

PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE PUBLIC HEARING

October 4, 2010
County Board Room – Administrative Center
6:00 p.m – 7:28 p.m.

MEMBERS PRESENT: Don Meyer, Marilyn Pedretti, Beverly Mach, Tina Wehrs,
Donald Bina, Dennis Manthei
MEMBERS EXCUSED: Robert Keil
MEMBERS ABSENT: None
OTHERS PRESENT: Jeff Bluske, Charlie Handy, Bryan Meyer, Jonathan Kaatz,
Nathan Sampson (Recorder)

CALL TO ORDER

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

ZONING PETITION NO. 1836 Donald K & Dorie J Earley, W3209 County Road N, Coon Valley, WI 54623. Petitions to rezone from the Agriculture District "A" with deed restrictions for one single family residence to Agriculture District "A" with no restrictions in order to split the property for 2 single family residential lots with an access easement to serve 2 lots on 10.15 acres described as: Lot 1 of Certified Survey Map No. 97 Vol. 12. Town of Greenfield.

Appearing in favor: Donald and Dorie Earley, W3209 County Road N, Coon Valley, WI 54623.

Donald Earley: Plan is to divide lot into two parcels, then build or sell the 5 acre lot. We'd like to stay within the adopted Town of Greenfield Comprehensive Plan.

QUESTION Meyer: Can you show us (on the screen) where you're at?

ANSWER Donald Earley: (Refers to screen) That's our house at this time; this is a 5 acre field – that's where we'd sell or build – would meet all setbacks. Ninety percent of adjoining properties are not opposed.

Dorie Earley: At the line where it says 846.5 to the left – right where it says "Martin's" (refers to screen) they have like .37 acres in La Crosse County. That would be the only opposition I see here today. I want to say thank you for the comprehensive committee, all those months going through this, seriously. Going through this again for us. We are simply asking for the one single family house with a 0.5 acre Outlot, and our existing house. I wrote everything up and I wish to thank you all.

REMARK Bina: I thought you did a good job – you went into a lot of detail...

REPLY Dorie Earley: I got a lot of wonderful help from everybody. I got a driveway and well agreement. Slopes are minute, I believe 20%. Mr. Osgood was out. It was all positive.

QUESTION Bina: You must be drilling the well in Vernon County. Is it in Vernon County?

ANSWER Dorie Earley: It is in Vernon County. We just wanted everything proposed in front of you so everything is legit.

QUESTION Bina: So, you put the well in Vernon County?

ANSWER Dorie Earley: Through my well person I found that out too.

QUESTION Bina: Is there a requirement they have to go down 500 and some feet for a well? I got a well on my farm that goes down 287-ft with 14-ft of water. Why are they going so much deeper now?

ANSWER Bluske: I can't answer that. All well drillers dig until they hit clean water. Sometimes the water table follows contours. They have to get into the shale layer.

REMARK Donald Earley: We were hoping for oil, but we got water.

QUESTION Pedretti: The paperwork from La Crosse County Highway was 2005. You contacted Dennis in June of 2010. What were you contacting him about?

ANSWER Dorie Earley: I was asked to contact him to make sure our driveway is fine the way it is with the proposed home.

QUESTION Pedretti: You talked to him about whether access was safe for two houses, but not three?

ANSWER Dorie Earley: Right.

QUESTION Pedretti: You're asking for access to the property behind (south of) you – is that different? Outlot 1 is an access to...

ANSWER Dorie Earley: It's a driveway. I don't have a lot "3".

REMARK Handy: Her point is whether that Outlot is to access land you own in Vernon County?

REPLY Donald Earley: Yes.

QUESTION Pedretti: So it could access other property. Did you talk to Dennis about that?

ANSWER Dorie Earley: No.

REMARK Bina: It's all woods.

REMARK Dorie Earley: It's all woods, trees.

REMARK Donald Earley: There's the map (refers to screen). You can see how it lays in there – it comes up against the valley.

QUESTION Pedretti: It doesn't mean it won't get developed in the future if you have access there. This paperwork is 5 years old. I'm trying to figure out why it was included, just to reiterate from Dennis this is a safe driveway?

ANSWER Dorie Earley: Yes Ma'am

QUESTION Bluske: So, we have it in the record, you have no plans to develop in Vernon County and access it using this easement?

ANSWER Donald Earley: Correct.

QUESTION Bluske: You're looking at turning this into a Certified Survey Map I'm sure if this passes. The easement comes up, because the county tries to discourage easements unless there's a maintenance agreement. The access is only for the two homes; the existing home and the other one. We would prefer that the easement be owned by either side, then the other side has access over it. If it's a separate parcel that goes tax delinquent, the county doesn't want to end up with a driveway, then nobody wants to buy it. Have you discussed this with a surveyor yet? Who are you dealing with?

ANSWER Don Earley: Mike Harding.

QUESTION Bluske: Will you guys live there or sell that house too?

ANSWER Don Earley: If we sell the lot, we'll maintain our residence. If we sell the house, we'll maintain a residence on the lot. I assume we'd maintain the driveway.

QUESTION Pedretti: Does it need to be an Outlot?

ANSWER Bluske: No, it should not be an Outlot. That doesn't affect the zoning, but it simplifies things.

QUESTION Mach: So, if we don't make it an Outlot, it would be on one of the other lots?

ANSWER Bluske: The ownership would be there. Then it would be a dashed line. When they sell the proposed lot 2, they would have easement over the owner of lot 3's lot. The lot 3 (refers to screen) would always pay taxes on it. It wouldn't be a separate parcel.

No one else appearing in favor.

Appearing in Opposition: William Thoftne, W3316 County Road N, Coon Valley, WI 54623.

The reason wells on that ridge are 500-ft deep is they go to second water. My property is approximately 300-ft plus a few inches from the Earley property, and 100% in La Crosse County. My family has owned the farm for 37 years; we have always been involved in agriculture. In our younger years we ran a cow/calf operation and trout farm. At present our crops are rented to a dairy farmer and the pastures for his dairy cattle. We have a tree plantation and horses. My family treasures and supports the agricultural setting. My wife and I feel a zoning change will create a land use incompatible with the area. My neighborhood is in active agricultural use. I'd like to remind the board of the impact of the proposed unrestricted variance to the Earley property on County Road N. Granting an access road from County Road N to the Vernon County line will give access to additional Earley property of 100 acres in Vernon County. Vernon County has five acre per building restriction on building lots, but the Town of Hamburg has been known to grant variances for two acre lots. If the Earley 100 acres in Vernon County is developed, this would mean a possibility of 21 new homes, all exiting into La Crosse County on County Road N. This will double the traffic on a county road that has agriculture equipment moving on it. I realize there is an easement on the south side of the Earley property, but if anyone looks at the topographical map, which we just looked at, they would see the best exit from the development is into La Crosse County and onto County Highway N. I'd like to point the board to the hearing notes from June 30, 2008, page 3; you'll see where Mr. Bina questioned this.

(Excerpt from June 30, 2008 Minutes read into record by Thoftne)

"Question BINA: Even though you have 100-some acres.

Question BINA: And you don't have access on the other side of the wooded area then, from the bottom?

Answer DON EARLEY: There is an access on the other side over in Vernon (County) but it's not very good access.

Question BINA: Is it a town road?

Answer DON EARLEY: No, it's an easement, and if we ever did decide to go into Vernon and build there I suppose we'd have to put a road in there and that Outlot 1 would provide adequate space, on the statement if that was possible, we would put the road in at that time to meet any of the county, state or town requirements.

Question BINA: You have the road in already?

Answer DON EARLEY: It's just a driveway now, but if we had to keep the driveway for access we could make that into a road.

Remarks: BINA: It's a complicated situation, you are close to the Vernon County line and Vernon County doesn't have any zoning at all. You could build anywhere in your woods back there, without any problem, but you want to sell the one lot in the front."

REMARK Thoftne: Everybody looked at that Outlot 1 up there (refers to screen), that 5.8 acres. Also note the latest plan from the Earley's doesn't show location of the proposed house nor does it show distances from the proposed road to the home. Also missing is distance from the existing house/barn to an access road. Please note any setback requirements from buildings to the road.

QUESTION Bina: This isn't the first time we've heard this. They wouldn't be asking us for a development if it was in Vernon County, it's in La Crosse County and we have no control over Vernon County. It was my understanding that they probably wanted to build their own house. Now I hear maybe they will sell the lot. If this project gets expanded and they go into Vernon County, what recourse do we have with the road? It's probably good for a couple of houses, but if we go more than that, we have no control over the road except that portion in La Crosse County. I don't know what they have in Vernon County.

ANSWER Bluske: The scenario is two lots and nothing in Vernon County – that's how this committee must react to it. La Crosse County Zoning Ordinance indicates the municipality approves access for one house, one easement. As soon as they introduce the second home, it doesn't matter if it's in Vernon County, Then this committee has to approve the access.

QUESTION Bina: If in our county, there's a setback from the road, the driveway...

ANSWER Bluske: There's a setback from the county road of 50-ft from right-of-way. You can build right up to the easement. If it becomes a town road, they have to come back to us and change that easement to a town road. Then if the homes sit too close, the town can deny because the homes become legal non-

conforming. If something happens they have to build them back where they're supposed to be, unless they get a variance. Right now Vernon County is out of the equation, we'll react to it based on that.

QUESTION Bina: Does that answer your questions?

ANSWER Thoftne: Yes – I was concerned about setbacks from the buildings when this becomes a road.

REMARK Bluske: There's a 27-ft setback from right-of-way if it's a town road. None of the maps we have now show how far away they are from the easement. That's why we'd rather see the easement owned rather than an Outlot.

REMARK Meyer: He indicated the plan doesn't show the house. We're not here tonight to determine where the house should go. We're looking at the zoning.

REMARK Thoftne: If that becomes an access road, it will be very close to those buildings. That road will double the traffic on County Road N.

REPLY Bluske: (Refers to map on screen) If there was a residence here, we'd need a 25-ft rear yard. If this (easement) were a road and this were the front, we'd require 27-ft between the right-of-way line and 60-ft from the centerline. The easement doesn't need to go to the centerline, but because the Earley's own this back here, they would still want vehicular access. But, if they wanted a home back here, we're back to this committee to revisit the use of this easement. The town would also react. The town will not accept this as a road unless it has a 9-inch sand lift, 6 inches of gravel compacted to 4, and 2 inches of blacktop. It's about \$100/ft to build.

QUESTION Bina: But he could use it to walk, or log back there?

ANSWER Bluske: It has to be in his maintenance agreement. Anybody who buys needs to know what it will be used for, because then there are 3 parties that need to pay for maintenance. If logging rips it up, somebody else should not have to pay – they can't do it if it's not in their maintenance plan.

Appearing in Opposition: Greg Martin, S106 County Road N, Coon Valley, WI 54623. I'd like to read a statement, a timeline of how things have gone on this property. Prior to the construction of the shed home, Earley's asked us to sign a letter of support to allow them to construct a new home on this property. Dorie said they loved to hunt and planned to be there a long time. She also stated they never intended to build any other homes there. We signed only one petition in favor of allowing one single family home on the 10.15 acre Earley property. There was an appeal in August of a permit denied. June 30, 2008, Petition 1783 was introduced to create two parcels, each for one single family residence and rezone from Transitional Ag to Ag A. Patty and I were not aware of the meeting nor in attendance. Minutes from that meeting says (following 6/30/08 minutes excerpt read into the record):

"Dorie Earley: Have talked with our neighbors and with the Town of Greenfield – everything seems positive. Neighbors Ostrem & Grabowski no objections."

They omitted mentioning Martins – we were never asked.

QUESTION Bina: Did you get a notice?

ANSWER Martin: I think that we did, I don't know if we were out of town or what happened. I'm sure we got a notice. In those same minutes Dorie Earley said *"We designed the well to serve two homes."* Earley's told us they only wanted one home. That's why we agreed with them in 2005. Seems their intent was to do more than they said. Same minutes, Don Earley said *"with a lot here and there, a road in would allow us access to the rest of our property. That would be the big issue for dividing this area."* My concern is that we're concerned about speculation on that property. He also says *"That way I've got road access into Vernon (County). We got affidavits from the neighbors who are not opposed."* My concern is the Kluth's and ourselves – we are opposed. That wasn't quite right. Kluth's property (refers to map on screen). Here's my property line adjoining the Earley's, but his is also my property line along here (on south edge of Earley property). It comes up to the point of the proposed road. Then my property line drops straight down from there and we have 50 acres here. The Earley's 100 acres is over here. Kluth Trust property line is here (points out on the screen the Kluth property boundaries). I want people to be aware of the property liens and that we have considerably more than 51% of the perimeter going around that property. Mr. Thoftne's property is 120 acres just to the left of this fence line, except

for a 16-ft easement. June 1, 2010 Petition 1836 to amend Petition 1659 to allow two to three additional homes on this 10.15 acre parcel and to rezone from Ag 1 with deed restrictions for one residence to Ag A with no conditions. No conditions concern me. In those minutes, Mr. Bluske says *"The Earley's have submitted signatures; there was no date on those."* I have a concern that the Martin names were on the forms. We signed those forms five years before they built their house. Mr. Bluske then says *"It appears these were submitted as part of the file."* Those should never have been submitted, for this petition. For the past five years I've been unable to drive my tractor up for tree planting. Right here (refers to map) there's a ditch that starts at the Earley property. I can't drive up into my field – the reason is because of erosion. I have to come down here about 100 yards then turn to get into that field. Erosion is starting and it's severe. I have a concern of another piece of property, another house and driveway, more water running down into that area. We're concerned the proposed access road will be the beginning of speculative development of 100 acres in Vernon County. I also have a letter from Irma Kluth in opposition to the rezoning (read into the record). I also have a petition in opposition to the zoning petition (read into the record and submitted as part of the record).

QUESTION Bluske: Could you tell the committee what has changed on the Earley property. We were there in 2008 and corn was on it. Has something changed that created the erosion?

ANSWER Martin: Up to the road nothing has changed. Maybe more water comes from the compacted soil area. The kids have motorcycles and a track over here. I couldn't really say if that's what's responsible.

QUESTION Bluske: Is it down to bare ground? Is this the track (refers to screen)?

ANSWER Martin: Right in there – hills and dirt.

Appearing in opposition: Scott Martin, W5631 State Road 33, #58, La Crosse, WI 54601. Dorie said 90% of neighboring properties agree with their plan. The only one agreeing is this little corner (refers to map), is the Ostrem's. The Kluth's disagree with it; this is the Martin property here and the Earley property here. I don't want the area to become further developed as the Earley's have done with the land south of the Martin property where there are several new homes in Vernon County. The bottom part of that 100 acres, there's maybe 15 houses they developed 15 years ago. We have numerous signatures we didn't submit at the June meeting. We didn't want the current outbuilding, a four bedroom house inside this shed. We thought one was okay – we agreed to that. Now they want an additional house or houses. We've agreed to one, now they want more. I can see making exceptions to zoning rules, but we gave them that five years ago. How many exceptions can be given to a person and property and still hold the integrity of having zoning laws?

QUESTION Bina: Did you know they (Earley's) went to the town planning committee and got approved for this by the town board too?

ANSWER Martin: Not that I was aware of.

REMARK Bina: I haven't followed it that closely, but I think they got approval from the town board too.

REPLY Martin: I haven't heard of that.

QUESTION Bina: If this parcel were up for rezone, does the town notify neighbors?

ANSWER Bluske: No.

QUESTION Bina: So they (the town) don't have to tell the neighbors they're doing something different?

ANSWER Bluske: We mail a notice to the neighbors and the town gets it at the same time. They're required to put that on their agenda. In June this committee voted to hold this over until the Town of Greenfield passed their comprehensive land use plan, that indicated this area would change to a residential use or not. I don't know if they get noticed or not but this area did get changed.

REMARK Bina: The town changed it and the neighbors didn't know about it. Okay.

QUESTION Donald Earley: Do you have a copy of the map that shows those changes to residential?

ANSWER Bina: We didn't consider the town plan until it was presented to us about 2 months ago.

REMARK Bluske: I don't have that here – no.

QUESTION Meyer: Did you say you're on Highway 33?

ANSWER Scott Martin: Yes.

QUESTION Meyer: So, you're really not an objector to this, but you're here because you're the Martins' son?

ANSWER Martin: Yes – I stand to inherit the property with my brothers.

QUESTION Meyer: He's not a legal objector right?

ANSWER Bluske: They can speak. I will take the protest petition the way it was submitted and verify the names. We have that done when we send notices out to everyone; we have how title is held. In this case Gregory and Patricia Martin are the owners of the Martin parcel. The children are not yet, but they can speak. They'll be considered invalid as far as valid protest petitions go; but anybody can sign.

Appearing in opposition: Patty Martin, S106 County Road N, Coon Valley, WI 54623. We moved to the country over 31 years ago to raise our children in a natural, peaceful rural setting. We've planted over 7,000 trees on our tree farm and invested heart, soul and labor in maintaining those 58 acres for nature. Our children, ourselves, granddaughter have enjoyed and respect this natural environment and want to maintain this peaceful beauty. That's why we're opposed to continuing to add more housing. We supported Earley's building one home, a few years ago. But over time and experience with the Earley's speculations for their land, we became concerned that we and our neighbors could lose what we came here for in the first place. Thank you.

No one else appearing in opposition.

REBUTTAL, Donald Earley: When this Town of Greenfield Comprehensive Plan was laid out over a year, I didn't see participation by any of the neighbors who would have a say in how that comprehensive plan would be adopted. The rest of Greenfield took what they thought would be the best use for it. I got the 5 acre parcel there and it is a hayfield. There's no more un-off for erosion than has ever been there – why would it change? I got four lanes of a dirt bike track that has been touched 4-5 times in the last month and a half. There's no erosion from that – it's ridiculous. The comprehensive plan was put in place. Everybody was supposed to come, everybody was notified. There was no participation and Greenfield went out of their way. I believe the whole other side of the road – the Kluth property – has been adopted as residential. The Town of Greenfield understands there will be development and growth. Who's to say 50 years from now every piece on County N is a two acre or five acre lot? That's why they have the comprehensive plan – they're planning ahead for this usage. Our plan is to sell the house and build one on the other lot. It's a beautiful view. If I can't sell my house and I can sell the lot, I shall do so. I plan on maintaining the property in Vernon County – it's a beautiful piece. My opposition says I'm gonna develop 100 acres, what did they say – 21 lots? Somebody better check the grades in that valley before they can tell somebody there'd be 25 lots in there unless the grade has been changed. Does anybody know what the grade of a lot has to be? Over 20%?

REPLY Bluske: For septic it has to be less than 20% and you can't disturb anything over 30% in La Crosse County.

REMARK Meyer: We don't care about Vernon County – let's get that straight for everybody.

REPLY Earley: I'm just saying it's a huge valley – it's steep. It's ridiculous to say I'm putting in 20 lots. That's ridiculous.

QUESTION Meyer: The minutes were read from several meetings back where you talked about putting the road through?

ANSWER Earley: If I maintain the road, driveway – whatever you want to call it – I've got access. We made it an Outlot. I can keep it – I can own it. Even if we'd sell the house and the 5 acre lot, I can keep the driveway/Outlot/access to my property. I wouldn't even have to live there, but I would like to maintain an access to my property. That's the whole issue right there.

QUESTION Meyer: If you did that, you'd let the people who bought property there have access too?

ANSWER Earley: Yeah, they'll have to use the shared driveway. That's why we got a shared driveway agreement, that's been looked at and reviewed by whoever.

QUESTION Meyer: Jeff, didn't you say earlier it should be on one of the properties?

ANSWER Bluske: When either lot would sell, that maintenance agreement recorded with the Register of Deeds, anybody purchasing that in the future along with anybody who does something behind there will know how the maintenance is handled. How much gravel, will it be blacktopped, how it will be shared; all that has to be spelled out. We don't enforce that – that's up to them, even though everybody comes to us and asks why we let it happen.

QUESTION Mach: Why are we changing it from Agriculture A with deed restrictions to Agriculture A with no restrictions? Can we have some restrictions?

ANSWER Bluske: Yes, you can.

REMARK Mach: You'd think something could be done to alleviate the anxiety of some of the people who live around here.

QUESTION Bina: We adopted the Town of Greenfield plan, but I haven't looked at it. We approve it by them sending it in and we do it automatically. Do you know what's across the road on the Kluth property? Is that in the comprehensive plan as transitional ag?

ANSWER Bluske: I can't answer that.

REMARK Bina: We need to find that out.

REPLY Earley: I could be wrong but I'm pretty certain. Greenfield sees the growth and development and especially on the parcel that's mine. It is a hayfield this year. Who is gonna farm five acres? I have a farmer who rents it, but is it feasible to maintain that five acres best use as a five acre crop? Or as residential? Greenfield has felt that something will happen there – it's not a large parcel, it's not a great agricultural producer.

QUESTION Meyer: Charlie, can you shed any light on this Town of Greenfield comprehensive plan?

ANSWER Handy: When Jeff makes the staff recommendation, it will be for this parcel, for this rezoning request, based on the comprehensive plan for this parcel.

QUESTION Bluske: Since the mailing of this zoning hearing (notice), have you went to the Town of Greenfield again and asked them for their recommendation?

ANSWER Dorie Earley: We have made a phone call.

QUESTION Bluske: But you didn't attend a meeting?

ANSWER Earley: No.

QUESTION Pedretti: Are you scheduled for a meeting?

ANSWER Earley: No, because they won't do anything. The town board said we put our comprehensive plan through. That's all we need to do.

REMARK Bluske: They still need to react.

QUESTION Don Earley: They have to react yet?

ANSWER Bluske: Yes.

QUESTION Meyer: To this application?

ANSWER Bluske: Yes.

QUESTION Dorie Earley: When I present they say we're going with our comprehensive plan, what do I do?

REMARK Don Earley: It's kind of a "catch-22". They won't say anything until it's brought back to them.

REPLY Bluske: Back in June, they were just in the process of signing the contract with the company to work on it. Now that they're done, they have a plan to react to. When they get a zoning petition like this, they'll look at it just like we are.

REMARK Dorie Earley: They handed in their comprehensive plan to you the first of the year – they keep saying "we handed it in, this is our final decision..."

REPLY Bluske: They still have to react. You still have to get on their agenda. You have to...

REMARK Dorie Earley: It's been approved

REPLY Bluske: And we know that. But that's not an automatic.

REMARK Dorie Earley: We have a lot of "what-if's", and I appreciate all of the "what-if's", truly, but we also have the house. This is still a county setting. This is a very rural setting.

Correspondence, Bluske: Initial notes from Land Conservation Staff from a June 2, 2010 office visit read into the record. No slope restriction on "Lot 2". Correspondence received June 4, 2010 from La Crosse County Environmental Health Department read into the record regarding septic and well provisions.

Staff Recommendation, Bluske: Proposal is consistent with the proposed town plan and county map in comprehensive plan; lower drainage across the middle of this parcel is to the south. The average depth of this parcel does not comply with the required 200-ft depth along a county road in order to subdivide. Recommend as Conditional Agriculture District "A" zoning subject to recording four (4) deed restrictions as follows:

1. Only two (2) lots in total, no further subdividing (No Outlot);
2. Maximum of two (2) single family residences allowed in total;
3. One (1) animal unit is allowed on each lot (erosion issue);
4. The easement created is for the two (2) homes in La Crosse County only.

QUESTION Meyer: You said earlier they need to do something to keep this (easement) on one lot or the other?

ANSWER Bluske: If and when the county board would approve the report, whatever that is, because we have a protest petition that may require the county board to a ¾ vote in order to pass? They have to record the deed restrictions for the zoning to take effect. Once that becomes effective they have to record a certified survey map that subdivides the one lot into two lots. When they submit the certified survey map we have proposed they put the easement on one of the lots, so somebody always owns the easement. The other lot will have access. They will also be able to access their property in Vernon County, but we're not allowing any homes in Vernon County to use that easement. We're saying two homes in La Crosse County only. They can drive back there, they can hunt, but there won't be a house unless they come back in.

QUESTION Meyer: Mr. Earley, did you hear the conditions Jeff spelled out – can you live with those?

ANSWER Don Earley: Let me check. Ah, yes I think so.

QUESTION Pedretti: So you said two lots, no further subdividing, so Outlot 1 is disappearing?

ANSWER Bluske: That's right.

QUESTION Pedretti: Two single family residences and 2 animal units on the whole ten acres? Each house could have one, or one house could have two and other nothing?

(Discussion on condition limiting animal units – committee consensus to allow one animal unit per lot for simplification of recording).

QUESTION Pedretti: When the Town of Greenfield long range plan says residential, they don't say what size of lots?

ANSWER Bluske: No, they don't.

QUESTION Pedretti: Not small lot, large lot – nothing. So, you have to assume just residential.

ANSWER Bluske: This is the difference between the county and town. The town can indicate down to the parcel if they want in single family, duplex, multi-family. The county looks at the same area and says residential – we don't care what type. We start applying everything we end up hearing because of the zoning to go into effect and put restrictions on it, because a four-plex shouldn't happen out there. We

react to what the neighbors say, what we see because we have to address any health, safety, or protection to property issue.

**Motion Manthei/Wehrs to approve with recommended conditions as amended.
5 Aye, 1 No (Pedretti), 1 Excused (Keil). Motion carried.**

SPECIAL EXCEPTION PERMIT NO. 2010-12 Shawn S Welte, PE for Davy Engineering Co., 115 6th St S, La Crosse, WI 54601; acting on behalf of the Town of Campbell, 2219 Bainbridge St, La Crosse, WI 54603. Petitions to dismantle failing lift station No. 5 and construct a new lift station, force mains and sanitary sewer lines on 0.2 acres of land zoned Residential District "A" and described as: Outlot A of Second Addn. to Hiawatha Islands Addn. Town of Campbell.

Appearing in favor: Shawn Welte, P.E. for Davy Engineering Co., 115 6th St S, La Crosse, WI 54601. We were contracted by Town of Campbell to redesign this sewage life station. Existing lift station is a steel wet well with self priming pumps. Last fall the town made an inspection, found problems with the coating of the interior, and contracted with a local contractor to paint the wet well. When painting they discovered holes in the steel structure – it is failing – I personally did an inspection. They contracted with us to redesign and replace the lift station. All of the Hiawatha Islands sanitary sewage flows through that station. From there it pumps out to Clinton Street which then discharges to the City of La Crosse's sanitary sewer system. We've designed a new submersible station with an above grade valve enclosure to be positioned behind the existing station.

QUESTION Bluske: Can you show which direction behind is on this?

ANSWER Welte: On the same lot, approximately right there (refers to map) is the existing station right now. It takes flow from the sanitary manhole here on Nakomis Avenue – that flows into the existing station. The existing station has a force main that exits the west side of the station, then comes back out on Nakomis Avenue and runs down to Clinton Street. The new station is west of the existing station about 10 to 15-ft off the existing station. We have submitted plans to the City of La Crosse for the new lift station and they have approved the design. Any time the Town of Campbell has to make any adjustments to their system they have to go through the City of La Crosse since they are treating their wastewater. We've submitted for, and received, an erosion control permit from La Crosse County. On the plan we have the erosion control shown with the silt fencing around the wet well excavation and also a tracking pad for excavating purposes. We've submitted plans and specifications to the Wisconsin Department of Natural Resources. (DNR). They have reviewed and approved these plans.

QUESTION Bina: Facetiously, I thought you had to sort the effluent between La Crosse and Campbell? It all goes to the same place – to La Crosse?

ANSWER Welte: The Town of Campbell has a metering station right there. They keep track of flow – it's a per volume charge.

QUESTION Bluske: Because we're in the Shoreland District, we're very concerned with erosion off this site. South of here is an about 10-ft wide surface drain that takes water from the street down into Richmond Bay. This is the existing station (refers to aerial photo); this is the parcel the Town of Campbell owns. It looked like they'll have a tracking pad. But there's a house sight here to the west that I'm very concerned with. About 400-ft down the road there's a culvert that drains the area down to Richmond Bay. There are lots of ways for anything to get off this site and down into the water, which we're trying to prevent. This is a lot of sand and fill that came from the Black River that likes to blow. Just because you have a silt fence it doesn't mean it's going to stay there. I think when you dig down, you might hit water at 14-ft, maybe less than that. You have to pump that out. Can you tell them where that's going to go so there's no sediment in it?

ANSWER Welte: The DNR handles that by a dewatering permit. If it's over 70 gallons per minute (gpm), they have to go for a high capacity well, where they require control devices to get that sediment out of the water. We said "let's leave this open," for construction purposes. We propose a completion deadline of July 2011 giving the contractor a choice of when they prefer to do this. If there's high water it may not be the most opportune time because they will have to deal with dewatering. We have specifications for them to deal with that in addition to meeting what the DNR requires.

QUESTION Bluske: Are you bidding this out or will the town? You guys will be like the architect – you'll be there watching them?

ANSWER Welte: We will be doing the inspection of the construction and the excavation, too. We will require a dewatering permit of them.

QUESTION Bluske: From a ten being a difficult site to one being a piece of cake site, what do you think this site is rated now?

ANSWER Welte: I would say it's an eight. Reason I say that is the wet well depth is approximately 20-ft. The new wet well excavation to the west would be 20 to 22-ft. The new wet well is a pre-cast concrete structure so it will go in fast – the excavation will be the most difficult part of this – it's a glorified manhole. It's 6-ft in diameter. Not a lot of flow but it takes most of the flow from Hiawatha Island. Excavation is a concern; with that depth, there are OSHA requirements.

QUESTION Bluske: You're looking at completion by July of next year?

ANSWER Welte: Yes, final completion.

QUESTION Bluske: When I see a site like this, the sewage has to go somewhere. The new site has to be operational when you disconnect, so you really have two holes.

ANSWER Welte: We propose to construct the new lift station while the existing station is in service and operational. To do that we need a setback distance because records show the force main out of that lift station comes out the west side, but there's no real good definitive answer until we dig and find where the force main is at. We'll maintain the existing lift station in service as long as possible. When the town repainted the existing lift station, they brought in a septage hauler, cordoned off that area, and used the septage hauler to transport the sewage to another manhole downstream during the day. That's what we'll do when we need to transition from the existing to the new.

QUESTION Bluske: Because of the damage to the existing lift station, have any wells been contaminated?

ANSWER Welte: Not that we're aware of. Water entering that station is a little higher than normal flow levels.

QUESTION Bluske: Because of sensitivity of the site, would you guys be opposed to take anything you excavate off-site then bring it back in?

(No answer)

REMARK Bina: This whole area is basically the same elevation. No matter where you go you'll have a problem. Best place to go is next to the one you got.

REPLY Welte: The way the sanitary sewer is designed in that area, everything south of that station flows to the manhole in front of the existing station. Everything on the north end all flows into that manhole from the north end. We're locked into that location.

QUESTION Bluske: The Town of Campbell owns this lot as well (refers to screen), but nothing indicates this lot for storage of any kind. Are you doing anything on this lot?

ANSWER Welte: We are not.

No one appearing in opposition.

Correspondence, Bluske: Correspondence from the Town of Campbell in support read into the record.

Staff Recommendation, Bluske: Approval subject to the following eight (8) conditions:

1. This permit is granted specifically to perform excavation and grading in the Shoreland District of the Black River for the purpose of demolishing and rebuilding Sewage Lift Station No. 5 on Nakomis Avenue;
2. The Town of Campbell owns the parcel south of and adjacent to this parcel. It was not indicated in specifications that this parcel to the south would be used for stockpiling or any other work. Therefore it cannot be used;
3. There is a residence at 1407 Nakomis Avenue directly west and adjacent, as well as a 15" culvert to the north of the proposed disturbance and 10-ft wide concrete service drain to the south. It is

imperative the contractor installs silt fence around this project that meets Department of Natural Resources standards and is installed properly;

4. Blowing and drifting sand could be problem at this site, so any excess materials shall be removed from the site if drifting cannot be contained;
5. Any deviation to La Crosse County Erosion Control Permit No. 1098-10 shall cause an amendment to said plan, including dewatering;
6. A copy of the DNR dewatering permit is required to be part of this permit and placed in our file;
7. There shall be daily cleaning of the street if there is any tracking related to this site;
8. This permit expires the end of August, 2011.

**Motion Bina/Manthei to approve with eight (8) conditions.
6 Aye, 0 No, 1 Excused (Keil). Motion carried.**

**Motion Manthei/Pedretti to adjourn at 7:28 PM.
6 Aye, 0 No, 1 Excused (Keil). Motion carried.**

Hearing adjourned at 7:28 p.m.

*Approved 10/25/2010
Nathan Sampson, Recorder*