

REPORT OF CITY PLAN COMMISSION

Monday, March 5, 2012 – 6:00 PM
Lincoln Center

PRESENT: Chairperson Mayor Halverson, Alderperson Jerry Moore, Commissioner Tony Patton, Commissioner Anna Haines, Commissioner Shari Laskowski, and Commissioner David Cooper.

ALSO PRESENT: Community Development Director Michael Ostrowski, Economic Development Specialist Kyle Kearns, Director of Public Works Joel Lemke, Director of Water and Wastewater Kim Halverson, Alderperson Marge Molski, Alderperson Mary Stroik, Alderperson Joanne Suomi, Barb Jacob, Scott Beduhn, Rachel Blink, Brandi Makuski, Scott Littell, Matthew Brown, Charles Rumsey, and Catherine Nolan.

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1. Report of the February 6, 2012 Plan Commission meeting.
2. Request from US Cellular for a conditional use permit for the purposes of installing three new antennas to an existing tower and performing line work at **5348 Highway 10 East (Parcel ID 2408-35-2100-22)**.
3. Request from US Cellular for a conditional use permit for the purposes of installing three new antennas to an existing tower and performing line work at **1900 Polk Street (Parcel ID 2408-32-2018-03)**.
4. Request from the Stevens Point Water Department for a conditional use permit for the purposes of constructing a garage at **5431 Highway 66 (Parcel ID 2408-14-4200-01)**.
5. Amending Chapter 23 (Zoning Code) of the Revised Municipal Code to create a wellhead protection zone for Well 11, and amending the uses within the Wellhead Protection Overlay District (Section 23.02(4)(e)).
6. Amending the City of Stevens Point Zoning Ordinance to change the conditional use requirement for co-location of antennas to a permitted use (Section 23.02(4)(d)).
7. Other business.
8. Adjourn.

Mayor Halverson introduced and welcomed David Cooper the new plan commissioner.

1. Report of the February 6, 2012 Plan Commission meeting.
Motion by Commissioner Moore to approve the report of the February 6, 2012 meetings as presented; seconded by Commissioner Haines. Motion carried 6-0.
2. Request from US Cellular for a conditional use permit for the purposes of installing three new antennas to an existing tower and performing line work at **5348 Highway 10 East (Parcel ID 2408-35-2100-22)**.

Economic Development Specialist Kearns stated US Cellular is requesting a conditional use permit for the purpose of upgrading antenna line, as well as adding three antennas to the existing tower at 5348 Highway 10 East. The existing tower is 130 feet tall, has three existing antennas, and is located in the "B-5" Highway Commercial zoning district, where co-location of antennas is a conditional use.

Staff would recommend approval with the condition that all other structural components shall be installed within the current footprint of the facility.

Motion by Mayor Halverson to approve the request from US Cellular with the following conditions:

- **All other structural components shall be installed within the current footprint of the facility.**

seconded by Commissioner Patton. Motion carried 6-0.

3. Request from US Cellular for a conditional use permit for the purposes of installing three new antennas to an existing tower and performing line work at **1900 Polk Street (Parcel ID 2408-32-2018-03)**.

Economic Development Specialist Kearns stated US Cellular is requesting a conditional use permit for the purpose of upgrading antenna line, as well as adding three antennas to the existing tower at 1900 Polk Street. The existing tower is 160 feet tall, has six existing antennas, and is located in the "R-2" Single Family Residential zoning district, where co-location of the antennas is a conditional use. Staff would recommend approval with the condition that all other structural components shall be installed within the current footprint of the facility.

Motion by Commissioner Patton to approve the request from US Cellular with the following conditions:

- **All other structural components shall be installed within the current footprint of the facility.**

seconded by Mayor Halverson.

Commissioner Patton asked how many antennas can be placed on a tower. Scott Littella representative of Faulk & Foster stated it is dependent on the original structure and how it is built. The towers are built with the plan of co-location in most cases for three to four carriers.

Motion carried 6-0.

4. Request from the Stevens Point Water Department for a conditional use permit for the purposes of constructing a garage at **5431 Highway 66 (Parcel ID 2408-14-4200-01)**.

Director Ostrowski stated the Stevens Point Water Department is in the final stages of constructing a well pumping station, water treatment plant, and parking area for well 11 on the site. A conditional use was approved in February of 2011 to allow the proposed use. At that time, the proposed storage facility was not included in the original proposal. The proposed 1,040 square foot storage garage would be used to house vehicles, equipment, and parts. The property is zoned conservancy and requires a conditional use permit for this use. In addition, like the well pumping station and treatment plant, the proposed garage will be located within the Wellhead Protection Overlay District. Staff would recommend approval with the condition that any hazardous type of materials stored within the structure be properly contained.

Commissioner Haines asked if there would be any hazardous materials stored in the garage. Director Ostrowski indicated that not at this time.

Commissioner Laskowski asked why this garage was not in the original plans when well 11 was proposed. Director Ostrowski said that it was overlooked.

Alderman Moore asked what would be the purpose of the garage. Mayor Halverson stated it will house a dedicated plow truck and lawn maintenance machinery for the site.

Motion by Commissioner Patton to approve the request from the Stevens Point Water Department with the following conditions:

- **Any hazardous type of materials stored within the structure shall be properly contained.**

seconded by Commissioner Cooper. Motion carried 6-0.

5. Amending Chapter 23 (Zoning Code) of the Revised Municipal Code to create a wellhead protection zone for Well 11, and amending the uses within the Wellhead Protection Overlay District (Section 23.02(4)(e)).

Director Ostrowski explained that this is a two part request, with the first part to establish a wellhead protection overlay district for well 11. This well is a little different than the other wells in that the wellhead protection overlay will be based on a two year time of travel instead of the cone of depression which is 1,500 feet around the well. This means of protection is more specific, indicating where the time of travel would be for the water flow. The second part of the request is amending the ordinance to allow the Director of Water and Wastewater and the Director of Community Development to review and approve any uses going within that district. Currently, we have a list of permitted, conditional, and prohibited uses within both the A zone and the B zone. He indicated that it would be easier to administer with just having the directors of both departments approve and attach any appropriate conditions to each project.

Commissioner Laskowski asked if the two year time of travel is bigger or smaller than the cone of depression. Director Ostrowski stated that for this well it is bigger, due to the capacity of the well. He indicated that later we will have the current wells analyzed using this same method.

Commissioner Laskowski asked if the other wells would be the two year time of travel or a five year time of travel. Director Ostrowski said that the A Zone is the two year time of travel and the B Zone is the five year time of travel.

Commissioner Haines clarified that it only applies to this well at this time. Director Ostrowski indicated that this was correct. Director Ostrowski indicated that in the future the City will have an analysis done, with findings brought back to the commission outlining the two year time of travel of all the wells so they are constant.

Commissioner Haines expressed that getting rid of the permitted, conditional, and prohibited uses would make her uncomfortable. She believes this needs to be laid out, so land owners understand what is permitted and what is conditional. She doesn't mind if the Director of Water and Wastewater and the Director of Community Development give or recommend conditions for

whatever use is suggested, but she does not think that we should get rid of the current process. Commissioner Haines said she is ok with the elimination of the list of prohibited uses, because the ordinance states that if uses are not listed, they are prohibited.

Director Ostrowski responded that the uses within that district are still regulated by the underlying zoning district.

Mayor Halverson stated that overlay districts should be created that specifically run with the flow pattern of the groundwater, allowing for much more specific and detailed districts in terms of exactly where the restrictions would need to be. In terms of the generalized protections that we have, they are just that, generalized and they don't exactly flow with the groundwater flow patterns that are within this area. We need to either give the two directors the flexibility to work with the overall areas to determine what is or isn't appropriate based on the exposure to the wells, or we need to completely redo exactly what we are doing that protects only where the groundwater flows. The wellhead protection area would be only a fraction of this size if we did it that way, which would probably be more appropriate. Right now we would still have much more protection than we would have otherwise. There simply are areas right now that are in wellhead protection that have no business being in it, and that is the key. So the way this is actually set up, is to still protect the wells more than we would if we simply ran with the groundwater flow patterns. This is more protective oriented than if we actually amended it to just simply flow with the groundwater flow areas and where they actually flow to and from.

Commissioner Haines asked if the map (referring to the map included in the packet) could be redone. Mayor Halverson stated that is correct.

Scott Beduhn from SEH stated that he assisted in preparing the map referred to by Commissioner Haines. Currently, the two year time of travel is using what the DNR lays out as the uniform flow. The DNR equation states that the water travels uniformly through the aquifer and then skirts that area which is a circle, concluding that water could come from any possible direction, which isn't exactly true in that case. This will also need to go through Portage County and the DNR for review and approval.

Commissioner Haines stated that she likes the idea of having a more technically based map, but there is only one well that is under the time of travel method. Mr. Beduhn stated that the plan is to go back and look at the other wells, getting the calculations from each and look at the modeling of how those wells are utilized. How the wells are used and how often they are pumping impacts the draw of water. The other wells can be put into a model, but it will take time and effort to get the calculations and develop a more detailed map. The most comprehensive model that did exist was held by UWSP and that software is no longer supported. The data still exists but it would be a matter of putting it in supportive software. Groundwater protection has come a long way since it first started. When the DNR first required protection, there wasn't a lot of information once you get into the ground about what was going on. The protection zones were originally laid out to be very generic because the general process was to be very protective with the resources and then to worry about it later. Today, there is a process with modeling and more understanding, along with more data. This allows one to become more finite with the information. As it exists, the current wellhead protection is very generically based, encompassing as much land mass as possible to create this protection zone. The zone is probably over kill, especially depending on the potential use of that land.

Director Ostrowski suggested that the commission could leave the A uses but change the B uses to allow the directors to go through the process.

Mayor Halverson stated that the A zones need to be restricted and need to be iron clad prohibited, but the B zones are tremendously different. The A zones are the ones that are simply prohibited to anything under any circumstances, but the B zones are the ones that naturally would be more discretionary based on the decision of the two directors.

Alderman Moore pointed out that the B zone is huge, and it may be encompassing some properties that may not need to be included in this area. He also suggested that maybe this could be presented next month with a different structure on the B zones. Director Ostrowski stated that there would not be enough time to complete the necessary modeling for bringing it back before the commission next month. They would need more time.

Mayor Halverson stated that he truly feels that the ease in doing it this way is still taking into account the large area that requires a very distinct review by the two directors. He feels this is adequate since the last thing the Director of Water and Wastewater or the Community Development Director will do is allow a project to move forward that would have serious ramifications without multiple conditions and layers of containment.

Commissioner Haines stated she is ok with that, but still would like the Plan Commission to review the requests.

Commissioner Laskowski asked Mayor Halverson about mentioning the A Zones being locked up and not open for discussion, meaning that nothing is allowed. Mayor Halverson stated that was correct.

Director Ostrowski stated that we would keep what is currently in the code for the A zones, but change the B zones to allow the directors to review and/or attach the appropriate conditions. This came about due to the number of containment measures that can now be used and the advancements in testing and technology. Director Ostrowski stated that this is how the City of Madison's code is written.

Mayor Halverson stated that this is a very appropriate method for us to do administratively. We really need to simply carve out massive areas to get more in line with exactly what existing flow data is out there.

Commissioner Laskowski asked if well 11 on the map is the two year time of travel. Director Ostrowski stated that is correct.

Commissioner Laskowski asked if the other wells were still the cone of depression. Director Ostrowski stated that is correct.

Mr. Beduhn stated that the two year time of travel for well 11 calculates to just over 2,000 feet, which would be slightly larger than the other ones at 1,500 feet.

Mayor Halverson stated that this takes the broader brush where there is more review by the two directors to ensure that anything that is proposed is reviewed and we take proper measures to

protect whatever that might be; it actually gives us more protection than if we were to simply carve it out.

Mr. Beduhn stated that the previous model exists in very narrow strips coming from the east and the northwest for each of the wells. Furthermore, it is a narrow band that stretches up far in both directions, but not very wide as far as how the water would enter into each well, so that would be essentially your B zone, which is considerably smaller.

Mayor Halverson feels that this is an appropriate step that takes a broader brush, but allows for the practical review of the two directors to determine what exposure, if any, exists for a proposed project within the zoning.

Motion by Mayor Halverson to approve amending Chapter 23 to create the wellhead protection plan for well 11 and amending Chapter 23, the uses within the wellhead protection overlay district Section 23.02 (4)(e) to allow and maintain the prohibition under the same exact model for the A zones and allow for the co-director review of the B zones. Motion failed due to no second.

Commissioner Laskowski asked what would be the benefit for having just the two directors to review, and not to have it come before the Plan Commission. Mayor Halverson answered that it would expedite the process for areas that should not be protected, but are listed as protected.

Alderman Moore stated he would still like to see proposals come before Plan Commission. Bringing the development in front of the commission makes it easier for everyone and now no one is put on the line. If it is a useful project or something that they want done, he does not see why it wouldn't pass at Plan Commission.

Mayor Halverson asked if there would be any time constraints on this project. Director Ostrowski stated that the commission needs to adopt a wellhead protection plan for well 11 because it will come online this spring. Furthermore, it needs to be reviewed and approved by Portage County and the DNR. With regards to the other parts of the amendment, we still have time to discuss.

Mr. Beduhn wanted to make everyone aware that the well is planning to go online quite soon.

Commissioner Laskowski asked if they could do two separate motions. Mayor Halverson stated that it could be all contained in one motion if someone would move to accept the wellhead protection plan allowance for well 11 and then instruct staff to bring back any remaining changes next month to the wellhead protection zones.

Director Ostrowski suggested that the commission recommend the approval of the wellhead protection plan for well 11 and then modify the ordinance to allow all other uses allowed within the underlying zoning district as conditional uses in the B zones, if they are not permitted uses.

Mayor Halverson stated that when this is brought back, there should be a review of all available models and the drawing of appropriate wellhead protection zones. The two most accurate models that we have, the Kraft model and the other most recent one, should be followed.

Mr. Beduhn said he was not sure if a month would be enough time to extract the data from the current model. It would likely take longer than a month because the software is not available to extract the data from the Kraft model.

Mayor Halverson asked how much time it would take. Mr. Beduhn stated it would be unknown, until they determined how difficult it would be to extract the data.

Mayor Halverson stated we know we have to put the protections in place for well 11, however, he is uncomfortable with the fact that we take out development opportunities for half of the town. A balance needs to be found. Instead of debating the pros and cons of whether it should or shouldn't be staff, we should simply take out the areas that don't need to be protected whatsoever, and let the zoning speak for itself.

Commissioner Haines stated then that means we should review what is in the area in particular. Mayor Halverson stated that it is irrelevant if we are going to use some level of a model to determine true groundwater flow. We need to determine the flow and exactly where it starts and stops and then look at whatever falls within that general geographic area, in terms of uses and zoning.

Commissioner Haines pointed out that most of the area is Town of Hull. Mayor Halverson stated that is why we need to have Portage County review and approve the protection zone for well 11.

Motion by Commissioner Haines to approve the wellhead protection plan for well 11; seconded by Commissioner Laskowski.

Alderman Moore asked what about the uses. Director Ostrowski stated that we can do the analysis to determine what the flow models should show for future uses, but at this time, at least modify the ordinance to allow all other uses allowed within the underlying zoning district as conditional uses in the B zones, if they are not permitted uses. This would still require Plan Commission and Common Council approval.

Motion amended by Commissioner Haines to approve the wellhead protection plan for well 11, and to modify the ordinance to allow all other uses allowed within the underlying zoning district as conditional uses in the B zones, if they are not permitted uses; seconded by Commissioner Laskowski. Motion carried 6-0.

6. Amending the City of Stevens Point Zoning Ordinance to change the conditional use requirement for co-location of antennas to a permitted use (Section 23.02(4)(d)).

Director Ostrowski explained that currently, antennas proposed on existing telecommunications towers, buildings, or other structures require a conditional use permit. Approval is still needed if the existing tower, building, or structure complies with all zoning ordinance requirements. Given that the goal of antenna construction is geared towards co-location, he feels that requiring companies to receive a conditional use permit for co-locating antennas is unnecessary. Therefore, staff would recommend that co-location of antennas be a permitted use, as opposed to a conditional use. New towers will still require a conditional use.

Motion to approve by Commissioner Patton; seconded by Alderman Moore. Motion carried 6-0.

7. Adjourn.

Meeting adjourned at 6:35PM.