerome: Thank you.

Pedretti: And as a former board member, I'm sure you can appreciate that we have to follow the law so thank you for your patience and thank you for your cooperation in working on this, we appreciate it.

Clements: Yeah so I'll tell ya, I want to personally do this again. Um, I told Gregg and I told Charlie the last time when I was here when we met, they're welcome up on my farm any time to take a look and see the hoops I had to jump through and I have not had that ah...nobody has complied with that. You know stop on a Saturday or Sunday, whenever you're driving by, call me and I'll be up there and show you around.

Pedretti: Thank you for the invitation. Staff have anything else?

Sampson: Nothing.

Pedretti: Alright. Anyone else wishing to speak in favor?

Appearing in favor: Don Bina, N1904 Bina Road, Coon Valley, WI 54623.

Pedretti: And again, welcome back. You were just on this side of the podium not less than six (6) months ago.

Bina: Um...three (3) months ago. Yes, I went to my last zoning meeting and I was on that committee for probably twelve (12)-fourteen (14) years, I don't know what it was and that's fine. Um, I am a neighbor of Syl, I've been his neighbor ever since he moved up on the ridge. I was there before he was. He's been up there probably going on fifty (50) years, I'd say...

Clements: Fifty-two (52).

Bina: Fifty-two (52), ok, I missed by two (2). His land and mine join. And the ah...I started getting involved in this when the County Board, ah...and it wasn't in your era, Syl, when this ordinance was passed. It was in the 90's sometime and I was on the board and I voted against the two hundred (200) animal units as did Leon Pfaff also. You can look that up in the records. I didn't realize it was going to be as complicated as it was but it's basically if we keep on going with this we're going to be running farmers off the land instead of preserving it like Charlie Handy wants. Ah...

Pedretti: Do you have something on this petition please.

Bina: Ok that's...I...Syl came to me and, I got a one hundred sixty (160) acre farm of which seventy (70) is open land. I don't have any cattle anymore now. I retired from the board this year; I retired, kind of, from farming. I got my machinery. I don't spread manure on my own land. My land is in pretty good shape and I rent it to another neighbor now but Syl came to me and wanted to know whether or not he could rent my land for spreading his manure and I said ok, I said if I don't have a problem with my other guy who is renting it from me for corn. I make my own hay. I don't want erosion going on but the nutrients from the chicken manure are really potent. It's good nitrogen. And so it's a benefit for me so I made the deal with Syl and the consultant and I signed a paper saying that he could spread if he needed to and so that's the reason why I came down here. I don't want this to go on any longer because Syl said he got ten (10) grand in it, the way I see it it's thirteen (13). If we continue on this road, you know, when a farmer becomes illegal, like Syl did, when the staff find out it's more than two hundred (200) animal units, the farmer's on his own. We abide by the state regs and we should have wrote our own regs at that time and maybe we weren't allowed to but we should have. Ah...

Pedretti: Anything else on this petition?

Bina: Ah, the only other thing, I'm just going to warn ya, there was petitions signed which went to Charlie Handy, two hundred twenty (220) farmers signed it, nothing was ever done, it never got to the committee, we plan on having a meeting this fall so you haven't heard the end of the two hundred (200) animal units.

Pedretti: Oh, I'm sure we haven't.

Bina: I don't know where we're going but there are other farmers on the verge of two hundred (200) animals and if they go belly up and off the farm I'm not going to be in favor of that so we're having a meeting this fall and you're going to be hearing more about it.

Pedretti: Thank you. Hold on, does the committee have any questions? Does the staff have any questions?

Sampson: None.

Pedretti: Thank you.

Bina: Ok?

Pedretti: Alright. 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 hear from staff.

Correspondence (Sampson): Madam Chair, we have one (1) piece of correspondence after soliciting the town last Friday to see if they had taken action yet. I did get a response from Town Chairman, Dan Korn. We received that September 4th; that was sent Monday, September 3rd (read into record).

Pedretti: And September 12th is certainly within the time period we need, thank you.

Sampson: Within the time frame so that will go to the County Board on the 20th.

Pedretti: Ok.

Staff Recommendation (Sampson): Wisconsin...

Pedretti: Are we going to hear from Land Con that everything is approved? I mean, we don't have to...ok, alright, thank you.

Sampson: ...Wisconsin Administrative Code ATCP 51.34 requires that if an application complies with ATCP 51.30, the application must be approved. ATCP 51.30 and 51.34 state that if the applicant submits the required number of copies, the fees are paid, and the county finds that the application is complete, the county cannot deny an application unless there is clear and convincing information in the record that the facility fails to comply with an applicable standard. That information at this time does not exist.

Staff recommendation is approval without conditions other than compliance with the submitted complete ATCP 51 application, based upon the findings of the La Crosse County Land Conservation Department that this application meets the definition of a complete application under Wisconsin Administrative Code ATCP 51 for expansion of an existing livestock facility.

Pedretti: Ok.

Sampson: Madam Chair.

Pedretti: I just want to make sure that staff has an opportunity to...everything is ok on this correct?

Stangl: Madam Chair, yes. I'm Gregg Stangl; the Director of the Department of Land Conservation, our department is responsible for doing the application review. We had Mr. Clements submit his application three (3) different times before we deemed it to be complete. Everything is in order but we would like to remind Mr. Clements at this point and time that he needs to be in compliance with all the plans that he submitted as part of that application. Otherwise it would deem a violation of the conditions of the Conditional Use Permit and it would also jeopardize your compliance with the Farmland Preservation Program that he also participates in.

Pedretti: Ok so everything is in order? Supervisor Wehrs.

Wehrs: I just have a question for you Nate.

Sampson: Yes.

Wehrs: If Mr. Clements would have applied for this Conditional Use Permit before exceeding two hundred (200) animal units, would the consultant have been necessary?

Sampson: It really depends upon the appli...it's...

Wehrs: Would there have been more county resources for him, to help him with his application or no it's still the same?

Sampson: No, it's still relying upon him contracting with a consultant or providing that information himself. Um, definitely the application fee would have been half where a livestock facility siting Conditional Use Permit is a thousand dollars (\$1,000); after-the-fact is two thousand dollars (\$2,000) so that was the County fee.

Wehrs: Thank you.

Pedretti: Supervisor Becker.

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

Pedretti: Um, just, I think he (Stangl) had his hand up; I just want to make sure we got everything on the record.

Stangl: I just wanted to add on that comment. That as the Land Conservation Department serving as a review party under this legislation; we cannot provide the assistance that we typically do. Um, in other words, we would be reviewing our own work, which has some ethical and moral issues about doing that. In cases like this, where people need permits to operate expand their facilities, we ask that they go through the private sector and obtain their services vs. us so that we are not reviewing our own work. That's why we require that they go outside.

Pedretti: Thank you for the clarification. Ok Supervisor Becker.

Motion by Becker/Wehrs to approve this conditional use permit.

7 Aye, 0 No. Motion carried unanimously.

Pedretti: Let the record show that Supervisor Becker is excused from the remainder of the meeting at 7:03 P.M.

CONDITIONAL USE PERMIT NO. 860 Terry W Stone & Rhonda L Peterson-Stone, 1125 East Ave N, Onalaska, WI 54650, applies for a Conditional Use Permit to construct a farm residence on a 35.22 acre, more or less; Base Farm Tract zoned Exclusive Agriculture District. Property is described as part of the NE/NE, Section 32, T18N, R7W, and part of the SE/SE, Section 29, T18N, R7W, Town of Holland. Tax parcel is 8-370-0. Property is located on the south side of Casberg Coulee Road.

Pedretti: Applicants, would you like to come forward? While they're coming forward do you (Sampson) want to just explain maybe why we're seeing a CUP like this or are you going to do that during the staff reporting?

Sampson: Um, we can actually do kind of an explanation now so that the, for the benefit of the committee.

Pedretti: Because this is new.

Sampson: Yes, this is under the revised zoning ordinance and it's the requirement for any new farm residence that a conditional use permit is obtained or a rezone is allowed of up to three percent (3%) of what we call a Base Farm Tract (BFT). Now a BFT is all contiguous acreage owned by that farmer. In this case, it's 35.22 acres. One (1) conditional use permit is allowed per thirty-five (35) acres on a BFT of up to one hundred seventy-five (175) acres because that would be five (5) per thirty-five (35) and the limit is five (5). In this particular case, we have a 35.22 acre parcel and if the, you know, some of the committee members who've heard a number of the rezones in the past, under the old Farmland Preservation Program, what happened was a farm residence would be constructed in many cases and that would be split off by...from the farm by CSM (Certified Survey Map) Lot, that would get sold and maybe two (2) or three (3) owners subsequent. We, as a department, would discover that through permit process where they came in to obtain a zoning/occupancy permit for whatever reason. At that time, three (3) owners removed, they were forced to do a rezone and it not only painted the owner into the corner but the committee and the county also because it was almost a finance required rezone and not based on the merits so...these are new requirements under the Statute 91, the Working Lands Initiative.

Pedretti: Thank you for the background. I just wanted the committee to understand why we're hearing this today. So we'll hear from the Stones.

Appearing in favor: Terry and Rhonda Stone, 1125 East Ave N, Onalaska, WI 54650. We're looking I guess to get the Conditional Use Permit (CUP) to build a single family home on the 35.22 acres in Casberg Coulee.

Pedretti: Any questions from the committee? Staff?

Sampson: I have none.

Pedretti: And you (Rhonda Peterson-Stone) want to say the same? Ok for the record Rhonda Stone, ditto. Alright any other questions from the committee? 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 thank you. And staff.

Correspondence (Sampson): Madam Chair, we have no correspondence as of yet from the town and I'm assuming you can answer on behalf of the town (Supervisor Pedretti)?

Pedretti: I sent correspondence, they got approved last, what was the last meeting? August, the second Wednesday of the month. I would have sent it the next day.

Sampson: I don't think we received it.

Pedretti: We'll get it in the record.

Sampson: Alright.

Pedretti: They approved it.

Sampson: Ok. No further correspondence.

Staff Recommendation (Sampson): Staff recommendation is conditional approval. This CUP is consistent with the La Crosse County Comprehensive Land Use Plan for residential use and residential density. Approval is subject to the recording of deed restrictions indicating:

1. Conditional Use Permit No. 860 is transferrable in its entirety to all future owners, heirs or assignees;
2. The entire base farm tract of 35.22 acres shall be limited to one (1) single family residence as authorized under Conditional Use Permit No. 860, and future agricultural development & uses only. No future farm or non-farm residences are authorized on this base farm tract; and
3. These restrictions shall apply until lifted by the La Crosse County Board of Supervisors.

Pedretti: Do the applicants understand the conditions? (Applicants indicate that they do). And the committee.

Motion by Jerome/Wehrs to approve this conditional use permit with the three (3) conditions. **6 Aye, 0 No, 1 Excused (Becker). Motion carried unanimously.**

CONDITIONAL USE PERMIT NO. 861 Greg H Sacia, N8870 County Road TT, Holmen, WI 54636, applies for a Conditional Use Permit for an existing farm residence on Lot 1 (2.43 acres) of a pending Certified Survey Map located within a 110.91 acre, more or less, Base Farm Tract zoned Exclusive and General Agriculture District. Property is described as part of the SW/SE, Section 9, T18N, R7W, Town of Holland. Part of tax parcel 8-151-0. Property address is W6269 County Road TT, Holmen, WI 54636.

Appearing in favor: I am Greg Sacia, address is N8870 County Road TT, Holmen, WI 54636. I'm petitioning tonight for a, to sell that parcel of land there (refers to overhead) to my daughter here, Amy. This farm has been in the family since the 1800's and with that; I guess it's just going to continue there. I guess I would entertain questions if you have any

Pedretti: Just a quick question. The proposed Outlot 1, is that the cemetery?

Sacia: Yes it is.

Pedretti: Ok thank you.

Sacia: That is a family cemetery that dates back to 1850.

Pedretti: Ok. Questions from the committee? Staff?

Sampson: None.

Pedretti: Again, this is similar to the previous petition with the whole Farmland Preservation etcetera. If you'd like to make a statement (Amy Mather)?

Appearing in favor: Amy Mather, W7263 Sylvester Road, Holmen, WI 54636. And I just want to voice my support.

Pedretti: Ok, any questions from the committee? Staff?

Sampson: None.

Pedretti: Great. 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 public hearing portion and hear from the staff.

Correspondence (Sampson): And I'm assuming again the Town of Holland has acted upon this?

Pedretti: Um, no. This one will be acted on this month so it'll be planning commission tomorrow night, town board next Wednesday.

Sampson: So that'll be prior to the County Board schedule?

Pedretti: Yeah.

Sampson: Great.

Staff Recommendation (Sampson): Staff recommendation is for approval. This CUP is consistent with the La Crosse County Comprehensive Land Use Plan for residential use and residential density in a certified farmland preservation zoning district. Conditions of approval of this recommended approval of Conditional Use Permit No. 861 are as follows:

1. Conditional Use Permit No. 861 is approved for one (1) single family residence on Lot 1 of the proposed 2.43 acre proposed Certified Survey Map and is transferrable in its entirety to all future owners, heirs or assignees for continued single family residential use;
2. All future farm residences proposed on the 111.71 acre Base Farm Tract shall be allowed by conditional use permit approval only and at densities authorized by the La Crosse County Zoning Ordinance;
3. The remainder of a minimum 35 acres of the Base Farm Tract, which amounts to 32.57 acres, shall be deed restricted to allow future agricultural development & uses only. No future farm or non-farm residences are authorized within the deed restricted area; and
4. These conditions and restrictions shall apply until lifted and/or amended by the La Crosse County Board of Supervisors.

Pedretti: Does the applicant understand the conditions?

Sacia: Yes we do.

Pedretti: Thank you. Committee?

Motion by Holtze/Londre to approve this conditional use permit with the four (4) conditions.

6 Aye, 0 No, 1 Excused (Becker). Motion carried unanimously.

SPECIAL EXCEPTION PERMIT NO. 2012-08 Dave Sauer, Cedar Corporation, 1402 Pankratz St, Suite 320, Madison, WI 53704, acting on behalf of the Village of West Salem, petitions to perform filling and grading to improve an existing drainage ditch within the Shoreland District of the La Crosse River. Property is described as part of Government Lot 8, Section 33, T17N, R6W, Village of West Salem. Tax parcel is 16-1021-6.

Pedretti: The last few petitions have been rather brief because they were pretty straight forward but I'm hoping that we'll get a little more thorough explanation on this one. I'm not sure what this one is about.

Appearing in favor: I'm Dave Sauer, I'm with Cedar Corp, been the Village of West Salem Engineer for fifteen (15) years or so and the address is 1402 Pankratz St – St 320, Madison, WI 53704; on behalf of the Village of West Salem. The project is really a stormwater erosion control improvement for the Village of West Salem. The subdivision that surrounds Faye Drive went in maybe fifteen (15)-twenty (20) years ago and at that time there was a property where the existing, it's quite ah, topographic relief, maybe thirty-five (35) feet from the river up to where the subdivision is and all of that stormwater along with a good portion of other subdivision drains to this drainage ditch. Over the last five (5) years or so there's been a number of concerns of the adjacent property owners that the erosion is starting to get into their back yards which in a couple of places it is.

Pedretti: Do we have an overview? (Vandenlangenberg put map on overhead) Great thank you. Go ahead.

Sauer: So the village has taken upon themselves to make this a project, an improvement project. The project that we've put together is about four hundred sixty five (465) feet of storm sewer, thirty-six (36) inch storm sewer to be in place where the existing ditch exists. Over that four hundred sixty-five (465) linear feet is, for the majority the major part of the vertical drop where a lot of the, the most of the erosion is occurring. And then from ah, that remain, the whole distance from where Faye Drive where it starts at the back of the yards of two (2) residences and it goes to the La Crosse River. The total distance is nine hundred fifty (950)-nine hundred seventy-five (975) feet. For the last 500 feet it is much flatter, maybe a one percent (1%) grade change along that alignment of the drainage ditch. And in those cases, we're just planning to put in rip rap embankment erosion on every, on the turn of the existing natural drainage way. And then we also added two (2), what we call, rip rap riffles, which is really a rock check to slow down the water along the way. Everything, the last rock check riffle is about one hundred thirty

(130) feet from the La Crosse River and that is about where the estimated high water mark is from the river itself.

Pedretti: Ok thank you.

Sauer: Any questions, I guess.

Pedretti: Does the DNR get involved in this?

Sauer: They had said that as long as we are not adding any material between the high water mark and the river and that the special exemption (exception) permit is granted by the County that they would not have to issue even a permit.

Pedretti: Ok. I'm sure we'll get some correspondence; I was just curious more than anything.

Committee, have any questions? Staff?

Sampson: Dave, I'm just kind of curious. I'm assuming you're going to have to access on that lower end and if you could explain for the committee, the grading permit didn't include any plans for a road or anything like that. If you could just briefly explain how you intend to access that.

Sauer: Yeah, we've talked to one of our contractors that we're going to use and we're actually going to access this from the property side not the river side. The south side and we're actually going to negotiate an improvement to the backs of their two (2) yards in return for the easement and then the return of the land area between the two (2) residences, one is Beran and one is Kruser to original conditions and give them some trees and so forth. That's the high end of the project and obviously the only thing that we would need the lower access for would be in the event that we wanted to take out some of the brush and then we would take that out but in that case we would just put in a, what we've done before is put in some tree um some brush as an access road and then have that be incorporated into the ground area. We're not planning to fill any stone or any rock from the lower end because it's just too wet.

Pedretti: Thank you. Other questions?

Sampson: I'm wondering too, the schedule shows that the project would end at the end of November of this year and wondering if you could just explain to the committee some of the things you intend to do for stabilization because we always like to see sites heal up before the cold weather sets in and things like that.

Sauer: Right. For all of the disturbed area, which is about three quarters ($\frac{3}{4}$) of an acre, we're planning to put down a mulch, a straw mulch erosion mat and then come back in the spring of the year, in May and June and repair everything but we're trying to cover everything with that mulch mat, you know a straw mat, that we disturb this year and you know do everything that we possibly can. But keep in mind that all of the side slopes from off of the improvements are going to be less steep than what they are now. And they're, for the most part, they're bare ground now because there's a ton of slope failures because the slopes are just so high.

Sampson: Ok. The only other question I have because you answered my rock riffle question, I wasn't quite sure what that was, it appears from the plans that there are no man hole structures or piping within that three hundred (300) foot buffer, is that correct?

Sauer: Three hundred (300) foot of the river?

Sampson: The ordinary high correct?

Sauer: Correct. No, the last man hole is about at the, I think it's four hundred sixty-five (465) foot point and then we just have another stick of pipe of thirty (30) foot of storm sewer where it just daylight.

Sampson: Ok. Were there two (2) manhole structures? I thought I saw the plans and it said manhole number six (6) and I can only find two (2).

Sauer: Three (3) manhole structures.

Sampson: Ok. No further questions.

Pedretti: Ok great. Thank you. Anyone else wishing to speak in favor (called three (3) times)?

No one else appearing in favor.

Pedretti: Anyone opposed to this petition? Please step forward.

Appearing in opposition: My name is Linda Berg, 745 County Road M, West Salem, WI 54669. I don't know if I'm really opposed as much to just concerned.

Pedretti: Are you number thirty (30) on the map?

Berg: Yes, I am number thirty (30) and there is, what we consider to be, a fairly steep drop off right behind our house down into that ravine and I'm worried that digging around it down there, or doing some

work down there, is going to be, help that bank become less stable in any way? Or unstable? Or cause my house to fall into the ditch?

Pedretti: Do you have other points of concerns or...? Because we'll certainly, we'll have that addressed.

Berg: Ok.

Pedretti: If there are other concerns. So you don't necessarily oppose the petition but you want to be sure...

Berg: Right and nobody's talked to us about that and like I say, it is a fairly steep drop off there.

Pedretti: Ok. If the applicant, Mr. Sauer, if you could turn on the red button there, and just address her concern for us?

Sauer: I think I need to clarify exactly where, is that the...

Pedretti: She's number thirty (30) which is to the...west.

Sauer: Ok. Well, the improvement along the boundary of Lot 30, or your property, is not really going to be changed at all from what it is today. The only thing that I would say that this project is going to be an improvement is every turn in that ditch that is made is going to be rip rapped so that the erosion that continues in those directions, at a change in direction, will be minimized or eliminated. And you can that, I can see that there are actually two (2) that are going to be rip rapped. So the project is going to be and the rip rap will be placed within the banks of the existing ditch and not extended any further than that.

Berg: So are you saying my... (Inaudible).

Pedretti: If you could just hold on just a second. Normally in public hearings we don't have the back and forth conversation. We do like to address issues though and so we do want to address this issue so let's make sure we're clear on what it is will happen.

Sauer: Ok. This would be the boundary (refers to overhead) of your (Berg) property and right from about oh, there's a turn right there, then there's another turn there, those are planned for rip rap right within the base of the drainage ditch itself. And currently those are, a lot of this erosion is coming down here is from the top, coming down into that ditch. And anytime you have water entering from the side, from there and a little bit in here (still referring to the overhead) those are areas where, when this water is coming down through, it will just aggravate this whole situation of erosion and make it worse. So what we're planning to do, just like we have through here is to improve everybody's property so that this erosion doesn't continue to go back onto private property. So I think our plan was to improve this and mainly for, so this drainage ditch doesn't continue to flare out, say through this area (still referring to the overhead) and get closer to your (Berg) back property. So I think, you know everything that we've tried to do here is make an improvement for your (Berg) property as well as all of these, ah, your neighbor's properties too.

Pedretti: Thank you for clarifying that. Anyone else wishing to speak in opposition, anyone else in opp...?

Audience: I just have a question, I'm not opposed or...

Pedretti: You'll need to come up, give your name, address.

Audience: Ok.

Pedretti: It's the format, sorry.

Audience: That's alright.

Pedretti: And just a reminder, this gets approved tonight; it does not go to full County Board. So we do need to make sure we have everything clarified before we go forward.

Appearing in Opposition: My name is Jason Campbell, I live at 707 Lee Dr. I'm number nineteen (19) on the map I believe.

Pedretti: Thank you.

Campbell: My question is just, ah; it goes back to the access. I guess I didn't hear it really clear, so how exactly are we planning to access the land that needs to be worked on? Because I was approached last year to use an easement of some sort and so when I got this that's why I came to the meeting.

Pedretti: Ok.

Campbell: I'm just curious on the access.

Pedretti: Sure. And before he answers, do you have any other concerns?

Campbell: No, just how...

Pedretti: Just the access?

Campbell: Just the access, how they're going to get onto the, where they need to do the work and how they're going to get off.

Pedretti: Ok great, thank you and we'll have the applicant address that as well.

Sauer: Ok, yeah the two (2) properties that we're going to access are Beran and Kruser. Those are the two (2) properties. This (refers to overhead) easement for the thirty-six (36) inch storm sewer that comes from the Faye Drive was acquired during the original approval of the subdivision and then over the last

year and a half we've obtained two (2) other easements that run parallel with this property line. So the plan is that we have a twenty (20) foot access easement between the two (2) existing houses of Mr. Beran and Mr. Kruser, those two (2) properties (still referring to overhead). And we would access the top of the project from this easement. And as we would construct this, first thing would be to take out all the necessary, clear and grub some of the trees and some of the brush. Last fall we took out some of the, everything above grade but we didn't take out anything below grade. No tree stumps. And then we would start, once the area is cleared and grubbed, then we would start taking or having this as, pretty much as an access road. The bottom of the ditch is running pretty much onto some bedrock and wedge rock edges and start building these rock riffles and rock dams and stream bank and erosion down in here first and then start working backwards. Start laying, there's a plunge pool here. And then start laying pipe and go back up to the starting point. And then finish off the project by, we're going to actually put in some drainage ditches in the back of these properties and tie that into the manhole because there's also erosion and it's coming through this backyards, these two (2) backyards here. Just because there's so much water that is coming off of these two (2) properties. That was the plan that in return for this easement, then we would do this and then this access between the two (2) properties would be improved to existing conditions which there's going to be a tree that's going to have to be taken down and we're going to have to replace that. And then, what I said before, if we did have to take out anything on the lower end because it is so wet down in here (still referring to overhead) is that we might drag out some trees in that area. And we have a lot, the Village has a lot, I don't know if you want to go another, a larger area that has another (talking to Chad about the overhead picture), um, more of the subdivision, but there's a lot that the Village owns up in this area, off from Williams...we may drag. Yes, I think it's this lot here. Where we would ultimately maybe stockpile some of the brush and take care of it that way. So this is the lot that the Village owns (referring to overhead). And our only purpose of buying that or purchasing that was to allow us to use it in the event that we needed to, to get some of the brush out of here. Again this is pretty low and I don't really want to go in there too much if I don't have to just because it's going to be kind of a guessing game if it's going to be wet or dry and with the weather conditions you can't really gamble. The Village wants to get this project done and we want to do it right.

Handy: What you see on this map in the orange is an easement, in blue is another easement and in the yellow is another easement; those are all easements that are recorded for this project.

Sauer: Correct.

Sampson: The orange is actually owned by the village, correct?

Handy: Yeah, that's right, I'm sorry.

Pedretti: It's owned by the Village, not an easement, ok.

Sauer: This is the one that's owned by the Village (refers to overhead).

Pedretti: Ok thank you for that explanation. You're comfortable with that (talking to Campbell)?

Campbell: Yeah.

Pedretti: Thank you. Anyone else in opposition (called three (3) times)?

No one else appearing in opposition.

Pedretti: Ok, we'll close the hearing portion and let's see what staff has to say.

Correspondence (Sampson): We have a few pieces of correspondence. The first one is from Gregg Stangl, our County Conservationist, Director of Land Conservation Department, dated Tuesday, September 4th and received Tuesday, September 4th (read into record). We have a piece of correspondence that I was copied on from Carrie Olson and this was to Dave Sauer dated August 23rd, received August 23rd.

Pedretti: And Carrie is with the DNR?

Sampson: Carrie is a Water Regulation, ah, Water, Reg and Zoning Specialist with the DNR (read into record). The other piece of correspondence is from Michael Wenholz with the Wisconsin DNR; this was dated and received Monday, August 27th (read into the record). No further correspondence.

Pedretti: Ok.

Staff Recommendation (Sampson): Staff recommends approval subject to six (6) conditions:

1. This permit is granted specifically to perform fill and grade work to improve and maintain an existing drainage ditch located on part of Government Lot 8, Section 33, T17N, R6W, Village of West Salem;
2. All work shall be completed in accordance with plans submitted with this application identified as Job No. W4896-005 and received August 10, 2012 in the La Crosse County Zoning, Planning & Land Information Department;
3. The contractor and all subcontractors associated with this project shall be provided a copy of these conditions of approval by the applicant or Village of West Salem;
4. Any erosion control or stormwater permits required by the La Crosse County Land Conservation Department or other local or state agency shall be obtained by the applicant prior to commencing the project;
5. Stabilization measures shall be practiced, installed, and are the responsibility of the applicant or their agent to prevent any further sedimentation from entering the La Crosse River as a result of this land disturbance, during and post construction; and
6. All work shall be completed by November 30, 2012.

Pedretti: Does the applicant understand the conditions?

Sauer: Yes, I have one question, the last one.

Pedretti: Yeah, I was wondering that too. Sounds like you're going to do some work in the spring as well.

Sauer: Yeah I just want to be sure that we're going to continue to do some work in the spring. I think we have June 15th as a final, final completion but that would be more for any repair and reseed.

Sampson: How about a condition that "all work to be completed in 2012 shall be stabilized by November 30, 2012" and "final termination of Special Exception Permit, June 30 of 2013"?

Pedretti: So in other words, anything that's disturbed this year, is stabilized this year?

Sampson: Yes.

Pedretti: But they have until June 30th of 2013 to finish the project? Is that sufficient?

Sauer: Yeah, the November 30th, is there a purpose for that date? In the event that we're done by November 30th, that's fine but it could be two (2) weeks later. But it will be stabilized.

Sampson: And I think what I was taking from was, must have been from the plans themselves Dave, or some correspondence that indicated that?

Sauer: Correct, we were just estimating at that time but I'm just thinking you know we wouldn't do anything, we have to be done by; I think the contract is written out for bid is December 14th to be substantial.

Pedretti: That could be up to the committee to decide if they want to adjust that. I think in the past though it's generally the rule of thumb is if you're not done by Thanksgiving you're not going to get anything stabilized in December in Wisconsin. So that's been a concern in the past but it is again, up to the committee whether they wanted to adjust that. Mr. Ebert.

Ebert: I move that December 15th be the stabilization date for that work performed this year.

Pedretti: So there's an amendment to item number, condition number six (6) to change from November 30th to December 15th. And there's a second.

Motion by Ebert/Wehrs to amend condition number six (6) from November 30, 2012 to December 15, 2012.

Pedretti: Discussion on the motion to amend? Supervisor Holtze.

Holtze: I'm going to vote no on that amendment. I think in December your crowding your window of opportunity to get done.

Ebert: Yeah, I think when we can't start to trust our Villages and the people of the government then I think we have a real problem so I certainly will vote yes, since I made the amendment. I think it's pretty poor that we don't have trust in our other government units.

Pedretti: Ok Supervisor Wehrs.

Wehrs: I think if, we need to give them time to get their work done, I mean what if they have to stop on November 30th and we have nice weather and they could keep going? I mean, why would we say that they have to stop then and not give them that extra leeway that they need to get the job done correctly?

Pedretti: Ok Supervisor Holtze.

Holtze: I don't think we're telling them they have to stop, but that they should be done by then with the stabilization so now if we're going to say December 15th and we get a major snow storm on Thanksgiving,

they're not going to be done because they're planning on the 15th. They might be done if they're planning for November 30th. They originally said they were going to be done by the 30th, I think that's appropriate, I also think it's appropriate that we extend the finishing of the project to June of 2013 because they have to have time to proceed but the actual protecting of the land should be done by November 30th.

Pedretti: Ok. Thank you. Any other discussion on the amendment?

4 Aye (Pedretti, Wehrs, Jerome, Ebert), 2 No (Holtze, Londre), 1 Excused (Becker). Motion carries.

Pedretti: Supervisor Wehrs.

Wehrs: Mr. Sampson, could you read your number five (5) recommended condition again?

Sampson: Yes. Stabilization measures shall be practiced, installed, and are the responsibility of the applicant or their agent to prevent any further sedimentation from entering the La Crosse River as a result of this land disturbance, during and post construction.

Wehrs: Is, what do you think about, would we add, if we added the phrase "entering the La Crosse River or neighboring properties" just to address the concerns of Mrs. Berg that is concerned about, you know, um, this land disturbance affecting her property?

Sampson: I think the degree of slope and the direction of the slope and contours on this parcel that they're going to be doing the grading and excavating work, the homes are at such an elevation above that, that I don't know that we have to worry about the sedimentation there. My concern in that condition was that, you know, of course with the ditch in the condition that it's in right now, that for certain with the exposed soils there's sedimentation, erosion and sedimentation occurring right now and I don't want that to be made worse by this project but really that condition doesn't address the adjoining properties because the adjoining properties sit so high above the actual parcel that's going to be worked on.

Wehrs: It just would make sense to me that if we're saying we don't want this land disturbance to anymore affect the river but, and it probably won't, but it's just to address their concerns but you don't feel that it will.

Sampson: I think that the Village is going to be a good player in this. They're going in to do this right and that's my feeling.

Pedretti: And also I certainly think the neighbors are being proactive by being here and they will stay active with that and certainly check with the Village if there are concerns. Any other discussion?

Motion by Ebert/Jerome to approve this special exception permit subject to the six (6) conditions as amended.

6 Aye, 0 No, 1 Excused (Becker). Motion carried unanimously.

ZONING PETITION NO. 1909 Richard A Berg, W7463 Sylvester Rd, Holmen, WI 54636, acting on behalf of Ruth E Marco, W5992 Bucklin Rd, Onalaska, WI 54650, petitions to rezone approximately five acres from the Transitional Agriculture District to Agriculture District 'A' to allow for a proposed two lot Certified Survey Map. Proposed lot one will be for an existing single family home and proposed lot two will be for a future single family home. Property is described as part of the SE/SW, Section 27, T17N, R7W, Town of Onalaska. Tax parcel is 10-731-0. Property address is W5992 Bucklin Rd.

Appearing in favor: Richard Berg, W7463 Sylvester Rd, Holmen, WI 54636. I'm the engineer and land surveyor here on behalf of Ruth Marco, the property owner, as was stated. What we would like to do is rezone from Transitional Ag to AG A. It's my understanding that, and the county staff can speak for themselves, but it's my understanding that they had pointed out that should have been rezoned anyway years ago because of when that whole five (5) acre parcel was created. But, in doing so we would like to request that it be approved to create two (2) parcels there where we would like, we're in the process of doing a Certified Survey Map (CSM) of the five (5) acres and splitting it into two (2) parcels. Mrs. Marco lives in the home that's there now on the left side of Bucklin Road as you look at the map (refers to overhead). On the other side is a couple of other buildings that are part of her property also. As you can see that Bucklin Road essentially cuts the property in half anyway and our intent would be to just extend the road, probably the west right-of-way line up or somewhere close to that and create that lot around the house. Which would leave, I think it states here, about one (1) acre. It's probably; if we do that it's probably just under the one (1) acre, like nine tenths (9/10) of an acre. I think you'll notice that the properties to the west of there, that's a subdivision plat of Marco Valley II and just to the south of that is the original plat of Marco Valley and all of those lots are only about 1/2 an acre. I think the two (2) that actually butt up to this property on the west side are um, one of them is .69 acres and one is .75. And

then, like I say, as you go down the plat the rest of them are about ½ an acre. So it seems consistent with what's laid out there to go ahead and create that one lot that surrounds the house. I believe Mrs. Marco is intending to sell the property and thought it would be more saleable to do that. She lives there alone right now. Time wise it did not fall out right to get it to the Town Meeting first, I did talk to Rolly Bogert, the Town Chairman, last week and he didn't see a problem with it, that's just here say I guess though at this point since I don't have any...

Pedretti: They'll have thirty (30) days.

Berg: ...action from the Town Board but I did discuss...

Pedretti: They are aware of it.

Berg: ...yes, I did discuss it with the Chairman.

Pedretti: And I'm sure they'll talk then about the road issue. Whether the road should go all the way back. That won't land lock CC Carlson?

Berg: Pardon me?

Pedretti: The property, I guess that would be to the east. That road coming, Bucklin Road, it won't land lock, if that road doesn't complete?

Berg: No, right, off the end of Bucklin Road that's the part that's actually Town Road, deeded to the Town off the end of that is an easement that serves that property to the north.

Pedretti: And that's an issue that the Town will certainly worry about whether or not they want to finish the road out or put cul-de-sac or whatever. That's...

Berg: Right.

Pedretti: ...their issue.

Berg: Right. Yep.

Pedretti: Just a quick question. The coop and the barn are staying at this point, there's no talk of taking them out?

Berg: As far as I know. It may depend, you know, on if she sells that and somebody decides to tear that down that may happen or they may try to renovate it into something. I don't know, they're not in the best of shape but I don't think I can answer that. There's no immediate...

Pedretti: We don't have a concern with the detached accessory buildings on this one.

Sampson: We may if they exceed the area limits for that parcel...

Pedretti: That's what I'm wondering.

Sampson: ...that's created. It would require a variance to be compliant if they exceeded that 1500 square foot area limit for detached accessory buildings on that lot. And they are making a choice to split that.

Pedretti: Right – ok. Just so we're clear on that.

Berg: On...What was that?

Pedretti: If it gets split, those, depending on what, you know, if they built a house, the square footage, that may exceed and so there may be an issue with that they may have to get a variance down the road. But at this point it's acceptable for the, what it's used for, for now.

Berg: Oh, ok. Actually, if the truth be known, that barn probably isn't in compliance right now. I mean it's actually, I know it doesn't meet the height requirements. It's like 30 some feet tall and that doesn't fit if you had twenty (20) acres there.

Pedretti: Ok. One of those buyer beware, when they buy the property they're going to have to be aware of that. Committee, any questions? Staff?

Sampson: None other than verify that I contacted Melissa Erdman with the town and September 10th is their planning commission and September 11th is their town board.

Pedretti: And you're on their agendas?

Berg: Yes, we are.

Pedretti: Great. Ok, thank you Dick. Anyone else wishing to speak in favor? Go ahead, up to the podium please.

Appearing in favor: Hi there, I'm Eric Seeger, I'm a realtor with Gerrard Hoeschler, and I live at 1525 Sunset Drive here in La Crosse and I am the agent that has this property listed. I'm trying to help the Marco family get it sold. Mr. Marco has passed away and Mrs. Marco is trying to transition into assisted living and we're, the house is, we're trying to fix it up and enhance the property as much as we can. Is it possible to put a, drape an aerial up there Chad?

Vandenlangenberg: You bet.

Seeger: As you can see from the aerial that's a nice wooded parcel there on the other side of the road with a nice garden area of lawn. Did you see that, just south of the barn? And I think it makes a, and the coop is really not visible. It's right up on the edge of the road there. Right there (refers to overhead) and I

just, you know, that's a quite a nice, it's a steep hillside that comes, a spine that comes down the lower portion of that property to Bucklin Road. That's quite a steep ridge there and there's also another one just, it comes out at the coop. It runs east and west and it makes a really nice parcel there that, you know, somebody could, even if they just wanted to a garden in there and use it for recreational purposes. It would be nice but, like Mr. Berg said, that house and roughly an acre fits well with that subdivision that's just to the west of there. So we just felt, you know, while we're in the process of correctly rezoning the property from Transitional Ag to Ag District "A", we should at least try to have that split and it would enhance the property value for Mrs. Marco.

Pedretti: Ok. And being the realtor, you'll make people aware of the barn there might be an issue with that?

Seeger: As a variance? As needing a variance to...

Pedretti: Correct.

Seeger: ...build on it. If someone was to build on it. Correct?

Sampson: Technically when the split is made that has to be in compliance. So they, we kind of work with people in that way but I mean you know, say for example that piece of property isn't sold for four (4) or five (5) years, it's going to be forgotten about and at that time somebody will buy it with oversized buildings so, possibly, we don't know what the situation will be then but really that's further narrowing down the area of the that piece of property so what we have is fine. It's non-conforming. Once we further reduce that lot that's when we're running into issues.

Pedretti: Ok. Thank you. So we're rezoning the whole parcel is what...

Sampson: Yes.

Pedretti: ...we're doing right now? Alright. Committee have any questions for Mr. Seeger? Staff?

Sampson: None.

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

Appearing in opposition: None.

Pedretti: We'll close the hearing portion. Staff?

Correspondence (Sampson): Really nothing from the town other than verification of their schedule.

Staff Recommendation (Sampson): This parcel is currently zoned Transitional Agriculture and the planning class is Residential, therefore staff finds this petition to be consistent with the county's comprehensive land use plan. The county's plan is general in regard to residential type and density, therefore staff recommends approval of this rezone from the Transitional Agriculture District to the Agriculture District "A", subject to any conditions of rezone relating to subdivision of land or residential density recommended by the Town of Onalaska. So in other words, what they've proposed is splitting it into two (2) lots. Our recommendation is since it's residential we don't care if it's two (2) lots or four (4) lots or five (5) lots.

Pedretti: So we're not putting a condition on it? We normally would put a condition of one single family home.

Sampson: Correct.

Pedretti: Ok. Committee?

Jerome: Just one question, we're switching it to Agricultural District "A" and I thought you just said it was residential.

Sampson: It's Transitional Agriculture but the future land use planning class, that's what the committee has to find, or their decision of consistency meets with what they consider to be consistent with that future land use plan.

Jerome: Ok thank you.

Pedretti: Any other questions?

Motion by Wehrs/Jerome to approve this rezone petition.

6 Aye, 0 No, 1 Excused (Becker). Motion carried unanimously.

Motion by Holtze/Londre to adjourn at 7:58 pm.

6 Aye, 0 No, 1 Excused (Becker). Motion carried unanimously.

Hearing adjourned 7:58 at pm.

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