PLANNING & ZONING COMMITTEE MINUTES
MARCH 6, 2012

PRESENT: Doug Richmond, Harlan Baumgartner, Mike Weyh, Fred Teitgen, Debra L. Healy Wopat

STAFF: John Bluemke - Director, Susan Runnion - Office Administrator, Randy Thompson – Zoning Administrator

ALSO PRESENT: Robert R. Westby – Chair – Columbia County Board of Supervisors, Andy Ross – Vice Chair – Columbia County Board of Supervisors, Jim Grothman – Grothman & Associates SC, Lyn Jerde – Portage Daily Register

BUSINESS MEETING
1:00 PM

1. Chair Doug Richmond called the meeting to order at 1:00 PM

2. Certification of Open Meeting Law

3. Roll Call was taken and a quorum declared present.

4. Approval of Agenda

   Motion by Vice Chair Baumgartner to approve Agenda of March 6, 2012 for Planning & Zoning Committee Regular Meeting & Public Hearing.
   Seconded by Mr. Teitgen
   Motion carried unanimously.

5. Approval of Minutes

   Motion by Mr. Teitgen to approve Minutes of February 7, 2012 Planning & Zoning Committee Regular Meeting & Public Hearing.
   Seconded by Mr. Weyh.
   Motion carried unanimously.


   Mr. Teitgen asks if there is a restriction on the land.

   Mr. Bluemke explains that the only structure allowed is the existing house.

   Motion by Mr. Teitgen to recommend approval of Waiver of Access (Tax Parcel 611) for Lot 1 having 61.79 feet of frontage on a public road with the limitation
that the easement can only be used as a driveway for one house and must be recorded by separate document subject to the following conditions:

1. A note being placed on the CSM that “The Planning and Zoning Committee approved a variance on 3/6/2012 for Lot 1 to have 61.79 feet of frontage on a public road with the limitation that the easement can only be used as a driveway for one house and must be recorded by separate document.”

The variance will become effective when the applicant provides evidence of an easement document approved by the Town of Lewiston and the CSM being recorded.

Seconded by Vice Chair Baumgartner
Motion carried unanimously.

7. Department Report

a. Planning Update –
   - Farmland Preservation Ordinance -Mr. Bluemke reviews list of potential farm operators/citizens for Steering Committee.

b. Enforcement – Mr. Bluemke distributes Enforcement Report.

c. Financial
   - Out of County travel – Mr. Bluemke states there is no out of county travel anticipated for the department

   - Expenditure Report

Motion by Ms. Healy Wopat to approve Expenditure Report.
Seconded by Mr. Teitgen.
Motion carried unanimously.

d. Annual Report

Motion by Mr. Teitgen to approve Annual Report.
Seconded by Mr. Weyh.
Motion carried unanimously.

e. Department Transportation

Mr. Bluemke explains that “Access Control” has been a topic of discussion between the Highway Department and County Surveyor for last 2 1/2 years.

Vice Chair Baumgartner inquires about requirements of current ordinance.
Mr. Bluemke explains that it doesn’t provide jurisdiction over parcels that are land locked.

Mr. Thompson states that some townships have their own Access Ordinances and we notify them we have permitted access. The Subdivision Ordinance should address this issue.

Vice Chair Baumgartner comments that he would like the ability for the Town of Otsego to sign on.

Mr. Bluemke explains that the Subdivision Ordinance is county wide and requirement commitments from each town.

Mr. Teitgen suggests making it broader.

Mr. Thompson feels that this is already covered in the Subdivision Ordinance and it should be used as policy/procedure.

Chair Richmond shares recent experience of USPS referring to State Highway as a State Road and that “highways” are reserved for federal roads.

Department Vehicles – Mr. Bluemke supplies summary of mileage for County owned vehicles and explains the need for transmission repair on the Ford Ranger. He suggests trading in the Ranger and the Escort, keeping the Taurus and purchasing a new SUV type vehicle. The Planning & Zoning Committee could use this vehicle for site inspections. The price for a Jeep Liberty Sport is approximately $17,400 not including trade in. The price for a Ford Escape is approximately $19,000-$20,000, but didn’t have state bid numbers. New Escape could be purchased with 4 cylinders providing 27 mpg versus 21 mpg.

Columbia County Board of Supervisors, Chair Westby suggests the purchase be made within Columbia County.

Mr. Bluemke will proceed to Finance Committee with State bid and used car numbers.

8. Evaluation of Director (Closed Session)

Motion by Vice Chair Baumgartner, to go into closed session for Evaluation of Director.
Seconded by Mr. Teitgen
Motion carried unanimously.

The Committee went into closed session at 1:50 PM for Evaluation of Director.
Motion by Mr. Teitgen, to come out of closed session.
Seconded by Vice Chair Baumgartner
Motion carried unanimously.
The Committee returned to open session at 2:00 PM.

4:00 PM
9. Public Hearing

Item 1- Conditional Use Permit – 1 acre Mineral Extraction, Patrick Brackman – Petitioner and Owner – Town of Newport

Chair Doug Richmond opens Public Hearing.

Mr. Bluemke presents the staff report.

The Petitioner was present and states they have no additional comments.

Chair Doug Richmond asks if anyone has any questions.

Chair Doug Richmond asks if anyone is in favor of petition. (no comments)

Chair Doug Richmond asks if anyone is against the petition.

Terry Stokes
N9815 New Haven Road
Wisconsin Dells, WI

Has several questions; Does Agricultural Zoning allow dumping? What is the reclamation process? Can you dump and sell stuff? What if he goes beyond specified area?

Mr. Bluemke explains the Conditional Use Permit is for a one acre site with sequential reclamation. If he goes beyond the one acre he would have to come back to the Planning & Zoning Committee for consideration.

Jill Capelle
N9879 Stomner Road
Wisconsin Dells, WI 53965

I object to one of the recommendations that the Town Board has in place. I live west of the proposed pit. My objection is the weekend hours of Saturday 8:00 am – 5:00 pm. I am asking that it be changed from 8:00 am – Noon. Four or five driveways share Gulch Road. Kids are going to work in the Dells and there is a lot of truck traffic. Speed limit is an issue.

Linda Catherman
N9922 New Haven Road
Wisconsin Dells, WI
I am against the trucks and noise. This has been going on for a while. There are people walking and the trucks are going fast. This is zoned Agricultural and its depreciating our property value.

Arlene Kanno
N9947 Thompson Drive
Wisconsin Dells, WI

I live approximately . 9 miles away and drive on Gulch Road all the time. Trucks started a couple years ago and created extra pot holes on Gulch Road. I object to paying for pot holes that weren’t there before. Some of the shared figures have been wishy and the Town did not follow proper procedure.

I was on Advisory Committee for land planning and questionnaire resulted in desire for open land preference. It’s what the people wanted.

If the pit is already 25 feet deep how can it “go” to 25 feet? First acre has to be reclaimed first?

Mr. Bluemke explains that the depth can’t exceed 25 feet.

Ms. Kanno asks if new owner would require a new Conditional Use Permit.

Mr. Bluemke explains that a new owner would require a new permit.

Ms. Kanno asks if this is a pit or mine.

Mr. Bluemke explains this is referred to as non-metallic mine.

Chair Doug Richmond asks if anyone is against the petition. (no comments)

Town Board – Cecil Pittack – Clerk was present and states that the Town jumped the gun. After two hour Town Meeting they determined it’s a “go”.

Mr. Teitgen suggests amending the Saturday hours to 8:00 am until 3:00 pm.

Vice Chair Baumgartner suggests 8:00 am until Noon or 1:00 pm.

Chair Doug Richmond closes Public Hearing.

Motion by Mr. Teitgen to approve Conditional Use Permit exclusively for Royal Excavating for one acre mineral extraction – sand per the stated findings, conclusions and conditions with Condition #8 revision of Saturday hours of operation – 8:00 am until 1:00 pm.
Seconded by Ms. Healy Wopat  
Motion carried unanimously.

Findings:
1. Patrick and Lori Brackman are the owners of the subject property.
2. The existing driveway located at N9921 New Haven Road will be used as the entrance for the nonmetallic mining site.
3. Nonmetallic mining sites are permitted in the Agricultural District upon approval of a Conditional Use Permit.
4. The nonmetallic mining site is consistent with purposes of the agricultural zoning and Comprehensive Plan.
5. The site is a reasonable location for the mine as it has been determined that the resources are available on this site.
6. No land is being converted from agriculture use and the mine will not impair or limit the agriculture use of surrounding properties.
7. A reclamation plan will return the site to an agriculture use or open space use.
8. Materials extracted from the nonmetallic mine can be used to support agriculture.

Conclusions:
1. The proposed use is consistent with the purpose and intent of the Ordinance and applicable provisions of Chapter 91, Wisconsin Statutes.
2. The proposed use complies with all applicable standards and criteria, including the provisions of the Columbia County Nonmetallic Mining Ordinance.
3. The proposed sand pit is compatible with the agricultural character of the general vicinity and will not change the character of the area as to substantially impact current or future permitted uses in the vicinity.
4. The application qualifies for a Conditional Use Permit.

Conditions:
1. This Conditional Use Permit shall not be effective until the owner submits a copy of a plat of survey which illustrates the site and the site must be staked per the survey.
2. The Conditional Use Permit shall be used exclusively by Royal Excavating and expires on March 6, 2017 unless it is extended through the Conditional Use Permit process.
3. The Planning and Zoning Department shall have the right of inspection, upon reasonable notice to the owner/operator, for the purpose of determining compliance with this permit and the approved Reclamation Plan.
4. The pit area shall not be used for the parking, refueling, servicing or repair of vehicles and equipment other than equipment required for excavation and
loading in the pit area. No fuel shall be stored in the mine site area as
delineated in the submittals.
5. The owner and operator shall require all trucks, excavation and processing
equipment to have exhaust systems that meet or exceed current industry
standards to ensure that noise levels are kept at or below allowable limits.
The level of noise or sound generated by the facility or equipment shall not
exceed 65 decibels at the property line.
6. The owner and operator shall minimize the generation of airborne dust
resulting from excavating, screening, processing and hauling operations
within the mine site and on the driveway as needed or upon request of the
County.
7. The County shall have the right to order the installation of erosion control
barriers on the site where, due to unforeseen circumstances, such barriers
are deemed necessary to prevent unacceptable off-site erosion and
sedimentation that might impact surface waters.
8. Hours of operation, including, but not limited to, excavating, stockpiling,
loading and hauling are limited to the hours between 7:00 AM to 5:00PM
Monday through Friday and 8:00 AM to 1:00PM on Saturdays. Necessary
maintenance such as welding, tire repair, or changing of engine fluids may be
conducted at other times provided such activities do not constitute a
nuisance.
9. The designated truck route will be New Haven Road to Gulch Road to STH
23.
10. There shall be no blasting within the identified mine site.
11. The depth of the mine shall not exceed 25 feet with the bench mark from
which the depth is measured being approved by the County.
12. Fill to be used will be clean, non-toxic fill such as: concrete, tree stumps, mix
gravel/dirt (no asphalt).
13. A locked gate will be maintained across the entrance to the pit. The gate will
be locked outside of normal operating hours as indicated.
14. A tree buffer shall be maintained in accordance with Brackman’s 1/05/12
application attachment.
15. There shall be no changes to the proposed mine operation as described in the
Brackman’s 1/05/12 application attachment regarding the depth, extent,
proposed final grades or phasing sequence without the prior written
approval of the Planning and Zoning Department, which shall have the right
to determine whether such changes require further review by the Planning
and Zoning Committee or revisions to the Reclamation Plan.
16. No ground signs shall be allowed unless they are reviewed by the Town and
approved by the Planning and Zoning Department.
17. The applicant and owner shall comply with and obtain all necessary permits
required by applicable federal, state, and local regulations.
18. If the Planning and Zoning Committee finds that the review criteria of
Section 16-1-18(e) of the Columbia County Zoning Ordinance or the
conditions stipulated in the Committee Decision are not being complied with,
the Planning and Zoning Committee, after a public hearing, may revoke the
conditional use permit.
Item II- Conditional Use Permit – Restaurant and Site upgrades – Dale Shimer, Petitioner & Missoula Mac Inc., Owner – Town of Dekorra

Chair Doug Richmond opens Public Hearing.

Mr. Bluemke presents the staff report.

The Petitioner was present and states they have no additional comments.

Chair Doug Richmond asks if anyone has any questions.

Mr. Teitgen inquires about double ordering lane. Architectural Review Committee at Town was to be notified if double ordering lane would be necessary.

Town Chair Rick Schmidt attempts to phone, but contact not available.

Chair Doug Richmond asks if anyone is in favor of petition. (no comments)

Chair Doug Richmond asks if anyone is against the petition. (no comments)

Town Board not present, but Minutes on file.

Chair Doug Richmond closes Public Hearing.

Motion by Mr. Teitgen to approve Conditional Use Permit for restaurant and site upgrades per the stated findings, conclusions and conditions.

Seconded by Mr. Weyh.

Motion carried unanimously.

Findings:

1. McDonalds Corporation Missoula Mac Inc. is the owner of the subject property described in the application.
2. McDonalds Corporation Missoula Mac Inc. is proposing to renovate an existing restaurant to meet current corporate design standards.
3. The application complies with the general review criteria of Sec. 16-1-18 (e) of the Ordinance.
4. The Town of Dekorra has approved the design of the building and the site and has recommended approval of the restaurant renovation.
Conclusions:

1. The application qualifies for a Conditional Use Permit under the general review criteria of Sec. 16-1-18 (e) and the criteria for Conditional uses under Sec. 16-1-10 (a) (2)(f).

2. This proposed use is consistent with the purpose and intent of the Highway Interchange District because it is commercial use and serves the travelers on Interstate 90-94.

3. The existing and proposed use do not conflict with current use of any adjacent property over the long term as they fit the essential character of the area, nor do they limit the usefulness of adjacent properties for uses permitted under their current zoning classifications.

4. The property is physically well suited for the proposed use due to the location of transportation and utility infrastructure.

5. The proposal does not present a likelihood of any unacceptable impacts when considering the general criteria of Sec. 16-1-18 (e).

6. The development is compatible with the character of the general vicinity and will not change the character of the area as to substantially impact current or future permitted uses in the vicinity.

Conditions:

1. McDonalds Corporation – Missoula Mac Inc. agrees the renovation will be conducted professionally and in accordance with the drawing A-2.1 and C-1.1 as submitted to the Town of Dekorra and Columbia County.

2. All new signage shall be in compliance with the Town of Dekorra or Columbia County regulations which ever is more restrictive.

3. A landscaping plan approved by the Town of Dekorra shall be submitted to the County for review and approval.

4. New exterior lighting for the facility shall be oriented so that the lighting element (or transparent shield is not visible from adjacent properties. The use of shielded luminaries and careful placement of fixtures is encouraged to facilitate compliance with this requirement.

5. The Owner shall comply with and obtain all necessary permits required by applicable federal, state, and local regulations.

Item III- Zoning Change – Agricultural to Rural Residential and Agricultural to Agricultural with Agricultural Overlay —John Link, Petitioner & Owner — Town of Springvale

Chair Doug Richmond opens Public Hearing.

Mr. Bluemke presents the staff report.

Mr. Teitgen inquires about Certified Survey Map indicating two lots and relationship to woods.
Mr. Bluemke answers that one lot being sold separately for the sole purpose of hunting.

The Petitioner was present and states they that he plans to use the existing foundation.

Chair Doug Richmond asks if anyone has any questions.

Chair Doug Richmond asks if anyone is in favor of petition. (no comments)

Chair Doug Richmond asks if anyone is against the petition. (no comments)

Town Board not present, but Minutes on file.

Chair Doug Richmond closes Public Hearing.

**Motion by Vice Chair Baumgartner to approve rezoning from Agricultural to Rural Residential and Agricultural to Agricultural with Agricultural Overlay effective upon recording of the Certified Survey Map.**

Seconded by Mr. Teitgen.

Motion carried unanimously.

**Item IV - Conditional Use Permit – Farm Family Business – Agritainment Facility, Gary & Renee Whirry – Petitioners and Owners – Town of Lowville**

Chair Doug Richmond opens Public Hearing.

Mr. Bluemke presents the staff report.

The Petitioner was present and states this business provides opportunities for other individuals such as catering, transportation, disc jockey, etc.

Chair Doug Richmond asks if anyone has any questions.

Mr. Teitgen inquires about condition to prohibit overnight parking and/or camping.

Mr. Bluemke explains this is an operating farm and overnight parking should be prohibited. Suggests adding “in the designated parking lot” to condition #8.

Chair Doug Richmond asks if anyone is in favor of petition.

Chair Doug Richmond asks if anyone is in favor of petition. (no comments)

Chair Doug Richmond asks if anyone is against the petition. (no comments)
Town Board Chair – Curt Walters was present and was in favor of County issuing Conditional Use Permit.

Chair Doug Richmond closes Public Hearing.

Motion by Mr. Teitgen to approve Conditional Use Permit for Farm Family Business – Agritainment Facility per the stated findings, conclusions and conditions with Condition #8 revision to add “designated parking lot”.
Seconded by Vice Chair Baumgartner
Motion carried unanimously.

Findings:
1. Gary and Renee Whirry are the owners of the subject property described in the application.
2. The Whirry’s and Darrel Porter operate a farm on the land subject to this application which is currently identified as Town of Lowville as tax parcels 371.01 and 371.02.
3. The application complies with the standards of Sec. 16-1-5(b)(2)(j) and the general review criteria of Sec. 16-1-18 (e) of the Ordinance.

Conclusions:
1. The application qualifies for a Conditional Use Permit.
2. This proposed use is consistent with the purpose and intent of the Agriculture District.
3. The proposed use does not conflict with current use of any adjacent property over the long term nor does it limit the usefulness of adjacent properties for uses permitted under their current zoning classifications.
4. The proposal does not present a likelihood of any unacceptable impacts when considered in light of the general criteria of Sec. 16-1-18 (e).
5. The development is compatible with the character of the general vicinity and will not change the character of the area as to substantially impact current or future permitted uses in the vicinity.

Conditions:
1. Any agreement between the Town of Lowville and Gary and Renee Whirry is hereby incorporated by reference as part of this Conditional Use Permit; however, the County is not responsible for enforcing said agreement, unless an individual point of agreement is specifically included below as a condition of approval. In the event that the Town submits a finding of noncompliance with any item of the above referenced agreement for which the County has not assumed direct enforcement authority, upon written request by the Town the County reserves the right to the review the Conditional Use Permit.
2. This Conditional Use Permit shall not become effective until the Town approves a driveway permit to allow access to the parcel from Allen Road.
3. This Conditional Use Permit shall remain in effect only as long as the operating farm described in condition 4 produces a farm income, which income must be verified by the owners at the request of the County.

4. This Conditional Use Permit is associated with an operating farm that consists of Lots 1 and 2 of CSM 5220 and any transfer of land from either Lot 1 or Lot 2 without the approval of the County Planning and Zoning Committee will void this Conditional Use Permit.

5. The driveway on STH 22 must be signed for farm use only unless a permit is obtained from the State to allow the driveway to be used by the Agritainment facility.

6. The barn can only be used for contracted events and is not open to the public.

7. The sale of alcohol is not allowed and all food for events must be catered or potluck.

8. No overnight lodging, camping or parking in the designated parking associated with contracted events is permitted.

9. The owner shall comply with and obtain all necessary permits required by applicable federal, state, and local regulations.

10. If the Planning and Zoning Committee finds that the review criteria of Section 16-1-18(e) of the Columbia County Zoning Ordinance or the conditions stipulated in the Committee Decision are not being complied with, the Planning and Zoning Committee, after a public hearing, may revoke the conditional use permit.

Item V- Zoning Change – Agricultural to Rural Residential and Agricultural to Agricultural with Agricultural Overlay — Scott & Amy Eilot, Petitioners & Owners – Town of Arlington

Chair Doug Richmond opens Public Hearing.

Mr. Bluemke presents the staff report.

Jim Grothman – Grothman & Associates was present and states they have no additional comments.

Chair Doug Richmond asks if anyone has any questions.

Chair Doug Richmond asks if anyone is in favor of petition. (no comments)

Chair Doug Richmond asks if anyone is against the petition. (no comments)

Town Board not present, but Minutes on file.

Chair Doug Richmond closes Public Hearing.
Motion by Vice Chair Baumgartner to approve rezoning from Agricultural to Rural Residential and Agricultural to Agricultural with Agricultural Overlay effective upon recording of the Certified Survey Map.
Seconded by Mr. Tietgen.
Motion carried unanimously.

Item VI-  Zoning Change – Agricultural to Rural Residential and Agricultural to Agricultural with Agricultural Overlay — Conrado Richer, Petitioner & Owner — Town of Caledonia

Chair Doug Richmond opens Public Hearing.

Mr. Blumke presents the staff report.

The Petitioner was present and states they have no additional comments.

Chair Doug Richmond asks if anyone has any questions.

Chair Doug Richmond asks if anyone is in favor of petition. (no comments)

Chair Doug Richmond asks if anyone is against the petition. (no comments)

Town Board not present, but Minutes on file.

Chair Doug Richmond closes Public Hearing.

Motion by Mr. Weyh to approve rezoning from Agricultural to Rural Residential and Agricultural to Agricultural with Agricultural Overlay effective upon recording of the Certified Survey Map.
Seconded by Ms. Healy Wopat.
Motion carried unanimously.

Item VII-  Repeal Title 16 Chapter 4 — Floodplain Zoning and Recreate Title 16 Chapter 400 — Floodplain Zoning

Chair Doug Richmond opens Public Hearing.

Mr. Blumke explains the proposed ordinance will eliminate Floodplain No. 2 District. The ordinance is county wide and includes Scott & Randolph. It will allow Columbia County residents to be eligible for Floodplain Insurance. He suggests a few revisions which include panel numbers, county name and revision to holding tanks with flood proofing standards. Also revised verbiage regarding roofs over decks.

Chair Doug Richmond asks if anyone has any questions.

Chair Doug Richmond asks if anyone is in favor of petition. (no comments)
Chair Doug Richmond asks if anyone is against the petition. (no comments)

Town Board not present, but Minutes on file.

Chair Doug Richmond closes Public Hearing.

Motion by Mr. Teitgen to adopt Floodplain Ordinance Title 16 Chapter 400 Public Hearing Draft with revisions.
Seconded by Vice Chair Baumgartner.
Motion carried unanimously.

10. Adjourn

Motion by Mr. Teitgen to adjourn meeting.
Seconded by Vice Chair Baumgartner.
Motion carried unanimously.

Meeting adjourned at 5:17 PM.

Respectfully submitted,

[Signature]

Mike Weyh, Secretary
Planning and Zoning Committee

[Signature]

Recording Secretary
Susan Runnion, Office Administrator

cc: Committee Members
Robert R. Westby, County Board Chair
Andy Ross, County Board Vice Chair