

Town of Burns
September 1, 2020
Special Town Board Meeting Minutes

1. The meeting was called to order by Chairman Nuttleman at 8:30 pm. Roll call: Chairman (Chr.) Nuttleman, Supervisor (Sup.) Caulum, Supervisor (Sup.) Hoth, and Clerk (Clk.) Hart-Pollock present. Treasurer (Tr.) Anderson absent. Chr. Nuttleman noted the meeting was properly posted.
2. There were no citizens' concerns reported.
3. Motion by Chr. Nuttleman to approve Conditional Use Permit No. 202000811001. Reed Holthaus, N5580 County Road DE, Bangor, WI. Legal description of tax parcel where Lot 1 is proposed: NW¼ of NE ¼, Section 30, Town 17, Range 5W, La Crosse County, WI. And also described as follows: 3.0 acres of tax parcel 3-613-0, as shown in the Site Plan. Whereas the Town of Burns Planning Commission and Town Board recommend approval of this Conditional Use Permit, (CUP), with the following conditions: **1.** Applicant shall obtain and submit Certified Survey Map (CSM) of the parcel on which the proposed non-farm residence or related accessory structures will be located that is consistent with their proposed plot plan map, but the CSM shall not exceed 3.0 acres. **2.** Applicant will record a Right to Farm Nuisance Notice, as provided and for worded in the TBZO Section 17.20(k), which shall be included on or with, the appropriate Plat of Survey, CSM or deed. **3.** The location of any existing or proposed structure on the proposed parcel CSM shall comply with all of the Town of Burns Zoning Ordinance (TBZO) building setback requirements. **4.** Applicant shall obtain a Town of Burns Zoning Occupancy Permit and Building Permit and shall comply with any and all other applicable Town of Burns, La Crosse County, and State of WI, Ordinances, Codes or Statutes before starting any construction activity of any sort. **5.** The maximum density allowed for a NFR's in this Base Tract shall not exceed 15.6 acres at any time. If the 3.0 acre Lot is approved, 12.6 acres will remain to be used for an additional, future NFR's provided prime agriculture land is not developed (unless there is no reasonable alternative) and the TBZO siting & density limitations are not exceeded. **6.** Applicant shall contact the La Crosse County Highway Department and shall obtain a driveway permit from La Crosse County if they determine one is needed. **7.** Access will be provided to Lot 1 by means of an existing driveway on CTH-DE. No easements across Lot 1 are proposed at this time. Any future desired easement across Lot 1 to the parent parcel or any other tax parcel of the Base Tract must be approved by the Town of Burns Zoning Administrator. **8.** This Conditional Use Permit is approved but shall not become effective until all the conditions listed herein are met, as determined by the Town of Burns Zoning Administrator. **9.** If the applicant has not complied with the above conditions after 12 months from the date of approval, or within the time allowed by any extension thereof, the Conditional Use Permit shall never become effective and is null and void. **10.** At any time prior to the 12 months elapsing and this CUP becoming null and void, the applicant may request an extension of time to meet any or all of the conditions required herein, at no additional cost, via a written request to, and by appearance before, the Town Board. And Whereas no adjoining land owners objected to this CUP at the public hearing held on September 1, 2020. Thereby be it resolved that the Town of Burns Town Board does here by approve CUP #202000811001 with the above terms and conditions. Dated this 1st day of September, 2020. Second made by Sup. Hoth. Voice vote, all ayes, Motion carried.
4. Motion by Sup. Hoth to approve Conditional Use Permit No. 20200811002. Chad Cullman, 2206 Market Street, La Crosse, WI and Donna Cullman, 328 28th Street South, La Crosse, WI 54601 Legal description of tax parcel where Lot 1 is proposed: SE-SW of Section 06, Township 17 N, Range 5 W, EX PRT BEG NE COR W 390FT S4DW 308FT S83DE 409FT N 346FT N 346FT TO POB & EX CSM NO. 113 VOL 14 DOC NO. 1540279 T/W ESMT in DOC NO. 1541194 & IN DOC NO. 1645071. And is also described as follows: 5.0 acres of Tax Parcels 3-108-0, as shown in Site Plan. Whereas the Town of Burns Planning Commission and Town Board recommend approval of this Conditional Use Permit, (CUP), with the following conditions: **1.** Applicant shall obtain and submit Certified Survey Map (CSM) of the parcel on which the proposed non-farm residence or related accessory structures will be located that is consistent with their proposed plot plan map, but the CSM shall not exceed 5.0 acres. **2.** Applicant will record a Right to Farm Nuisance Notice, as provided and for worded in the TBZO Section 17.20(k), which shall be included on or with, the appropriate Plat of Survey, CSM or deed. **3.** The location of any existing or proposed structure on the proposed parcel CSM shall comply with all of the Town of Burns Zoning Ordinance (TBZO) building setback requirements. **4.** Applicant shall obtain a Town of Burns Zoning Occupancy Permit and Building Permit and shall

comply with any and all other applicable Town of Burns, La Crosse County, and State of WI, Ordinances, Codes or Statutes before starting any construction activity of any sort. **5.** Creating the proposed 5.0 acre NFR lot does not exceed the 5.58 acres available for such purposes and leaves 0.58 acre. The remaining 0.58 acres is less than the minimum lot size in the Town. Therefore, the maximum density shall have effectively been reached and no further non-farm residential use acreage or development may be allowed in the Base Tract if this NFR CUP is approved. **6.** Access will be provided to Lot 1 by means of an existing driveway or easement off of E. Olson Road. There are other easements of record related to this Base Tract. However, any additional or future easement across any parcel in the Base Tract must meet town standards when it is proposed or sought and it must be approved by the Town Board before it is recorded. **7.** This Conditional Use Permit is approved but shall not become effective until all the conditions listed herein are met, as determined by the Town of Burns Zoning Administrator. **8.** If the applicant has not complied with the above conditions after 12 months from the date of approval, or within the time allowed by any extension thereof, the Conditional Use Permit shall never become effective and is null and void. **9.** At any time prior to the 12 months elapsing and this CUP becoming null and void, the applicant may request an extension of time to meet any or all of the conditions required herein, at no additional cost, via a written request to, and by appearance before, the Town Board. And Whereas no adjoining land owners objected to this CUP at the public hearing held on September 1, 2020. Thereby be it resolved that the Town of Burns Town Board does here by approve CUP #20200811001 with the above terms and conditions. Dated this 1st day of September, 2020. Second made by Chr. Nuttleman. Voice vote, 2 ayes, 1 abstain, 0 opposed, motion carried.

5. There were no board member concerns and future agenda items.
6. Motion by Sup. Hoth to adjourn. Second made by Chr. Caulum. Voice Vote, all ayes, motion carried. Meeting adjourned at 8:47 pm.

Mel Hart-Pollock, Clerk
Approved: 2-10-2021