PLANNING & ZONING COMMITTEE MINUTES
MARCH 6, 2007

PRESENT: Phil Baebler, Fred Teitgen, Douglas Richmond, John Healy, Timothy O’Neil

STAFF: John Bluemke, Director, Michael Stapleton, Zoning Administrator, Randy Thompson, Planning Administrator, Susan Runnion, Office Administrator

ALSO PRESENT: Harlan Baumgartner, James Grothman, Patrick O’Connor, Richard Cross, Jon Steinhaus

BUSINESS MEETING

12:00 Noon

1. Chair Doug Richmond called the meeting to order at 12:00 Noon.

2. Certification of Open Meeting Law

3. Roll Call (All present)

4. Approval of Agenda

   Motion by Mr. Teitgen to approve Agenda of March 6, 2007 Planning & Zoning Committee Regular Meeting & Public Hearing, Seconded by Mr. Healy.
   Motion carried unanimously.

5. Approval of Minutes

   Motion by Mr. Teitgen to approve Minutes of January 2, 2007 Planning & Zoning Committee Regular Meeting & Public Hearing, Seconded by Mr. Healy.
   Motion carried unanimously.

   Motion by Mr. O’Neal to approve Minutes of February 6, 2007 Planning & Zoning Committee Regular Meeting & Public Hearing, Seconded by Mr. Teitgen to approve.
   Motion carried unanimously.

6. Final Plat – Grand Legacy (Legacy Oaks) - Town of Dekorra

   Mr. Teitgen points out missing word in Staff Report in the Analysis section, last sentence should read “Conditions 1, 2 and 4 have been met and the Town is considering the speed limit on Smith Road.”
Mr. O'Neil asks if the single story and color restrictions for specific lots be included as a condition?

Jim Grothman explains that protective covenants are in place to cover those issues.

Mr. O'Neil inquires about legal implications of name change.

Mr. Bluemke explains that the rezoning of the described lands is what was approved by County Board, not the name of the plat.

**Motion by Mr. O'Neil to approve Final Plat. Seconded by Mr. Teitgen. Motion carried unanimously.**

7. Preliminary Plat – Holzem Plat – Town of Newport

Attorney Richard Cross inquires whether the existing buildings could stay if circumstances change, such as combining Lots 1, 2, 3 & 4 into one. Why destroy buildings prior to interest in the property?

Mr. Bluemke suggests that Corporate Counsel should be consulted. The Planning & Zoning Committee couldn’t grant the use, it would be the Board of Adjustment.

Mr. Teitgen asks if a timeframe could be placed on the removal of the building.

Mr. Bluemke responds that once the rezoning is approved the parcel becomes Single Family Zoning, and if the buildings are there the Committee has created an illegal use.

**Motion by Mr. Teitgen to delay any action until meeting takes place between Mr. Cross and Mr. Ruff. Seconded by Mr. Baebler. Motion carried unanimously.**

8. Department Report

   a. Financial

   • Out of County travel –
     Mr. Bluemke, Mr. Stapleton, and Mr. Thompson to attend WLIA in Dodgeville and Rezoning Seminar at the end of the month.
     Mr. Bluemke, and Mr. Thompson to Madison to meet with Mr. Teitgen.

     **Motion by Mr. Teitgen to approve Out of County Travel. Seconded by Mr. O’Neil. Motion carried unanimously.**

   • Vouchers to be paid
     Vehicle repairs, seminars and memberships.

     **Motion by Mr. Healy to approve vouchers. Seconded by Mr. Teitgen. Motion carried unanimously.**
b. Comprehensive Planning – Randy Thompson and Jon Steinhaus conveyed the fact the Comprehensive Planning Advisory Committee has a concept ready for Planning & Zoning Committee approval.

Jon Steinhaus explains the concept as follows:

A landowner is allowed one development right per 35 acres of contiguous ownership. The residential parcel is a minimum of 1 acre and maximum of 5 acres in size, must be created by a certified survey from the “contiguous ownership” for each home built. The newly created residential parcel must be rezoned out of the Agricultural zoning district to a zoning district that allows residential use and must abut a public road. The remainder of acreage must be restricted to Agriculture and open space use.

Jon Steinhaus feels that this concept addresses many different concerns and is easy to enforce and implement. Less than 35 acres would follow the normal zoning process.

Mr. Thompson states that Bob Benson, Town of Lodi feels the requirement to abut a public road is too restrictive.

Mr. Teitgen expresses concern that incentives are not sufficient to induce landowners to utilize clustering.

Columbia County Chair Harlan Baumgartner states that an incentive should be tied to the concept. Perhaps this should be determined by the Town.

Mr. Bluemke points out that consultation with the State Department of Agriculture regarding agricultural ordinance will occur.

Motion by Mr. O’Neil to approve Concept for Residential Development in Agricultural Designated Areas. Seconded by Mr. Baebler. Motion carried unanimously.

c. Enforcement – Mr. Stapleton states we should terminate business use for Vernon Hohl. General update on numerous other violation problems and impending actions.

d. Ordinance updates-

Mr. Bluemke points out concept that was just approved. Next month expect timelines and more information regarding implementation section.

e. 2006 Annual Planning & Zoning Department Report

Motion by Mr. O’Neil to approve 2006 Annual Report. Seconded by Mr. Teitgen. Motion carried unanimously.
9. Evaluation of Director (Closed Session)
   Chair Doug Richmond – postpone to later in the meeting.

1:30 PM

10. View Sites

4:00 PM

11. Public Hearing

Item I – Zoning Change – Agricultural to Agricultural No. 2 – Timothy and Pamela Weiss, Petitioner and Owner – Town of Fort Winnebago

Mr. Bluemke presents the staff report.

Chair Doug Richmond asks if anyone has any questions.

Petitioner present and did not have anything to add.

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

Chair Doug Richmond asks if anyone is against the petition.

Town Board not present, but Minutes are on file.

Motion by Mr. Teitgen to approve rezoning from Agricultural to Agricultural No. 2 effective upon the recording of a proper legal document combining the parcels into one property with a single boundary description. Seconded by Mr. Healy.

Motion carried unanimously.

Item II – Zoning Change – Agricultural to Single Family Residential and Industrial, David and Janice Paul, Petitioners and Owners – Town of Courtland

Mr. Bluemke presents the staff report.

Chair Doug Richmond asks if anyone has any questions.

Mr. Baeblcr confirms that the home and business share one driveway.

Petitioner present and did not have anything to add.

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

Chair Doug Richmond asks if anyone is against the petition.
Town of Courtland Board Member, JoAnn Wingers was present. Town recommended to approve and thought the property had to be rezoned to Industrial. Claims they would prefer Agricultural because landscaping fits Ag description.

Mr. O’Neil notes that the business appearance is neat, tidy and consistent with the surrounding area.

Janice Paul inquires if they can continue the business?

Mr. Bluemke explains that the issue with the current Zoning District is that it is too broad and allows too many uses.

Janice Paul asks if the rezoning is denied, they would be unable to conduct business out of the building.

Mr. Bluemke suggests conferring with legal counsel.

Chairman Doug Richmond explains that the County is in the final stages of revising the Comprehensive Plan which will include the addition of more zoning applications.

**Motion by Mr. Teitgen to postpone decision for 1-2 months in order for P & Z staff and Corporate Counsel to work through Options. Seconded by Mr. O’Neil. Motion carried unanimously.**

**Item III – Zoning Change – Agricultural to Industrial, Didion Ethanol, LLC, Petitioners and Owners – Town of Courtland**

Mr. Bluemke presents the staff report.

Chair Doug Richmond asks if anyone has any questions.

Petitioner present along with Attorney John Miller. States that the rezoning will not increase traffic and additional 1.3 acres will improve site.

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

Don Wingers
W2043 CTH A
Randolph, WI

In favor, heard it all before – sick of it (negative complaints).

Chair Doug Richmond asks if anyone is against the petition.
Sarah Lloyd  
W1631 CTH P  
Cambria, WI

Will speak against the Rezoning and Conditional Use Permit. Wants to clarify Courtland Town Board meeting of February 6, 2007. Had difficulty finding the meeting and it didn’t start until 8:30 pm. Why are we allowing industry to get whatever it wants? Very concerned. Would like to stop process and have Didion tell you what they are really going to be doing. Access roads are being discussed with the Town. Please deny the rezoning.

John Mueller  
307 Mary Street  
Cambria, WI

Tom and Mary Jansma requested that Glen Smiths notify them about meeting and they were not notified.

Rezoning is opposed by Cambrians for Thoughtful Development.

John Domino  
203 E. Edgewater  
Cambria, WI

States that the Village of Cambria Attorney needs to approve the CSM and they have not seen it. Land division is subject to review.

Mr. Bluemke states that no land division is occurring.

Bonnie Smith  
101 Hillcrest Drive  
Cambria, WI

Opposes the rezoning.

Town of Courtland Board Member, JoAnn Wingers was present and the Minutes were on file. Town recommended to approve the rezoning.

Motion by Mr. Teitgen to approve rezoning from Agricultural to Industrial upon the recording of a Certified Survey Map that combines the 1.34 acre parcel and 10 acre parcel into one property.  
Seconded by Mr. Baebler.  
Motion carried unanimously.

Item IV – Conditional Use Permit – Didion Ethanol, LLC, Petitioners and Owners – Town of Courtland – Revision and Expansion of Site Plan for Ethanol Plant Mr. Bluemke presents staff report.
Chair Doug Richmond asks if anyone has any questions.

Mr. Teitgen inquires as to how many additional site changes will occur?

Dale Drachenberg responds these will be the final changes. These changes reduce piping and electrical runs. He apologizes for the changes. He points out he has approval to cross a stream from the State and access during construction.

Mr. Bluemke explains the service road on the east of the site, while approved by the DNR has not been on a site plan approved by the Planning & Zoning Committee. If you want to implement the service road as part of the project it must come before the Committee.

Petitioner present along with Attorney John Miller.

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

Chair Doug Richmond asks if anyone is against the petition.

John Mueller  
307 Mary Street  
Cambria, WI

Would like to void original Conditional Use Permit and application should be completed. Should landscaping plan be complete? Which plan is the final plan? Wetlands are across the highway and connected to the culvert. Where are State permits? Air permits still up in the air and another violation issued.

Sarah Lloyd  
W1631 CTH P  
Cambria, WI

Inquires if site visit was made today. Feels she is exhausted trying to represent the area. Drive down Hwy 33 and look at the plant and steam and consider how it will affect Cambria. The plan the DNR received doesn’t match plan being reviewed today. Cambria going forward with lawsuit to recover road damage. Suggests waiting until Cambria allows access. Didion is building at their own risk. Citizens have been trampled on --- tell them to tell us the truth.

John Domino  
203 E. Edgewater  
Cambria, WI

Village of Cambria – Trustee on Board. Illegal activity occurring on Cabbage Road. Also air permit violation since issuance - #2 polluter next to power plant. Withdraw original Conditional Use Permit. Didion has not conducted damage study outside of their site. Where is the culvert approval? Village Engineer was
cut off by Didion unless they contact the Didion's directly. Concern about having filters prior to watershed. Deny permit and remove original CUP if they cannot operate in confines of law.

Ann Smedema
325 Scott Street
Cambria, WI

When she served as Village President she tried to work out procedures and changes with Didion. They did not want to spend money on what they should. $10,000 allotted to landscaping and it's been years – there are weeds, rocks and run-off. They destroyed a road where they have no jurisdiction.

Mr. Teitgen asks if the Town of Courtland has any conditions. Mr. Bluemke responds no.

JoAnn Wingers, Town of Courtland Board Member responds that it wasn't Didion's thought for east Costello Road access. It was the Town of Courtland concern for emergency access. Town of Courtland is maintaining Cabbage Road and feels the road belongs to the Town. Can't locate documentation at this time. We approved Conditional Use Permit and minutes are on file.

John Domino
203 E. Edgewater
Cambria, WI

1630’ of Cabbage Road is owned by the Village of Cambria per the State of Wisconsin. Cambria controls the area in question. Forwarded documentation regarding annexation.

Mr. Bluemke points out the annexation is not in question.

Mr. O'Neil states the issue remains controversial. His concern is the failure of the Village of Cambria to communicate with Didion and the Town of Courtland -- it is disturbing.

Mr. Baebler suggests waiting for rezoning to be approved at county level.

Motion by Mr. Baebler to table until next Planning and Zoning Committee Meeting the Conditional Use Permit for Revision and Expansion of Site Plan for the Ethanol Plant,

Seconded by Chairman Doug Richmond
Motion passed, but not unanimous
Mr. Healy – Yes, Mr. O'Neil – Yes, Mr. Richmond – Yes, Mr. Baebler – Yes, Mr. Teitgen - No

Evaluation of Director (Closed Session)
Motion by Mr. Teitgen for closed session at approximately 5:30 pm. Seconded by Mr. Baebler.
Motion carried unanimously.

Motion by Mr. Baebler to return to open session at approximately 6:00 pm.
Seconded by Mr. Healy.
Motion carried unanimously.

Chair Doug Richmond asks for approval to solicit bids for ordinance revisions. Committee feels it is appropriate to solicit three bids with no cost involved and may provide useful insight.

Mr. Bluemke doesn’t have an issue getting bids, just wants to confirm what are we specifically bidding on. Bluemke, Richmond and Teitgen to work on details.

Committee agrees to proceed with bid solicitation.

12. Adjourn

Motion by Mr. O’Neil to adjourn meeting. Seconded by Mr. Teitgen.
Motion carried unanimously.

Next meeting at Columbia County Administration Building
Meeting adjourned at 6:00 pm

Respectfully submitted,

Fred Teitgen, Secretary
Planning and Zoning Committee

Recording Secretary,

Susan Runnion
Office Administrator

cc: Committee Members
    Harlan Baumgartner, County Board Chair
    Debra Wopat, County Board Vice Chair
    Susan M. Moll, County Clerk