

Town of Burns
February 13, 2024
Public Hearing Minutes

The public hearing was called to order by Chairman Nuttleman at 7:00 pm. The following Town Board officers were present: Chairman (Chr.) Nuttleman, Supervisor (Sup.) Caulum, Supervisor (Sup.) Hoth, Treasurer (Tr.) Anderson, and Clerk (Clk.) Hart. Chairman (Chr.) Nuttleman noted the meeting was properly posted and that the meeting is being voice recorded. The following members of the Plan Commission present: Todd Caulum, Rob Everson, Bill Larson, and Liza Schlintz. Wayde Pollock absent.

Chr. Nuttleman noted that those in favor will be heard from first, those opposed will be heard from next, followed by a general discussion on: REZONING PETITION NO. 20240110001. Application by CNC Investment to change the allowable use of 32.14 acres of land currently owned by Todd Miller and Rezone it From The "Farmland Preservation District" To "Commercial District C". CNC Land Investment LLC, 2812 S. 28th St., La Crosse, WI 54601, acting as authorized Agent for landowner Todd Miller, PO Box 436, Bangor, WI, 54614, petitions the Town Board to Rezone 32.14 acres from the Farmland Preservation District to Commercial District "C" on the following described land in the Town of Burns: LEGAL DESCRIPTION: NW1/4 of the NW1/4 of Section 33 T17N R5W, EX CSM NO. 97 VOL 14 DOC NO. 1532900 & CSM NO. 7 VOL 11 DOC NO. 1356438 & CSM NO. 113 VOL 9 DOC NO. 1262417 & EX PRT TAKEN FOR STH-16 ON PLAN NO. 70F IN V185 P583 SUBJ TO COV IN DOC NO. 1411987 & SUBJ TO RESTR IN DOC NO. 1659745 & SUBJ TO CONTROLLED ACCESS IN DOC NO. 1658390. Also known as La Crosse County Tax Parcel 3-691-0. STATED REASON FOR REZONE: To allow applicant or others to possibly build a future shop for an undescribed business, to possibly build up to 11 each, 160 ft. x 60 ft. apartment complexes; 12 each, 180 ft. x 60 ft. self-storage complexes; and 1 each, 40 ft. x 500 ft. self-storage complex, or to put the property to any commercial permitted use otherwise allowed in the Commercial District "C". A map of said proposal is available from the Town of Burns Clerk for \$0.30 per page. Any person in favor of or opposed to this petition will be given an opportunity to be heard relative to the grant of or denial of this petition at the public hearing.

Chr. Nuttleman Noted that this is only a public hearing meeting tonight and no decision tonight. The Planning Commission will be meeting at a later date and listed the members of the Planning Commission. Those that wish to speak to sign up to speak, but will not deny anyone from speaking. Glad there's a lot of people here, actually helps make decisions a little easier and to keep this about the rezone. Ask for those to state their name when speaking.

Dave Steiger (CNC Land Investment LLC) Said that on the plans looking to do some storage sheds and apartment buildings. It seems like a large amount of land; it is one tenth of one percent. It does state in the [Town of Burns] Policy and Development that we (ToB) looking to develop that area that is says specifically in the dev

Bill Larson (ToB Zoning Administrator) Asked Dave Steiger to explain what his business is that he wants to construct a shop for.

Dave Steiger (CNC Land Investment LLC) Stated he has a construction company that does directional drilling. He needs a warming shed to keep his stuff warm in the shop, the equipment.

Bill Larson (ToB Zoning Administrator) Asked how much of that land area will the shop take?

Dave Steiger (CNC Land Investment LLC) Stated that particular area will be 7-8 acres.

Chr. Nuttleman Asked if anyone else wanted to speak in favor.

Laurie Clements (CNC Land Investment LLC) Some of the stuff on here are conceptual and would be a long-term development type stuff. It is hard to have a definite plan when it's unknown if the land will be rezoned. Basically, what they are looking at would be quiet type development. Nothing with extreme traffic or a lot of noise. Some of it would be market driven and some of it could change. It doesn't pay to put up a bunch of storage sheds if they're not going to rent. It's a conceptual plan.

Bill Larson (ToB Zoning Administrator) To clarify one point, if this property is rezoned, they (CNC Land Investment LLC) are not bound to do anything. They could split it up if they want. The proposal is not a contract.

Carol Ewald (ToB Resident) Process question. She knows there's a sheet to sign up to comment and she thinks people want to comment on the proposal but knows for one still has not heard the proposal. Wondering if there is a way to clarify if more.

Chr. Nuffleman Lets keep in order of the sign-up sheet.

Ralph Jones (ToB Resident) One question he would like to ask on this housing development or apartments how many rooms is that going to be?

Dave Steiger (CNC Land Investment LLC) We're thinking like 4-plexes.

Unknown Resident Think he means how many units will that be?

Dave Steiger (CNC Land Investment LLC) Haven't really decided that yet. Thinking like 6-plex apartments, 3 in each one.

Laurie Clements (CNC Land Investment LLC) 2- or 3-bedroom apartments, townhomes maybe.

Ralph Jones (ToB Resident) Stated he is a farmer and has land close to that and is defiantly opposed to it.

Brad Holthaus (ToB Resident) Stated he is opposed.

Paul Smith (ToB Resident) He is wondering the people that are proposing this said it is kind of going to be market driven. Noticed there are two separate drain fields. One boarder up to Arlan Holthaus' land and it's a rather large drain field. And there is another one on across from the trailer court where the storage sheds are going to go. What he is concerned about is the ground water pollution that accommodates these things. 22 apartment buildings will create a lot of sewage and its gotta go somewhere. It's going to end up in Arlan Holthaus' well. One drain field is right on the property line. That stuff is going to end up in his well. The other one by the trailer court, why would they need one there with proposed storage sheds? If it's going to be market driven to have another drain field down there to me that is telling me that they want to put apartments down there in the future if the storage buildings don't work out. Granted you don't make a lot of money off a storage shed you make a lot of money off an apartment building.

Laurie Clements (CNC Land Investment LLC) There are some storage units in West Salem that are heated and have a bathroom in them. Which we currently rent one of those units. That would be the purpose of that drain field.

Paul Smith (ToB Resident) My big concern would be the potential for water, ground water pollution. If it's in the drain field that stuff is going to go down. That's 22 apartment units is a lot of units. That is going to be a lot of sewage going into the ground. It gotta go down and will head towards the river.

Bill Larson (ToB Zoning Administrator) The proposed that they gave and submitted isn't practical. There is nothing on there for a retention pond. The County requires a retention pond. That is what they submitted. They submitted it directly to the ToB Clerk. They did not ask what the Town's opinion was on it and did not meet with me which is what I thought they were going to do. They submitted what they submitted

Dave Steiger (CNC Land Investment LLC) you have to submit an erosion control plan to the DNR. The DNR approves all that.

Paul Smith (ToB Resident) I'm worried about water pollution from these drain fields. We know it's going to go down; it's going to go somewhere. Stated he's absolutely opposed.

Rob Everson (ToB Resident & Planning Commission) Concerned with three or four things. Like said with adjacent farmers, traffic (have they done a traffic study?), runoff, and education. If you are going to put this many people in this school district. Speaking as a tax payer, the school district just hooked us for \$30 million and I think

they're about out of space too. What are we going to do for future residents that have children? I'm not opposed or for. Just the viable issues at hand.

Chad Jacobson (ToB Commercial Business) Basically the same concerns.

Jessica Jacobson (ToB Commercial Business) Concerned with traffic control. Coming onto Highway 16 to turn left there are times you sit there for how many minutes before you can even turn. Where are they going to line up to get into the 11 apartment buildings? Are you going to have two roundabouts? One on 16 and one down the road?

John Jones (ToB Resident) Has the neighboring field across 162 from this proposal and also lives on Highway 16. A couple of concerns are there are 1,500 head of dairy cattle with a 1.5 mile of this proposal. We spread manure on three sides of this proposal to be developed. Concern with new residential people living there, yes, we have the right to farm, but also knows people complain about the smell. Is the Town Board ready to deal with that? Another concern is the traffic. I live and farm on Highway 16 and use to the traffic and this isn't going to get better. Third concern is waste water. He just spent \$20,000 this last fall taking care of water problem that the State was supposed to handle and did nothing about it. He doesn't want to deal with another problem in his field with drain water from 3-inch rain fall that are supposed be once in 100-year flood that are now an annual thing. Those are his concerns. Stated opposed.

Dan Jones (ToB Resident) Concerns the size of the apartments and how many people in those 10 or 11 buildings going are going to be living there. It is going to cause school problems because there are going to be kids. Agrees with the other people with run off. You are going to put down a lot of black top. There's going to be a lot of water running off and it has to go somewhere. There's going to be pollution. Stated opposed.

Beth Jones (ToB Resident) The plans sound kind of iffy. Would like to know how tall the units going to be. They will be right in here view. Her view will be interrupted and now a highway scale out there and constant semitrucks. Would like to know where the driving access be.

Bill Larson (ToB Zoning Administrator) Highway 16 and 162 are restricted access highways. The only way they can access is through an existing easement. The easement was never approved by the Town Board and that approval has to be obtained before this can go through. Chad Jacobson owns the land that this easement is on and discussed with him. The short version is the township requires a 66-foot easement to access any lot. This lot was created around 2000. The easement was approved by the DOT, they approved them as far as their concerns. The Town Board has not approved that easement to serve these lots. The easement needs to be approved by the Town Board and need to be 66-foot unless the Town Board finds some extraordinary reason not to. The [Jacobson] easement is only 33-feet wide. That is another issue that needs to be addressed.

Beth Jones (ToB Resident) stated opposed.

Carol Ewald (ToB Resident) stated opposed. Opposed for every reason stated so far, and for the record "ditto" for all. Came here concerned of what she has already read and now more concerned because she has not heard a clear plan. They are proposing to make a subsided change to the zoning in this community. Spent this afternoon reading the Comprehensive Plan from this Town and the County Farm Preservation Plan. Both of them are very consistent that one of the beautiful things about Burns that is cherished by this group is keeping it agricultural, keeping it pastoral, keeping it beautiful, preserving a habitat, preserving water. It says very clearly to be mindful before making any changes to that. When you start chipping away at those values on how you develop your town you can't walk it back. You are setting a precedence. Stated opposed.

Zach Pierce (ToB Resident) Carol I don't know how anyone could say it better than that. My wife and I own property 0.25 miles from the proposal. Has a couple of questions, the first one is, the people proposing this is it being commercial?

Bill Larson (ToB Zoning Administrator) The Town of Burns Zoning Ordinance 17.35(8) – zoning land out of Farmland Preservation Zoning District provides that the Town Board may not rezone farmland in the preservation district unless it finds all the following after dually conducting a Public Hearing: a) the rezone land

is better suited for a purpose not allowed in the Farmland Preservation Zoning District, b) rezoning is consistent with any Comprehensive Plan adopted by the Town Board which is in effect at the time of the rezoning, and c) rezoning is substantially consistent with the County Farmland Preservation Plan, and d) the rezone will not substantially impair or limit current or future agriculture use or other protected farmland uses. The Town's Comprehensive Plan encourages commercial development in this Highway 16 and 162 corridors, but the Town's future proposed future zoning map has this land designated as agricultural. Mr. Jones has land in this corridor and his land is designated as agricultural. No one who's land is designated as agricultural has an automatic right to get their land rezoned. The Town Board has full discretion over this matter. That is his opinion as the Zoning Administrator. Did that answer that question?

Zach Pierce (ToB Resident) Yes that answered that question. Has one more question on that. Mentioned the land in that corridor, is there any other land in that corridor that is currently available for commercial?

Bill Larson (ToB Zoning Administrator) There is about 8 or 9 acres that John Jones owns on the northside of Highway 16 next to Country Motors. It goes up the corner of 162. There is a billboard on that land. It could not exist with today's Wisconsin sign standards unless it is on commercial property. That is Commercial B property which is slightly more restrictive than Commercial C property. John, are you aware of that?

John Jones (ToB Resident) Yes.

Bill Larson (ToB Zoning Administrator) The land opposite across from this parcel is also owned by John Jones and that land is zoned residential district. The zoning on these went into effect in the 1950's by Charlie Evan's dad that had a silo business and that was the plan back then.

Zach Pierce (ToB Resident) There are very clear state statutes that believe indicate that several factors have to happen for a rezone. States that I do not believe tonight that the individuals who are proposing this have even come close to meeting the six of those factors that are in the rezone. Asking the Board to please consider that out our highest level when doing this. Concerned with the traffic with where his farm is at with his cattle and children that play outside; we do not need more traffic on Highway 16. Appreciate us hearing and listening. States very much opposed.

Reed Holthaus (ToB Resident) Grandson of Arlen [Holthaus] and his land is right next to the proposal. As John [Jones] and other people said the dust, manure, late nights working. Raise a lot of cattle, heifers, and bulls. What happens when the cows and bulls get out? Are they just going to wander through the yard? These people have no idea what to do. There will be people out wondering around. We have fence line right there; kids will go right over there and pet the cow. They have no idea what is going on. We have a gate at the northwest corner what is stopping anyone. How many people are going to be living there? 200, 300, 400 people? We don't like the way this farm is spreading manure, it's too smelly. Well maybe we'll go let out their heifers out. Let their bulls out. That sounds a little ridiculous. This is productive land, 32 acres that is never going to get put back into agriculture. This farm preservation, what is it? These 32 acres should never be touched. It is in farm preservation and it will never be put back if this goes through. States 100% opposed to this.

Chr. Nettleman did anyone else sign in? Unless you [Dave Steiger] would like to speak again?

Dave Steiger (CNC Land Investment LLC) Understands of the concerns. The reason for not having definite plans just trying to see if this would go through. The reason we thought it would be a good area because the Town's Comprehensive Plan said that they are trying to promote the development. Then we thought we would try and promote.

Nancy Breuer (ToB Resident) Lives right across from this and opposes big time. Like most people said, traffic is bad. When apartments and construction get in there and here the beeping of the trucks. Already has lights from a business up there shining in house at night. It lights up living room. If all these apartments and storage have lights out there it will light up house totally. Yes, neighbors to the Jones' and they do spread manure next to me use to the smell and has lived there all my life. My father built this house to live out in the country to enjoy the scenery, farmland, watch the deer come up from the creek from behind us and come across the road and the geese and everything. When you get the apartments in there you are going to have 125 cars or more

coming in and out on 162. It is busy enough as it is. People going down there like 100 mph coming off 16. They hit their brakes, semis are down shifting, engine breaking. At 2:00 am, 3:00 am will hear a truck backing up beeping. Cars go in the ditch in the winter time they going to go right across into those sheds and apartment buildings. In fear of her life when she has to go to the mailbox. Property taxes are going to go up along that road. With the school adding on.

Chr. Nuttleman that is everyone that has signed up. Anybody else?

Micheal Bjorkman (ToB Resident) 27 years ago we were here trying to get a building permit for a farm that had three generations. It was like trying to pull teeth to get a building permit. Now you are going to allow 32 acres to go. There are a lot of other land around here that people want to build that have a field that can't hardly farm anymore because of the big equipment they have. Highway 16 is ridiculous. Maybe should have more traffic cops. States disagree.

Chad Koslowke (ToB Resident) [Dave Steiger] So you said you farm. I don't know who promoted this to you. I don't believe Burns promoted any type of building apartments. Why don't you do that on your own property?

Dave Steiger (CNC Land Investment LLC) sated he has road bans. It does state on the Comprehensive Plan that they are promoting development right in that area.

Sup. Hoth Bill [ToB Larson Zoning Administrator] wants to speak on that.

Bill Larson (ToB Zoning Administrator) Generally what he is saying is true. That is a general statement of encouraging development in that corridor of 16 and 162. But the specific future zoning designation proposed for that area is agricultural. It is just a general encouragement. The Comprehensive Plan does say this: it specifies the type of business it seeks to encourage. "They type of businesses that the Town of Burns would like to encourage are typically small, family-owned businesses which increase the amount of services offered directly to residents surrounding these businesses. Some of these current businesses include farms, auto repair shops, storage facilities, and other service industries." That is a little bit more specific than generally encouraging people in that area. The fact of the matter is the future proposed zoning classification for that district is very specific. If this was to go through the Town Board could not allow it until they amend their Comprehensive Plan to change the future zoning district of that area in particular to commercial. To be clear, the Town does talk about future residential growth in this Comprehensive Plan. "Future residential developments are not foreseen in the near future at this time." "The Town of Burns will encourage new residential and commercial subdivision developments to concur within or adjacent to the incorporated communities of Rockland and Bangor. For a full range of public services can be provided at minimal disturbance to the environment in a natural landscape. There are distinctions here from what the applicant has said that are valid distinctions that I am going to draw the attention to the Town Board.

Chr. Nuttleman The Plan Commission will meet and make a recommendation to us. That is as far as the process. This is just the hearing. There will be no decision tonight. The Plan Commission will meet and they will give us a recommendation based on the information.

Jackie Everson (ToB Resident) With everybody here, obviously you can see how people's feelings are. Does that make a weight on you making a decision?

Sup. Hoth Absolutely

Scott Everson (ToB Resident) There was one thing I never heard tonight was water supply for all of this. Yes, there were concerns on sewer and drain field. I do agree with the gentleman that brought that up twice tonight. There was not conversation on wells, supply of water which could be a big issue here. Otherwise, I do agree with a lot of the conversations that were here. I farm, I build, I'm sitting fence on both ways. That land down there is very nice, everybody wishes they had that to farm and probably yourself. I build to, made a living that way. The development between West Salem and Nathan Hill that is a shared well situation. When you get into that the two or three people that are on that when it is initially done there is an agreement and they share that cost. When the home sells hope that information is shared.

Liza Schlintz (ToB Resident & Planning Commission) My question is for Bill. Just so that we can all be clear on the process. What we are discussing tonight is specifically the rezoning and putting this into Commercial C would then permit all those allowable uses. It is not specifically stating that this is the specific plan that is outlaid what we have in front of us. Is there another point at which the plan would have to come back in front of us for approval as to what the developments and improvements are once, they make a planned decision assuming that this would pass. That is my only question.

Bill Larson (ToB Zoning Administrator) When the property is rezoned into one these districts, all the uses available in that district are available to the property owner.

Liza Schlintz (ToB Resident & Planning Commission) Our CUP or Zoning Occupancy Permits would further need to be approved to prior to any development of this property?

Bill Larson (ToB Zoning Administrator) What is being proposed does not need a CUP. Zoning, building permits would be required and would have to meet the commercial building requirements, drainage standards, and access easement standards. Those permits would have to be granted.

Liza Schlintz (ToB Resident & Planning Commission) If this were to be rezoned Commercial C no development could occur without an additional meeting which would require an additional Public Hearing.

Bill Larson (ToB Zoning Administrator) No.

Micheal Bjorkman (ToB Resident) Are we ready for 125 cars to go to the dump?

Chr. Nuttleman That is an issue.

Bill Larson (ToB Zoning Administrator) The important issue, the Comprehensive Plan says it wants to see large residential and commercial development near the adjacent villages so they can get village services. One of the services is police services.

Kimberly Jones (ToB Resident) If understanding this right, rules governing development that is the intention to increase access to necessary services for the existing community. Has there been some public or commercial survey to indicate that we have an increase need in our community for self-storage units and directional drilling? Is there a huge demand for that?

Dave Steiger (CNC Land Investment LLC) Directional drilling in all of this area and West Salem, Sparta, and Black River Falls.

Laurie Clements (CNC Land Investment LLC) Directional drilling is just part of our business. We drill for water lines and sewer lines for residential and stuff like that.

Kimberly Jones (ToB Resident) The need for the business is pretty spread out. So, there is no localized need for it to be located right here. For the storage units, if the individuals in our community aren't needing those, then who are we having coming into our community utilizing those storage facilities?

Chr. Nuttleman Is there anybody else who has something that hasn't been said.

Jeff Anderson (ToB Resident) Does the County have to vote on this to give the ok and then pass onto us?

Bill Larson (ToB Zoning Administrator) Yes.

Shelly Piske (ToB Land Owner) Comment on septic and sanitary. With apartment going in, precedence will be set. What is the plan going forward once this is full. Is the Town of Burns ready to setting up pretreatments? If have to tie into the Village of Bangor, is the Village willing and able to take that? Thinking down the road and the precedence set. Sanitary going forward the DNR will have a lot to say. Restrictions are getting more and

more for sanitary sewer and storm sewer. Water is an issue. It is very vague on how many units are going there. Biggest restriction and possible problem are sanitary.

Bill Larson (ToB Zoning Administrator) The Village of Bangor did propose (?) zoning out to the cemetery several years back and that would essentially evolve extending services. The Town was not in favor of that.

Beth Jones (ToB Resident) Urban sprawl is tragic and can be necessary at times. Once beautiful farm land is now sprawling. We have a growing population. Do they need to be in this area? We need to keep agriculture strong and beautiful as we can. Where is the food going to come from?

Carol Ewald (ToB Resident) When the survey was done 80 percent of the people wanted to keep it agriculture. Question to the board, do you believe the people here have substantially changed enough that is no longer 80 percent or do you believe that this group still wants the preservation?

Chr. Nuttleman is there anybody else?

Joe Knifl (ToB Resident) states opposed.

Chr. Nuttleman is there anybody else?

Motion by Sup. Hoth to adjourn the public hearing. Second made by Sup. Caulum. Voice vote, all ayes, motion carried. The public hearing adjourned at 8:03 pm.

Mel Hart-Pollock, Clerk
Approved: 3/12/2024