

PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE PUBLIC HEARING

July 2, 2012

County Board Room – Administrative Center

6:32 p.m – 7:15 p.m

MEMBERS PRESENT: Marilyn Pedretti, Dave Holtze, Richard Becker, Tina Wehrs, Andrew Londre (Absent until 6:42PM)

MEMBERS EXCUSED: Peg Jerome, Ray Ebert

MEMBERS ABSENT:

OTHERS PRESENT: Nathan Sampson, Bryan Meyer, Michael Harding, Annette Kirchhoff (Recorder)

CALL TO ORDER

The Recessed Meeting and Public Hearing of the Planning, Resources and Development Committee was called to order by Marilyn Pedretti, Chair, at 6:30 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. 2012-04 Jeffrey C & Johanna Berg, W3439 County Road M, La Crosse, WI 54601, applies for a Special Exception Permit to grade approximately 14,000 square feet within 300-ft of Bostwick Creek. The proposed 14,000 square foot area will be used as a borrow site for fill for the proposed basin and barn. Following basin and barn completion a 40-ft x 200-ft concrete feed pad will be constructed. Property is described as part of the NW/SE, Section 27, T16N, R6W, Town of Barre. Part of tax parcels 2-309-0 and 2-309-1. Property addresses are W3471 & W3439 County Road M.

Pedretti: Mr. Berg, you have permission to speak from your chair. If you want to just turn that red light on please.

Appearing in favor: Jeff and Johanna Berg, W3439 County Road M, La Crosse, WI 54601.

Pedretti: Can you explain, you were here recently; can you explain the difference here?

Berg: Yeah. Well I should a did it when I was here the other time but we want to build a concrete pad to store feed on. Put silo bags on so not so muddy when we...cause we need more feed storage now because we have a few more cows than we normally have. And then our silo, we only have one silo and then that silo's getting old and I'm not able to climb the silo as good as I used to. And I just thought I could build a concrete pad and put silo bags on there and then drive into it with a skid steer or loader and scoop it up like that and haul it to my TMR mixer.

Pedretti: How is this different from the petition you had last time? Is it just expanding it a little bit more? Is that it?

Berg: No, it's making a whole new pad.

Pedretti: A new pad?

Berg: There is none there now. And the other one was for the barn that I'm building. That's on the other side of the existing barn.

Pedretti: Ok, so the he last time you were in for Special Exception it was the existing barn area?

Berg: Right.

Pedretti: So this is in addition?

Berg: Yeah.

Pedretti: Ok. Is that it for you to explain (Mr. Berg)?

Berg: Yeah.

Pedretti: Anything else you want to fill in?

Berg: No.

Pedretti: Any questions from committee? Staff?

Sampson: Jeff, can I ask if you have been to the Town of Barre on this yet?

Berg: On this one?

Sampson: Yes.

Berg: No I did not.

Sampson: Ok. It is advisory, it's a County Shoreland Ordinance but I know the committee looks to those town recommendations. And we had a situation of fill and that's been all rectified?

Berg: Yeah.

Sampson: Ok. No further questions.

Pedretti: Now this is a Special Exception so we vote on this tonight. We don't give the town any more opportunity then?

Sampson: Unless you place a condition on there that says subject to any conditions placed upon it by the Town of Barre.

Pedretti: Ok. Thank you. Any other questions? Alright. Anyone else wishing to speak in favor (called three (3) times)? Anyone opposed to this petition (called three (3) times)?

Appearing in opposition: None

Pedretti: We'll close the hearing portion. Nate, you want to...

Sampson: If I could just clarify also that Mr. Berg's proposal wasn't part of the original Special Exception Permit that was heard last month. We, as staff, can't just arbitrarily say well we can tack this, roll it into that permit so Mr. Berg made the application and came back to do this.

Correspondence (Sampson): The DNR, fortunately, could amend their permit so I received a piece of correspondence from Carrie Olson (read into the record). That email was dated and received May 21, 2012. And we have another piece of correspondence from Mike Wenzholz with the Department of Natural Resources addressed to Chad Vandenlangenberg in our office. It's dated and received June 28, 2012 (read into the record). No further correspondence madam chair.

Pedretti: Alright. Staff recommendations?

Staff Recommendation (Sampson): Staff recommendation would be for approval subject to six (6) conditions as follows:

1. This permit is granted specifically to grade approximately 14,000 square feet within 300 feet of Bostwick Creek. The proposed 14,000 square foot area will be used as a borrow site for fill for the proposed basin and barn. Following basin and barn completion, a 40 X 300 foot concrete feed pad will be constructed;

Pedretti: Could we stop for a second? Are we sure that's the right numbers?

Sampson: 40 X 300.

Pedretti: It says 200 on the map. That's just the building is that it? So you're taking some of the area outside of it?

Sampson: Well let's see here, the application drawn up says 40 X 300 and the drawing says 40 x 200.

Pedretti: Can we have clarification?

Sampson: Jeff, should it be 300?

Berg: Yeah.

Sampson: I stand corrected, 300.

Pedretti: Ok, thank you.

2. The fill and cut amounts will be in addition to those authorized under Special Exception Permit No. 2012-03. No fill can be stored, even temporarily, in the flood plain;
3. All required state and federal permits shall be the responsibility of the applicant;
4. The proposed concrete pad shall be set back a minimum distance of 75 feet from the ordinary high water mark of Bostwick Creek;
5. All permits required by the La Crosse County Land Conservation Department shall be obtained prior to construction; and
6. This permit expires September 30, 2013.

That coincides with the other permit expiration date.

Pedretti: Does the applicant understand the six (6) conditions?

Berg: Yes.

Pedretti: Ok. We want to be very clear about that fill.

Berg: Yeah.

Pedretti: If we had a rain storm like they had up north, we would have been in trouble. Any questions from the committee? I'll entertain a motion.

Motion by Wehrs/Becker approve subject to the six (6) conditions and subject to any Town conditions.

Pedretti: Any discussion?

5 Aye, 0 No, 2 Excused (Jerome, Ebert). Motion carried unanimously.

SPECIAL EXCEPTION PERMIT NO. 2012-05 Arlan Ziegler, Markgren Landscape Group, Inc., W7069 County Road ZN, Onalaska, WI 54650, on behalf of Timothy J & Maripat Coughlin Trust, 2535 Baumgartner Dr, La Crosse, WI 54603, applies for a Special Exception Permit to grade approximately 5,500 square feet within 300-ft of French Slough. The proposed grading will be for the construction of retaining walls, a patio, a stairway, a seawall, a walkway and the placement of rip rap. Property is described as Lot 1 of Certified Survey Map, Volume 2, Page 180 and part of Government Lot 2, Section 13, T16N, R8W, Town of Campbell. Tax parcel is 4-1924-2. Property address is 2535 Baumgartner Dr.

Appearing in favor: My name is Arlan Ziegler with Markgren Landscape Group Inc., W7069 County Road ZN, Onalaska, WI 54650. Just want to know about the project?

Pedretti: If you could just explain what you are doing please.

Ziegler: At Maripat's house right now she has timber walls going across the back yard so we're actually removing, they're kind of rotting, they're 20 plus years old.

Pedretti: Can we stop for a second. Can we get a visual of this? An overhead visual? Do you have that handy? Ok, go ahead.

Ziegler: Um, right now we're actually removing; this is going to have less retaining walls when we're done than there is right now. Right now it's terraced with timbered retaining walls that are 20 plus years old that are rotted away. There's nothing on the seawall.

Pedretti: Can we, does he have a plan? It helps us to get a visual if you could help us.

Ziegler: Sure.

Pedretti: When you say sea wall, we just need to know what it is you're talking about.

Ziegler: It's going to be by the dock, I guess. Right there (refers to overhead).

Pedretti: Ok.

Ziegler: But it's within right on where the plan shows 12 feet or whatever from the average high water mark. We plan on putting that there. That's, we have to get down there, right now we're removing all the timber walls that are rotting and tearing and we're actually going to make a walking path down there out of sod. So we're actually taking out the terraced timber walls, which the yard is terraced in two (2) foot chunks going all the way up hill which already cur rating. We're actually going to make, I call it a switch back, but it's going to be a grass trail going down so Maripat can actually walk down. The patio's going to be right on the back side of her house and it's not a really big patio. I left my glasses in the truck, but it's going to be right out the back door. She's got like a four (4) season room on her back. It's only going to go out like six (6) or eight (8) or maybe ten (10) feet from there. But everything's really going to be just so it does need road is the whole purpose of it and so she can get down to the bottom of her property without having to do landscape stairs and steps and everything.

Pedretti: So that's what...

Ziegler: Yeah, that's what's going to come out. And actually we're doing is we're actually going to...we'll put the retaining walls in a different order. I didn't bring the actual landscape plan with elevations on it. But...

Pedretti: I think we have some more pictures we'll go ahead and...

Ziegler: Sure. That grass is all going to stay on the bottom. Everything from that lower retaining wall down, stays. So she'll have all that grass area stays. So we're trying to add some green space to it too. Just getting rid of those old rotted out timber walls. And the retaining walls that are showing on the plan, they're just actually going to be so we can come down at an angle across the property rather than terracing it straight across. Then there will be one sea wall right there (refers to overhead) from where the dock just starts to hit the bank. It's just going to be a two (2) foot wall with four (4) feet of rip rap in the front of it. Just so it doesn't get undermined and she doesn't lose anymore of her shoreline in there. (Staff takes time to put new pictures on overhead).

Pedretti: Alright, go ahead.

Ziegler: So in order to get down there to redo all the walls we have to pretty much tear up everything. But the first thing we would be doing is that seashore wall. So we go down there, I've worked with erosion

control for quite a few years now too so the very first thing is we build a retaining wall, we put up the silt fence if there was ever any issue as far as a big storm coming, we would have bale checks up, we'd have everything. But we're going to do it in sections so the first thing we'd do is that small seawall. Then we work our way back and start working our way up the hill. Then we're not leaving any fill of any sort on site on the bottom there where we're going to haul it all up as it goes so we're actually making it more stable than it is right now. But in order to do that I have to pretty much remove everything in there and the only thing we're working with is a skid steer so we're just planning on resodding everything. She's going to have more sod space when she's done than she has right now.

Pedretti: When you say removing everything in there, you're talking trees?

Ziegler: Ah no, no trees just landscape. Just those timbers and then small shrubbery so all the trees stay.

Pedretti: Ok questions from the committee?

Wehrs: Do you have a design plan for what you plan to put back?

Ziegler: Yep and we've proposed that to everybody. The Town of Campbell, everybody we've went through, this is the final step tonight. We've got all our permits. He's got the plan (refers to Sampson). (Sampson handed out design plan for committee to review and places on the overhead)

Sampson: Is there any plan to water-ward like rip rap of the ordinary high water mark or is that part of the plan too Arlan?

Ziegler: We're going to be above; ah rip rap it's not going to, it's going to be above that ordinary high water mark so... Everything we're doing is above the ordinary high water mark anyways and that's the big thing, we talked to the DNR guy was the first step. So this was actually the last one. We talked to Town of Campbell, we've got pretty much, I think we've jumped through all the hoops we had to until, tonight's is the last one I believe. The DNR had one, a few things they wanted us to do and we were more than happy to do whatever they wanted.

(Time out problems with ELMO)

Sampson: Unfortunately it doesn't show up very good, but this is the seawall (refers to overhead)...

Ziegler: Proposed, yeah.

Sampson: down here. This would be the retaining wall (still referring to overhead).

Ziegler: Yeah, that one there is just to protect those two (2) big trees. We're trying to save all the big trees for shade and just to keep the, she's got a beautiful lot so we're just trying to restore it and keep it so it doesn't go...

Sampson: (referring to overhead) this would be the walkway?

Ziegler: Yep, that's the walkway going up. That's the grass walkway it's going to go up. Right now it's wooden stairs that come down so now she'll have a grass way walking down which we thought would actually look better for the environment on the river than wooden stairs coming down the hill.

Sampson: And that'll be the switchback? (Referring to overhead)

Ziegler: Yeah, that'll be, yep.

Sampson: Ok.

Pedretti: Thank you. Any other questions? Nate, do you have anything?

Sampson: No I don't.

Pedretti: Thank you.

Ziegler: Ok.

Pedretti: Anyone else wishing to speak in favor?

Appearing in favor: My name is Mike Solberg, I live at 2607 Baumgartner Drive. I think this would be a good project for the area. It would certainly help with the erosion, those old timbers are only good for so long and they start to rot away it would just be a much better situation. It would help with rain water and everything else on the lot so I'm 100% for it.

Pedretti: Ok question, are you not listed on here; you're a little bit further?

Solberg: Yes, I got a notice but I'm about four (4) houses away. Four (4) or five (5) houses...

Pedretti: I just didn't see it, got it. Thank you. Any questions from committee? Anything from staff?

Sampson: Nothing.

Pedretti: Great. Thank you. Anyone else wishing to speak in favor (called three (3) times)? Anyone opposed to this petition (called three (3) times)?

Appearing in opposition: None

Pedretti: We'll close the hearing portion and we'll move on to staff.

Correspondence (Sampson): We have three (3) pieces of correspondence. One (1) comes from the Town of Campbell dated June 13, 2012 and received that date (read into record). We received the letter from Mike Wenholz that was read into the record for the prior Special Exception; does the board wish for that to be read again?

Pedretti: No we've heard that one.

Sampson: We also have a land disturbance site investigation and actions to be taken submitted by the La Crosse County Department of Land Conservation by Kurt Pederson. It's basically just the right up with the photos that accompany that Mike showed earlier actions to be taken (read into the record). No further correspondence.

Pedretti: Ok, staff recommendations.

Staff Recommendation (Sampson): Staff recommendation would be to approve subject to eight (8) conditions as follows:

1. This permit is granted specifically to grade approximately 5500 square feet within 300 feet of French Slough. The proposed grading will be for the construction of retaining walls, a patio, a stairway, a seawall, a walkway and the placement of rip rap;
2. All excess fill shall be removed from the site and deposited in an approved area outside the shoreland district of any navigable waterway;
3. Any sediment or tracking onto Baumgartner Drive shall be checked and cleaned up daily;
4. An approved erosion control permit from the La Crosse County Land Conservation Department shall be obtained and maintained in good standing;
5. All landscaping, grading, filling and construction of walls shall be of the materials and design depicted on plans submitted with the application for this permit labeled Special Exception Permit No. 2012-05 and made part of this file;
6. Absolutely no fill shall be stored in the flood plain district of French Slough;
7. This permit expires September 30, 2012; and
8. Any rip rap or Chapter 30 permits required from the DNR shall be obtained prior to construction.

Pedretti: Thank you. Does the applicant understand the eight (8) conditions?

Ziegler: Yes.

Pedretti: And September 30th is acceptable.

Ziegler: Yes.

Pedretti: Committee?

Motion by Wehrs/Holtze recommend approval of this application with the eight (8) conditions.

5 Aye, 0 No, 2 Excused (Jerome, Ebert). Motion carried unanimously.

Pedretti: And again, we make it very clear that those eight (8) conditions have to be followed.

ZONING PERMIT NO. 1902 Mark Pierce, 144 N Water St, Sparta, WI 54656, on behalf of Mark & Corine M Watzka, 13419 Fairway Rd, Sparta, WI 54656, petitions to rezone 5.01 acres from the Exclusive Agriculture District to Agriculture District 'A' for continued residential use. Property is Lot 1 of a pending Certified Survey Map and is described as part of the SE/NE, Section 36, T18N, R5W, Town of Burns. Part of tax parcel 3-1029-1. Property address is W160 Pettinger Hill Rd.

Appearing in favor: Hello, I'm Mark Pierce, I'm a real estate broker from Sparta and I'm working with Mark Watzka, my address is 144 N Water St, Sparta, WI 54656.

Pedretti: Ok. If you could explain what you are proposing please.

Pierce: We are proposing to take, there's a fifteen (15) acre parcel and we'd like to take five (5) acres out of Exclusive Ag and have it rezoned to Ag a. There's a residence there so it would still be single family and Mark would like to, he owns the rest of the, he owns sixty (60) acres and he would like to take that five (5) out and sell fifty-five (55) acres of it and his mother and brother live on the other parcel, the five (5) acres. So we have got you know we did the survey, we did everything that we were supposed to do. We were at the Town of Burns and we met with them. They gave us the green light or approval; I guess you can call it, to come to this meeting. So that's what we're here to do. And if you have any questions, I'm here to answer them.

Pedretti: So the thirty (30), forty-five (45), fifty-five (55), double checking here that we've got the acres to the north here. That will stay Exclusive Ag?

Pierce: Yes.

Pedretti: And he's selling it for Exclusive Ag?

Pierce: Yes.

Pedretti: Not for someone who's going to want to develop. I mean we're making that clear that this is going to stay in ag.

Pierce: Yes

Pedretti: Alright. Questions from the committee? Staff?

Sampson: None

Pedretti: Alright, thank you. Anyone else wishing to speak in favor (called three (3) times)? Anyone opposed to this petition (called three (3) times)?

Appearing in opposition: None

Pedretti: We will close the hearing portion. Mr. Sampson.

Correspondence (Sampson): Madam Chair, we received one (1) piece of correspondence in the form of a Resolution from the Town of Burns, this is resolution 6-12-2012 No. 1, received June 13, 2012 (read into record). No further correspondence.

Pedretti: Can I ask a question?

Sampson: Yes.

Pedretti: The letter that we have also touches on the easement and it's not on this map. We're talking about an easement because it would land lock the fifty-five (55) acres?

Sampson: correct

Pedretti: And where is that easement because we don't have it on our...

Sampson: That wasn't shown on the drawing?

Pedretti: No. At least I don't think it was.

Sampson: Do you want to pass that around, it goes up through the center of the buildings (passed around a handout showing the easement).

Sampson: I don't know if that was prepared at the time of the, if the map was prepared for mailing.

Pedretti: It says it was attached but it wasn't and I assume it was an easement in order to access behind.

Sampson: Yes.

Pedretti: And just another clarification. So this easement allows them to access the farmland, does it also allow for a house to be built back there?

Sampson: It would still support one (1) residence.

Pedretti: One (1) house?

Sampson: Correct.

Pedretti: Ok. Follow up question to that?

Holtze: My line of thought. This looks like it's three (3) other parcels. Can they build houses on each of the parcels or, because the rest of it's a fifty-five (55) Ag 1?

Sampson: Yeah, they're zoned Exclusive Ag, those parcels to the north, so they need a minimum of a thirty-five (35) acre piece or lot or contiguous lots meeting or exceeding that thirty-five (35) minimum acre threshold.

Holtze: I guess I don't understand why there's so many divided lots if there...

Sampson: They're different tax parcels and they're different forties and I think that's just the way that they're...they were probably conveyed differently.

Holtze: Ok because it looked to me like maybe one (1) had been split already.

Pedretti: So they technically could split them off and sell them as individual lots but they're Exclusive Ag so there's nothing else to be done on them except ag.

Sampson: Except ag, correct.

Pedretti: We just want to make this clear that this isn't going to be a subdivision of four (4) houses coming in. Any other questions on that? Ok, thank you for clarifying. Staff recommendation.

Staff Recommendation (Sampson): First of all I'd like to comment that we're not making a recommendation. In fact it is for approval, but it's not based upon the town board's resolution. It's based

upon the existing land use. This is an existing residential land use; use of this parcel will not change. Therefore, staff feels this petition is consistent with the Comprehensive Land Use Plan and recommends approval subject to the recording of deed restrictions indicating: Number one, only one (1) single family residence is allowed on the 5.01 acre parcel; Number two, no further subdivision of this parcel is allowed; and Number three, these restrictions shall apply until amended or lifted by the La Crosse County Board of Supervisors.

Pedretti: And that's our usual boiler plate language for no further subdividing.

Sampson: Correct.

Pedretti: Ok. Committee?

Motion by Becker/Holtze to approve with three (3) conditions.

5 Aye, 0 No, 2 Excused (Jerome, Ebert). Motion carried unanimously.

ZONING PERMIT NO. 1904 Daniel J & Debra S Kendhammer, 840 Brickl Rd, West Salem, WI 54669, petitions to rezone 10.80 acres from the Exclusive Agriculture District to Agriculture District 'A' for a future single family home. Property is described as that part of the NW/SE lying westerly of County Road DE and northerly of E Olson Road, Section 6, T17N, R5W, Town of Burns. Tax parcel is 3-110-3. Property address is N7073 County Road DE.

Appearing in favor: My name is Dan Kendhammer; I'm here on behalf of my wife and myself. Our current residence is 840 Brickl Rd, West Salem, WI 54669. We are looking to put a house on a piece of land we purchased from my father-in-law, my wife's father on N7073 Highway DE in the Town of Burns. It's to be a single family residence. There is an existing shed and a driveway up to that shed. The house would be approximately 100 feet southeast of that shed. We don't have the plans for the home yet nailed down.

Pedretti: We're just trying to get a visual up here (on the overhead). Thank you. Any questions from the committee? I'm sure we'll get this in the staff report, but have you talked to the township?

Kendhammer: Yes we've gone to the planning committee, they told us they approved it and then they took it to the board following it. I did not hear anything either way but they said they would forward the paperwork onto the Zoning Committee.

Pedretti: Ok. Any questions from the staff?

Sampson: No questions.

Pedretti: Thank you. Anyone else in favor (called three (3) times)? Anyone opposed to this petition (called three (3) times)?

Appearing in opposition: None

Pedretti: This hearing is closed. Nathan.

Correspondence (Sampson): Madam Chair, I have two (2) pieces of correspondence. One from Ron Chamberlain, La Crosse County Highway Commissioner dated and received Wednesday, June 27, 2012 (read into record). The second piece of correspondence comes from the Town of Burns. This is an email received May 16, 2012. This is Resolution No. 5-15-2012 No. 1 (read into record).

Staff Recommendation (Sampson): The recommendation again is not because of the Town's Resolution supporting it and amending their plan. It's based upon the applicants live in a town that has yet to adopt the revised Zoning Ordinance. As such they are considered to be eligible occupants under the Exclusive Ag District regulations and could construct a home without a district change. The staff recommendation for approval is subject to the recording of deed restrictions indicating: Number one, only one (1) single family residence is allowed on this 10.8 acre parcel; Number two, there shall be no further subdividing of this parcel; and Number three, restrictions shall apply until amended or lifted by La Crosse County Board of Supervisors.

Pedretti: Ok thank you.

Motion by Wehrs/Holtze to approve with the three (3) conditions placed by staff.

Pedretti: Any discussion? If I could just clarify, you're very particular about the Town of Burns plan not being part of this and it's because they haven't adopted the plan?

Sampson: Because they have not adopted the plan and...

Pedretti: Ok.

Sampson: their recommendation of consistency. I think that when we make recommendations in the future, based upon the town amending their Town Plan, that we're going to recommend that the plan be amended before the petition is acted upon.

Pedretti: Ok.

Sampson: We're concerned about consistency issues and especially among petitioners.

Pedretti: Ok thank you for that clarification. Any other discussion?

Wehrs: Are you sharing those concerns with the towns?

Sampson: Yes.

Wehrs: Besides just relying on them reading minutes or anything?

Sampson: Well, we have in the Town of Hamilton. And I know we have discussions with Matt quite frequently in the Town of Burns, but we will make it a point to let the town know.

Wehrs: Ok thank you.

5 Aye, 0 No, 2 Excused (Jerome, Ebert). Motion carried unanimously.

Motion by Holtze/Becker to adjourn at 7:15 pm.

5 Aye, 0 No, 2 Excused (Jerome, Ebert). Motion carried unanimously.

Hearing adjourned at 7:15 pm.

*The above minutes may be approved, amended, or corrected at the next committee meeting.
Annette Kirchhoff, Recorder.*