

PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE PUBLIC HEARING

February 1, 2010
County Board Room – Administrative Center
6:00 p.m – 7:00 p.m

MEMBERS PRESENT: Donald Meyer, Marilyn Pedretti, Tina Wehrs, Beverly Mach, Donald Bina, Dennis Manthei
MEMBERS EXCUSED: Bob Keil
MEMBERS ABSENT: None
OTHERS PRESENT: Mike Weibel; Bryan Meyer; Nathan Sampson; Charlie Handy; Chad Vandenlangenberg (Recorder)

CALL TO ORDER

The Recessed Meeting and Public Hearing of the Planning, Resources and Development Committee was called to order by Chair, Don Meyer 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.

SPECIAL EXCEPTION PERMIT NO. 2010-1 Gary O. & Donna Kateley, W7607 County Road ZB, Onalaska, WI. Petitions to disturb by filling and grading an area containing 9,980 square feet in order to develop a condominium plat for one additional residential dwelling on land zoned Residential District "A" and in the Shoreland District of Lake Onalaska and described as: Lot 15, Block 1, Lakewood Addition. Town of Onalaska.

Appearing in favor: Gary Kateley, W7607 County Road ZB, Onalaska, WI. We're presenting this concept for a condo plat – we meet the 20,000 sq. ft. requirement and less than 10,000 sq. ft. disturbed. Plan to raise the ground around Unit 2. Slope is planned to drain away from the home. The 18" culvert occasionally drains snow melt in the spring, about once every 3 years. Even when we got 16"-18" of rain, we didn't see any (water). We planted the trees that will be affected; we'll move as many as we can. Plan to do new septic and well that will be shared. We don't have septic problems with the (existing) Unit 1. Have been on the property for 21 years. Drain field was put in in 1972, garage in '73. My guess is they put the garage on the drain field. Tank is pumped every 3 years, no problems. Talked with Mary Jo Webster with Land Conservation, Dennis Osgood; Mike Harding with Coulee Land Surveying did the plan. Mark Palmer – designer for McHugh – is doing the septic plan Eric Lysaker is doing the well. We also spoke with Carrie Olson of the DNR. We'd be happy to address any issues.

QUESTION Wehrs: What did the DNR say about this?

ANSWER Kateley: At first they said it was under 10,000 sq. ft., they're out of it. I talked to her last week and she said since it was very close, she had a couple of issues. If we get this, for the final erosion control plan we can tweak it and save a couple hundred square feet. She was concerned about some of the trees – I assured her that any tree I took out we'll put back in. I counted 27 trees we put in – some would be moved.

QUESTION Mach: How do the neighbors feel about this?

ANSWER Kateley: I have one with me. No one has said anything.

QUESTION Mach: When you say less than 10,000 sq. ft. disturbed, what actually does disturbed mean? It seems like a ton of filling that needs to be done.

ANSWER Weibel: In the shoreland Zoning Ordinance it addresses area that is being graded – not just the filled area.

QUESTION Mach: You said there has not been a lot flowing off that land – none in the past 3 years?

ANSWER Kateley: There's a field across the street and if we have a cold spring with a gradual melt, it doesn't run at all.

QUESTION Meyer: Did you say someone else was here?

ANSWER Kateley: My neighbor came in – no one has said anything to me.

Appearing in favor: Jay Carley, W7627 County Road ZB, Onalaska, WI. I've been in the neighborhood about 14 years. I go past that every day. That culvert never sees movement – even if the ground is frozen and we have rain. This would benefit the neighborhood. They continue to improve the property. No one was concerned enough to come in and say it shouldn't happen. I support it.

No persons appearing in opposition.

Correspondence – Weibel: E-mail received 1/14/2010 from Dennis Osgood read into record. No objections as long as they don't restrict the flow from the culvert. Owner told Mr. Osgood the County has no easement for the waterway. A land Disturbance Site Investigation Report from Land conservation done by Mary Jo Webster – initial site notes read into record. Site will require a Category C Erosion Control Permit. Plan calls for re-routing drainage along the east property line. The erosion control plan needs to include sizing based on a full pipe condition.

Correspondence from Carrie Olson, Wisconsin DNR received 1/27/2010 read into the record. Planting of trees and shrubs will compensate for any vegetation removal.

Department recommends: Approval subject to four conditions:

1. Applicant shall obtain an approved erosion control and storm water permit from the Department of Land Conservation.
2. Applicant shall obtain any Federal or State Permits that may be required for this project.
3. Trees shall be replaced at a 1:1 ratio of those removed for the project or the applicant may submit a re-vegetation plan for review and approval by the Department.
4. This permit is subject to any conditions that may be required by the Town of Onalaska.

QUESTION Meyer: Do you understand everything Mike had to say?

ANSWER Kateley: Yes

REMARK Meyer: Let the record show that.

Motion Bina/Manthei to approve Special Exception Permit #2010-01 with conditions.

QUESTION Pedretti: Who determines if the 10,000 sq.ft. is met?

ANSWER Weibel: That will need to be addressed in the Erosion Control Permit. Mary Jo Webster and Carrie Olson will both look at that. Land Conservation does the inspection work.

6 – Aye, 0 – No, 1 Excused (Keil) - Motion carried.

CONDITIONAL USE PERMIT NO. 805 James P. Shurson; acting in behalf of A-1 Pumping Service, N4314 County Road M, West Salem, WI. Petitions to retain two existing railroad caboos cars which have been converted to cabins with landscaping on land zoned Exclusive Agriculture District and described as: Part of the NE-SE of Section 9, T16N, R6W as described in tax parcel 7-263-0 containing 39.36 acres. Town of Hamilton.

Appearing in favor: James Shurson, N4314 County Road M, West Salem, WI. Cabooses to be used for recreational purposes.

QUESTION Mach: What do you mean you might use them for farm offices?

ANSWER Shurson: Keeping farm records.

Appearing in favor: Richard Schomburg, W3679 County Road C, West Salem, WI. Town of Hamilton Chairman. Jim got well and septic permits, then my building inspector got excited because they're not

900 sq. ft. with Chad and I, we came up with this recreational conditional use. The Shurson family uses this for sleigh riding, sliding – it's a family thing. There's hunting shacks that go from pieces of tin around trees to a 2 ½ million dollar lodge Town Board doesn't see any problem with the recreational conditional use – so it can't be lived in.

QUESTION Pedretti: You had the Town Board Meeting?

ANSWER Schomburg: Yes, we approved it.

No persons appearing in opposition.

Correspondence – Weibel: E-mail from Chad Vandenlangenberg received 1/20/2010 read into the record.

Department recommends: Approval subject to four conditions:

1. Permit is granted to use 2 existing caboose cars for cabin facilities, with no further structural additions.
2. No permanent occupancy is authorized.
3. Applicant shall provide for adequate sanitation.
4. After-the-fact Zoning/Occupancy Permit is required for all structures at which time addresses will be assigned.

QUESTION Meyer: You understand these conditions that Mike read?

ANSWER Shurson: Yes.

Motion Manthei/Bina to approve with conditions.

6 Aye, 0 No; 1 Excused (Keil) - Motion carried.

ZONING PETITION NO. 4832 1835 Jeffrey A & Laura A Willer and Authentic Cabinetry, LLC, W8422 Northshore Dr, Onalaska, WI. Petitions to rezone from the Commercial District "B" to Commercial District "C", a 0.74 acre parcel to retain an existing 45-ft X 96-ft building for wood working and cabinet making business at W8002 County Road Z, Onalaska, WI on land described as: Lot 1 of Certified Survey Map No. 128 Volume 7. Town of Onalaska.

Appearing in favor: Jeffrey A Willer, W8422 Northshore Dr, Onalaska, WI. I'm running a cabinet shop – it's Zoned Commercial "B" and they said I need to be Zoned Commercial "C".

QUESTION Manthei: What's the difference between Commercial "B" and "C"?

ANSWER Weibel: Commercial "B" is basically a retail use. Commercial "C" allows for manufacturing, along with retail sales.

QUESTION Bina: What was in there when it was zoned Commercial "B"?

ANSWER Weibel: It was used as a storage building. Warehousing and cold storage is allowed in the Commercial "B" District, but not manufacturing.

QUESTION Pedretti: Is this considered after-the-fact?

ANSWER Weibel: No.

Appearing in favor: Mark Kneifl, 2539 1st Avenue W, La Crosse, WI. Co-owner – I'm here to answer any questions.

No persons appearing in opposition.

Correspondence – Weibel: No correspondence yet from the town.

Department recommends: Approval – this is consistent with the County’s Comprehensive Plan.

Motion Mach/Wehrs to approve.

6 Aye, 0 No; 1 Excused (Keil) - Motion carried.

SPECIAL EXCEPTION PERMIT NO. 2010-2 Robert Swartz for the Paul E Stry Foundation, N394 State Road 162, Coon Valley, WI. Petitions to perform filling, grading and to place rip rap in the Shoreland District of Pammel Creek for bank protection, walking trails, landscaping and water features including a grotto and waterfall on 1.831 acres of land zoned Agriculture District “A” at W5829 State Road 33 and described as: Part of the NW-SE of Section 10, T15N, R7W described in tax parcel 11-616-0. Town of Shelby.

Appearing in favor: Robert Swartz, N394 State Road 162, Coon Valley, WI. Stry Foundation has existed for 20 years or so, created by the will of Paul E Stry. We have created trails, ponds, waterfalls and so forth on the original property that have existed for the past 20 years. We acquired approximately 2 acres adjacent to this property. We want to expand onto this new property. I assume you have the plan that has been proposed. (Referring to screen with a laser pointer) This is our existing property, here’s Pammel Creek, which defines the south boundary of our new property. Here’s the state road – that defines the north boundary, and here’s our new east boundary. The concrete sidewalk extends like this – it’s concrete so it’s handicap accessible. One problem on Hugelheim is you get a lot of road noise – I want to sink the sidewalk down and bring the land up. I’ve been calling it a grotto; the sidewalk gets cut into the ground here and also to mound up as much as I can between the property and grotto area. The walls will be limestone rock it’s meant to resemble a coulee at a micro scale (distributes revised plan copies to the committee). It has about a 6-ft drop to the waterfall – the water re-circulates. We have a little waterfall already but it’s a cascade kind of thing. This is freefalling. The intent is to hear the waterfall when you get out of your car and it draws you in. Once in, you’re below the highway noise. The ground is brought up and there’d be landscaping trees and the waterfall would reduce the highway noise. Another part of the original plan was this gravel path onto the southern portion of the property. That was to give a different experience for people. There was opposition to that path. The neighbors rallied to her (neighbor to south) support because it could result in people in a sense being in her back yard. I agreed to eliminate the gravel path. We did stream bank improvement on our existing property. It’s now a Class 1 trout stream. The bank is covered with Japanese knotweed. I want to put in rip rap – Doug Vincent – he’s done our previous work. What you see is what Doug has recommended. Have also talked with Carrie Olson. We’d not only enhance habitat for fish, but also an attempt to get at the Japanese knotweed. I’ve met with all of the neighbors – most who had concerns were on Coulee Springs. There’s also a neighbor about 50-ft from the grotto – I met with him last Friday on the site. He doesn’t appear to have any concerns – am working with him on fencing. I proposed an open wire fence by Mrs. Scheffner’s property. She appears to prefer not having a fence – so that will be on an as-need basis. Mr. Charron up here has livestock in his backyard – we’d want to screen that and prevent people from walking up and feeding crab apples (etc). I worked with Mike to come up with a fence style he thought would be suitable a relatively solid board fence between our properties. I met with the town, the City of La Crosse Public Works. There is a sanitary sewer line that runs across the property. Right here is where my sidewalk crosses the sanitary line. The plan would take about 1-ft of cover off the sanitary line. La Crosse Public Works indicated it’s not a problem – we can mitigate by putting insulation across the line. I talked to Carrie Olson – I don’t think she has any concerns. I talked to DOT about putting some of my fill on their right-of-way; they have no concerns. They have a project coming through, building out from the existing concrete. I’d put fill where they want fill. Nobody I’ve talked to has heartburn for the project, other than the things mentioned that have been resolved. It would enhance the Town of Shelby and the City of La Crosse, it will enhance the habitat for fish and other creatures, and I hope you’ll give its approval.

QUESTION Bina: You talked about the pathway being worked into the ground. Will that cause water standing in there?

ANSWER Swartz: The property goes up – let me give you larger copy (presents larger project plan to the committee)

REMARK Bina: So, it would be on a hillside? Then it wouldn’t make any difference, as long as the water didn’t stand in the walkway.

REPLY Swartz: I had my concerns there in that the water may not drain – technically it shouldn't be possible.

QUESTION Bina: Will it be used in the winter time?

ANSWER Swartz: No.

(Discussion: inaudible)

REMARK Swartz: Our hours are seasonal – at Hugelheim our hours are from April 15 to November 15 – we're not open in winter.

QUESTION Wehrs: This is great for La Crosse and Shelby. A lot of people walk, but I only walk if I have my dog with me. I noticed you can't walk with dogs in there – is that for insurance or something else?

ANSWER Swartz: It's a matter of what the place is about. It's also not an active recreation thing, like bicycles. Some people at the Town of Shelby had a misconception that it was a bird sanctuary. It's a nature preserve. There's other places to walk dogs. When you get a Schnauzer in there it'll probably bark at the squirrels.

QUESTION Mach: I enjoy this park – I live within 10 blocks from it and walk here with my grandchildren – we look at the waterfall and flowers, listen to the frogs – it's a beautiful park. If you don't put the gravel walk in – is there anything planned in that area and will people wander toward the creek anyway?

ANSWER Swartz: If you look at the plan, you'll see a canopy line – the forest is box elder and buckthorn. I didn't want to clear-cut everything. (On the original property) Over the years box elder has been disappearing and we've been planting red oak and swamp red oak, ash, sugar maple. We'd change some vegetation. There's also the possibility of – I've had contact with Jeff Hastings of Vernon County Extension – maybe if somebody like Trout Unlimited was interested in doing something like a wetland....

REMARK Mach: My son, Steve Mach, is a member of Trout Unlimited – he'd be interested.

REMARK Swartz: We've made a commitment to the neighbors and Town of Shelby that we will not put a gravel path in there. Will people go down there anyway? I think they will. The center part of that lower terrace – the part defined by the gravel sidewalk – most of that is mowed grass. Do we keep mowing that or let it go natural? I haven't decided in my own mind. If let go natural, fewer people will go down to the creek, but some will still go down there.

QUESTION Mach: There was flooding with the heavy rains – will rip rap help with that?

ANSWER Swartz: Rip rap won't help with flooding. It will protect the banks from erosion. There are vertically exposed dirt banks that erode even without a big storm. We'll be able to make it more stable, the people who lived there had dogs and a kennel, but the change in landscape will help. It should be good for all aspects of the environment, however small the benefit might be.

REMARK Meyer: I know a lot of the people along Coulee Springs Lane. They've always liked it the way it is – anything you'll do will be an improvement.

REMARK Swartz: I was pleased when we met at Mrs. Scheffner's home a week ago. There were to concerns: There was fire-pit on the plan – we did not have a fire-pit. That was on the survey when they mapped the place. The previous owner had a fire-pit. The other thing was the gravel path. One didn't exist, the other will go away. They were all supportive of the proposal. We've had wedding parties come out and have their pictures taken at the old waterfall. I think the new waterfall – when moss grows on it and it gets to mellow – I think people will be torn whether they'll want their pictures taken at the cascade waterfall or the big waterfall.

REMARK Mach: Can the updated map be used for the County Board Meeting? We're done tonight with this – we don't need to worry about County Board.

REMARK Bina: Jeff Hastings – he's now full-time field man for Trout Unlimited. He can also probably help with the Japanese knotweed and if he can't, I sit on the RC&D and we probably could help you out with that too.

REMARK Swartz: We have caretakers living on the property. They've been working at it for some time, but they have other responsibilities also. There's a young couple who want to do natural landscaping – we're (Stry Foundation Board) going to have them – sort of like on retainer – maybe one Saturday a month they'll go down there and target the knotweed. You can spray it with the most draconian spray and it'll come right back. You gotta come after it for years. And it'll still wash down from above – you'll never get rid of it – but you need to try and keep it from spreading.

No persons appearing in opposition.

Correspondence – Weibel: A phone call from Town of Shelby Administrator, Jeff Brudos on 1/29/10. The Town considered the application at their 1/25/10 Town Board meeting and they had no objections. They noted the gravel walkway was eliminated from the plan. A Site Investigation Report from Mary Jo Webster of Land Conservation Department dated 11/16/09 – Initial Site Notes read into record. Erosion control Permit #1130-09 was issued for the work already completed and will cover additional work after Special Exception and Chapter 30 permits are issued. An updated erosion control plan is required for review. If disturbance is over 1 acre, a Chapter 29 Post-Construction Storm water Management Permit will be required. Correspondence from Carrie Olson of Wisconsin DNR received 1/26/10 read into record, no concerns as proposed. A chapter 30 Permit is being reviewed and will be issued for the rip rap.

Department recommends: Approval subject to four conditions:

1. Permit is granted subject to applicant receiving an updated Erosion Control Permit from Department of Land Conservation and a Post Construction Storm Water Management Permit from the Department of Land Conservation if it is determined that said Storm Water Permit is applicable to this project.
2. Applicant shall obtain all Federal and State permits that may be required for this project.
3. Trees and shrubbery that are removed within the 35-ft buffer area as measured from the ordinary high water mark of Pammel Creek shall be replaced pursuant to a re-vegetation plan approved by this Department.
4. This permit is subject to any conditions placed on it by the Town of Shelby.

REMARK Weibel: I wanted to remind Mr. Swartz that the Shoreland Zoning Ordinance does regulate the removal of vegetation and trees within the 35-ft buffer from the ordinary high water mark of the stream, so if you plan to remove that vegetation, we need to have a plan that tells us what you're putting back.

QUESTION Meyer: Mr. Swartz, did you hear all of the conditions and you're okay with them?

ANSWER Swartz: Yes – will they be sent to me in written format?

ANSWER Weibel: Yes.

Motion Bina/Manthei to approve with conditions.

6 Aye, 0 No; 1 Excused (Keil) - Motion carried.

TERMINATION OF CONDITIONAL USE PERMIT NO. 106 – TERMINATION NO. 67 La Crosse County Zoning, Planning & Land Information Department, 400 4th St N – RM 3170, La Crosse, WI. Petitions to terminate Conditional Use Permit No. 106 filed by Harvey & Joseph Klafke, N6298 County Road OT, Onalaska, WI; current owners, Michael Klafke, N6298 Cole Ct, Onalaska, WI and passed by the County Board in October of 1985, to operate a taxidermy business on land zoned Agricultural District "A".

Reason for terminating – Business has not operated in the past 12 consecutive months. Town of Onalaska.

Voluntary letter of termination submitted by current property owner.

Department recommends: Termination

**Motion Manthei/Wehrs to terminate Conditional Use Permit No. 106.
6 Aye, 0 No; 1 Excused (Keil) - Motion carried.**

TERMINATION OF CONDITIONAL USE PERMIT NO. 152 – TERMINATION NO. 68 La Crosse County Zoning, Planning & Land Information Department, 400 4th St N – RM 3170, La Crosse, WI. Petitions to terminate Conditional Use Permit No. 152 filed by Richard & Arlene Eirschele, 2701 Boschert St, La Crosse, WI and passed by the County Board in January of 1989, to operate a Christmas Tree Sales Lot on land zoned Residential District "A". **Reason for terminating** – The business has not operated for the past 12 consecutive months. Town of Shelby.

Voluntary letter of termination submitted by current property owner.

Department recommends: Termination

**Motion Manthei/Wehrs to terminate Conditional Use Permit No. 152.
6 Aye, 0 No; 1 Excused (Keil) - Motion carried.**

TERMINATION OF CONDITIONAL USE PERMIT NO. 92 – TERMINATION NO. 69 La Crosse County Zoning, Planning & Land Information Department, 400 4th St N – RM 3170, La Crosse, WI. Petitions to terminate Conditional Use Permit No. 92 filed by Larry & Viola Gilbertson, 107 Gaarder Rd W, Holmen, WI and passed by the County Board in October of 1984, to construct a 34-ft X 180-ft commercial ultra-lite aircraft hangar and cold storage warehouse on land zoned Agriculture District "A". **Reason for terminating** – This Conditional Use Permit has not been utilized in the past 12 consecutive months. Town of Holland

Voluntary letter of termination submitted by current property owner.

Department recommends: Termination

**Motion Manthei/Pedretti to terminate Conditional Use Permit No. 92.
6 Aye, 0 No; 1 Excused (Keil) - Motion carried.**

**Motion Pedretti/Manthei to adjourn at 7:00 PM.
6 Aye, 0 No; 1 Excused (Keil) - Motion carried.**

Meeting is adjourned at 7:00 P.M.

*APPROVED MARCH 1, 2010.
Mike Weibel, Recorder*

*AMENDED May 3, 2010.
Nathan Sampson, Recorder*