

PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE PUBLIC HEARING

March 1, 2010
County Board Room – Administrative Center
6:00 p.m – 6:40 p.m

MEMBERS PRESENT: Donald Meyer, Marilyn Pedretti, Beverly Mach, Donald Bina,
MEMBERS EXCUSED: Bob Keil, Dennis Manthei, Tina Wehrs
MEMBERS ABSENT: None
OTHERS PRESENT: Jeff Bluske, Charlie Handy, Bryan Meyer, Jonathan Kaatz,
Mike Weibel (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. 2010-03 Dan Uhl, 115 6th St S, La Crosse, WI; acting in behalf of the Upper Midwest Environmental Sciences Center, 2630 Fanta Reed Rd, La Crosse, WI. Petitions to perform land disturbing activities including stripping and stock piling topsoil, excavation for footings, utilities and grading around a new building addition and ultraviolet disinfection waste water treatment facility on lands lying partially in the Shoreland and Floodplain Districts of the Black River zoned Agriculture District "A" and described as: Part of the E1/2-NE of Section 18, T16N, R7W described in tax parcel 4-112-1. Town of Campbell.

Appearing in favor: Dan Uhl, Davy Engineering Co, 115 6th St S, La Crosse, WI 54601; on behalf of the UMESC. Mr. Uhl distributed a packet of material to the committee that he then reviewed for the record. Materials included in the handout were a grading plan of the area with existing and proposed contours, construction drawings of the proposed UV-water purification facility, site photos of existing condition of the site. This Special Exception is requested for the UV disinfection facility for the wastewater plant. As background the UMESC does research on fish and aquatic life and part of that research is dealing with pathogenic organisms and aquatic diseases and the intent of this project is to install disinfection facilities that will kill the pathogens that might be released from the wastewater pond. One of the pathogens they are working with now is the VHS Virus that is the viral hemorrhagic septicemia. That's one of the things driving this project; they are taking a pro-active approach to prevent the release of any pathogens. If you take a look at the packet the first packet contains aerial photos to help orientate the site and to show you where we are looking at to build the facility. In the lower right hand corner you will see the stabilization ponds and in the white font with the arrow pointing to the red dot, that is where we are looking at placing the UV Disinfection Facility. The wastewater flows from the north into the larger pond and then into the secondary pond and then to the East it discharges over the outfall at that red arrow (on photo) and into the Black River. Mr. Uhl reviews photo's of the immediate site area indicating the existing metering building, existing slopes and the area where the UV Disinfectant Facility will be located. Mr. Uhl reviewed the construction plan drawings of the UV-Treatment Facility. The proposed UV-Building is relatively small, being 10-ft wide and 30-ft long setting at the top of the bank. The Eastern edge of the building is about 37-ft from the ordinary high water mark and the West side will be about 12-ft from the top of the bank. We need to maintain that 12-ft so they can operate and maintain the pond and get equipment in and out of there. Mr. Uhl reviews a profile drawing showing the outfall pipe and manholes. Mr. Uhl reviews the construction plan drawings for the UV-Treatment Building about 10-ft of the building will be below grade and about 8-ft will be above grade. The land disturbing activities will include stripping and piling of topsoil, excavate for the footings for the building, install the manholes and piping, construction specifications call for erosion control, we have applied to both the state and county for erosion control permits. Final stabilization of any disturbed areas here, we will put the topsoil back, seed the area and cover with erosion control matting. As you can see the finished and existing grades will be much the same after we are all done. That's the gist of the project. I would be happy to address any questions.

QUESTION Bina: I wasn't at the site but I have listened to you closely, this is the whole septic system for the Town of Campbell?

ANSWER Uhl: No, This is for the Upper Midwest Environmental Sciences Center only, and it's not for the sanitary waste water, this is, if you look at the site plan you will see the water supply wells, so what they do is pump water from those wells into these structures here, which are all like fish ponds they also pump it into their research labs and aquariums in there, so the water going into these ponds is the water coming out of those fish ponds and tanks so it contains fish food and feces and that type of waste, actual sanitary waste is discharged into the Town of Campbell sewer system.

QUESTION Bina: This should not be affected by flooding?

ANSWER Uhl: Right, the 100 year flood you'll see on this first page of the plan drawings is 644.00; we are at 650.00 at the top of the bank. There are valves in the pipes that they can close so water does not back-up into the building.

QUESTION Bluske: Dan, from beginning to end, how long do you think this will take? This year?

ANSWER Uhl: Oh yes, they are soliciting bids right now, would like to start construction the end of May or first part of June – be done by the end of September. A relatively short project.

No persons appearing in opposition.

Department recommends: Approval subject to 5 conditions:

1. This permit is granted to perform excavation and grading at 2630 Fanta Reed Rd for the purpose of adding an ultraviolet disinfection waste water treatment facility to lands which lie in the Shoreland District of the Black River.
2. An approved Erosion Control Permit is required from the La Crosse County Department of Land Conservation before any construction is commenced.
3. As much vegetative cover as possible shall be maintained.
4. A variance to ordinary high water setbacks is required before construction starts.
5. This permit expires the end of October, 2010.

QUESTION Meyer: Those conditions are agreeable to you and you can meet them?

ANSWER Uhl: Yes

REMARKS Bluske: Did receive correspondence from Wisconsin Department of Natural Resources – e-mail dated February 25, 2010 – No objections – a Chapter 30 permit is not required. Carrie Olson – Water Management Specialist.

Motion Bina/Pedretti to approve with conditions noted.

4 – Aye, 0 – No, 3 Excused (Keil, Manthei, Wehrs)

CONDITIONAL USE PERMIT NO. 806 Robert Swartz, N394 State Road 162, Coon Valley, WI; acting in behalf of the Paul E Stry Foundation, c/o Trust Point Inc., PO Box 489, La Crosse, WI. Petitions to amend Conditional Use Permit No. 172 to add additional acreage to the existing Nature and Visitor's Center at W5829 State Road 33, on lands zoned Agriculture District "A" and described as: Part of the NW-SE of Section 10, T15N, R7W described in tax parcel 11-616-0 and 11-617-0. Town of Shelby.

Appearing in favor: Robert Swartz, N394 State Road 162, Coon Valley, WI 54623 on behalf of the Paul E Stry Foundation. I have spoken with most of you already regarding the Special Exception Permit, would you like me to go through all of this again?

ANSWER Meyer: Just this part concerned with the Conditional Use.

ANSWER Bluske: We need to get this on the record.

Swartz: I'm not sure if you have this document with the trails on it? The Paul E Stry Foundation was created about twenty years ago or so. At the time we had a small nature center type property. This document (copies to committee) shows where the existing property is and I've photo shopped in the

proposed trail system as shown on the aerial I've just handed to you. So our plan is to extend the existing trail system that has been there about twenty years onto the new property that we acquired last year. Part of the plan, we've already removed the existing structures, house and garage (indicates on aerial location of house, garage, deck and dog kennel that have been removed). We had to get an after-the-fact grading permit for that work and it will carry over to the new work that is to be done. The proposed trail system will connect to our existing trail system about here (indicates on aerial photo) then lead off into here in the area where the house used to be. I'm calling that area the "grotto", there will be a water feature, small water fall with a re-circulating pump about 6-ft in height. The area will be sunken to get away from some of the traffic noise and the water falling should also mask some of that noise, then the trail comes back in a loop back to here (indicates on aerial). I had originally planned a gravel trail down into this area closer to the stream but because, some of the neighbors had concerns about that, in effect bringing people into their back yard so I agreed with the neighbors to delete that portion of the trail. So, it is an expansion of our existing facilities, the concrete walk comes to within about 50-ft of Pammell Creek. I've coordinated with Carrie at the DNR and she has no problems with our plans to do that. Not a part of this action, but we also plan to do some habitat improvement along Pammell Creek, rip rap and so forth.

QUESTION Bluske: Could you give the Committee some history on the original parcel because the reason you are here tonight is to take the uses that are on the original parcel 612-1 and allow them on 616-0. What is the house used for – who is occupying that, I would like to know why it's tax exempt.

ANSWER Swartz: The original project started with the will of Paul Stry, who wanted his property preserved as a Nature Reserve, and wanted it to be credit to the City of La Crosse, despite the fact that it's in the Town of Shelby. So basically I did the design for the property, there was originally a house over here, (indicates on aerial) it was in very bad shape we removed that, we retained this house as a caretakers house, so we have a couple that lives there they mow the lawns, take care of security type issues, lock the gates and so forth. With the mandate from the will that the property be a credit to the City of La Crosse I took the interpretation and to be a Nature Preserve, I tried to have both people's needs and wildlife's needs met. Large parts of the property are intended to be left natural, on the new acquisition all of this down here (indicates on a map) will all be left pretty much natural. We will do some trout stream habitat work to enhance the stream for fish. We put in a couple ponds to provide habitat for turtles and frogs and things like that, ducks and deer come into that area. So there are accommodations for people and animals. This is the existing trail that was originally created and there's an existing little waterfall, different than what's being proposed on the new site, this pond and this pond we just finished renovating last year, the water circulation system no longer worked, the water had become brackish so that system was totally taken out and replaced with a new system that circulates the water. I might mention that the waterfall proposed on the new property would be a small re-circulating water feature also. The trail is largely used by local people, neighborhood people, people from Trane Company will come down Coulee Springs Lane and this becomes a loop for them. Our parking lot is over here (indicates on map) vehicle parking and access is off of State Road 33. So this is an extension of the original concept that I took from Paul Stry's will. As far as tax exempt status, the Paul Stry Foundation is a non-profit organization, our board member Bob Skemp appealed to the Town for tax exempt status, we have partnered with the Town on acquisitions, if your familiar right on the corner of Coulee Springs Land and Hagen Rd there is a little corner property with a gazebo and the Stry Foundation helped by contributing to the Town for the acquisition of that property. So we do things financially with the Town and they agreed to give us tax exemption on our property.

QUESTION Bluske: You don't charge people to come in there?

ANSWER Swartz: No, there's no admission fee. Primarily, we take a fairly, when I was speaking with the Town of Shelby recently they were asking about, do you advertise, how do you bring people in and so forth. I've never viewed that as being our mission. Paul Stry's will didn't say try to get people to come to this place and so forth, it was simply to preserve it as a wildlife preserve and make it a credit to the city of La Crosse. So I have felt no particular need to put any advertising in the paper. Some people have suggested why don't you label the trees so people could come in and see what kind of tree this is, I don't view that as our mission, we don't have an educational mission. There are other places like Norskedolen and Hixon Forest where you can do educational things like that. The intent here, again, taken from Paul's will is to be basically a place for quiet relaxation. We have rules that prohibit picnicking and things like that, we do have individuals who have come in for wedding photographs or senior pictures by the old

waterfall, I think when the new waterfall is built the two will compete with each other both being photogenic. We have felt no particular obligation to promote this to people, so it primarily is kind of a South Side, Town of Shelby facility.

REMARKS Mach: Wanted to say I think this is more word of mouth that way, sometimes there are cars parked there but, most times it's true, this is more of South Side thing that we know about and we go there.

REMARKS Swartz: There is a sign, but people see the sign and assume it like, pay your fee or something, so they see the sign and assume it's not fee, so it's not like we hide this from anyone.

No persons appearing in opposition.

Correspondence – Weibel: February 26, 2010 from Town of Shelby – Phone call received from Town Administrator, Jeff Brudos. Town Board has approved Conditional Use 806. No conditions placed on the permit.

Department recommends: Approval subject to 5 conditions:

1. This permit is granted to allow for the expansion areas and original areas to be used for a Nature & Visitors Center which includes walking trails, landscaping and water features, a grotto and waterfall.
2. The new combined legal description now contains 7.34 acres.
3. Public vehicular access to this site shall be off State Road 33.
4. This Conditional Use Permit shall replace Conditional Use Permit No. 172 in its entirety.
5. The permit and use is transferable for the same land use.

Motion Pedretti/Mach to approve with conditions as recommended.

4 – Aye, 0 – No, 3 Excused (Keil, Manthei, Wehrs)

ZONING PETITION NO. 1833 David & Julie Harter, W5726 Koss Rd, Onalaska, WI. Petitions to rezone from the Transitional Agriculture District to Agriculture District "A", a 1.55 acre parcel to be added to an adjacent parcel for better home placement off Koss Rd on land described as that part of the following described parcel not already zoned Agriculture District "A", part of the S1/2-NW and part of the NW-SW in Section 26, T17N, R7W, commencing at the W1/4 corner of Section 26; thence S85°10'12"E 1113.6' to the southwest corner of Lot 1 of Certified Survey Map No. 124 Vol. 14; thence N38°29'30"E 97.48' along the westerly line of Lot 1 of said Certified Survey Map to the northerly right-of-way line of Koss Rd and the POB; thence N38°29'30"E 280.58' along the westerly line of Lot 1 of said Certified Survey Map; thence along the westerly line of Lot 1 of said Certified Survey Map N00°00'32"W 957.16' to the northwest corner of said Lot 1; thence S10°25'42"W 1223.8' to a point on the northerly right-of-way line of Koss Rd; thence Northeasterly along said right-of-way line 54.16' along the arc of 551.86' radius curve, concave to the southeast, the chord of which bears N60°18'28"E and measures 54.14' to the POB. Town of Onalaska.

Appearing in favor: David Harter, W5726 Koss Rd, Onalaska, WI 54650. What has transpired since I was here a few months ago to have the upper parcel, (indicates on map) that area here we rezoned back in October, I believe. At that time I was going to sell a 15-acre parcel to one of my neighbors and the Andrew and Linda Temte Trust had a right of first refusal on that property which I gave to them when they bought theirs, they have decided that they want to now buy this. They want 17.5 acres instead of the 15 acres. Now this is 1.55 acres of actual rezoning, one acre of this has been rezoned already back in October, so what we are looking at doing here is simply making everything uniform. We can add this 2.5 acres on to that 15 acres without. Since Temte's do own property next to it, we can add that on without rezoning it or without a new Certified Survey Map but we went through the expense of making up a new Certified Survey Map so that the 17.5 acre parcel will be one single parcel so we won't have problems down the line trying to figure out if this is two parcels, what can be done on it, this will be, when it's all done one CSM with one zoning that's what we are trying to achieve here tonight.

QUESTION Bina: Why the difference between 15 and 17.5 acres?

ANSWER Harter: Well actually I jumped ahead a little too fast. There has actually been 3 people involved in this. All 3 are neighbors. The first neighbor came and asked to buy it and he wanted 12-15 acres, but he had to sell his house first and still has not sold it. In the mean time a second neighbor came and said, I'd like to buy it and there's no house to sell. So the first neighbor relinquished it and the second neighbor was going to buy it, but he wanted 17.5 acres to be closer to the road. You can see (on the map) where the original 15 was, it's back a little ways off the road. Basically, he wanted to build right in here (indicates on map) well obviously that spoiled Temte's view a little bit too, originally they had no problem with someone building farther back, because they wouldn't be looking out their front door and into a neighbors front door. And also, they have a large house now and have talked about downsizing so this would give them that opportunity.

REMARKS Bluske: If I could just add to what Mr. Harter has said, when he did the original rezone he didn't want to do a survey so he went to this dashed, area right here, (indicates on map) so this area here is what he's going to attach to the 15 acres here, to make one larger parcel with 17.5 acres. So the parcel we show in purple is all that he is proposing to rezone.

REMARKS Harter: We've also obtained an Erosion Control Permit for installing a driveway even though Temte's do not intend to build on it at this time. The driveway will be in then when and if they ever do decide to build. We are looking at closing approximately March 22 so I will need to have the new Certified Survey Map recorded by then, which overlays the 15 acres and this 2.5 acres.

No persons appearing in opposition.

Correspondence – Weibel: E-mail dated February 23, 2010 from Town of Onalaska – Town Board has approved zoning Petition 1833, from Sue Schultz, Town Clerk.

Department recommends: Approval is consistent with Town and County Comprehensive Plans.

Motion Bina/Pedretti to approve.

4 – Aye, 0 – No, 3 Excused (Keil, Manthei, Wehrs)

TERMINATION OF CONDITIONAL USE PERMIT NO. 45 – TERMINATION NO. 70 La Crosse County Zoning, Planning & Land Information Department, 400 4th St N – RM 3170, La Crosse, WI. Petitions to terminate Conditional Use Permit No. 45 filed by Teunis Van Wyk, Rt 1, West Salem, WI and passed by the County Board in December of 1982, to operate a veterinary clinic on 4.96 acres. **Reason for terminating** – Business has not been in operation for a period in excess of 12 consecutive months. Town of Barre.

Voluntary letter of termination on file

No persons appearing in opposition.

Motion Bina/Pedretti to terminate Conditional Use Permit No. 45.

4 – Aye, 0 – No, 3 Excused (Keil, Manthei, Wehrs)

TERMINATION OF CONDITIONAL USE PERMIT NO. 208 – TERMINATION NO. 71 La Crosse County Zoning, Planning & Land Information Department, 400 4th St N – RM 3170, La Crosse, WI. Petitions to terminate Conditional Use Permit No. 208 filed by Dean Blegan, W2795 Kreibich Coulee Rd, Coon Valley, WI and passed by the County Board in December of 1980, to construct and use a 40-ft X 100-ft building for manufacturing & warehousing a wholesale jewelry business. **Reason for terminating** – The building was never constructed and never operated from this parcel. Town of Greenfield.

Voluntary letter of termination on file.

No persons appearing in opposition.

**Motion Mach/Pedretti to terminate Conditional Use Permit No. 208.
4 – Aye, 0 – No, 3 Excused (Keil, Manthei, Wehrs)**

**Motion Pedretti/Bina to adjourn.
4 – Aye, 0 – No, 3 Excused (Keil, Manthei, Wehrs)**

Meeting adjourned at 6:40 P.M.

*Approved March 29, 2010
Mike Weibel, Recorder.*