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

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

ALSO PRESENT: James Grothman, Patrick O’Connor

BUSINESS MEETING

11:30 AM

1. Chair Doug Richmond called the meeting to order at 11:30 a.m.

2. Certification of Open Meeting Law

3. Roll Call

4. Approval of Agenda

   Motion by Mr. Baebler to approve Agenda of January 2, 2007 Planning & Zoning Committee Public Hearing, Seconded by Mr. Healy to approve. Motion carried unanimously.

5. Approval of Minutes

   Mr. Teitgen requests revisions on Pages 2, 3 and 11.

   Motion by Mr. Teitgen to approve amended Minutes of December 5, 2006 Planning & Zoning Committee Public Hearing, Seconded by Mr. Baebler to approve. Motion carried unanimously.

6. Preliminary Plat - Legacy Oaks - Town of Dekorra

   Mr. Stapleton explains that the undeveloped area is part of the plat. The road frontage will be dedicated to the Town and they will grant easement.

   Patrick O’Connor states that the frontage will be maintained by Legacy Oaks. Also states that the South entrance was moved to accommodate the 60 mph speed limit.

   Chair Doug Richmond states that the county doesn’t control speed limit.
Mr. Teitgen points out that the County can make a recommendation. Mr. Teitgen moves to recommend the addition of “Town considers changing the speed limit to 45 mph”.

Mr. O’Neil inquires about public access for ambulance and fire response.

Jim Grothman confirms appropriate entities were consulted and no problem gaining access and providing emergency services.

Mr. Stapleton asks if we have correspondence stating that.

Jim Grothman responds that it was distributed at County Board.

Chairman Doug Richmond inquires if any other questions?

Mr. Teitgen states that the Town recommended approval of the preliminary plat and the final plat is being reviewed by town engineer.

    Motion by Mr. Healy to approve Preliminary Plat with addition “Town considers changing the speed limit to 45 mph”. Seconded by Mr. O’Neil. Motion carried unanimously.

Jim Grothman and Patrick O’Connor inquire about separate motion for Waiver of Access approval for Lots #29, 30, 31, and 32.

    Motion by Mr. Teitgen to approve Waiver of Access approval for Lots #29, 30, 31, 32. Seconded by Mr. Healy. Motion carried unanimously.

7. Waiver of Access, McConnell, Town of Lowville

Chair Doug Richmond suggests Waiver of Access discussion occurs during the rezoning review.

8. Department Report
   a. Financial
      • Out of County travel – Mr. Stapleton possible meeting in Wausau in February or March
      • Vouchers to be paid - Chair Doug Richmond requests final YTD – Budget results

        Motion by Mr. Healy to approve vouchers. Seconded by Mr. Teitgen. Motion carried unanimously.

   b. Comprehensive Planning – Randy Thompson announces that the Comprehensive Advisory Committee will meet on January 24, 2007 at 6:30 pm and distributes new questionnaires. Next process is to solidify concept and
begin converting land use to future land use maps. CPAC will need to determine where are we going with the plan and the zoning side. If we can receive commitment from current CPAC members, they could create list of ordinance issues.

Mr. Teitgen adds that both approaches are valuable. Suggests putting things in front of people and then gauging priorities.

Chair Doug Richmond suggests that CPAC be asked for ideas also, possibly meet more than once a month.

Randy Thompson states the goal is to complete Plan at county level by summer/fall.

c. Enforcement – Mr. Stapleton states that Vernon Hohl appeal possibly expired.

d. Ordinance updates-

   Flood Plain Ordinance – Mr. Stapleton explains that FEMA published maps will be available for a 90 day review period. Assumes that after completion of the 90 day review we will receive an order for adoption of the final maps.

   Administrative Code- Mr. Stapleton explains that it has been revised and adopted. Reclamation Ordinance will need to be revised. Language related to start up has been removed and an increase in fees to DNR. Next year, County may want to change fees accordingly.

   Farm Consolidation - Chair Doug Richmond suggests discussing at next meeting when John Bluemke is present.

Chair Doug Richmond inquires about last month’s discussion related to the formation of a committee to look at ordinance update. Mr. Bluemke to supply a plan with ideas. Chair Doug Richmond states that we need to get organized and push ahead with ordinances. Financially there is money available which Towns contributed to. Perhaps we should hire consultant that would have new ideas that we haven’t considered.

Randy Thompson suggests involving CPAC. We need to leave interpretation out of ordinance and agrees the process should start now.

Chair Doug Richmond states there may be more credibility with towns if we get some outside help. If we wait for plan to be complete it will be 6 months before we work on it. Chair Doug Richmond asks that every member get copy of ordinances in binder. Discussion will continue during February meeting.
Randy Thompson volunteers to contact outside consultants and gather costs/offerings for next meeting.

Chair Doug Richmond agrees to proceed with Randy’s suggestion.

e. Discussion - Evaluation of Director - Sealed envelopes are distributed with past evaluations and goals/objectives for 2007.

Chair Doug Richmond suggests taking home along with e-mailed forms to prepare for next meeting, which will, closed session.

**12:30 PM**

9. View Sites

**4:00 PM**

10. Postponed Item

Item I – Zoning Change – Agriculture to Rural Residential, Joseph Agnew, Petitioner and Owner – Town of Fountain Prairie

Town preference is to require Deed Restriction because decision was made prior to Ag Overlay District formation. The Town will consider Ag Overlay District in the future.

Mr. Teitgen inquires about requiring a deed restriction along with Ag Overlay.

**Motion by Mr. Teitgen to recommend approval of rezoning from Agriculture to Rural Residential with Deed Restriction. Seconded by Mr. Baebler.**

Motion passed, but not unanimous

Mr. Healy – Yes, Mr. Teitgen – Yes, Mr. Richmond – Yes, Mr. Baebler– Yes, Mr. O’Neil - No

**11. Public Hearing**

Item I – Zoning Change - Agriculture to Rural Residential and Agriculture to Agriculture with Agriculture Overlay – Elaine Considine, Petitioner and Owner – Town of Caledonia (Tabled from December 5, 2006)

Mr. Stapleton 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.

**Motion by Mr. Teitgen to approve rezoning from Agriculture to Rural Residential and Agriculture to Agriculture with Agriculture Overlay effective upon the Certified Survey Map being recorded. Seconded by Mr. Healy. Motion carried unanimously.**

Item II – Zoning Change – Recreational and Marina to Commercial, David and Kathleen Hafner, Petitioners and Owners – Town of Dekorra

Mr. Stapleton 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.

James Cutrell
W9306 CTH V
Poynette, WI

David runs clean operation and doesn’t see a reason not to rezone

Chair Doug Richmond asks if anyone is against the petition.

Diane Ford
W9330 CTH V
Poynette, WI

What direction is board taking us in? This area is 99% residential. We will see an increase in noise and use of roadway. This is a small area and people walk on that roadway which is a safety concern.

Mr. Teitgen explains that the Comprehensive Plan addressed notion of business because of proximity to lake and compatibility with adjacent residential. Intend not to expand into giant business area. Town Board and Planning commission – site plan review ordinance and felt it was appropriate. Public hearings were conducted and people were welcome to come to Town Board and Planning Commission.
Mr. Teitgen, Chair for Town of Dekorra was present. He confirmed that the Town reviewed the rezoning and businesses proposed and is in favor of rezone and plans.

**Motion by Mr. Baebler to approve rezoning from Recreational and Marina to Commercial.**

**Seconded by Mr. O’Neil.**

**Motion carried unanimously.**

Chair Doug Richmond adds that he is familiar with the property. The property had boats parked in many locations and wasn’t tidy. Today the property is neat and clean. There is commercial zoning on both sides of property which makes sense to continue zoning. There are a number of conditions placed on the business and if not followed the rezoning could be revoked.

**Item III – Conditional Use Permit – David and Kathleen Hafner, Petitioners and Owners – Town of Dekorra – Motor Cycle and ATV Dealership**

Mr. Stapleton presents the staff report.

Chair Doug Richmond states that Condition #3 states “hours of operation from 8:00 AM to 7:00 PM”. It should be revised to state, “hours of operation are not to exceed 8:00 AM to 7:00 PM”.

Mr. O’Neil points out that recommended Condition #7 Item d should read “completely” not completed.

Chair Doug Richmond asks if anyone has any questions.

Petitioner present and felt the conditions were fair.

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

James Cutrell  
W9306 CTH V  
Poynette, WI

It’s not a business that will hurt the neighbors. Retail stores are open until 9:00 PM and hopes that the hours will not hamper the business.

Chair Doug Richmond asks if anyone is against the petition.

Mr. Teitgen, Town Chair stated the Town is in favor of Conditional Use Permit and did a good job formulating the conditions.
Chair Doug Richmond reiterates that amended hours could be considered at any time if the business goes well and there is a need for additional hours.

Motion by Mr. Teitgen to approve Conditional Use Permit for Sales and Service of Motorcycle, ATV and Small Engine Lawn and Garden Equipment subject to the following findings, conclusions and conditions.

Seconded by Mr. Healy.
Motion carried unanimously.

Findings:
1. The properties are owned by David and Kathleen Hafner.
2. The Hafners are proposing to operate a motor sports dealership and repair facility that will sell and service motorcycles, ATV’s, and personal watercraft as well as selling and servicing small engine lawn and garden equipment.
3. The Town of Dekorra has recommended approval of the Conditional Use Permit.
4. Title 16, Chapter 1 of Columbia County Code of Ordinance is applicable to this site.

Conclusions:
1. The proposed use is similar to the previous boat and motor dealership and is commercial use that is consistent with the purpose and intent of the ordinance.
2. The proposed use does not conflict with current use of any adjacent property, nor does it limit the usefulness of adjacent properties for uses permitted under their current zoning classifications.
3. The property is physically well suited for the proposed use and has appropriate highway access.
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 application qualifies for a Conditional Use Permit.

Decision:
A Conditional Use Permit is approved to permit the operation of a business for the sales and service of motorcycles, ATV’s and small engine lawn and garden equipment on Tax Parcel 1243, with related product display areas on Tax Parcels 1243.A and 1303, pursuant to Sec. 16-1-9(a)(2)(h) and (j) and Sec. 16-1-18 of the Columbia County Zoning Ordinance. Said permit shall be subject to the following conditions.

1. Any agreement between the Town of Dekorra and the Hafners, 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 review the Conditional Use Permit.

2. The Conditional Use Permit becomes effective when the Hafner’s petition for rezoning parcels to the Commercial District is approved.

3. The hours of operation are not to exceed 8:00 AM to 7:00 PM, 7 days per week.

4. There will be not be outside storage of product overnight, the outside storage on parcels 1303 and 1243.A are limited to those areas shown on the approved site plan.

5. The number of cars and trucks that can be taken in trade and displayed on parcel number 1243 is three and any one vehicle shall not be on site for more than 30 days.

6. An easement to allow cross parking/maneuvering between parcels 1243 and 1243.A be recorded with the Register of Deeds.

7. The site plan be revised as follows and resubmitted to the Department:
   a. The parking spaces on parcel 1243.A are setback at least 15 feet from Parkway Drive.
   b. The entire perimeter of the parking lot on Parcel 1243.A, except for the driveways that provide ingress and egress from Parkway Drive, must be outlined with landscape timbers similar to what is on parcel 1303.
   c. The rear part of the parking facing Hickory Court must contain a solid fence or evergreen planting with the equivalent opacity that must be 4 feet high at the time of construction or planting.
   d. Any trash storage on parcel 1243.A must be completely enclosed by at least a 6-foot high fence made of wood or decorative concrete and the area landscaped. There must be a locked gate that will only allow for employee access to trash facility.
   e. A 5 foot wide green space, with possible fence per item c, must be maintained between the parking lot and Hickory Court.

8. The parking lot must be completed per the approved plan within 2 years of the approval of the Conditional Use Permit.

9. All outside product display areas must have a gravel base and be enclosed with landscaped timbers, and the product must be displayed in these areas.

10. A revised landscaping plan be submitted to and approved by the Planning and Zoning Department within six (6) months of the effective date of the Conditional Use Permit, and installed no later than eighteen (18) months after the effective date of the Conditional Use Permit. All new evergreens to be planted must be at least 4’ high, deciduous trees at least 1 ½’’ in caliper, and shrubs at least 1’ high. The landscaped area, including any mulch and edging, trees, shrubs, lawn and prairie shall be maintained, and all planting shall be maintained and replaced if diseased or dead. The two landscaped areas along Wisconsin Street should each include 2 overstory deciduous trees.

11. All lighting for the facility shall be oriented so that the lighting elements (or transparent shield) are not visible from an adjacent property or right-of-
way. The use of shielded luminaries and careful placement of fixtures is encouraged to facilitate compliance with this requirement.

12. Any amendments to the approved site plan and additions or changes in the design or size of the structures shall be referred to the Town for review and the Committee for action.

13. Any new ground signs must be reviewed by the town and approved by the County. Wall signs can be reviewed and approved by the Town.

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

15. Any construction or location of materials in compliance with the approved plan shall not require any review of the Conditional Use Permit, however, all zoning and building permits will have to be obtained in accordance with applicable regulations.

16. If the Planning and Zoning Committee finds that the conditions stipulated in the Committee Decision or Ordinance standards are not being complied with, the Planning and Zoning Committee, after a public hearing, may revoke the conditional use permit.

Item IV – Zoning Change – Commercial to Agriculture, James and Edwin Baerwolf, Petitioners and Owners – Town of Hampden

Mr. Stapleton presents staff report.

Petitioner was 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 filed minutes.

Motion by Mr. Baebler to approve rezoning from Commercial to Agriculture.
Seconded by Mr. Teitgen.
Motion carried unanimously.

Item V – Conditional Use Permit– James and Edwin Baerwolf, Petitioners and Owners – Town of Hampden – Milk Bottling Plant

Mr. Stapleton presents staff report.

Mr. O’Neil suggests adding verbiage to Condition #2 as follows “Town and County review is required for an increase beyond the stated 40,000 gallon per week capacity”.

Petitioner would like clarification of word “trucks” in Condition #8.
Mr. Healy asks petitioner if he is hauling the milk.

Petitioner responds that he has an agreement with hauler to transport from the farm to bottling facility. He would not be parking the truck overnight. Petitioner’s concern is for future growth and possibility of purchasing his own small milk truck. This condition may be too restrictive for that purpose.

After further discussion it is decided that Condition # 8 will be changed to “No more than three business-related commercial vehicles shall be parked outside at any time”.

Mr. Teitgen inquires about Driveway Access Permit from the Town of Hampden.

Mr. Stapleton points out that there is a field access, which will need to be upgraded, and a segment of road is controlled by Dane County. Petitioner will need to contact Dane County – Town of Bristol.

Chair Doug Richmond points out that the Condition Use Permit should be contingent upon approved Driveway Permits. Suggests adding verbiage to Condition #12. Add “This shall include highway access approval by all affected units of government, copies of which shall be filed with the Planning and Zoning Department prior to the issuance of any zoning permit for site development”.

Petitioner inquires about Condition #6, which states that promotional events are limited to 12 per year and require prior notification to the Town and County. Would like to know the details of whom he contacts, how many days prior to event, etc.? Petitioner asks if this is a valid request from a practically standpoint?

Mr. O’Neil suggests that the sentence intended to say “without” versus “with”. Decision made to revise word in Condition #6 to” without”.

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

John Gott
339 Castle
Town of Bristol
Excellent use for this property and for Dane County

Petitioner’s parents
Feel petitioner is qualified and have lots of experience. The parents are very happy the boys have come back to take over farm.

Chair Doug Richmond asks if anyone is against the petition.

Town Board is not present.
Motion by Mr. Healy to approve Conditional Use Permit for Milk Bottling Plant with the following revisions:

Condition #2 – Add, “Town and County review is required for an increase beyond the stated 40,000 gallon per week capacity”

Condition #6 –Change word “with” to “without”

Condition #8 – Change to “No more than three business-related commercial vehicles shall be parked outside at any time”.

Condition #12 – Add “This shall include highway access approval by all affected units of government, copies of which shall be filed with the Planning and Zoning Department prior to the issuance of any zoning permit for site development”.

Seconded by Mr. Teitgen.
Motion carried unanimously.

Findings
1. The property is owned by Edwin Baerwolf.
2. The Baerwolfs are proposing to construct a building 7,200 square feet in floor area that will be used to operate milk bottling business and a small store.
3. The Town of Hampden has recommended approval of the Conditional Use Permit.
4. The application complies with the general criteria of Sec. 16-1-18 (e) of the Columbia County Zoning Ordinance.
5. Title 16, Chapter 1 of Columbia County Code of Ordinance is applicable to this site.

Conclusions
1. The proposed use is an agricultural related use that is consistent with the purpose and intent of the ordinance.
2. The proposed use complies with all applicable standards and criteria.
3. The application qualifies for a Conditional Use Permit.

Decision
A Conditional Use Permit is approved for a farmstead milk bottling and dairy processing plant with a capacity of 40,000 gallons of milk per week, including the wholesaling of milk and other dairy products, and the incidental retail sales of milk and other agriculturally related products, subject to the following conditions:

1. Any agreement between the Town of Hampden and the Baerwolfs 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 review the Conditional Use Permit.

2. The Conditional Use Permit shall only be for a milk bottling business and a small store that can only sell milk and other agriculturally related products. Total sales from the store must be less than 20% of the total gross sales from the business. Town and County review is required for an increase beyond the stated 40,000-gallon per week capacity.

3. Any amendments to the approved site plan and additions or changes in the design or size of the structure shall be referred to the Town for review and the Committee for action.

4. All signs shall be reviewed by the Town and approved by the Department.

5. The parking area, including the driveway, aisles, and spaces must be paved before the store can be opened, ingress and egress drives must be consistent with Columbia County guidelines.

6. Promotional events such as opens house, dairy days, or promotions for special agriculture products are limited to 12 per year, without prior notification to the Town and County.

7. Any fuel storage facilities shall meet all applicable state and federal regulations and be at least partially screened by landscaping.

8. No more than three business-related commercial vehicles shall be parked outside at any time.

9. The landscape plans for this must be submitted to and approved by the Planning and Zoning Department within six (6) months of obtaining the zoning permit and installed no later than six (6) months after the plan is approved or on a schedule approved by the Zoning Administrator. At the time of planting the minimum size of the planting shall be as follows: deciduous trees 3/4 inch in diameter; evergreen trees 4 feet in height; shrubs 12 inches in height. The owner of the premises shall be responsible for the watering, maintenance, repair and replacement of the landscaping, and all plant material that has died shall be replaced with equivalent vegetation within twelve (12) months.

10. New lighting for the shed shall be oriented so that the lighting element (or transparent shield) is not visible from an adjacent property or the highways, and shall be the minimum needed to provide for safety and security. The use of shielded luminaries and careful placement of fixtures is encouraged to facilitate compliance with this requirement.

11. No wastewater or water containing petroleum can be run onto the ground of the subject property.

12. The applicant and owner shall comply with and obtain all necessary permits required by applicable federal, state, and local regulations. This shall include highway access approval by all affected units of government, copies of which shall be filed with the Planning and Zoning Department prior to the issuance of any zoning permit for site development.
13. If the Planning and Zoning Committee finds that the review criteria of the 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 VI – Zoning Change – Agriculture No. 2 to Single Family Residence, Douglas McConnell, Petitioner and Owner, – Town of Lowville

Mr. Stapleton presents staff report.

Mr. Stapleton asks if the attorney drafted the Driveway Agreement document with town approval.

Petitioner was present and confirms the document was prepared by an attorney and will be recorded.

Mr. Stapleton recommends that we receive a copy of the recorded document.

Petitioner explains that he would like to keep the remainder of the lot Agriculture No. 2 because his daughter has a horse and chicken coop. States that he never received complaints and neighbors come over to see the animals on occasion.

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

Chair Doug Richmond asks if anyone is against the petition.

Town Board filed minutes.

Motion by Mr. Teitgen to approve rezoning from Agriculture No. 2 to Single Family Residence after receiving copy of recorded Driveway Agreement. Seconded by Mr. O’Neil. Motion carried unanimously.

Motion by Mr. Baebler to approve Waiver or Access Permit with deletion of reference to Town of Lowville approval. Seconded by Mr. O’Neil. Motion carried unanimously.

Item VII – Zoning Change - Agriculture to Commercial – Seventh-Day Adventist Church, Petitioner and Owner – Town of Fountain Prairie

Mr. Stapleton presents staff report.

Petitioner will clarify lay-out of proposed structure. Points out that the driveway was an issue because the State did not grant access off of a state highway.
Mr. Teitgen states that the site visit very desirable agricultural land.

Carl Benck points out that the Village could have efficiently annexed the property.

Mr. Healy move hate to see black land with a structure place on it. Asks if the petitioner farms or rents?

Petitioners respond that they rent.

Mr. O’Neil states that it appears to be really black dirt. Is it possible to locate on land, which would not be prime agriculture property? Petitioner responds that all other land is equally as good.

Mr. O’Neil states he would much rather see cluster of building – close to academy and commercial development. We want to hang on to our land despite pressure from Dane Co.

Carl Benck states that you can’t judge quality without referring to yield/fertility map. Don’t really know if it’s prime – 6% grade makes it Grade 3. Can’t judge quality by being “drive-by” farmer.

Mr. O’Neil would like to see Ag Overlay for large portion of remaining property and it is not part of this proposal.

Carl Benck states that if Ag Overlay gets annexed it goes away.

Chair Doug Richmond states that there is no easy answer to control growth.

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

Chair Doug Richmond asks if anyone is against the petition.

Town Board filed minutes.

**Motion by Mr. Teitgen to recommend approval of rezoning from Agriculture to Commercial subject to the approved Certified Survey Map being recorded.**

Seconded by Mr. Baebler

Motion passed, but not unanimous

Mr. Healy – Yes, Mr. Teitgen – Yes, Mr. Richmond – Yes, Mr. Baebler– Yes, Mr. O’Neil - No
12. Adjourn

Motion by Mr. Teitgen to adjourn meeting. Seconded by Mr. Healy.
Motion carried unanimously.

Next meeting at Columbia County Administration Building
Meeting adjourned at 7:00 pm

Respectfully submitted,

Fred Teitgen, Secretary
Planning and Zoning Committee

Recording Secretary,

Susan Runnion
Office Administrator

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