

LA CROSSE COUNTY NOTICE OF MEETING

COMMITTEE OR BOARD: PLANNING, RESOURCES AND DEVELOPMENT

DATE OF MEETING: Monday, March 1st, 2021

MEETING TIME/PLACE 5:00 P.M. – 6:00 P.M. Regular Committee Business Meeting
Administrative Center/ County Board Room (RM 1700)
212 6th St. N., La Crosse WI 54601

6:00 P.M. Public Hearing
Administrative Center/ County Board Room (RM 1700)
212 6th St. N., La Crosse WI 54601

PURPOSE OF MEETING: See Agenda – Page 2

NOTICES FAXED/MAILED TO:

NEWS MEDIA

La Crosse Tribune
Coulee News
WKBH
WLSU
WKBT-TV
WIZM
WLFN
WXOW-TV
FOX NEWS @ 9
Onalaska Community Life
Holmen Courier

COUNTY DEPARTMENTS

County Board Chair
County Administrator
County Clerk
Corporation Counsel
Facilities

Affected Property Owners
Affected Town Boards

COMMITTEE MEMBERS

Peg Isola
Patrick Scheller
Rick Cornforth
Dan Hesse
Kevin Hoyer
Karen Keil
David Hundt
Tim Goodenough

OTHER

Kathleen Stewart
Charles Handy
Josh Johnson
Dale Hewitt

Bryan Meyer
Matt Hanewall
Jake Schweitzer
Jackie Eastwood

Peter Fletcher
Brian Fukuda
Cheryl McBride
Karl Green
Megan DeVore

OTHER

City Inspector
Randy Turtenwald, City Engineer
La Crosse Area Builders Assn.
Adam Steffen - FSA
Bryan Jostad
Cindy Koperski
Matt Hanson
Vicki Twinde-Javner
Jeffrey Schroeder
Maureen Freedland
Michelle Komiskey - NRCS
Coreen Fallat - DATCP
Tim Miller – US Fish & Wildlife
Randall R Urich – U.S. Army Corp.
Matthew Bauer, DNR Forester
Cody Caulum, DNR Forester
Katy Vosburg - DATCP
Craig Saxe – UW Extension Area
Director
Randy Erickson

MEMBERS: If unable to attend, please contact the Zoning, Planning, and Land Information Department at (608) 785-9722.

****PUBLIC COMMENT:** Individuals may make a public comment in person or virtually. For individuals intending on making a virtual public comment, **please register at least 24-hours** in advance by emailing publiccomment@lacrossecounty.org or leave a message at 785-9700. Please include your name and email address you will be using to connect with the committee, along with the name of the committee you would like to provide a public comment. The Committee may receive information from the public, but the Committee reserves the right to limit the time that the public may comment and the degree to which members of the public may participate in the meeting.

PERSONS WITH DISABILITY: If you need accommodation to attend this meeting, please contact the: Zoning, Planning and Land Information Department at (608) 785-9722 as soon as possible.

PUBLIC ACCESS TO BUILDING: There is limited public access to the County Administrative Center at this time.

DATE NOTICE FAXED/MAILED/E-MAILED AND POSTED:

February 18, 2021

**LA CROSSE COUNTY NOTICE OF MEETING
PLANNING, RESOURCES AND DEVELOPMENT AGENDA**

Date: Monday, March 1st, 2021
Time: 5:00 P.M. – 6:00 P.M. Regular Committee Business Meeting
Place: Administrative Center/County Board Room (RM 1700) and via Microsoft Teams
[Click here to join the meeting](#)

1. Call to order/Roll Call
2. Approval of Minutes from February 1, 2021
3. Public Comment **Please see above on how to sign up for making public comment**
4. Supervisor Conference Reports
5. Consent Agenda (Informational) – No New Items
6. CPAC Status Update – Charlie Handy
7. Training on Public Processes & Procedures – Megan DeVore
8. RESOLUTION: Approval of Town of Campbell Zoning Amendment – Kathleen Stewart/Dale Hewitt
9. Ag Waiver Request for Heather & Eugene Clements in the Town of Barre – Kathleen Stewart
10. Future Agenda Items
11. Recess

Date: Monday, March 1st, 2021
Time: 6:00 P.M. Public Hearing
Place: Administrative Center/County Board Room (RM 1700) and via Microsoft Teams
[Click here to join the meeting](#)

ZONING ORDINANCE MAP AMENDMENTS, CONDITIONAL USE AND SPECIAL EXCEPTION PERMITS

Conditional Use Permit No. 1158	David Matthews	Town of Farmington
Conditional Use Permit No. 1159	Louisa Peterson OBO Hansline Farm LLC dba Creamery Creek Holsteins LLC	Town of Bangor
Conditional Use Permit No. 1152	William Bolte, Atty for Anthony Loecke & Alecia Gende	Town of Farmington

DATE NOTICE FAXED/MAILED/E-MAILED AND POSTED: February 18, 2021

This meeting may be recorded and any such recording is subject to Disclosure under the
Wisconsin Open Records Law

PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE

Monday, February 1, 2021

Administrative Center – County Board Room (1700)

4:30 p.m. – 5:52 p.m.

MEMBERS PRESENT: Peg Isola, Rick Cornforth, Kevin Hoyer, Patrick Scheller, Karen Keil, Dan Hesse, Dave Hundt, Rick Cornforth, Tim Goodenough (4:41p)

MEMBERS EXCUSED:

MEMBERS ABSENT:

STAFF & GUESTS: Kathleen Stewart, Charlie Handy, Bryan Meyer, Steve O'Malley, Matt Hanewall, Dale Hewitt, Heather Quackenboss, John Parshall, Ryan Root, Craig Saxe, Monica Kruse, Tim Goodenough, Jane Klekamp, Megan DeVore, Atty Kevin Roop, Anthony Loecke, Alicia Gende, Karl Green, Jake Schweitzer, Todd Clark, Angel Much (Recorder)

APPROVAL OF MINUTES FROM NOVEMBER 30, 2020 & JANUARY 4, 2021 MEETINGS

MOTION by Scheller/Keil to approve the November 30, 2020 & January 4, 2021 meeting minutes.

7 Aye, 0 No, Motion carried.

PUBLIC COMMENT

None.

SUPERVISOR CONFERENCE REPORTS

None.

CONSENT AGENDA (INFORMATIONAL) –

a. Board of Adjustment minutes of November 16, 2020

MOTION by Keil/Scheller to approve the November 16, 2020 Board of Adjustment meeting minutes.

7 Aye, 0 No, Motion carried.

DEFERRED CONDITIONAL USE PERMIT NO. 1152 FOR ANTHONY LOECKE & ALICIA GENDE

Handy advised that the applicant is in the audience but that this isn't a public hearing, so the applicant isn't able to speak. Handy advised the proposal is the same as before and therefore nothing has changed. Staff recommendation is for denial since the applicant hasn't met the standards of the Farmland Preservation statutes or the County Zoning Ordinance.

Questions from the committee were answered by Handy. Discussion ensued. Some committee members didn't agree with staff's recommendation for denial.

MOTION by Hoyer/Hundt to accept/approve Conditional Use Permit No. 1152.

3 Aye (Hoyer, Hundt, Hesse), 4 No (Scheller, Isola, Keil, Cornforth), Motion failed.

Further discussion followed. Some committee members felt it's important to adhere to state statutes while others felt the homeowner should have the ability to build where they want.

Hoyer expressed his desire to further look into how to proceed with future requests of this matter.

INTRODUCTION TO THE NEW ZONING & PLANNING ADMINISTRATOR – KATHLEEN STEWART

Kathleen Stewart briefly introduced herself to those present and in the Teams meeting, advising this is her 4th week since starting at the County. Kathleen was welcomed to the County by the committee.

UW-EXTENSION – HDR PROGRAMMING UPDATES – HEATHER QUACKENBOSS

Quackenboss followed with a presentation about Human Development & Relationships which covered some of the following:

- Inclusion, Equity & Diversity
- Comfort vs Growth Zone
- Wellbeing & the NVC Model
- Facilitation & Collaboration

Heather's presentation ended with a Menti survey getting anonymous feedback on the County and the adjectives people would use to describe La Crosse County.

RESOLUTION: FORMATION OF COMPREHENSIVE PLAN ADVISORY COMMITTEE (CPAC) FOR LA CROSSE COUNTY COMPREHENSIVE PLAN – CHARLIE HANDY

Handy briefly went over the Resolution explaining that it's to adopt an amendment to the La Crosse County Comprehensive Plan which would involve the formation of a CPAC. Handy advised this advisory committee would report to the PRD committee. The timeline for this will move along very quickly; with the draft done in 2021 and approving the document by 2022. The CPAC would be meeting once a month and would likely have 4 different reports brought back to the PRD Committee for their review and approval.

Questions from the committee were answered by Handy. Kruse also provided comments. Questions from the committee about how the participants for CPAC will be chosen were answered by Kruse. Some committee members provided comments.

MOTION by Scheller/Keil to approve the Resolution: Formation of Comprehensive Plan Advisory Committee (CPAC) for La Crosse County Comprehensive Plan.

7 Aye, 0 No, Motion carried.

RESOLUTION: AUTHORIZING ACCEPTANCE OF ADDITIONAL FUNDING RELATED TO WATERSHED PLANNING & CONSERVATION PRACTICE – MATT HANEWALL

Hanewall briefly explained this resolution and provided some background behind this agenda item. Hanewall explained that grant money, combined with savings from other Land Conservation budget areas will fund the new watershed position that would help assist Christina Mulder.

Hanewall continued with a presentation discussing Bostwick Creek before more specifically going over the actual Resolution.

MOTION by Cornforth/Hundt to approve the Authorizing Acceptance of Additional Funding Related to Watershed Planning & Conservation Practice.

7 Aye, 0 No, Motion carried.

COST-SHARE POLICY FOR BOSTWICK CREEK – MATT HANEWALL

Hanewall continued with the Bostwick Creek presentation. Questions from the committee were answered by Hanewall.

MOTION by Hoyer/Keil to approve the Cost-Share Policy for Bostwick Creek.

7 Aye, 0 No, Motion carried.

FUTURE AGENDA ITEMS

- Resolution: Town of Campbell
- Look into requests in Farmland Preservation & Class 1 & 2 soils

RECESS

MOTION by Scheller/Hundt to recess at 5:52 pm.

7 Aye, 0 No, Motion carried.

Disclaimer: The above minutes may be approved, amended or corrected at the next committee meeting. Angel Much, Recorder.

**PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE
PUBLIC HEARING**

Monday, February 1, 2021
County Board Room (1700) – Administrative Center
6:00 p.m. – 6:10 p.m.

MEMBERS PRESENT: Peg Isola, Pat Scheller, Dan Hesse, Rick Cornforth, Kevin Hoyer, Karen Keil, Dave Hundt
MEMBERS EXCUSED:
MEMBERS ABSENT:
OTHERS PRESENT: Kathleen Stewart, Charlie Handy, Dale Hewitt, Bryan Meyer, Todd Clark, Ryan Root, Angel Much (Recorder)

CALL TO ORDER

The Public Hearing of the Planning, Resources and Development Committee was called to order by Peg Isola, Chair, at 6:00 p.m. Let the record show that this meeting is called in full compliance with the requirements of the Wisconsin Open Meetings Law. The procedures for tonight’s meeting were explained to those gathered. This meeting is being recorded.

CONDITIONAL USE PERMIT NO. 1155 Daniel L. & Jennifer B. Waters, W8237 County Road ZB, Onalaska, WI 54650, applies for a Conditional Use Permit on land zoned Residential District “A” for transient residential use of an existing single-family residence. Property described as part of part of Government Lot 2, Section 22, Township 17 North, Range 8 West. Tax parcel 10-1638-0. Property address W8237 County Road ZB. Town of Onalaska.

Appearing in Favor: Daniel & Jennifer Waters, W8309 Northshore Dr, Onalaska, WI, 54650. I bought the property and planned to turn it into a rental/vacation cottage and see if I can get everything to go right. It was a dump site in the woods so I cleaned everything up and I’m trying to make it look a little better. This is the 3rd property I’ve bought on the prairie and turned around (in the last 4 years).

Questions from the committee/staff...

Q Hoyer: How many neighboring properties are utilizing their properties in this manner?

A D. Waters: There’s nothing right in that area. There’s a couple probably 2 miles away from my property.

Q Scheller: Do you operate any of the other properties as vacation rentals?

A D. Waters: No, once I flipped the house and one I live in.

C/Q Scheller: This is an after-the-fact permit. Were you aware you needed permits?

A D. Waters: I was unaware; what I head was that it was just going to be a tax form at the end of the year. As soon as I found out I had to go through all this, I took down my advertising and stopped everything.

Q Handy: Have you had a chance to talk to the neighbors?

A D Waters: Yes, I’ve talked to all the neighbors and they’re all good.

Appearing in Opposition: None.

Isola called (three (3) times) for anybody else to speak in favor and called (three (3) times) for anybody opposed to the changes. No one else appeared in favor or opposed and the public hearing portion was closed.

Correspondence (Handy): One piece of correspondence from the Town of Onalaska. (Read into the record.) The Town Plan Commission recommended approval.

Staff Recommendation (Handy): Staff recommendation is approval subject to the following six (6) conditions:

1. This permit is granted specifically to Daniel L. & Jennifer B. Waters, W8237 County Road ZB, Onalaska, WI 54650, for a Conditional Use Permit on Land Zoned Residential District "A" for transient residential use of an existing single-family residence located W8237 County Road ZB. Town of Onalaska;
2. The use of recreational vehicles for occupancy is not authorized on this parcel;
3. The applicant shall contact the La Crosse County Environmental Health Department to determine whether modification to the existing private on-site wastewater treatment system (POWTS) is required due to the increased wastewater flow. The determination by the Environmental Health Department in the form of correspondence shall be provided to the Zoning Department and made part of file;
4. The applicant shall contact the Town of Onalaska Building Inspector to determine whether modification to the existing residence is needed to meet building code requirements. The determination by the Inspector in the form of correspondence shall be provided to the Zoning Department and made part of this file. Any structural alteration or addition shall require application for a Zoning/Occupancy Permit by the owner of the residence;
5. Contact the Zoning Department to inquire about permitting for any proposed projects related to this shoreland parcel; and
6. This permit shall automatically terminate upon transfer of ownership or discontinuance of this conditional use for a period of 12 months or more.

MOTION by Keil/Hoyer to approve Conditional Use Permit No. 1155 subject to the six (6) conditions outlined by staff.

7 Aye, 0 No, Motion carried.

MOTION by Hesse/Hundt to adjourn at 6:10 pm.

7 Aye, 0 No, Motion carried.

Hearing adjourned at 6:10 pm.

Disclaimer: The above minutes may be approved, amended or corrected at the next committee meeting. Angel Much, Recorder.



RESOLUTION # _____

TO: HONORABLE MEMBERS OF THE LA CROSSE COUNTY BOARD OF SUPERVISORS

ITEM # _____

BOARD ACTION

Adopted: _____
For: _____
Against: _____
Abstain: _____
Abs/Excd: _____
Vote Req: _____
Other Action: _____

PLANNING RESOURCES & DEVELOPMENT COMMITTEE ACTION

Adopted: _____
For: _____
Against: _____
Abstain: _____
Abs/Excd: _____

RE: APPROVAL OF TOWN OF CAMPBELL ZONING AMENDMENT

WHEREAS, the Town of Campbell has adopted a zoning ordinance, which ordinance was approved by the La Crosse County Board by Resolution #52-1/13 on January 17, 2013; and,

WHEREAS, The Town of Campbell intends to meet the statutory consistency requirements with a future Town Comprehensive Plan Amendment; and,

WHEREAS, Wis. Stat. s. 60.62(3) states that no zoning ordinance or amendment to a zoning ordinance may be adopted by the town unless approved by the county board; and,

WHEREAS, after a public hearing on January 5, 2021, the Town of Campbell approved a petition by Mark Vehrenkamp to rezone parcel #4-918-0 located at 1638 Caroline St., Town of Campbell, from the Commercial District to the Residential "A" District; and,

WHEREAS, the Planning, Resources and Development Committee, after receiving input from Zoning, Planning and Land Information Department staff, recommend approval of the proposed zoning amendment.

NOW THEREFORE BE IT RESOLVED, that the La Crosse County Board hereby approves the amendment to the zoning district of the Town of Campbell zoning ordinance regarding parcel #4-918-0 approved by the Town of Campbell on January 5, 2021 in accordance with Wis. Stat. s. 60.62(3).

FISCAL NOTE: No fiscal impact to La Crosse County.

Date: _____

PLANNING, RESOURCES, AND DEVELOPMENT COMMITTEE CHAIR

RECORDING CLERK

	Reviewed Only	Recommended	Not Recommended
Co. Admin.	_____	_____	_____
Fin. Director	_____	_____	_____
Corp. Counsel	_____	_____	_____
Board Chair	_____	_____	_____

Requested By: Zoning, Planning and Land Information
Date Requested: January 13, 2021
Drafted By: Corporation Counsel

Adopted by the La Crosse County Board this _____ Day of _____, 2021

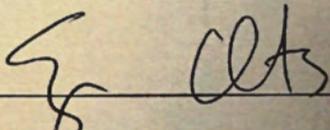
Waiver Request

Heather
Eugene[^] Clements

re: Eugene[^] Clements (are) is hereby requesting a waiver by the Planning Resource and Development Committee to exceed the maximum number and area of detached accessory buildings on a proposed 23.8 acre parcel as required by s. 17.05(5)(e)2. This future parcel has a pre-existing farm residence and 3 detached accessory buildings that total 6,152 ~~6,132~~ square feet. This future parcel is being split from an existing 36.2 ~~36.2~~ acre Base Farm Tract (Tax Parcel 2-461-0)

110.46

Respectfully submitted,


Signature

2/11/2021
Date

36



RLIN
LIN

County Road OA

JAMES M MALIN

2-461-0

JAMES M MALIN

2-461-0

Nurrelman RD

H - is existing house / white Boxes out buildings



Dark green New parcel - 23.8 +/-

Dark/light green existing parcel - 36.2

**NOTICE OF PUBLIC HEARING
ON APPLICATION FOR CONDITIONAL USE PERMIT**

**NO. 1158 BY: DAVID MATTHEWS,
N6171 ERIC AVE. ONALASKA, WI 54650**

NOTICE IS HEREBY GIVEN, that a public hearing will be held in the COUNTY BOARD ROOM (1700) of the ADMINISTRATIVE CENTER (*entry via EAST entrance only*) 212 6TH ST N LA CROSSE WI 54601

on the 1st day of MARCH 2021 at 6:00 p.m. on an application for a CONDITIONAL USE PERMIT to allow a recreational vehicle for seasonal occupancy on property zoned Exclusive Agriculture District and located in the Town of FARMINGTON.

DESCRIBED AS: The SW¼ of the Frac. NE¼ in Section 3, T18N, R7W. Tax parcel 5-1379-0. Town of Farmington.

ANY PERSON HAVING A CONCERN IN THIS MATTER WILL BE GIVEN THE OPPORTUNITY TO BE ORALLY HEARD RELATIVE TO THE GRANTING OR DENYING OF THIS PETITION. WRITTEN CORRESPONDENCE CAN BE READ INTO THE RECORD OF A PUBLIC HEARING BY THE SUBMITTING INTERESTED PARTY OR A REPRESENTATIVE. A TECHNICAL REPORT PREPARED AND SUBMITTED BY OTHER GOVERNMENTAL AGENCIES SHALL BE READ INTO THE RECORD. ALL OTHER CORRESPONDENCE IS RETAINED ON FILE.

All pursuant to Section 59.69 Wisconsin Statutes. The application is on file in the office of the County Zoning Director. If you have any questions, please call (608) 785-9722.

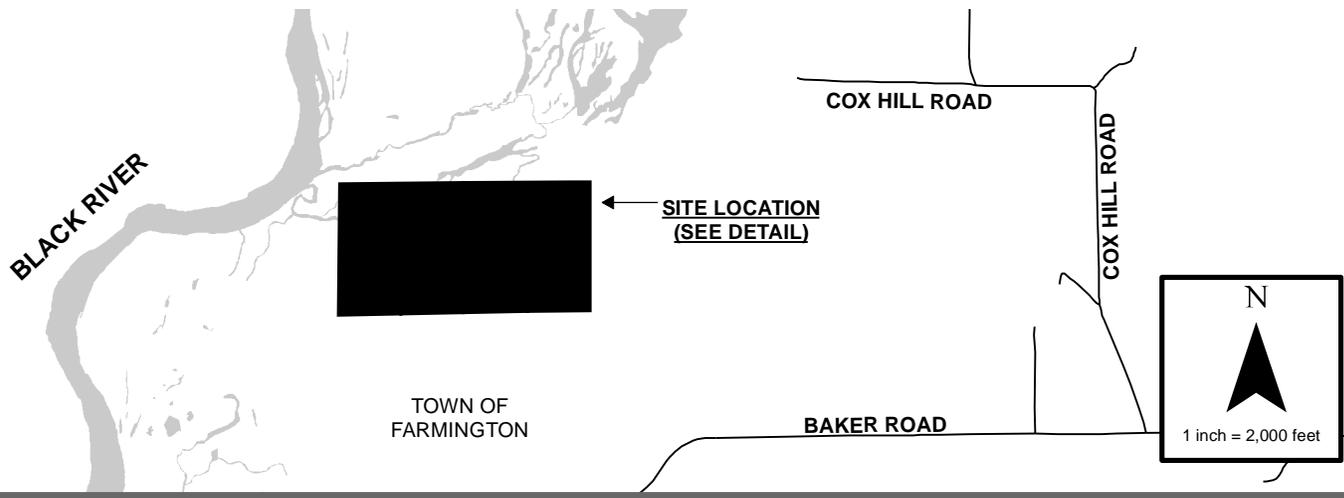
Dated this 15th day of FEBRUARY 2021

LA CROSSE COUNTY PLANNING, RESOURCES
AND DEVELOPMENT COMMITTEE

BY _____
Kathleen Stewart, Administrator
Zoning, Planning and Land Information Department

ACCORDING TO THE AMERICAN WITH DISABILITIES ACT, PUBLIC ACCESS TO THE ADMINISTRATIVE CENTER IS LIMITED.

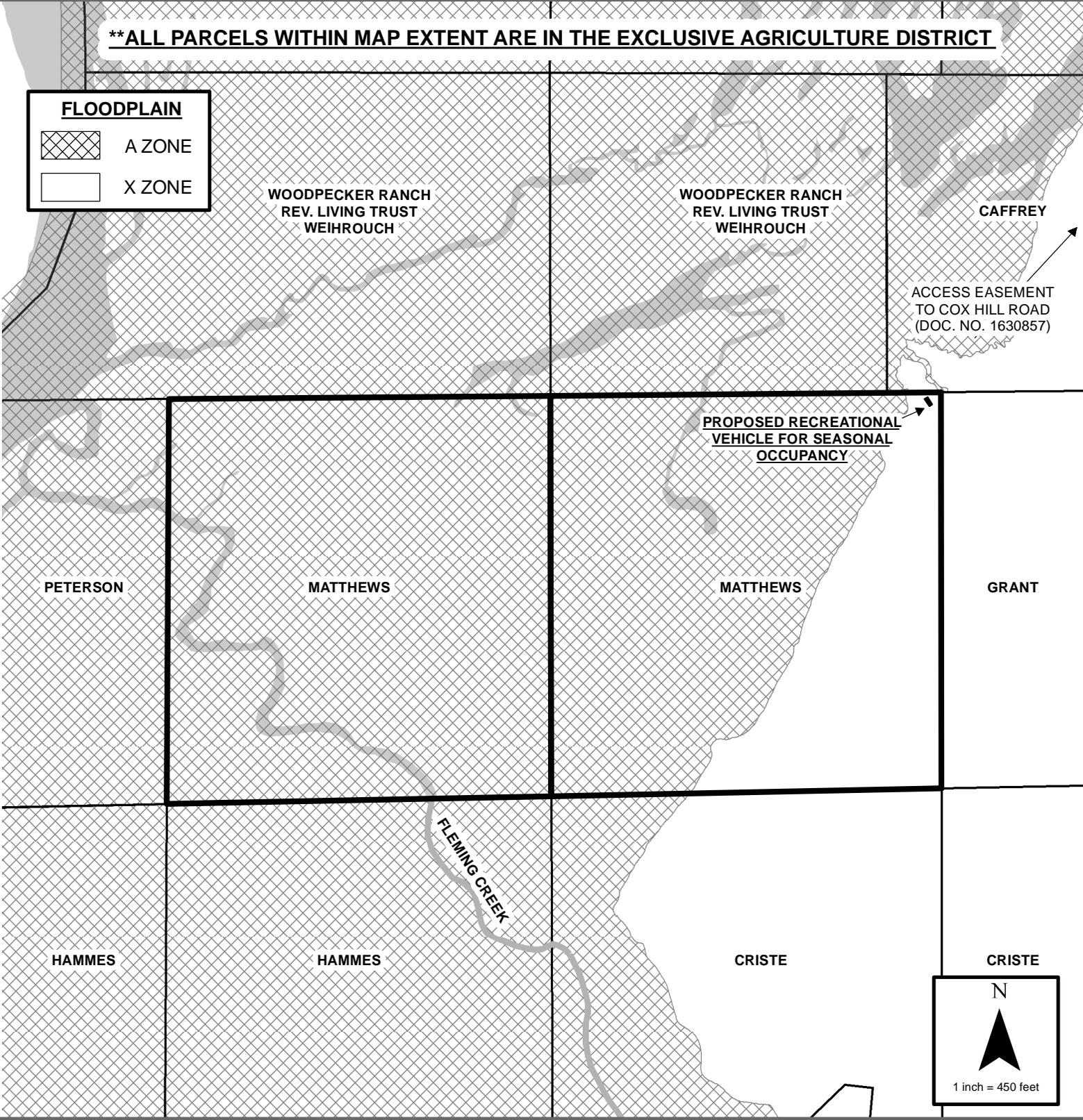
PERSONS WITH DISABILITIES: IF YOU NEED ACCOMMODATION TO ATTEND THIS MEETING, CONTACT ZONING, PLANNING AND LAND INFORMATION OFFICE AT 785-9722 THE FRIDAY PRIOR TO THE MEETING SO THAT ARRANGEMENTS CAN BE MADE.



**** ALL PARCELS WITHIN MAP EXTENT ARE IN THE EXCLUSIVE AGRICULTURE DISTRICT**

FLOODPLAIN

	A ZONE
	X ZONE



CONDITIONAL USE PERMIT NO. 1158 DAVID MATTHEWS, N6171 ERIC AVE. ONALASKA, WI 54650, APPLIES FOR A CONDITIONAL USE PERMIT TO ALLOW A RECREATIONAL VEHICLE FOR SEASONAL OCCUPANCY ON PROPERTY ZONED EXCLUSIVE AGRICULTURE DISTRICT. PROPERTY DESCRIBED AS THE SW¹/₄ OF THE FRAC. NE¹/₄ IN SECTION 3, T18N, R7W. TAX PARCEL 5-1379-0. TOWN OF FARMINGTON.

CONDITIONAL USE PERMIT NO. 1158

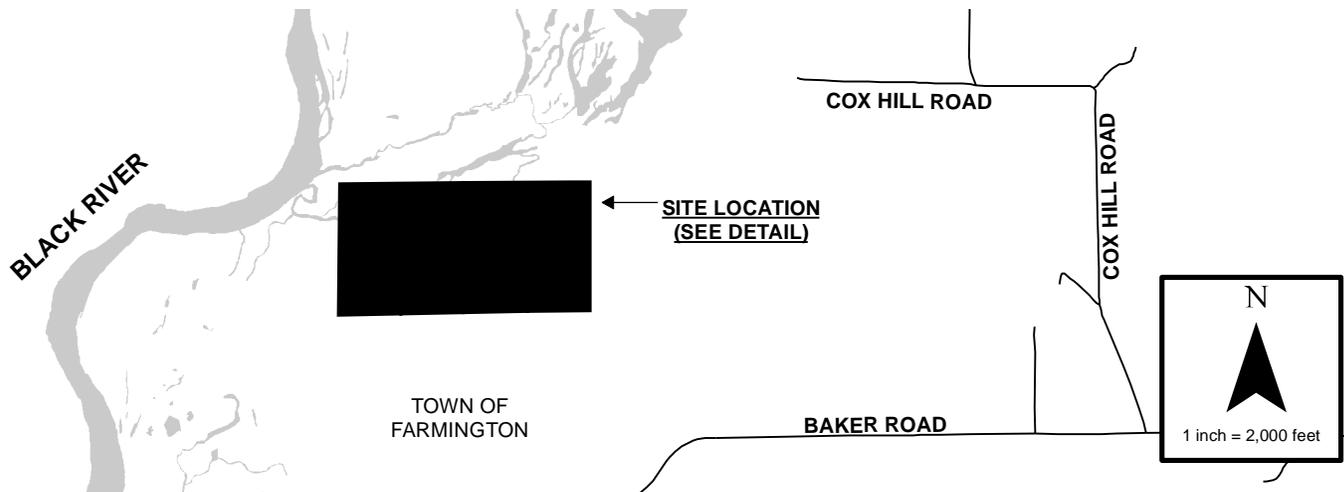
DAVID MATTHEWS
 SW¹/₄ OF THE FRAC. NE¹/₄ IN SECTION 3, T18N, R7W
 TOWN OF FARMINGTON

A Proposal

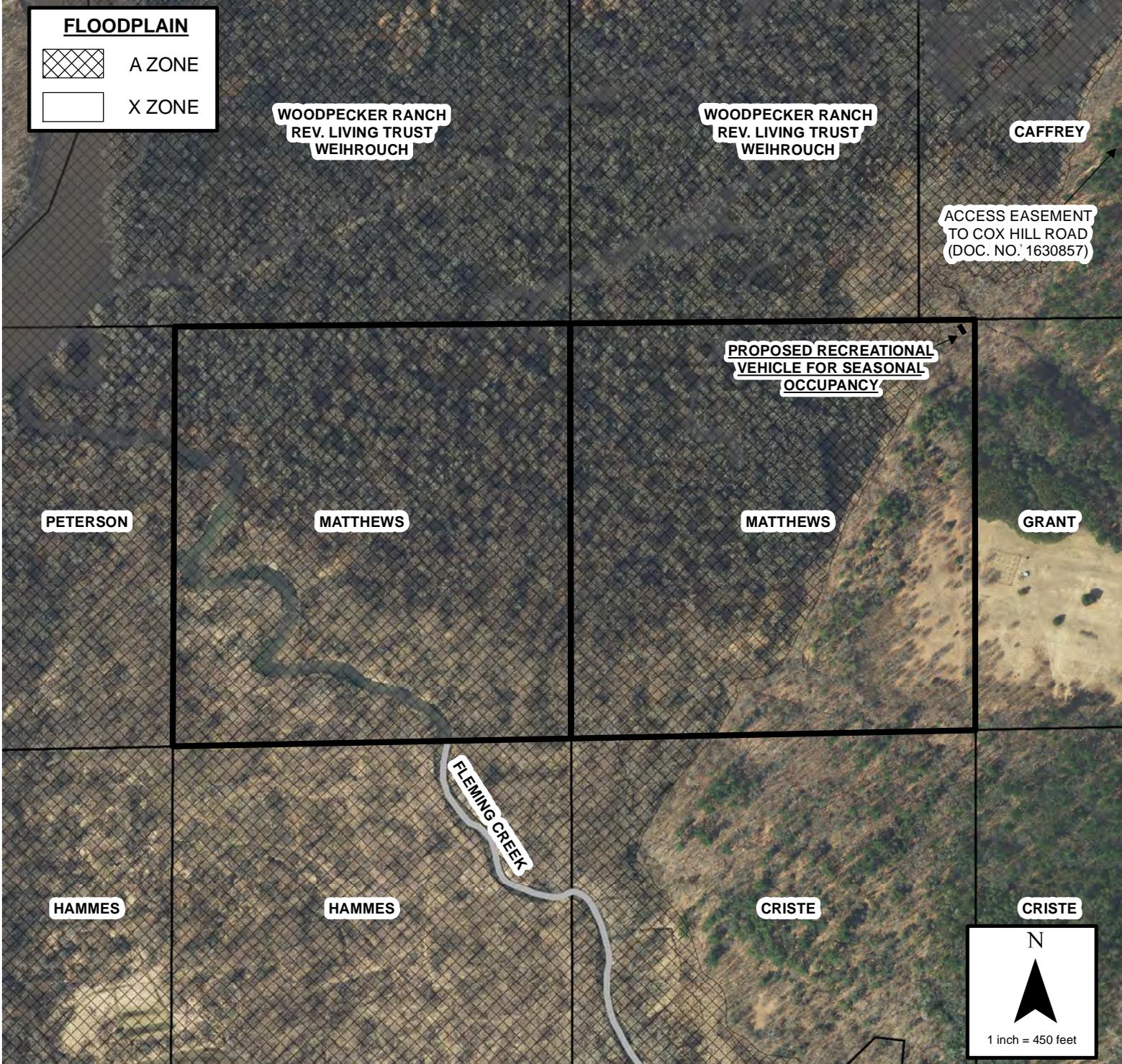
- Purpose** An application for a conditional use permit to locate a Jayco-Jay Flight Swift 29 foot travel trailer on an 80 acre parcel with the tax identification numbers of 5-1379-0 and 5-1383-0. This is to be used as a transient cabin for recreational use not to exceed 60 days.
- Location** Trailer to be located on the northeast corner of 40 acre parcel 5-1379-0. This is above the high mark and out of the floodplain. See addendums A and A1.
- Access** The land is accessed by a legal easement of lands owned by R Patrick Caffrey and Timothy Weihrouch. The road is maintained by the land owners who have access. See addendums B&C
- Use** Thirty Two gallon Grey and Black waste water tanks to be transferred to Thirty Six gallon Portable Rhino tanks which prevents any overflow spillage. This system has been pre-approved by Dave Sawvell of the Lacrosse County Health Department. The tanks are then transported to an approved dump facility for disposal. The nearest being Whispering Pines Campground which charges a \$15 dump fee. Water to refill the Forty Eight gallon water tank will be done by filling Aqua containers from home. Trash to be secured using a metal garbage can with a bungee cord holding down the top to prevent animals from getting in it. All trash to be removed from the property and disposed of at home when vacating the trailer.
- Impact** Noise should be minimal with the exception of a 4500 watt generator that operates on a 7.5 hp gasoline engine. This is less noisy than a lawn mower. Ambient light is provided by one fixture located at the side door. A fire ring to be constructed with a nonflammable base of two feet and a surrounding area of six feet of gravel. A sixteen by sixteen foot wooden floating deck to be constructed on concrete deck blocks. Trailer wheels to remain on the trailer so as to be considered a temporary structure. Skirting to be installed around the base of the trailer to maintain floor warmth and prevent freezing of pipes. All of these can be considered temporary as they can easily be removed.
- Insurance** The trailer is fully insured for replacement value of \$17000. Liability insurance for land use is \$1,000,000.

Respectfully submitted

David and Marsha Matthews
N6171 Eric Avenue
Onalaska WI 54650
920-948-2859
matt1227@charter.net



**** ALL PARCELS WITHIN MAP EXTENT ARE IN THE EXCLUSIVE AGRICULTURE DISTRICT**



CONDITIONAL USE PERMIT NO. 1158 DAVID MATTHEWS, N6171 ERIC AVE. ONALASKA, WI 54650, APPLIES FOR A CONDITIONAL USE PERMIT TO ALLOW A RECREATIONAL VEHICLE FOR SEASONAL OCCUPANCY ON PROPERTY ZONED EXCLUSIVE AGRICULTURE DISTRICT. PROPERTY DESCRIBED AS THE SW¹/₄ OF THE FRAC. NE¹/₄ IN SECTION 3, T18N, R7W. TAX PARCEL 5-1379-0. TOWN OF FARMINGTON.

CONDITIONAL USE PERMIT NO. 1158

DAVID MATTHEWS
SW¹/₄ OF THE FRAC. NE¹/₄ IN SECTION 3, T18N, R7W
TOWN OF FARMINGTON

**NOTICE OF PUBLIC HEARING
ON APPLICATION FOR CONDITIONAL USE PERMIT**

**NO. 1159 BY: LOUISA PETERSON, W1250 COUNTY ROAD U, BANGOR, WI 54614,
ON BEHALF OF HANSLINE FARM LLC, W1248/W1250 COUNTY ROAD U,
BANGOR, WI 54614, D/B/A CREAMERY CREEK HOLSTEINS LLC, W1250
COUNTY ROAD U, BANGOR, WI 54614**

NOTICE IS HEREBY GIVEN, that a public hearing will be held in the COUNTY BOARD ROOM (1700) of the ADMINISTRATIVE CENTER (*entry via EAST entrance only*) 212 6TH ST N LA CROSSE WI 54601

on the 1st day of MARCH 2021 at 6:00 p.m. on an application for a CONDITIONAL USE PERMIT for an agricultural accessory use that meets the requirements of §91.01(1)(d), Wis. Stats., more specifically, direct sales of farm products including, but not limited to beef raised at this location, utilizing a 25-ft x 23-ft area within an existing agricultural building on lands zoned Exclusive Agriculture District and located in the Town of BANGOR.

DESCRIBED AS: Part of the SW/NW of Section 3, T16N, R5W. Tax Parcel No. 1-51-0. Town of Bangor.

ANY PERSON HAVING A CONCERN IN THIS MATTER WILL BE GIVEN THE OPPORTUNITY TO BE ORALLY HEARD RELATIVE TO THE GRANTING OR DENYING OF THIS PETITION. WRITTEN CORRESPONDENCE CAN BE READ INTO THE RECORD OF A PUBLIC HEARING BY THE SUBMITTING INTERESTED PARTY OR A REPRESENTATIVE. A TECHNICAL REPORT PREPARED AND SUBMITTED BY OTHER GOVERNMENTAL AGENCIES SHALL BE READ INTO THE RECORD. ALL OTHER CORRESPONDENCE IS RETAINED ON FILE.

All pursuant to Section 59.69 Wisconsin Statutes. The application is on file in the office of the County Zoning Director. If you have any questions, please call (608) 785-9722.

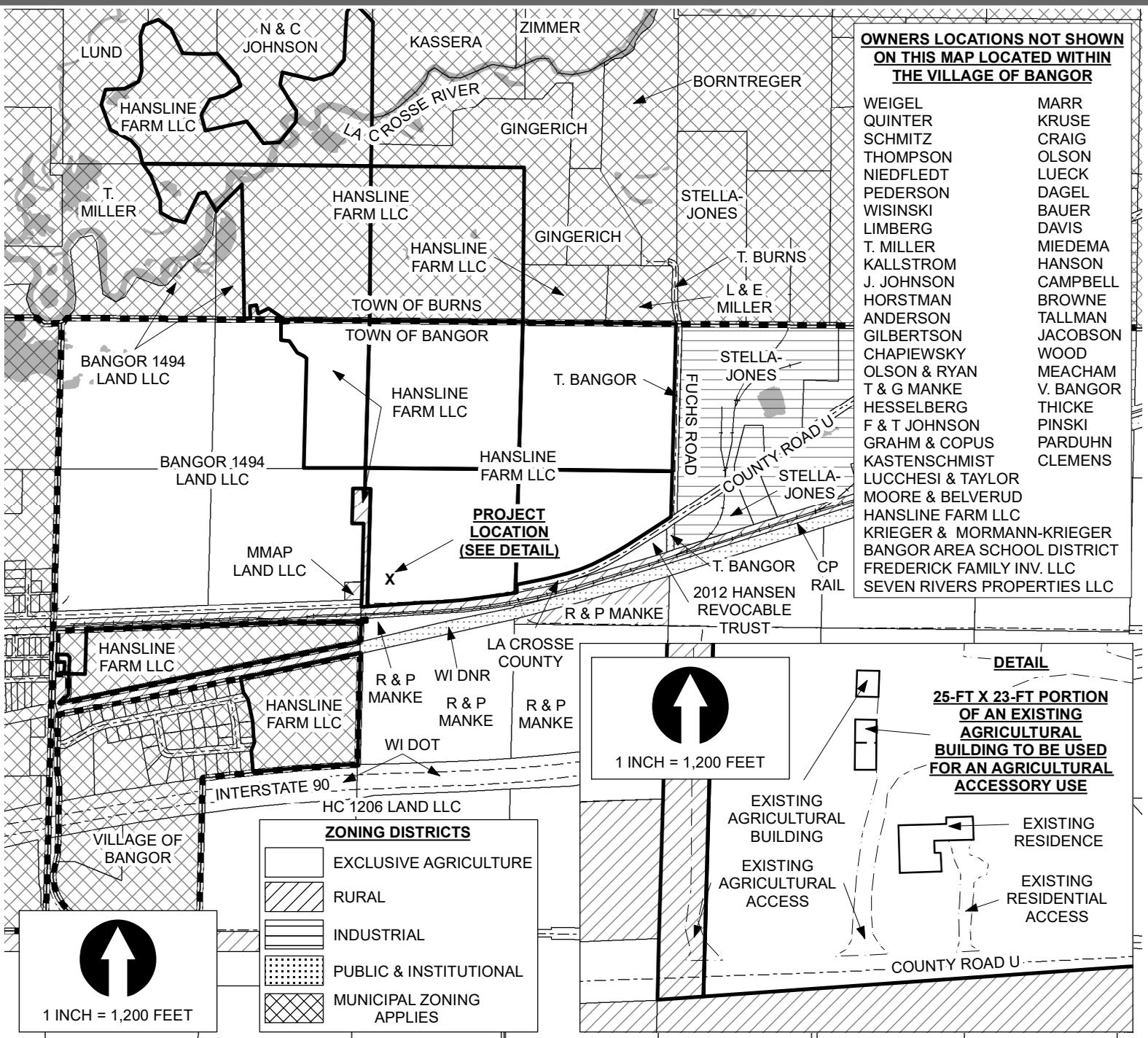
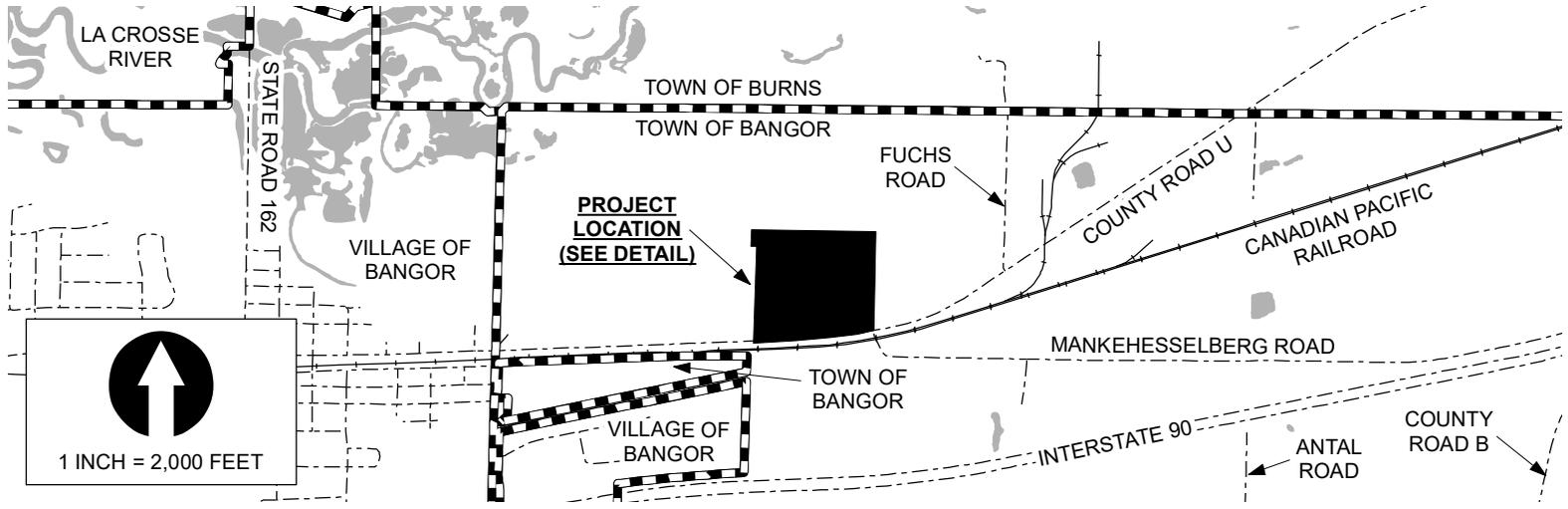
Dated this 15th day of FEBRUARY 2021

LA CROSSE COUNTY PLANNING, RESOURCES
AND DEVELOPMENT COMMITTEE

BY _____
Kathleen Stewart, Administrator
Zoning, Planning and Land Information Department

ACCORDING TO THE AMERICAN WITH DISABILITIES ACT, PUBLIC ACCESS TO THE ADMINISTRATIVE CENTER IS LIMITED.

PERSONS WITH DISABILITIES: IF YOU NEED ACCOMMODATION TO ATTEND THIS MEETING, CONTACT ZONING, PLANNING AND LAND INFORMATION OFFICE AT 785-9722 THE FRIDAY PRIOR TO THE MEETING SO THAT ARRANGEMENTS CAN BE MADE.



CONDITIONAL USE PERMIT NO. 1159 LOUISA PETERSON, W1250 COUNTY ROAD U, BANGOR, WI 54614, ON BEHALF OF HANSLINE FARM LLC, W1248/W1250 COUNTY ROAD U, BANGOR, WI 54614, D/B/A CREAMERY CREEK HOLSTEINS LLC, W1250 COUNTY ROAD U, BANGOR, WI 54614, APPLIES FOR A CONDITIONAL USE PERMIT FOR AN AGRICULTURAL ACCESSORY USE THAT MEETS THE REQUIREMENTS OF §91.01(1)(D), WIS. STATS., MORE SPECIFICALLY, DIRECT SALES OF FARM PRODUCTS INCLUDING, BUT NOT LIMITED TO BEEF RAISED AT THIS LOCATION, UTILIZING A 25-FT X 23-FT AREA WITHIN AN EXISTING AGRICULTURAL BUILDING ON LANDS ZONED EXCLUSIVE AGRICULTURE DISTRICT. PROPERTY DESCRIBED AS PART OF THE SW/NW OF SECTION 3, T16N, R5W. TAX PARCEL NO. 1-51-0. TOWN OF BANGOR.

CONDITIONAL USE PERMIT NO. 1159

LOUISA PETERSON, W1250 COUNTY ROAD U, BANGOR, WI 54614,
 O/B/O HANSLINE FARM LLC, W1248/W1250 COUNTY ROAD U, BANGOR, WI 54614,
 D/B/A CREAMERY CREEK HOLSTEINS LLC, W1250 COUNTY ROAD U, BANGOR, WI 54614
 SW/NW OF SECTION 3, T16N, R5W. TAX PARCEL NO. 1-51-0.
 TOWN OF BANGOR.

Impact Statement

This is a statement to describe the proposed additional business activity at W1250 County Rd U, Bangor, WI 54614.

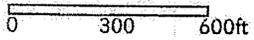
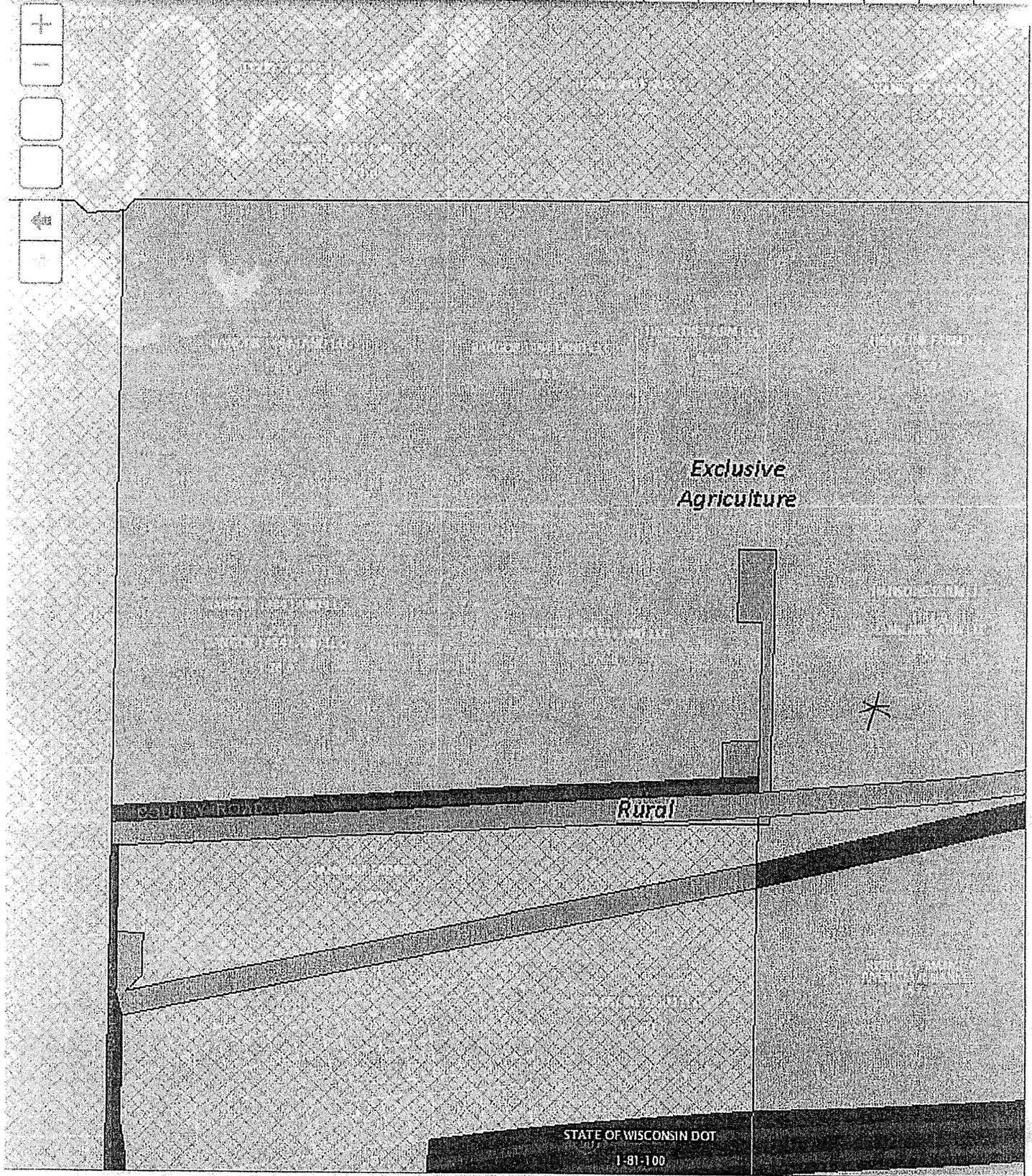
Creamery Creek Holsteins, LLC is a licensed, operating dairy farm in eastern La Crosse County. It is our intent to offer farm products for sale through web based channel and set up weekly shipping or on-farm pickup.

Our main product will be frozen retail cuts of farm raised beef. It is processed at a USDA inspected facility and in clear vacuum sealed packaging. Other meats or dairy product offering would be processed at a state or federal inspected facility. Example would be retail packaging of Grassland butter, the processing dairy where our milk is shipped.

We have installed a walk in cooler/freezer combination in an existing shed on the farm between the house and the farm office. That contains all of our farm product offerings. It is not our intent to open a farm store at this address.

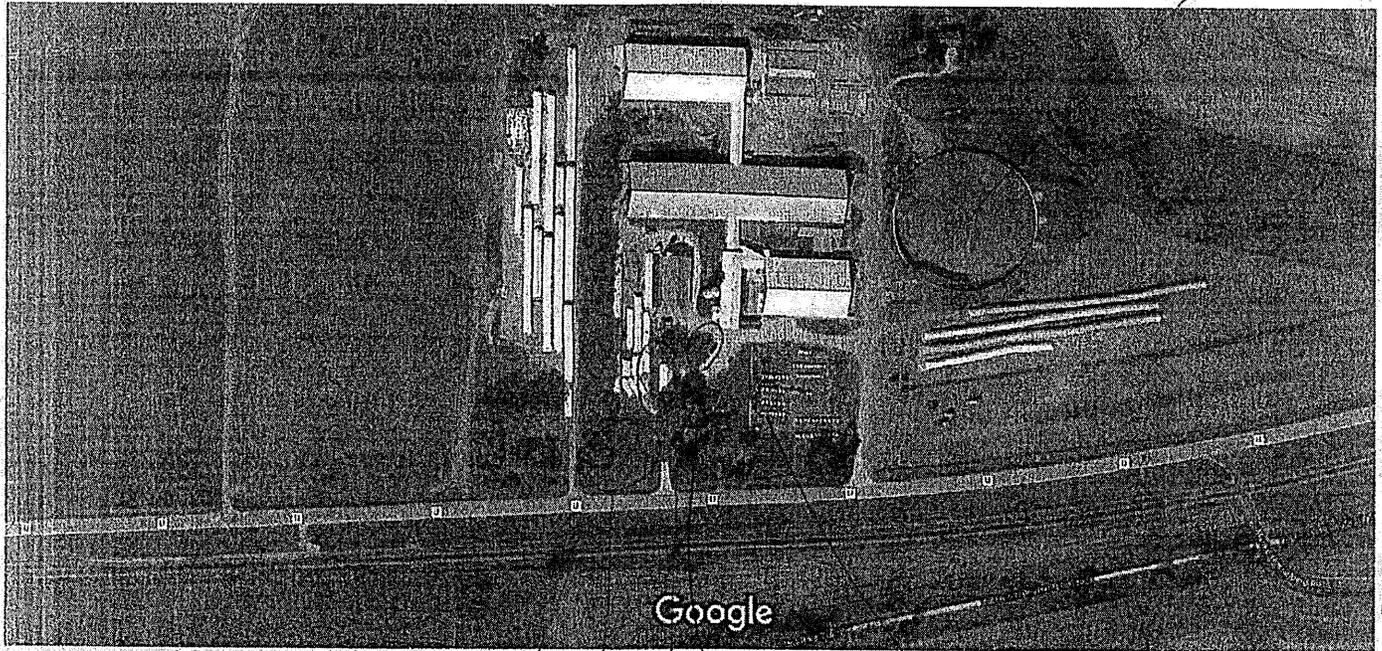
Shipping will be in branded boxes with insulated liners and dry ice and sent two day air within the lower 48 states. The shipping station is located within the shed that the cooler/freezer is installed.

We have wide driveways off County Rd U. We expect little additional traffic related to this proposed business. Maybe one extra car per week to pick up frozen beef from the farm and by appointment only. UPS/FEDEX pickups also scheduled.



43.8941659 -90.9660970 Degrees

Google Maps Site Sketch



Manure lagoon

County Rd W

Manke Hesselberg Rd

Google

Imagery ©2021 Maxar Technologies, U.S. Geological Survey, USDA Farm Service Agency, Map data ©2021 100 ft

House well x2

Farm well

House septic

Farm septic

Location of cooler / freezer

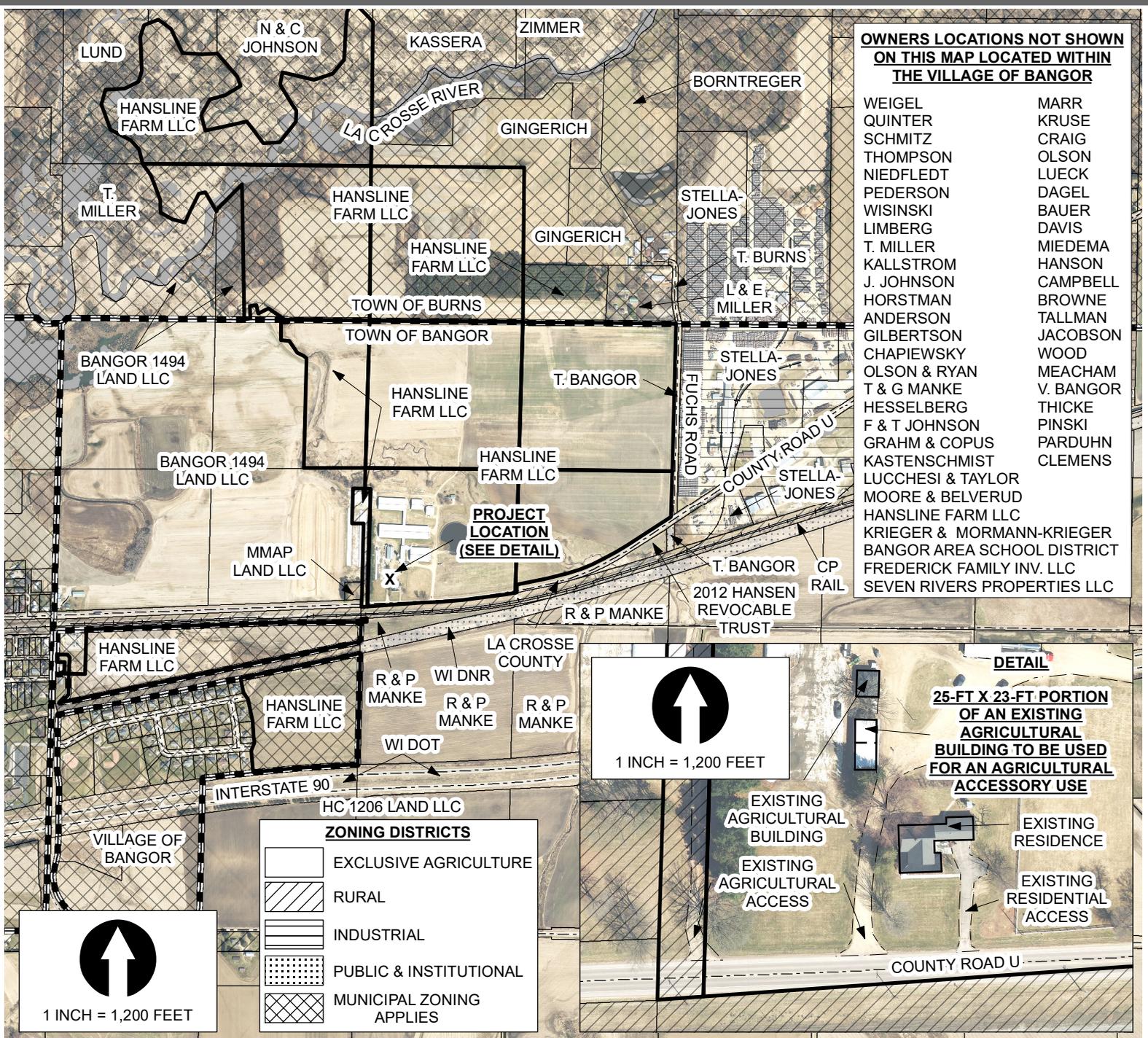
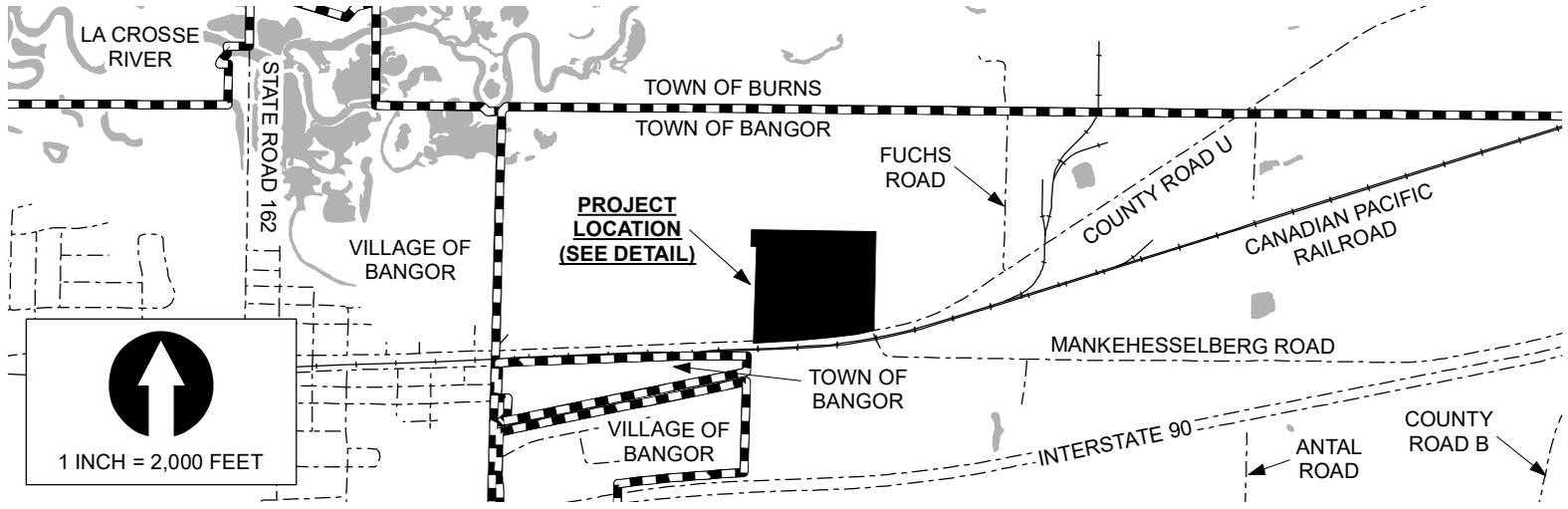
Pack + ship shed



1-51-0



THIS MAP IS NOT A FIELD SURVEY.
ANY USE OF THIS INFORMATION IS
THE RESPONSIBILITY OF THE USER
AND LA CROSSE COUNTY DISCLAIMS ALL
LIABILITY FOR ANY OTHER USER OTHER
THAN LA CROSSE COUNTY BUSINESS.



CONDITIONAL USE PERMIT NO. 1159 LOUISA PETERSON, W1250 COUNTY ROAD U, BANGOR, WI 54614, ON BEHALF OF HANSLINE FARM LLC, W1248/W1250 COUNTY ROAD U, BANGOR, WI 54614, D/B/A CREAMERY CREEK HOLSTEINS LLC, W1250 COUNTY ROAD U, BANGOR, WI 54614, APPLIES FOR A CONDITIONAL USE PERMIT FOR AN AGRICULTURAL ACCESSORY USE THAT MEETS THE REQUIREMENTS OF §91.01(1)(D), WIS. STATS., MORE SPECIFICALLY, DIRECT SALES OF FARM PRODUCTS INCLUDING, BUT NOT LIMITED TO BEEF RAISED AT THIS LOCATION, UTILIZING A 25-FT X 23-FT AREA WITHIN AN EXISTING AGRICULTURAL BUILDING ON LANDS ZONED EXCLUSIVE AGRICULTURE DISTRICT. PROPERTY DESCRIBED AS PART OF THE SW/NW OF SECTION 3, T16N, R5W. TAX PARCEL NO. 1-51-0. TOWN OF BANGOR.

CONDITIONAL USE PERMIT NO. 1159

LOUISA PETERSON, W1250 COUNTY ROAD U, BANGOR, WI 54614,
 O/B/O HANSLINE FARM LLC, W1248/W1250 COUNTY ROAD U, BANGOR, WI 54614,
 D/B/A CREAMERY CREEK HOLSTEINS LLC, W1250 COUNTY ROAD U, BANGOR, WI 54614
 SW/NW OF SECTION 3, T16N, R5W. TAX PARCEL NO. 1-51-0.
 TOWN OF BANGOR.

**NOTICE OF PUBLIC HEARING
ON APPLICATION FOR CONDITIONAL USE PERMIT**

**NO. 1152 BY: WILLIAM D BOLTE, 505 KING ST, STE 300, LA CROSSE, WI, 54601,
ATTORNEY FOR ANTHONY J LOECKE AND ALECIA M GENDE,
602 DEERWOOD ST, HOLMEN, WI, 54636,
ACTING O/B/O CARROLL E FARNAM AND LYNN I FARNAM JOINT REVOCABLE TRUSTS,
W5724 COUNTY RD T, HOLMEN, WI, 54636**

NOTICE IS HEREBY GIVEN, that a public hearing will be held in the COUNTY BOARD ROOM (1700) of the ADMINISTRATIVE CENTER (*entry via EAST entrance only*) 212 6TH ST N LA CROSSE WI 54601

on the 1st day of MARCH 2021 at 6:00 p.m. on an application for a CONDITIONAL USE PERMIT on an existing 120.06-acre Base Farm Tract to construct one single family residence and driveway on lands used as cropland and zoned Exclusive Agriculture District in the Town of FARMINGTON.

DESCRIBED AS: The NE/SE and part of the SE/SE all in Section 10, T18N, R7W. Tax parcels 5-1412-0 and 5-1415-0. Property address County Rd T. Town of Farmington.

ANY PERSON HAVING A CONCERN IN THIS MATTER WILL BE GIVEN THE OPPORTUNITY TO BE ORALLY HEARD RELATIVE TO THE GRANTING OR DENYING OF THIS PETITION. WRITTEN CORRESPONDENCE CAN BE READ INTO THE RECORD OF A PUBLIC HEARING BY THE SUBMITTING INTERESTED PARTY OR A REPRESENTATIVE. A TECHNICAL REPORT PREPARED AND SUBMITTED BY OTHER GOVERNMENTAL AGENCIES SHALL BE READ INTO THE RECORD. ALL OTHER CORRESPONDENCE IS RETAINED ON FILE.

All pursuant to Section 59.69 Wisconsin Statutes. The application is on file in the office of the County Zoning Director. If you have any questions, please call (608) 785-9722.

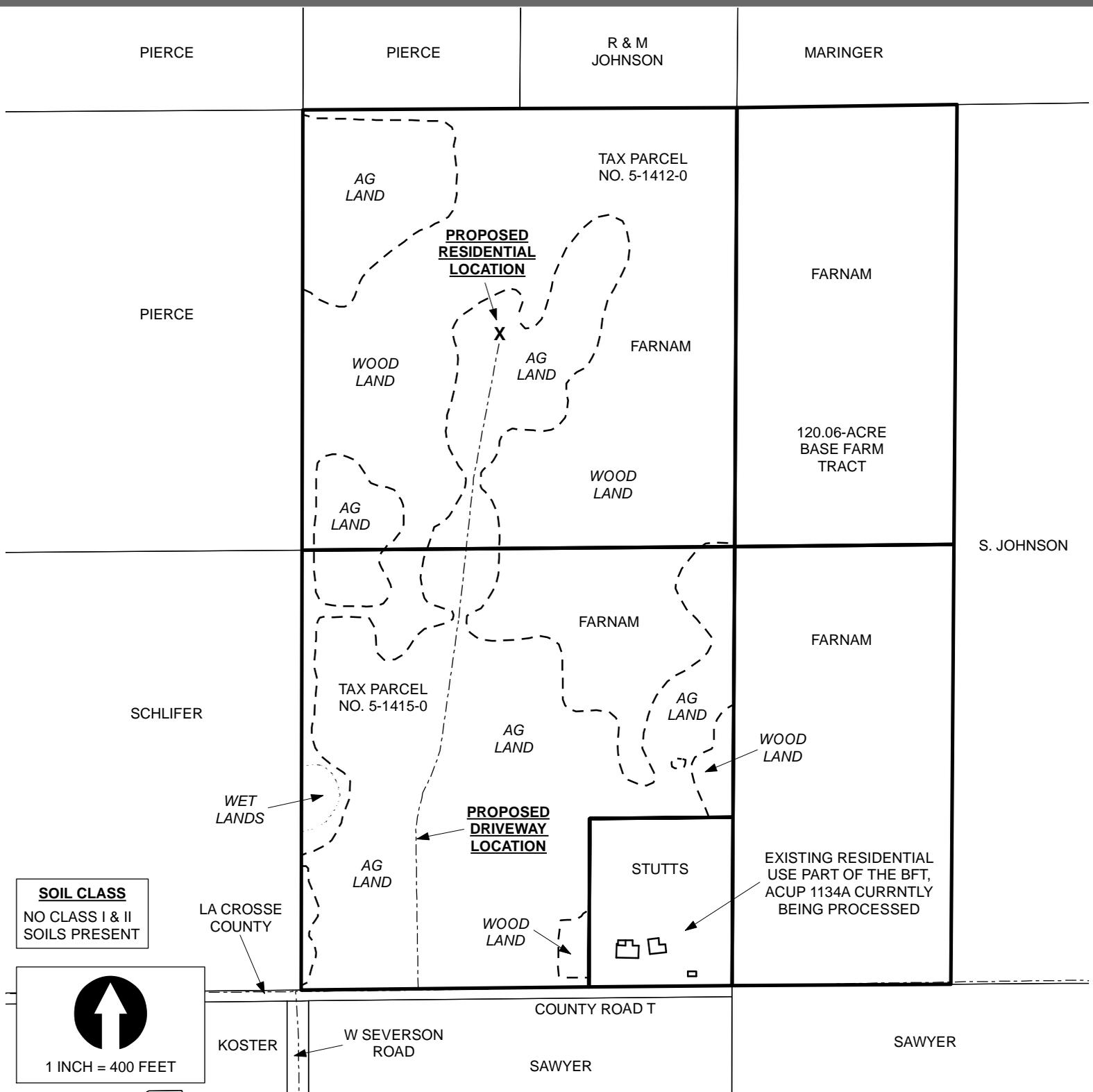
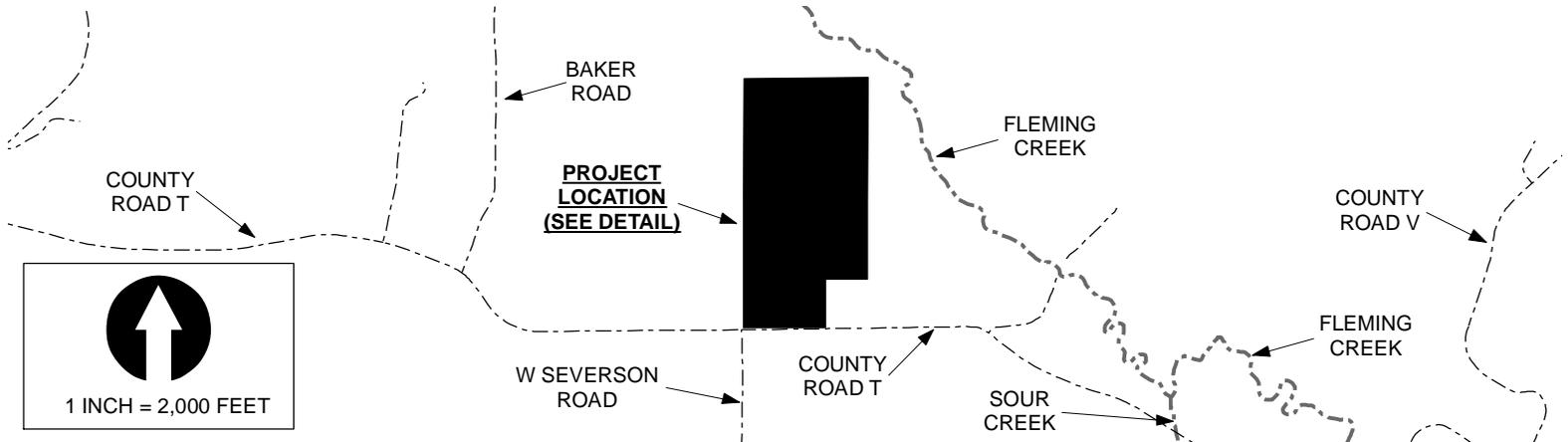
Dated this 16th day of FEBRUARY 2021

LA CROSSE COUNTY PLANNING, RESOURCES
AND DEVELOPMENT COMMITTEE

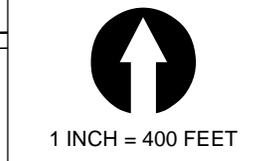
BY _____
Kathleen Stewart, Administrator
Zoning, Planning and Land Information Department

ACCORDING TO THE AMERICAN WITH DISABILITIES ACT, PUBLIC ACCESS TO THE ADMINISTRATIVE CENTER IS LIMITED.

PERSONS WITH DISABILITIES: IF YOU NEED ACCOMMODATION TO ATTEND THIS MEETING, CONTACT ZONING, PLANNING AND LAND INFORMATION OFFICE AT 785-9722 THE FRIDAY PRIOR TO THE MEETING SO THAT ARRANGEMENTS CAN BE MADE.



SOIL CLASS
NO CLASS I & II
SOILS PRESENT



CONDITIONAL USE PERMIT NO. 1152 WILLIAM D BOLTE, 505 KING ST, STE 300, LA CROSSE, WI, 54601, ATTORNEY FOR ANTHONY J LOECKE AND ALECIA M GENDE, 602 DEERWOOD ST, HOLMEN, WI, 54636, ACTING O/B/O CARROLL E FARNAM AND LYNN I FARNAM JOINT REVOCABLE TRUSTS, W5724 COUNTY RD T, HOLMEN, WI, 54636, APPLIES FOR A CONDITIONAL USE PERMIT ON AN EXISTING 120.06-ACRE BASE FARM TRACT TO CONSTRUCT ONE SINGLE FAMILY RESIDENCE AND DRIVEWAY ON LANDS USED AS CROPLAND AND ZONED EXCLUSIVE AGRICULTURE DISTRICT. PROPERTY DESCRIBED AS NE/SE AND PART OF THE SE/SE ALL IN SECTION 10, T18N, R7W. TAX PARCELS 5-1412-0 AND 5-1415-0. PROPERTY ADDRESS COUNTY RD T. TOWN OF FARMINGTON.

CONDITIONAL USE PERMIT NO. 1152

WILLIAM D BOLTE, ATTORNEY FOR ANTHONY J LOECKE AND ALECIA GENDE O/B/O CARROLL E FARNAM AND LYNN I FARNAM JOINT REVOCABLE TRUST
NE/SE AND PART OF THE SE/SE, SECTION 10, T18N, R7W
TOWN OF FARMINGTON

Conditional Use Permit Impact Statement

Anthony Loecke and Alecia Gende are petitioning the county for a conditional use permit because they would like to build their home on property that is currently zoned exclusively agricultural. Granting the conditional use permit will have minimal impact on the property and not impact the surrounding property owners.

Anthony and Alecia have a pending, signed offer to purchase the property in order to build a home in which to raise their children, have a hobby farm, and hopefully retire in the future. Their family consists of Anthony, Alecia, and their four children. Their children are all younger than 16. Anthony and Alecia are planning to build their home in a clearing of trees on the property.

Granting the conditional use permit will not impact their neighbor's property and will minimally impact the property itself. The home will be a single-family dwelling; the only people living there will be Anthony, Alecia, and their four children. There will be a small amount of additional light and noise while their home is being constructed. Following construction, any additional light and noise will be an amount typical to a single-family dwelling. It will not disturb the other property owners.

The home will also not ruin the aesthetics of the area. The home will be a completely new construction and will be screened from the road by trees.

The property and other property owners will also not be affected by any health or safety concerns. Outside of their hobby farm, Anthony and Alecia will not conduct business on their property. They will not produce an excessive amount of garbage or waste.

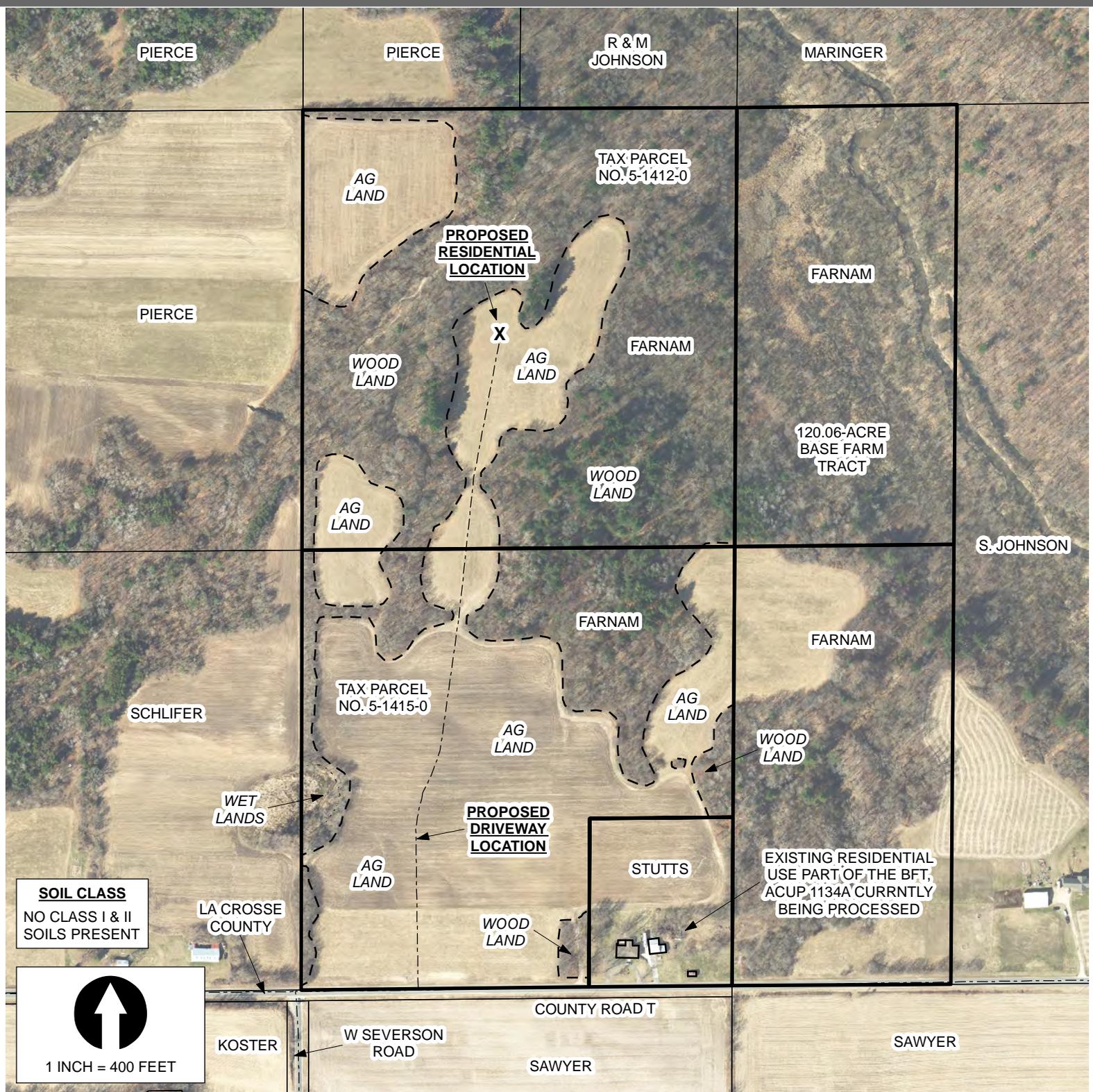
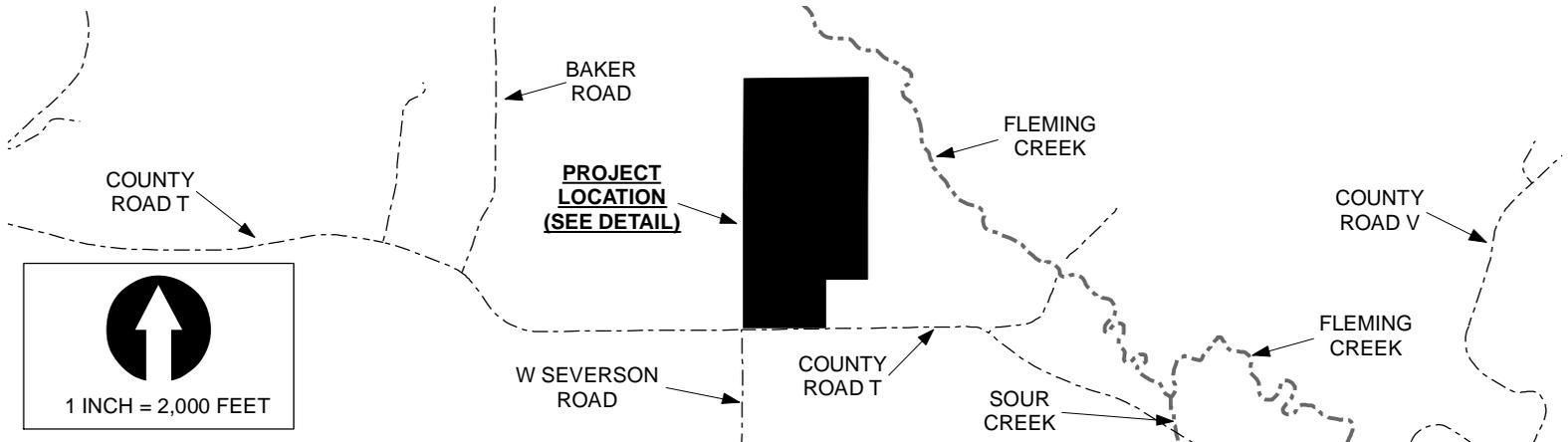
Finally, any impact on traffic will be non-existent. Anthony and Alecia both drive to work. Currently none of their children drive, but one may begin driving in the next year or two. In the short term, there will be an additional three cars driving in this area due to their family living there, plus the occasional visit from friends and family.

Anthony and Alecia's choice of building location will also help reduce the impact on their property and their neighbor's property. Anthony and Alecia would like to build their home away from the road in a clearing surrounded by trees. This will reduce the impact to neighboring properties because any light and sound will be blocked by the trees. It will also reduce the impact on the property itself. By building in this area, Anthony and Alecia will minimize the number of trees that they cut down and reduce the amount of farm ground that is taken out of cultivation. This will accomplish the Town's and County's goals of keeping the ground for agricultural use. If Anthony and Alecia build closer to the road, they will need to take more land that is currently being farmed out of production.

Finally, Anthony and Alecia would like to build their house in the clearing for personal reasons. Doing so would give them more privacy from their neighbors because they would be almost completely surrounded by trees. It would also be a very beautiful location for a home. In addition, it would reduce the amount of noise from traffic. County Road T is a

busy road and building next to the road would increase the amount of traffic noise they would hear. Finally, building their house farther from the road provides additional security for them and their family.

The county should grant the conditional use permit. Building a home on the property will not affect their neighbors' property and will have minimal effect on the property itself.



CONDITIONAL USE PERMIT NO. 1152 WILLIAM D BOLTE, 505 KING ST, STE 300, LA CROSSE, WI, 54601, ATTORNEY FOR ANTHONY J LOECKE AND ALECIA M GENDE, 602 DEERWOOD ST, HOLMEN, WI, 54636, ACTING O/B/O CARROLL E FARNAM AND LYNN I FARNAM JOINT REVOCABLE TRUSTS, W5724 COUNTY RD T, HOLMEN, WI, 54636, APPLIES FOR A CONDITIONAL USE PERMIT ON AN EXISTING 120.06-ACRE BASE FARM TRACT TO CONSTRUCT ONE SINGLE FAMILY RESIDENCE AND DRIVEWAY ON LANDS USED AS CROPLAND AND ZONED EXCLUSIVE AGRICULTURE DISTRICT. PROPERTY DESCRIBED AS NE/SE AND PART OF THE SE/SE ALL IN SECTION 10, T18N, R7W. TAX PARCELS 5-1412-0 AND 5-1415-0. PROPERTY ADDRESS COUNTY RD T. TOWN OF FARMINGTON.

CONDITIONAL USE PERMIT NO. 1152

WILLIAM D BOLTE, ATTORNEY FOR ANTHONY J LOECKE AND ALECIA GENDE O/B/O CARROLL E FARNAM AND LYNN I FARNAM JOINT REVOCABLE TRUST
 NE/SE AND PART OF THE SE/SE, SECTION 10, T18N, R7W
 TOWN OF FARMINGTON

Supplemental Information re Loecke and Gende Conditional Use Permit

Anthony Loecke and Alecia Gende, husband and wife, through their attorneys Hale, Skemp, Hanson, Skemp and Sleik, applied for a Conditional Use Permit to build a single-family residence on approximately 110 acres of land that they are purchasing from the Carroll E. Farnam Joint Revocable Trust & Lynn I. Farnam Joint Revocable Trust. The La Crosse County Planning, Resources, and Development Committee considered the application at their January 4 meeting and asked Mr. Loecke and Mrs. Gende to return the following month to provide information regarding the reasonableness of other building sites and other locations for the driveway in order to minimize the amount of land removed from cultivation. There are no reasonable alternatives. The residential plot and driveway cannot reasonably be smaller and there are no reasonable alternate building sites. All “reasonable” alternatives result in more farm ground being removed from cultivation. Mr. Loecke and Mrs. Gende have chosen the most reasonable building locations and the most reasonable sizes and the committee should recommend approval of the Conditional Use Permit.

I. Law Regarding Farm Residences and Driveways

Both the Wisconsin Legislature and La Crosse County have passed legislation regarding building residences on farm ground. The Wisconsin Legislature allows individuals and families to build residences on farm ground in two circumstances. The first is when it is a farm residence.¹ “Farm residences” are single-family residences which are the only residential structure on the farm or is a single-family residence occupied by an owner or operator of the farm.² A “farm” is defined as “all land under common ownership that is primarily devoted to agricultural use.”³ Individuals and families can build farm residences on farms.

Wisconsin law also allows individuals and families to build “non-farm residences” on farm ground.⁴ “Non-farm residences” are single-family or multi-family residences other than farm residences.⁵ In order to build a non-farm residence, the applicant must show: (1) the ratio of nonfarm residential acreage to farm acreage on the base farm tract on which the residence is or will be located will not be greater than 1 to 20 after the residence is constructed or converted to a nonfarm residence; (2) there will not be more than 4 dwelling units in nonfarm residences, nor, for a new nonfarm residence, more than 5 dwelling units in residences of any kind, on the base farm tract after the residence is constructed or converted to a nonfarm residence; and (3) non-farm residence will not convert prime farmland from agricultural use or convert land previously used for crop land, other than a wood lot, from agricultural use if there is a reasonable alternative location or size for a

¹ WIS. STAT. § 91.44(1)(b) (2019-20).

² WIS. STAT. § 91.01(19) (2019-20).

³ WIS. STAT. § 91.01(13) (2019-20).

⁴ WIS. STAT. § 91.46(1)(d); (2) (2019-20).

⁵ WIS. STAT. § 91.01(21) (2019-20).

non-farm residential parcel or non-farm residence on the farm.⁶ The applicant must also show that the non-farm residence does not significantly impair or limit the current or future agricultural use of other protected farmland.⁷

La Crosse County has promulgated an exclusive agricultural district zoning regulation. La Crosse County's zoning regulations can be and are more stringent than the state's requirement for building on agricultural land. Under the La Crosse County Zoning Code, building a residence on agricultural land is a conditional use; it can only be allowed with county approval.⁸ The county board has the authority to approve the construction of a residence in an exclusive agricultural district. In addition, an Administrative Conditional Use Permit can be issued without county approval if the Conditional Use Permit does not do any of the following: (1) convert prime farmland from agricultural use or convert land previously used as cropland, other than a woodlot, from agricultural use if on the farm there is a reasonable alternative location or size for a farm residential parcel or farm residence; and (2) does not significantly impair or limit the current or future use of other protected farm ground.⁹

II. Mr. Loecke and Mrs. Gende's Application Meets Wisconsin Law and County Zoning Regulations

Mr. Loecke and Mrs. Gende's application meets both the state's and county's requirements to construct a residence. First, Mr. Loecke and Mrs. Gende's residence would be a farm residence under Wisconsin law. As Mr. Loecke and Mrs. Gende stated at the January meeting, a neighboring farmer currently rents the farm ground. After Mr. Loecke and Mrs. Gende purchase the property and build their home, they will farm the property themselves. This makes the property a farm because it is land under common ownership that is primarily devoted to agricultural use. The only area of the property not devoted to agricultural use will be the residence and curtilage (consisting of approximately 20,000 square feet) and the area currently covered by trees. The trees are located on sloped land and in a river bottom which is unsuitable for both farming and building. Any residence that Mr. Loecke and Mrs. Gende build will be a farm residence because it will be a single-family residence that is occupied by the owner *and* operator of the farm.

Even if the county believes that Mr. Loecke and Mrs. Gende's home does not meet the statutory definition of "farm residence," it is still allowed as a non-farm residence because it meets all of the statutory requirements. The curtilage of the residence will be 20,000 square feet which is less than half of an acre. Mr. Loecke and Mrs. Gende will own more than 10 acres of farmland. In addition, there will be less than four dwelling units on the property. Finally, as seen below, there is no reasonable alternative location to build the residence and building the residence on the proposed location will not significantly impair or limit the current or future agricultural use of other protected farmland.

⁶ WIS. STAT. § 91.46(2) (2019-20).

⁷ *Id.*

⁸ LA CROSSE COUNTY, WIS., CODE OF ORDINANCE ch. 17, § 17.05(5)(d) (2015).

⁹ LA CROSSE COUNTY, WIS., CODE OF ORDINANCE ch. 17, § 17.05(5)(d)1.a.ii. (2015).

Finally, the residence meets the requirement for a Conditional Use Permit under the La Crosse County Zoning Code. The application meets the requirements for an Administrative Conditional Use Permit because there are no reasonable alternatives and building on the proposed spot does not significantly impair or limit the current or future use of other protected farm ground. If the county does not want to grant an Administrative Conditional Use Permit because it would like the committee to rule on the petition, the committee should approve the conditional use permit because it meets all state and county requirements.

A. Mr. Loecke and Mrs. Gende's Residence Meets the Statutory and Zoning Ordinance Requirements

Mr. Loecke and Mrs. Gende's residence meets the size requirement; there is no alternative size. Their residence is as small as possible. Mr. Loecke and Mrs. Gende originally asked the county to approve a curtilage of 10,000 square feet. This is even smaller than the minimum allowable amount. Under the La Crosse County Zoning Code, the curtilage cannot be less than 20,000 square feet.¹⁰ Because Mr. Loecke and Mrs. Gende's curtilage will be the smallest allowable size, there is no reasonable alternative. The next issue is whether there is a reasonable alternative location. There is not.

Mr. Loecke and Mrs. Gende chose the most reasonable locations to build their residence. I have included an exhibit marked "Exhibit A" which presents the various alternative building locations.

Mr. Loecke and Mrs. Gende can only build in the areas marked "A," "B," and "C". It is impossible to construct their home in any area covered by trees because the trees grow on sloped land and in a river bottom that is unsuitable for building. This is illustrated in the topographical map included as Exhibit B. This map shows that the only reasonable building locations are the areas marked "A," "B," and "C" on Exhibit A.

Mr. Loecke and Mrs. Gende have chosen the most reasonable location for their residence, and there are no reasonable alternatives. The first option is to build in the area marked "A". This location is unreasonable because the house would be immediately adjacent to the road. By building right next to the road, Mr. Loecke and Mrs. Gende would need to include a 50-foot setback. However, most of the setback would not be included in the curtilage. The amount that was included in the setback but not included in the curtilage would not be farmed because it would be difficult, if not impossible, to farm that area of land. The end result would be that an additional 2,000 – 5,000 square feet would be removed from agricultural production. Building their home in Location A also means that it will be surrounded on three sides by farm ground. This would make the surrounding sections of farm ground more difficult to farm. Because it is more difficult to farm, this

¹⁰ LA CROSSE COUNTY, WIS., CODE OF ORDINANCE ch. 17, § 17.05(5)(e)1.e. (2015).

location violates the requirement that the Administrative Conditional Use Permit not significantly impair or limit the current or future use of other protected farm ground.

Location B is also an alternative, but like Location A, is not reasonable. In order to reach the back part of the property it is necessary to travel through Location B. Placing the residence here will make it more difficult to farm the back part of the property. Like with Location A, this violates La Crosse County's Zoning Code.

Finally, Mr. Loecke and Mrs. Gende could build in Location C. They would like to build in this location and it is the most reasonable building site. First, they could build almost directly next to the tree line. This would minimize the amount of ground removed from production. In addition, Mr. Loecke and Mrs. Gende are willing to shift their building site from the northwest part of Location C to the southwest corner of Location C (as shown on Exhibit A). This would minimize the amount of land removed from circulation. It would also make it easier to farm the remaining ground because there is no setback issue and two of the sides of the curtilage are abutting the tree line. This avoids the issues discussed in Location A. Finally, by being in this back section of the property, it maximizes the amount of farm ground that remains undisturbed. This means that building in this location will not impair or limit the current or future use of the other farm ground. Instead, Mr. Loecke and Mrs. Gende will be able to use the front part of the property, middle part of the property, and back part of the property for farming.

B. Mr. Loecke and Mrs. Gende's Driveway Meets the Statutory Requirements

At the January 4 meeting, the committee also questioned the location of the driveway. Mr. Loecke and Mrs. Gende would like to put the driveway directly in the middle of the property which is currently marked as "I". Alternative paths to the driveway are marked "II" and "III" respectively. I have only included the driveway to Location B because after that point the driveway routes would be the same. Regardless of the location of the residence, there will need to be a path to the back of the property in order to farm the back section of land and approximately six acres of farm ground in the northwest corner of the property. Without a driveway or route to that corner of the property, it will be impossible to farm that six acres and it will be removed from agricultural production. The county should approve Route I because there is not a reasonable alternative size, there is not a reasonable alternative location, and the driveway does not significantly impair or limit the current or future agricultural use.

The driveway cannot be a different size. The county highway department will not approve a driveway that is less than sixteen feet wide. Regardless of which route is selected, the driveway will be sixteen feet wide. This is the smallest width possible so there is no reasonable alternative.

Route I extends straight across the property and is the most reasonable location for a driveway. There are no reasonable alternatives. The driveway is straight which will result in the least amount of ground being taken out of circulation. Under this plan, the driveway

will be 1,200 feet long and 16 feet wide which means 19,200 square feet of farm ground will be removed from circulation. Route II follows the western border of the property and is significantly longer due to the curves in the driveway. Route B would be approximately 1,800 feet long and 16 feet wide, and the total area of the driveway would be approximately 28,800 square feet. This route would remove about one-fourth of an acre of farm ground more from agricultural production than the first route. Route III is 1,600 feet long and 16 feet wide which has an area of 25,600 square feet. It removes more land from production than Route I and is unreasonable. In addition, under the terms of the Offer to Purchase, Route III will soon become impossible. Mr. Loecke and Mrs. Gende are purchasing the property from a trust. As part of the Offer to Purchase, they are deeding the area that corresponds approximately to the hash marks to the seller. However, even a new route on the east side of the property will be unreasonable. Like Route I, it will cut across the field and like Route II, the curves will make it longer than Route I.

Route I is also the most reasonable option because it will be easiest for emergency vehicles and farm machinery to use this route. The straight path will make it easier for farm machinery to access the back part of the property and will make it easier for emergency vehicles to access the residence. Route II and III have will have more curves and this will make it more difficult for farm machinery and emergency vehicles to use the driveway. While this is not the most significant reason why Routes II and III are not reasonable alternatives, they contribute to the unreasonableness.

Finally, Route I will not significantly impair or limit the current or future agricultural use. Mr. Loecke and Mrs. Gende's driveway will be gravel and level with the farm field. Route I will not disrupt farming because farm implements will be able to raise their equipment when they reach the driveway and lower it immediately after crossing the driveway. This route will not impair or inhibit Mr. Loecke and Mrs. Gende from farming the field closest to the road.

III. Conclusion

Mr. Loecke and Mrs. Gende's decision on the location of their house and driveway are not based in ignorance. Both of them have backgrounds in agriculture. Mr. Loecke grew up farming and worked on farms after college. They also have an interest in keeping as much ground under cultivation as possible since they will be farming the land after they build their home. They believe that from an agricultural perspective, this is the best location for a driveway.

Mr. Loecke and Mrs. Gende are not the only ones who believe their choices for their building site and driveway are appropriate. The Farmington Town Board reviewed the driveway placement and questioned Mr. Loecke about its location. They are satisfied that it will not inhibit farming the land. In addition, the farmer who is currently renting the land, John Pierce, also believes that the driveway will not impair or inhibit the farming of the land. Mr. Pierce's letter is attached as Exhibit C.

Mr. Loecke and Mrs. Gende have chosen the most reasonable locations for the driveway and residence. They have also chosen reasonable sizes. Because there are no reasonable alternatives, and because the current and future agricultural use of other protected farmland will not be significantly impaired or limited, the County Board should approve Mr. Loecke and Mrs. Gende's Conditional Use Permit.

EXHIBIT A

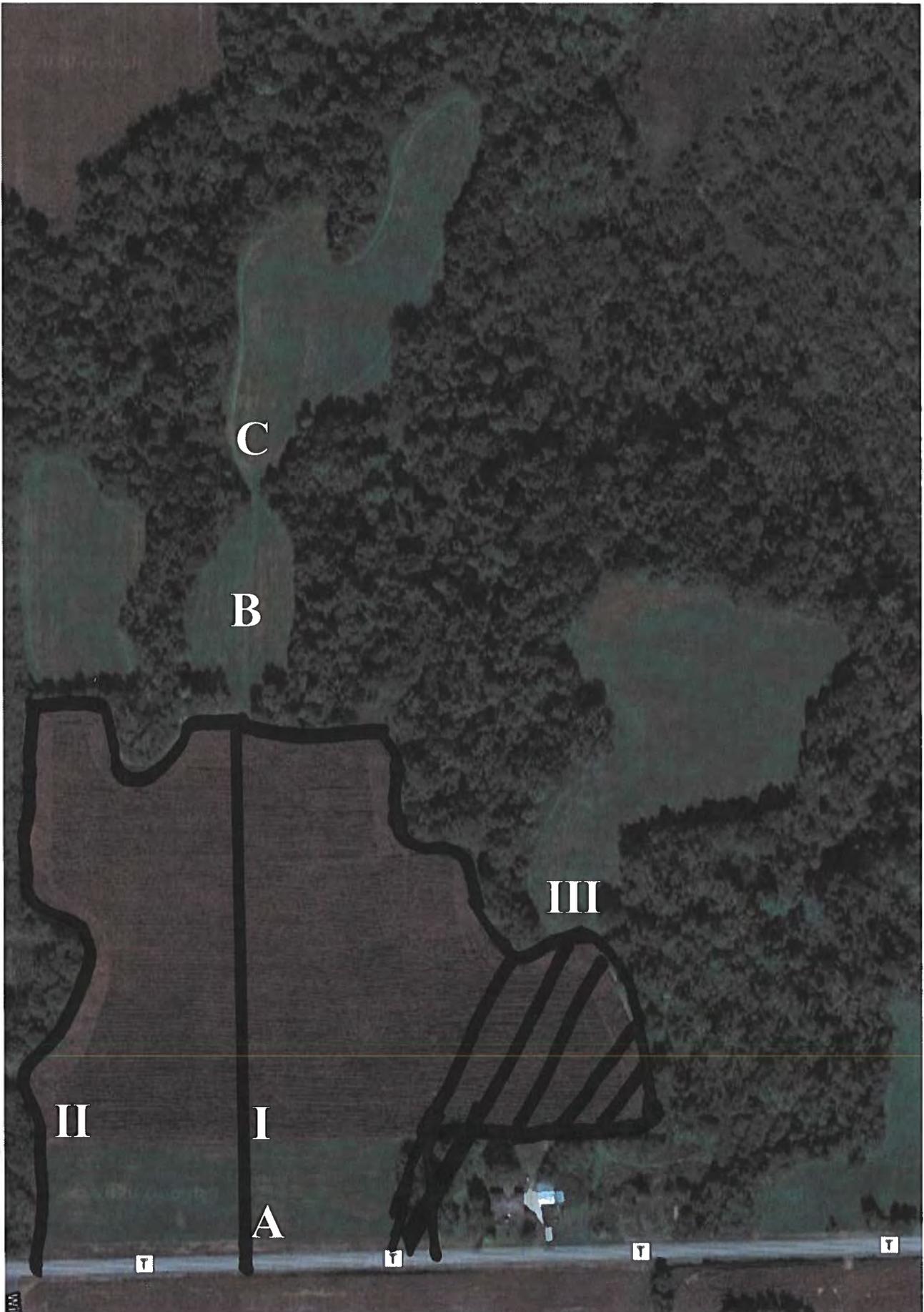


EXHIBIT B

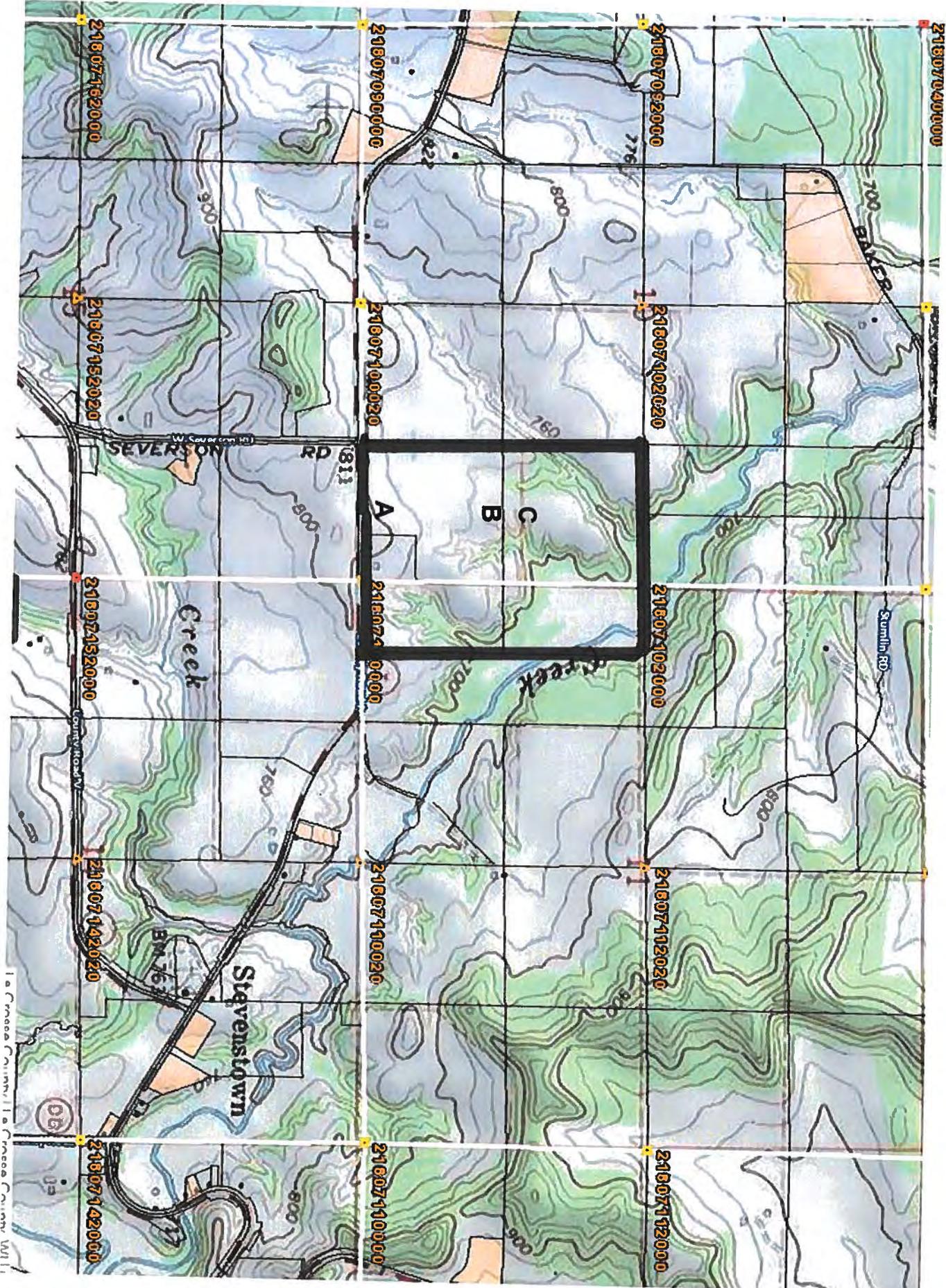


EXHIBIT C

To whom it may concern I
have farmed The Faanam farm
for 10 years. I see no problem
with changing the driveway for
Tom as far as the farmability
of the land. The entrance
actually ~~is~~ should give a little
more visibility to approaching
traffic.

Sincerely yours
John R Paric

Phone number 608-790-7456