

PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE PUBLIC HEARING

October 1, 2012
County Board Room – Administrative Center
6:30 p.m – 7:24 p.m

MEMBERS PRESENT: Marilyn Pedretti, Tina Wehrs, Andrew Londre, Peg Jerome, Ray Ebert, Richard Becker
MEMBERS EXCUSED: Dave Holtze
MEMBERS ABSENT: None.
OTHERS PRESENT: Nathan Sampson, Bryan Meyer, Michael Harding, Charlie Handy, 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. 2012-09 Jim Jambois, acting on behalf of JJCA, LLC, 103 Ridgewood Dr, Onalaska, WI 54650. Applies for a Special Exception Permit to perform after-the-fact grading to clean/create drainage ditches and swales that would result in drainage of the shoreland-wetlands district and impact the shoreland district of Burns Creek. This application includes after-the-fact enforcement related restoration for removal and reshaping of the post-grade drainage swales/ditches and re-seeding of the approximate six (6) acres of disturbed area with native wetland species as required by a stabilization & restoration plan. Property is described as part of the Fractional NW ¼ of Section 2, T17N, R5W. Town of Burns. Tax Parcels 3-24-0, 3-25-0, 3-26-0 and 3-27-0. Property is located on the westerly side of State Road 162.

Appearing in favor: Jim Jambois, 103 Ridgewood Dr, Onalaska, WI 54650. I thought I was farming, found out that it was wet land and so that's the reason for the permit.

Pedretti: Ok, so you were farming into that wetland area?

Jambois: Right.

Pedretti: Ok. And it has since been restored? Can you explain to us what's happened?

Jambois: Yep, I followed the DNR's list of things to do and I've done all that and there's nothing more to be said, I don't think.

Pedretti: Ok hold on a second. Any questions from the committee? Mr. Sampson?

Sampson: None.

Pedretti: Ok, thank you. Anyone else wishing to speak in favor (called three times)?

No one else appearing in favor.

Pedretti: Anyone opposed to this petition (called three (3) times)?

Appearing in opposition: None.

Pedretti: We'll close the hearing portion and hear from staff.

Correspondence (Sampson): Madam Chair, we have received one (1) phone call stating that they had no objection to the Jambois petition. We don't read those into the record because they are not here to answer any questions. We have two (2) pieces of written correspondence; an email from Mary Jo Webster of the Land Conservation Department dated and received Thursday, September 20, 2012 (read into the record). The only other piece of correspondence is from Michael Wenzholz, with the Wisconsin DNR and that was dated and received today (October 1, 2012) at 12:46 p.m. I'm going to read this entire email

into the record because it's going to cover the second Special Exception Permit that's heard tonight also. If that's sufficient for the committee, I'll just refer to that instead of reading that into the record a second time.

Pedretti: That sounds fine.

Sampson: (read email referred to above into the record). No further correspondence.

Staff Recommendation (Sampson): This is an after-the-fact application for grading and filling. The application was made after the land disturbance had occurred and as the result of an enforcement inspection. The site has been stabilized and re-seeded in accordance with a restoration plan required by Shoreland Zoning Specialist Carrie Olson of the Wisconsin DNR, and the applicant has received an after-the-fact Erosion Control Permit from the La Crosse County Land Conservation Department.

Staff Recommendation is to approve subject to the following two (2) conditions:

1. This Special Exception Permit applies only to the initial site disturbance, re-grading, very limited filling, and restoration already completed by the applicant. A required Shoreland Land Use or Special Exception Permit shall be required for any future filling, grading, or other land disturbance that exceeds thresholds requiring issuance of said permit(s); and
2. This permit expires immediately following its approval.

Pedretti: Ok that's unusual, immediately following, that's because everything's done?

Sampson: Yes, everything is done.

Pedretti: Ok. Does the applicant understand the conditions?

Jambois: Yes.

Pedretti: Ok, thank you. Committee?

Motion by Ebert/Becker to approve Special Exception Permit No. 2012-09 with two (2) conditions.

6 Aye, 0 No, 1 Excused (Holtze). Motion carried unanimously.

CONDITIONAL USE PERMIT NO. 862 Jeffrey L & Sharon A Kramer, 4412 Cliffside Dr, La Crosse, WI 54601-8356. Applies for a Conditional Use Permit to amend Conditional Use Permit No. 855, approved May 17, 2012 to operate a pizza preparation food business; to specifically amend or remove condition number fourteen (14) of Conditional Use Permit No. 855 that states "A maintenance agreement for maintaining the private drive shall be entered into by all users of this private road prior to commencing use". Property is described as part of the NE ¼ and part of the SE ¼ of Section 35, T15N, R7W. Town of Shelby. Tax Parcel 11-2329-0.

Appearing in favor: Hi, I'm Jeff Kramer, 4412 Cliffside Dr, La Crosse, WI 54601-8356.

Pedretti: Thank you.

Kramer: We got the amendment or I mean the Conditional Use Permit and since then we haven't been able to, we've met thirteen (13) of the fourteen (14) conditions; the fourteenth (14th) one being the maintenance agreement with the people on the road. We held a meeting on August 26th with all the people with the exception of two (2) that didn't attend. They don't use the properties, they own the properties but they don't use them, they don't live on the road or anything. We met with all the other seven (7) neighbors and they adamantly said they would not sign any kind of maintenance, legal agreement. We discussed a maintenance agreement with them; they kind of came to a consensus but they would not sign anything. So we looked at other avenues of what we can do to get this Conditional Use Permit approved. We actually contacted Mathy; we've discussed this with Jeff Brudos from the Town of Shelby and we thought maybe we would try to get, the two (2) properties, (requests overview to be put up on the screen). There's a section of road there (refers to overview) that the road is on, private road, before it gets to our land. It's about a...This is coming off County K (refers to overhead), this is Sunhill...Sunhaven Hill...this is Cedar Lane here...this little section here...the county line, I don't know if you can see that on there or not, it is probably about here (referring to overhead). There's a section of road that crosses Tim and Michelle Hackett's land, then it comes to our land. Our land starts...I think it's about there (referring to overhead). And, what we've done is we've went to Hackett's and sent an offer, put in an offer to purchase that 33 foot easement and it's been accepted. We haven't closed on it yet, we didn't

have the time to get it closed on yet. It will be done on or before September 16th, or October actually. Excuse me, October 16th. We have a signed acceptance of purchasing the property. So then what that would do is give us access off of a public road. This is a public road (referring to overhead) in the Town of Bergen (Vernon County) to the county line. That would give us access to our property directly from a public road. So, what we're asking for is to have the maintenance agreement removed because of the fact that we've exhausted every possibility to get that and they just absolutely refuse that they will not, any of them, sign that property, or that maintenance agreement. So this was brought up that possibly turn that over to the County, or I mean the Town of Shelby, which we thought about doing and having it black-topped. We thought about purchasing it and doing everything, the black-topping ourselves and bring it up to Town of Shelby specifications and putting a cul-de-sac on our property per requirements for the County, or for the Town of Shelby to do that. In doing that we found out that it's a little inconceivable. I believe from Mathy, there's a bid there of (bid read by Sharon Kramer inaudible). We had also, we had a Klaetsch paving and they, we've tried to get a bid from them prior to the meeting but he stated that it would be around forty some thousand dollars, the same thing. So in the process, what we did is we actually purchased this land (refers to overhead); the other option was to purchase this land and we're waiting, I mean we've got an accepted offer on it. So what we're asking is if we can get that condition number fourteen (14) removed off of the previous CUP.

Pedretti: Ok. Questions of Mr. Kramer? Supervisor Wehrs.

Wehrs: What did the maintenance agreement look like, what were the terms of the maintenance agreement?

Kramer: We didn't even have any terms, I mean other than we went, we collected all the people there and asked them if they would have any, you know, we'd come up with, we looked at the maintenance agreements that Mr. Sampson had, you know different ones, and they just adamantly said they would not do anything.

Wehrs: I feel like we've had this discussion before about who maintains it now and there hasn't been any or what...?

Kramer: Well, everybody pretty much maintains their own, you know, their own sections or whatever that, you know. And we've discussed it with them. Right now they're discussing having money placed into a fund. Everybody semi agreed to that, but they will not do anything legally. They will not sign anything legally. We've exhausted it. So now...and basically with this purchase of the land we have access we've been told by a legal, from Phil Addis and everything, that we have legal access to that land from a town road. Right straight off of a public road, public access road.

Wehrs: You're saying that only one (1) extra vehicle per day will be coming in and out? The meat inspector, or are there more vehicles that will be coming in and out?

Kramer: Our own vehicles.

Wehrs: But no deliveries or anything?

Kramer: No, that was part of the conditions that we've already met.

Wehrs: Ok.

Kramer: From the previous one. The only thing we are changing is the number fourteen (14).

Wehrs: I'm just asking about vehicle trips per day.

Kramer: Yeah, there's nothing more than what it was before.

Wehrs: Which is the one (1) meat inspector, is that correct, or is there more?

Kramer: No, I think there's only one (1).

Pedretti: Other questions? Staff?

Sampson: Yes. Jeff, could you clarify, have you purchased the strip or are you proposing to purchase the strip, or...?

Kramer: Yes we have a signed...uh... (Sharon Kramer behind Jeff, "it closes on the 16th")

Sampson: Purchase the easement?

Kramer: No, the strip of land. Yes.

Sampson: Ok that was all I wanted to know.

Kramer: Yep.

Pedretti: Ok.

Sharon Kramer: How does this get into the record (accepted offer to purchase)?

Sampson: I can take it and put it in the file. Is that a copy or do you need it?

Kramer: Yeah. (Sharon Kramer, we need it back).

Sampson: Ok.

Kramer: We've actually got a copy of that, I've got it.

Pedretti: Any other questions?

Sampson: None.

Audience: You're talking about vehicles, how many...

Pedretti: Whoa, Whoa, Whoa, excuse me, this is a public hearing, we'll take the questions up here, thank you. Anything else for Mr. Kramer? Ok, I'm assuming you'd (talking to Sharon Kramer) like to speak next, you want to give your name and address for the record and say you're in the same.

Appearing in favor: I'm Sherrie (Sharon) Kramer, 4412 Cliffside Dr, La Crosse, WI 54601-8356 and I agree with everything he's said.

Pedretti: Ok great. That's in the record thank you. Anyone else wishing to speak in favor (called three (3) times)? Anyone opposed to this petition? That's where you get to talk now (to the gentleman in the audience).

Appearing in opposition: Merlin Hoeth, I'm also representing my wife, Rusty, my address is 1183 Crystal Dr, Mill Stream Addition, Town of Shelby. We own property that abuts to these, to the property in question. We bought this property, it's zoned agricultural and the only other zoning that I would agree to would be residential. I don't think this is a proper place for a commercial enterprise. At the time, it sounds like there's not going to be a lot of vehicles or things going in and out of there. But the business could expand, which every business man wants to. I was in business myself so I know what that means too. But I think there are other commercial areas in the county that would be better suited for an operation like this. Thank you very much.

Pedretti: Ok if you want to hold on just a second?

Hoeth: Yes.

Pedretti: Any other questions from the committee? Staff?

Sampson: I was just wondering if you were aware of the limitations that were placed on this from the prior Conditional Use Permit that was issued?

Hoeth: No, I do not know that. I guess I didn't look into that.

Pedretti: It might help to refresh the committee as well, the other thirteen (13) conditions.

Sampson: Yeah I really think that would help.

1. This conditional use permit is non-transferrable;
2. Report all commercial real & personal property to the Town of Shelby Assessor;
3. Follow all food grade requirements per local, state and federal health departments and codes;
4. Copy of approved permit and permit conditions required by any health agency to be made part of this file;
5. A letter from Safety and Buildings Division of the Department of Professional Services indicating whether state building plan approval is required shall be made part of this file;
6. No commercial deliveries and only two employees per impact statement;
7. Up to 25% of the future home can be utilized for the conditional use permit;
8. One parking space shall be provided for the meat inspector;
9. This Conditional Use Permit use can be the primary use on this property for a maximum of 24 months from the date of approval;
10. The interior area within the proposed pole shed to be used for pizza preparation shall be limited to no larger than 15-ft x 15-ft;
11. Hours of operation: Three days per week, any time from Monday through Friday from 6:00 a.m. to 6:00 p.m.;
12. This business shall be wholesale only; no on-site retail sales;
13. The applicant shall provide documentation of legal access to this lot for this purpose prior to the issuance of a Zoning/Occupancy Permit; and
14. The condition that's being sought for amendment tonight.

So the limitation, originally imposed, was for a 15 X 15 foot area within a proposed pole shed and that only twenty-five percent (25%) of the future home can be used, in association with this business. If they were proposing, if the applicant were to propose to go beyond that because of the expansion of their business, they'd have to come back and talk to the committee and go before the...the application would be acted upon by the full County Board.

Hoeth: Well now these conditions that you just read to me, I was not aware of any of that. We never got any information on any of that. Or were we supposed to take that on our own to go and find out what was; why didn't they send all this information to us?

Sampson: That would have been in a notice that went out April of this year when the original Conditional Use Permit was heard. And I'd have to check the mailing list, but I'm assuming you were on that list because it hasn't changed.

Hoeth: I'm not aware of anything that we received on that.

Pedretti: Did you receive a notice for tonight's meeting?

Hoeth: Yes.

Pedretti: Then you would have received a notice in April as well.

Hoeth: Ok.

Pedretti: So what we're doing is just reconsidering the one (1) condition. The other conditions put on there, pretty strict, at least according to my take on it. Pretty strict that this is not a commercial enterprise that's going to get huge and have semi trucks coming in, that out was our concern as well.

Hoeth: Ok.

Pedretti: It's a small mom-and-pop kind of operation, two (2) employees only, that was the traffic issue is what Supervisor Wehrs asked about so you know you're talking about just a meat inspector, other than your (Kramer's) cars going back and forth. So if the business does plan to expand they either have to come back in for another Conditional Use Permit or they have to come in to rezone. Those are their two (2) options. They...

Hoeth: Ok.

Pedretti: ...can't expand.

Hoeth: Could I get a copy of those conditions that you just read to me?

Sampson: Yes.

Pedretti: Most certainly.

Hoeth: Ok thank you very much.

Pedretti: You're welcome. Anyone else wishing to speak in opposition, anyone else...ok.

Appearing in opposition: My name is Colleen Hoeth and I live at N1183 Crystal Dr. We do own the property out in North Chipmunk and we're very much, would like to see that property stay as it is; as a residential areas that would be a country atmosphere. And although I think the Kramer's are very nice people, I would wish them the best in any business, but I do not like to have any type of business in that area. Thank you.

Pedretti: Ok, hold on. Any questions from the committee? Supervisor Becker.

Becker: So is it my understanding that in April you folks did not receive a letter?

Colleen Hoeth: No, I do not think we did because if there would have been any type of a meeting or any type of communication required, we would have been here.

Becker: Ok thank you.

Pedretti: And we'll have staff check that notice properly. It might, I'm ninety-nine percent (99%) sure that if you received the notice for this meeting, you would have received it at that. I don't know what would have changed otherwise but we will check that certainly. Meanwhile, anyone else wishing to speak in opposition (called three (3) times)?

No one else appearing in favor or opposition.

Pedretti: Ok we're going to close the hearing portion and give staff a minute to get paperwork situated.

Sampson: Yes, I'm still looking for the mailing list.

Correspondence (Sampson): We have a piece of correspondence from the Town of Shelby in an email dated and received Friday, September 28, 2012 from Cathy Onsager to me (Sampson) (read into the record). No further correspondence.

Pedretti: So when they say reaffirmed, it's with the 33 foot access, that's what they're reaffirming? So they are saying...taking out number fourteen (14) is acceptable?

Sampson: They are reaffirming their approval. They originally granted approval, or recommended approval of the CUP. And they are reaffirming that with the, provided the 33 foot access is purchased, correct.

Pedretti: I just want to be clear that the Town of Shelby is saying it's ok not to have condition number fourteen (14) on there.

Sampson: The Board reaffirmed its approval of the permit.

Pedretti: If I could open up the public hearing portion again, Mr. Brudos, if you'd just turn on the microphone there, you can speak right from there and just state your name and...

Brudos: Jeff Brudos with the Town of Shelby, the administrator.

Pedretti: If you could clarify for us.

Brudos: Yes, the Board originally approved the entire concept I guess and would not even have probably put thirteen (13) and fourteen (14) on their request.

Pedretti: Ok.

Brudos: At this point thirteen (13) seems to have been a...is not in question here. Fourteen (14) seems to be an issue, it seems like the Kramer's have met that by now having ownership of the land between a public road and their property. So a maintenance agreement over a portion would not be something that would be needed because now they have the authority to conduct business on that driveway. It's really a driveway now to their property.

Pedretti: Sure.

Brudos: Everybody else is going to have an easement across their property at this point so fourteen (14) is a...really kind of not needed at this point at all on the Board's position.

Pedretti: Thank you for that clarification, appreciate it. Back to Mr. Sampson.

Staff Recommendation (Sampson): Staff has no recommendations on this. I think that we're going to leave that up to the committee. I would like a clarification on condition number nine (9) if the committee does recommend approval. The original approval of condition number nine (9) stated that a house basically had to be constructed within twenty-four (24) months of the approval date. So I want to make sure that's twenty-four (24) months from County Board approval of 862 and not twenty-four (24) months from County Board approval of 855.

Pedretti: Right, because they haven't done anything out there?

Sampson: Correct.

Pedretti: I would think that's the intent of the committee as well. That they would have the twenty-four (24) months from when they start their business...nodding heads. We should probably include that in our motion if we so choose to approve this request. Alright, committee, what's your pleasure?

Motion by Ebert/Jerome to approve the request subject to the condition that they take physical possession of the property and the two (2) year date of condition number nine (9) be effective when County Board approves this Conditional Use Permit No. 862.

Pedretti: We have a motion, any questions? Supervisor Wehrs.

Wehrs: I just have a question. In the impact statement, the last paragraph says that we would also like to request that the Conditional Use Permit be granted for the entire property, we're not taking action on that I assume? It's just taking off condition number fourteen (14)? It's still restricted to those areas, right? In the...

Sampson: Whatever went into the public notice, correct.

Wehrs: Do you guys (Kramer's) understand that? Because the Conditional Use Permit application is only saying that we're getting rid of condition fourteen (14) on the maintenance agreement. It has nothing to do with adding more space like in your new, in your future home. Adding any more space than what was already granted in the first CUP. You get that? (Affirmative answer from the Kramer's). Ok, just want to clarify.

Pedretti: Need to clarify, don't want to have to do this again. Lord knows you don't want to do this again. Is everyone clear with the motion then? Supervisor Becker.

Becker: Thank you madam chair. What we did in May was basically, we granted them their Conditional Use Permit. Am I correct to assume that the only thing that's on the agenda tonight with this particular issue is item fourteen (14)? We basically are not redoing the Conditional Use Permit; we're dealing with just one (1) single item?

Pedretti: Correct.

Becker: Which is condition number fourteen (14)? So either the committee approves it, denies it or refers it. That's our options, correct? So the discussion whether the pizza place should or shouldn't be there, that occurred back in May?

Pedretti: Correct.

Becker: Ok. So anyway, back in May, I was one of two (2) or three (3) on this committee that voted no, but with that clarification, and since this item's only on item number fourteen (14), or condition number fourteen (14), I'm going to be supporting this. Thank you.

Pedretti: Sure. Any other questions or clarification?

6 Aye, 0 No, 1 Excused (Holtze). Motion carried unanimously.

Pedretti: And for the Hoeth's, we'll certainly check into the notification.

Sampson: In fact, Annette had an opportunity to do that. We did use the same exact mailing list and your (Hoeth's) name and address was on there.

Colleen Hoeth: And that's possible that it was mailed but didn't reach us. We've had problems with mailing getting mixed up. It's not an ongoing thing, but it does happen.

Sampson: Sure.

ZONING PETITION NO. 1900 Ryan L Pfaff, W2450 County Road DE, Mindoro, WI 54644. Petitions to rezone from the Exclusive Agriculture District to the Rural District an approximate 1.47 acre parcel for continued residential use. Property is described as Lot 1 of Certified Survey map No. 161, Volume 12, and part of the SW/SW, Section 30, T18N, R5W described as follows: Commencing at the southwest corner of said Section 30, thence N46°54'51"E 581.63-ft to the westerly corner of Lot 1, Certified Survey Map No. 161, Volume 12, and the POB of this description; thence, along the westerly line of said Lot 1, S58°59'03"E 154.72-ft; thence, continuing along said west line, on the arc of 510.46-ft radius curve, concave to the southwest, the chord of which bears S42°22'46"E 291.75-ft to the southerly corner of said Lot 1; thence S64°13'31"W 8.00-ft to the northeasterly right-of-way line of County Road DE; thence along said right-of-way line on the arc of a 502.46-ft radius curve concave to the southwest the chord of which bears N42°22'46"W 287.18-ft; thence continuing along said right-of-way line N58°59'03"W 154.72-ft; thence N31°00'57"E 8.00-ft to the POB. Town of Farmington. Property address W2450 County Road DE.

Appearing in favor: Ryan L Pfaff, W2450 County Road DE, Mindoro, WI 54644. I was trying to refinance and found out at the last minute that I was zoned incorrectly and should have been caught when I bought the place, but it wasn't, so here I am. Just trying to get it fixed.

Pedretti: We have had a few of those. Questions from the committee? Staff?

Sampson: None.

Pedretti: Ok thank you. Anyone else wishing to speak in favor (called three (3) times)?

No one else appearing in favor.

Pedretti: Anyone opposed to this petition (called three (3) times)?

Appearing in opposition: None.

Pedretti: We'll close the hearing portion and we'll hear from staff.

Sampson: I would like to clarify. The original application on this was made May 3rd of this year. So it was quite some time ago. The original CSM (Certified Survey Map) showed a 66 foot right-of-way on this property and it's actually only a 25 foot right-of-way on that one side. And, correct me if I'm wrong, but the ownership showed up to the right-of-way in this case. So when it transferred from Young to Pfaff, there was an 8 foot wide strip that technically was still under ownership by the Young's. The Young's have written a letter in support of this so they understand this is happening. So technically they're still owners of that 8 foot strip that's the subject, or part of the subject of this rezone.

Pedretti: Is that something we need to get...?

Sampson: Quit Claimed. I'll read that into the record.

Pedretti: Ok thank you.

Correspondence (Sampson): We received an email from Betty Sacia from the Town of Farmington, sent Monday July 9th, received July 10, 2012 (read into the record). We also received a letter from Vivian and

Robert Young from Madison, Virginia. And this is an email we sent to them to get their original signature (read into the record). No further correspondence.

Pedretti: Ok.

Staff Recommendation (Sampson): Staff finds this petition is consistent with the La Crosse County Comprehensive Land Use Plan in that the land use is not changing. The Town of Farmington Planning Commission and Town Board have both recommended approval.

Staff recommendation is approval to rezone to the Rural District with no conditions. The minimum lot size to establish a residential use in the Town of Farmington is two (2) acres.

Pedretti: Ok, we don't need any condition about subject to that being signed? That's clearly more of a house keeping for them?

Sampson: Correct.

Pedretti: Ok thank you. Committee?

Jerome: Do we have to be concerned about that 8 foot strip?

Sampson: The Young's submitted that correspondence that authorized Mr. Pfaff to proceed on their behalf.

Jerome: Oh. Sorry.

Sampson: That's ok. And then the ownership issues they'll take care of at a later date.

Jerome: Thank you.

Motion by Becker/Londre to approve Zoning Petition No. 1900 with no conditions.

6 Aye, 0 No, 1 Excused (Holtze). Motion carried unanimously.

SPECIAL EXCEPTION PERMIT NO. 2012-07 Bruce R & Ellen P Bennett, 4772 Stone Rd, Virginia Beach, VA 23457. Applies for a Special Exception Permit to perform after-the-fact grading activities of approximately 2500 square feet including the removal of existing landscape features and construction of new retaining walls and landscaping within the shoreland district of Lake Onalaska. Property is described as Lot 10 and part of Lot 11, Block 1 of the Lakewood Addition to the Town of Onalaska. Property address is W7641 County Road ZB. Tax Parcel Number 10-2121-0.

Appearing in favor: My name is Cory Whitewater and Bruce is my father and I'm here representing him. The address again is W7641 County Road ZB. And he (Mr. Bennett) just listed some items that I'd like to read off this evening. When he purchased the house in 2004 the side yards and backyards were already landscaped with bricks and timbers, there were also two (2) wooden retaining walls in place; one on each side of the house. He believes the work was done back in the 80s and it was in pretty bad shape. After several years of trying to keep the weeds out and fix some of the old timbers, he decided to clean up the yard and having the old stuff removed and replaced with sod. The old wooden retaining walls were deteriorating, were replaced with stone walls. There was no change in elevation, just cleaning up the yard and putting in new retaining walls to replace the old ones. I believe that there are some pictures that should be in the file, some before and after pictures. The neighbors were supportive in the clean-up effort and even helped to lay the new sod. My father was aware of the need for a permit if the project disturbed more than 4,000 square feet of land. He was not aware that this limit was reduced to 2,000 square feet when the property is near the water. They estimated that this clean-up project would only involve about 2,300 square feet. Therefore, they proceeded with the work without a proper permit. After the project started it was brought to his attention that he needed a permit so he met with Zoning and Land Conservation, a permit was issued to complete the work and stabilize the ground with sod. The entire project took less than three (3) weeks. My father does regret that he did not get the Zoning, but it just never occurred to him that there would be additional considerations for property near water. He did meet with the Town of Onalaska Board on the 10th and 11th of September, that Board recommended approval of the Special Exception Permit you are considering this evening.

Pedretti: We're just going to take a minute to look at the pictures (referring to the overhead).

Whitewater: That's fine.

Pedretti: Everyone's got a good visual of that? Questions for Ms. Whitewater? Staff?

Sampson: None.

Pedretti: Thank you.

Whitewater: Thank you.

Pedretti: Just a question for staff, you've been out there to view it?

Sampson: Yes.

Pedretti: Ok. You'll get to that eventually. Anyone else wishing to speak in favor (called three (3) times)?

No one else appearing in favor.

Pedretti: Anyone opposed to this petition (called three (3) times)?

Appearing in opposition: None.

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

Correspondence (Sampson): We have four (4) pieces of correspondence Madam Chair. One is an email from Melissa Erdman with the Town of Onalaska dated and received Thursday, September 13, 2012 (read into the record). We received an email from Matt Hanewall with the La Crosse County Land Conservation Department dated and received Thursday, September 20, 2012 (read into the record). And we have the DNR correspondence that was read for the prior Special Exception Permit, just making reference to that. And one (1) final email from our County Highway Commissioner, Ron Chamberlain, dated and received today (read into the record).

Staff Recommendation (Sampson): This is an after-the-fact application for grading and filling. The application was made after the land disturbance had occurred and as the result of an enforcement inspection. The site has been stabilized and re-seeded, and the applicant has received an erosion control permit from the Land Conservation Department.

Staff Recommendation is to approve subject to the following two (2) conditions:

1. This Special Exception Permit applies only to the initial site disturbance, re-grading, very limited filling, and restoration already completed by the applicant. A required Shoreland Land Use or Special Exception Permit shall be required for any future filling, grading, or other land disturbance that exceeds thresholds requiring issuance of said permit(s); and
2. This permit expires immediately following its approval.

No further recommendations.

Pedretti: Thank you. The applicant understands the conditions? (Affirmative response from applicant).
Committee?

**Motion by Wehrs/Jerome to approve Special Exception Permit No. 2012-07 with the two (2) conditions.
6 Aye, 0 No, 1 Excused (Holtze). Motion carried unanimously.**

Motion by Londre/Wehrs to adjourn at 7:24 pm.

6 Aye, 0 No, 1 Excused (Holtze). Motion carried unanimously.

Hearing adjourned at 7:24 pm.

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