

PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE

Tuesday, January 3, 2012

Administrative Center – Room 3220

2:00 p.m.

MEMBERS PRESENT: Don Meyer, Don Bina, Bob Keil, Beverly Mach, Dennis Manthei (2:01 p.m.), Marilyn Pedretti, Tina Wehrs

MEMBERS EXCUSED: None

MEMBERS ABSENT: Marlane Anderson

STAFF & GUESTS: Bryan Meyer, Gregg Stangl, Jeff Bluske, Steve O'Malley, Charlie Handy, Margaret Norden, Nate Sampson, Karl Green, Dave Holtze, Charles Weeth, Glen Jenkins, Keith Carson, Maureen Freedland, Dan Ferries, Dick Granchalek, Betsy Bloom, Ryan Roberts, Craig Breitsprecher, James Fuchsel, Andrea Benco, Mike Solberg, Dallas Wilhile, Kristen Berbareri, Jim Warsinske, Dorothy Stroschein, Dale Bentzen, Dave Lange

APPROVAL OF MINUTES FROM NOVEMBER 28, 2011

MOTION by Keil/Mach to approve the Minutes of November 28, 2011. **Motion carried unanimously.** Manthei excused.

PUBLIC COMMENT

None requested under the agenda item.

SUPERVISOR CONFERENCE REPORTS

Supervisor Pedretti pointed out that at a recent Land Conservation conference, there was concern about retaining staffing levels under reduced state funding, and it should be closely monitored.

CONSENT AGENDA (INFORMATIONAL)

MOTION by Pedretti/Mach to receive and file the following Consent Agenda items. **Motion carried unanimously.**

- a. Board of Adjustment minutes of November 14, 2011 & December 19, 2011
- b. Historic Sites Preservation Commission minutes of November 4, 2011 & December 2, 2011

SPECIAL EXCEPTION PERMIT NO. 2011-10 SUBMITTED BY MICHAEL J SOLBERG

The permit request was brought to the November 28, 2011, public hearing. At that time, a motion to approve, subject to 10 conditions, failed, and the matter was referred in order to complete the application. With the application completed, the 10 conditions recommended by staff were:

1. This permit is granted specifically for after-the-fact and future filling and grading of an approximately 6,900 square foot area and the construction of an approximately 172 foot long by 4 foot tall retaining wall, all lying within the 300 foot shore land district of French Slough.
2. Phase I of this project is depicted as the area already filled and graded, covering approximately 3,500 square feet. Phase II will consist of filling and grading approximately 900 square feet and shall be completed and stabilized by September 30, 2012 so that no sediment leaves the site. Phase III shall cover less than 2,500 square feet and shall be completed and stabilized by September 30, 2014.
3. Fill shall be clean material, free from demolition debris including concrete or broken asphalt. In no case shall fill be placed below the ordinary high water mark of French Slough or on any 30% slopes.
4. All work commenced on Phase II, including the 40 foot addition to the retaining wall, in 2012 and Phase III, including a 42 foot retaining wall expansion, in 2013 or 2014, but not completed within that year shall be stabilized by September 30 of each year so that no sediment leaves the site.
5. The retaining wall shall be set back a minimum of 20 feet easterly of the 30% slopes.
6. The owner shall contact the Wisconsin DNR to determine whether a Chapter 30 permit is required.
7. Compliance with the erosion control regulations, administered by the La Crosse County Land Conservation Department shall be the responsibility of the applicant.
8. This permit expires on September 30, 2014 and cannot be extended except upon reapplication and rehearing of a new special exception permit application.
9. Owner is responsible for flagging the proposed filling and grading limits and then contacting staff from the Zoning and Land Conservation Departments. Staff will then perform a site visit and

determine the 75 foot setback from the Ordinary High Water Mark and any areas of 30% or greater slopes prior to the commencement of Phases II and III of this project.

10. No further subdividing is allowed and only one single family residence is allowed on this lot. Deed restrictions shall be recorded in order to track this condition and the granting of this permit after the grading and filling portion expires.

Bluske reported the Town of Campbell approved all three phases. He recommended approval with the 10 conditions. Supervisor Pedretti asked to modify condition numbers 3 and 5 to state 30% or greater, which staff will do. **MOTION** by Bina/Manthei to approve Special Exception Permit No. 2011-10 with 10 conditions with Pedretti amendments. **Motion carried unanimously.**

UW EXTENSION WRITTEN REPORTS

In addition to the department newsletter, an update was provided on WNEP School Program and Adult Community Program Outreach.

ACCESS EASEMENT FOR HOWARD DAVIS – TOWN OF BURNS

A copy of a proposed Certified Survey Map illustrating a new division of previously mapped lands was sent to committee members. The new division, located in Section 33, T17N, R5W, triggered a need for PRD committee approval since the easement shown on the map would be used by three parties. Meyer reported that the map had been approved by the Town of Burns with the stipulation that no further divisions would be allowed. He also said that the parties involved had recorded a driveway maintenance agreement in the Register of Deeds Office. Meyer recommended approval of the access easement.

MOTION by Pedretti/Keil to approve the access easement for Howard Davis, Town of Burns. **Motion carried unanimously.**

ISSUE NOTICES OF NONCOMPLIANCE TO FORMER FARMLAND PRESERVATION PROGRAM PARTICIPANTS

Gregg Stangl reported that under the Working Lands Initiative, current participants in the Farmland Preservation Program may receive a \$7.50 per acre tax credit for complying with state agricultural performance standards. The Land Conservation Department sent out a crop rotation and tillage report form. Out of 262 participants, there were eight that did not return the form by the December 21, 2011, deadline, and one participant that voluntarily withdrew. Stangl reported that each of the eight non-respondents was sent three mailings, the last one sent certified mail. Of those, one recipient could not be located to sign the mail receipt card. Stangl recommended that a Notice of Noncompliance be issued to the eight FPP participants that have not complied, which will then be sent to the Department of Revenue. Those participants will be ineligible for tax credits until they are in compliance. Supervisor Wehrs asked that the respective County Supervisor for those eight former participants receive a copy of the Notice of Noncompliance. **MOTION** by Pedretti/Bina to issue Notices of Non-Compliance. **Motion carried unanimously.** Anderson absent.

GILLS COULEE STREAM RESTORATION FINAL REPORT

Gregg Stangl reviewed funding for the Gills Coulee Creek restoration project, which has now been completed. It was a cooperative project with the Department of Natural Resources, La Crosse County, the U.S. Natural Resources Conservation Service, the State Department of Trade, Agriculture and Consumer Protection, and landowners adjacent to the creek. Bob Nelson provided a Power Point presentation showing the background of the restoration and the projects that were completed on individual farms, including dams, diversions, stream crossings, fencing, rock outlets, riprap, a runoff control system, and a wastewater system. The result has been narrowing and deepening of the creek, with less sediment moving downstream to the Mississippi River. Discussion was held regarding fish populations and opening areas for recreational fishing.

DISCUSSION ON STRUCTURE, MEMBERSHIP AND MEETING TIMES

Minutes were provided from the Downsizing Committee that is reviewing committee structure for recommendation to the County Board. The County Board will be reduced in April, 2012, from 35 to 29 members, and the Downsizing Committee recommended that the PRD committee be reduced from seven supervisors to six supervisors. Discussion was held regarding the potential of tie votes, and possible alternatives, such as including more citizen members or creating a review commission. One of the Downsizing Committee members suggested holding all standing committees, including PRD, during the week prior to County Board meetings. Jeff Bluske pointed out the statutory requirements regarding notices and public hearings that would prohibit PRD from meeting a week later than its current regular

meeting date. Further discussion was held regarding the Downsizing Committee's recommendation to elect standing committee chairs. **MOTION** by Pedretti/Mach to recommend leaving Planning, Resources and Development Committee at seven members. **Motion carried unanimously.**

UPDATE COMMITTEE ON MINOR CORRECTIONS TO ZONING ORDINANCE

Nate Sampson reported that staff looked at conforming reference citations in the Zoning Ordinance prior to the second reading. There were renumeration changes, the appendix was taken out, and the number of animal units was changed to be consistent with Wisconsin Administrative Code ATCP 51. **MOTION** by Pedretti/Manthei to amend the zoning code with the 1/3/12 Section References and Animal Unit Definition Changes. **Motion carried unanimously.**

DISCUSSION AND ACTION ON SIGN ORDINANCE PUBLIC HEARING RECOMMENDATION

Charlie Handy provided a summary of issues that were raised at the December 12, 2011, public hearing, with staff recommendations regarding each. Considerable discussion and public comment was held regarding each of the following points:

1. Separate the off-premise sign regulations from on-premise signs.

Handy stated he did not recommend two ordinances, and Dave Lange pointed out that on and off premise signs were already separated within the ordinance. **MOTION** by Mach/Manthei to keep the ordinance as it is regarding off premise signs. **Motion carried unanimously.**

2. Do not allow off premise digital billboards at all; remove the current LED billboard.

Handy recommended leaving as drafted. Lange stated the LED billboard was legal at the time it was built, and that removing it would be a due process issue. **MOTION** by Manthei/Keil to not accept recommendation to remove current billboard. **Motion carried unanimously. MOTION** by Meyer/Pedretti to allow additional off premise digital billboards. **Motion carried unanimously.**

3. Size and height for on-premise electronic message units are too small.

See following discussion.

4. Buffer distance to RPA district is too restrictive.

See following discussion.

5. Ordinance should be more restrictive.

Lengthy discussion with public comment was held; no further action was taken.

Lengthy discussion was also held regarding specific requests from sign companies. Public comment was heard from Keith Carson and Mary Neimeyer, Olympus Media; James Fuchsel and Craig Breitsprecher, La Crosse Sign; David Bentzen, Quality Sign; and Ryan Roberts, Kwik Trip, on the following amendment requests:

1. La Crosse Sign Company

- Amend 33.04 General Provisions, (6) Construction and Maintenance Regulations, (a) and (b), pertaining to replacement of lighting components. Handy recommended the change so signs may be maintained and existing signs replaced to their original condition. **MOTION** by Bina/Pedretti to approve the La Crosse Sign recommendation for 33.04(6)(a). **Motion carried unanimously.** No change was made to 33.04(6)(b).
- Amend 33.04 General Provisions, (9) Illuminated Signs and Electronic Message Units, (c) Design standards, 3., pertaining to illumination. **MOTION** by Pedretti/Manthei to accept language from La Crosse Sign for 33.04(9)(c). **Motion carried unanimously.**
- Amend 33.04 General Provisions, (5) Prohibited Signs, (a) Signs facing a Residential District. **MOTION** by Pedretti/Mach to keep a buffer distance to RPA district as it is. **Motion carried unanimously.**

Upon further discussion, the following motion was made regarding 33.04 General Provisions (1) Setback and Dimensional Requirements (h), pertaining to maximum height of a freestanding sign from a RPA district: **MOTION** by Wehrs/Meyer to strike 33.04 (1)(h) **Motion carried 4-3.** Mach, Manthei, Pedretti opposed.

2. Olympus Media

- Amend 33.04 General Provisions, (9) Illuminated Signs and Electronic Message Units, (c) Design standards 4., pertaining to permit issuance. **MOTION** by Pedretti/Meyer to replace the word "billboard" with the word "sign". **Motion carried unanimously.**
- Amend 33.07 Commercial, Light Industrial and Industrial Districts, (2) Signs Requiring a Permit, (i) Off-premise Digital Billboard Signs, 2., pertaining to static image transitions. Handy recommended the change. **MOTION** by Wehrs/Bina to change from 8 seconds to 7.5 seconds. **Motion carried unanimously.**

- Amend 33.07 Commercial, Light Industrial and Industrial Districts (2) Signs Requiring a Permit (i) Off-premise Digital Billboard Signs, (h) Off-premise static signs, 1., pertaining to minimum feet from residential RPA district. **MOTION** by Wehrs/Pedretti to leave RPA district as is, and not amend as in Olympus draft. **Motion carried 6-1.** Bina opposed.
- 3. Kwik Trip
- Amend 33.05 Residential District A, B, and C, Rural, and Manufactured Home Community District, (2) Signs Requiring a Sign Permit, (g), pertaining to on-premise sign size. **MOTION** by Pedretti/Wehrs to change Class 1 and 2 to 24 square feet, and Class 3 to 40 square feet. **Motion carried unanimously.**
- Amend 33.04, General Provisions, (9) Illuminated Signs and Electronic Message Units, (b) On-premise message units, 7., pertaining to length of message. **MOTION** by Wehrs/Bina to change to three second hold time for on-premise. A friendly amendment was proposed by Supervisor Meyer, which Supervisor Wehrs accepted to change to four second hold time. **Motion carried 6-1.** Mach opposed.

Further discussion was then held regarding the following:

- 33.02 Definitions, (16) Fronting on an interstate. By consensus, staff was directed to add "freeway" to the definition of interstate, and place under a Class 4 highway.
- 33.07 Commercial, Light Industrial and Industrial Districts, (2) Signs Requiring a Permit, (i) Off-premise Digital Billboard Signs, 5., pertaining to brightness levels. **MOTION** by Mach/Wehrs to turn off off-premise digital signs within 1,320 feet at midnight and turn on at 5 a.m., subject to review by corporation counsel. **Motion failed 3-4.** Bina, Keil, Manthei, Meyer opposed.
- 33.04, General Provisions, (1) Setback and Dimensional Requirements (h) pertaining to maximum height of 20 feet, and 33.04(9) Illuminated Signs and Electronic Message Units, 3., pertaining to location within 300 feet of a RPA district line. **MOTION** by Wehrs/Meyer to strike 33.04(1)(h) and to strike 33.04(9)3 all verbiage after the first sentence. **Motion carried 4-3.** Mach, Manthei, Pedretti opposed.

Supervisor Pedretti spoke about consideration of the proposed ordinance given by the Sustainable La Crosse Commission, and provided copies of their motion to support and encourage efforts to adopt sustainable practices in regulating outdoor advertising. The discussion having concluded, the following motion was made: **MOTION** by Pedretti/Wehrs to send Chapter 33 Regulation of Outdoor Advertising to the full County Board with a copy to the La Crosse County Economic Development Fund Board. **Motion carried unanimously.**

FUTURE AGENDA ITEMS

None requested.

RECESS

MOTION by Keil/Pedretti to recess until the 6:00 p.m. public hearing. **Motion carried unanimously.** The meeting recessed at 5:50 p.m.

Approved, January 30, 2012, Margaret Norden, Recorder