PLANNING & ZONING COMMITTEE MINUTES
MARCH 2, 2010

PRESENT:  Douglas Richmond, Harlan Baumgartner, Phil Baebler, John Healy, Fred Teitgen

STAFF:  John Bluemke, Director, Susan Runnion, Office Administrator

ALSO PRESENT:  Deb Wopat, Chair-Columbia County Board of Supervisors, Lyn Jerde - Portage Daily Register, Attorney John Miller

BUSINESS MEETING

12:00 PM

1. Vice Chair Baumgartner called the meeting to order at 12:00 PM

2. Certification of Open Meeting Law

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

4. Approval of Agenda

   Motion by Mr. Teitgen to approve Agenda of March 2, 2010 Planning & Zoning Committee Regular Meeting & Public Hearing
   Seconded by Mr. Healy.
   Motion carried unanimously.

5. Approval of Minutes

   Motion by Mr. Healy to approve Minutes of February 2, 2010 Planning & Zoning Committee Regular Meeting & Public Hearing.
   Seconded by Mr. Baebler.
   Motion carried unanimously.

6. Department Report
   a. Planning Update

   Mr. Bluemke explains that the County’s Comprehensive Plan will need to be updated in 2012.

   Chair Doug Richmond arrives.
b. Enforcement

Mr. Bluemke reviews Enforcement Report.

c. Financial

- Out of County travel

Mr. Thompson to travel to Madison for WAPA on March 4 & 5.

Messrs. Bluemke, Thompson & Thiele to travel to Mosinee on March 25 & 26 for WCCA Spring Conference.

Motion by Mr. Teitgen to approve Out of County travel.
Seconded by Mr. Baeblor.
Motion carried unanimously.

- Expenditure Report

Motion by Vice Chair Baumgartner to approve Expenditure Report.
Seconded by Mr. Teitgen.
Motion carried unanimously.

d. Ordinance Update

- Town Advisory Committee Update

Meeting with Mark Roffers to review procedures and administration is scheduled for March 11th.

- ACT 23 Farmland Preservation

Mr. Bluemke distributes brochure recommending Conversion Fee delay which was produced by the Realtor’s Association. Approximately 15,000 were mailed to DATCP mailing list.

Columbia County Board of Supervisor- Chair Wopat inquires about conversion fee potentially going to counties that don’t have Exclusive Agriculture.

Mr. Bluemke confirms this could occur.

- Affidavit of Non-Use

Mr. Bluemke explains the purpose for the form. Committee suggests adding “POWTS” or “Waste Disposal System” to form.
e. Replacement Request

Mr. Bluemke explains that he would like to move towards approval to replace the Principal Planner position. If you can approve we will bring a revised job description and it can be ready for the paper on May 5th.

Chair Doug Richmond asks what issues we have if we replace prior to deadline.

Columbia County Board of Supervisor- Chair Wopat explains that some union issues which need to be resolved.

Mr. Bluemke explains there is wage disparity between GIS Specialist and Principal Planner.

Vice Chair Baumgartner asks about new job description and flow chart.

Mr. Bluemke explains that it will be available in April.

**Motion by Mr. Teitgen to approve Replacement Request for Principal Planner contingent upon review of Job Description.**

Secended by Mr. Baebler.

Motion carried unanimously.

f. Siting Policy

Mr. Teitgen suggests re-phrasing the proposed Siting Policy statements so that a yes means conformance to guidelines. It doesn’t cover all of the issues in the Plan and needs to be supplemented.

Vice Chair Baumgartner suggests that we are not taking away property owner rights, just encouraging them to follow the siting criteria. The town could review this list with the potential property owner.

Mr. Teitgen suggests adding a notation stating that “Towns may have more restrictive criteria”.

7. 2009 Annual Report

**Motion by Mr. Teitgen to approve 2009 Annual Report.**

Seconded by Mr. Healy.

Motion carried unanimously.

8. Evaluation of Director (Closed Session)

**Motion by Mr. Teitgen for closed session at 1:15 PM.**

Seconded by Mr. Baebler.

Motion carried unanimously.
Motion by Vice Chair Baumgartner to return to open session at 2:00 PM. Seconded by Mr. Teitgen. Motion carried unanimously.

4:00 PM
9. Public Hearing

Item I- Zoning Change –Michael & Jacki Kay Hamilton, Petitioners and Owners – Town of Lodi

Chair Richmond opens Public Hearing.

Mr. Bluemke presents the staff report.

Chair Richmond asks if anyone has any questions.

James Grothman, representing the petitioner was present and did not have anything to add.

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

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

Town Board not present, but Minutes on file.

Chair Richmond closes Public Hearing.

Motion by Mr. Teitgen to approve rezoning from Agricultural Overlay to Agricultural effective upon the recording of the Certified Survey Map and the deed restrictions required by the Town. Seconded by Baeblcr. Motion carried unanimously.

Item II- Zoning Change –Michael & Emily Krueger, Petitioners and Owners – Town of Springvale

Chair Richmond opens Public Hearing.

Mr. Bluemke presents the staff report.

Chair Richmond asks if anyone has any questions.

Petitioner present and did not have anything to add.

Mr. Teitgen asks if the Petitioner has brought a site plan.
Petitioner provides aerial photo for review.

Chair Richmond asks if a driveway permit has been issued.

Petitioner replies that he spoke with Pat Cadigan (Columbia County Highway Department) and the driveway will be on the west property line.

Mr. Teitgen explains the three options and states some of the Committee are reluctant about the Planned Residential Overlay. He states Committee members are in favor of the development.

Vice Chair Baumgartner inquires if animal units will be at this site?

Petitioner states “no”.

Petitioner present and adds that the parcel was split in 1971.

Mr. Teitgen explains that the conversion fee was in place but never enforced. Now a local government gets to enforce it.

Vice Chair Baumgartner asks if the decision was delayed for 30-60 days will it create a hardship.

Petitioner is unsure. It is somewhat contingent on wife’s timeframe.

Vice Chair Baumgartner explains the next Planning & Zoning Committee will be held on April 6th.

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

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

Town Board not present, but Minutes on file which approve a home on the site.

Chair Richmond closes Public Hearing.

**Motion by Mr. Teitgen to delay decision on matter until April 6th.**
Seconded by Vice Chair Baumgartner.
Motion carried unanimously.

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**Item III** - Conditional Use Permit—Yahara Materials, Petitioner and James Ballweg, Owner—Town of West Point—Revision to CUP and Modification of Reclamation Plan

Chair Richmond opens Public Hearing.
Mr. Bluemke presents the staff report.

Mr. Teitgen asks if the boundary is remaining the same.

Mr. Bluemke responds that it will remain the same.

Chair Richmond asks if anyone has any questions.

Tim Geoghegan was present and inquires about Item 7 of the conditions which relates to asphalt and concrete crushing. He asks that these items be included as part of the Conditional Use Permit. He explains that the quarry is a good location for crushing and wash off. It saves on the cost of hauling and recycles material.

Discussion takes place about revision of verbiage for Item #7 stating that it will be temporary for storage processing and not on site for more than one year.

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

Chair Richmond asks if anyone is against the petition.

Town Board not present, but Minutes on file which approve ten year extension for exiting Conditional Use Permit.

Chair Richmond closes Public Hearing.

Motion by Mr. Baebler to approve Extension for Existing Conditional Use Permit for Limestone quarry per the stated findings, conclusions and conditions as amended.

Seconded by Mr. Teitgen.

Motion carried unanimously.

Findings:

1. James Ballweg is the owner of the subject property.
2. The Columbia County Board of Adjustment, on March 22, 2000, approved a Conditional Use Permit for the operation of a limestone quarry Parcel 307.
3. Yahara Materials, Inc., the original permit applicant in 2000, is the operator of the quarry under a lease with the property owner, and seeks a ten year extension of the Conditional Use Permit.
4. No changes are proposed to the area approved for mining under the original permit.
5. The portion of Reynolds Road from the quarry entrance south to STH 60 has been rebuilt pursuant to an agreement with the Town of West Point.
6. The application complies with the general review criteria of Sec. 16-1-18 (e) of the Ordinance.
7. The site is subject to the provisions of a reclamation plan on file with the County. It is subject to the provisions of Title 16, Chapter 7, the Columbia County Nonmetallic Mining Reclamation Ordinance, and Chapter NR 135, Wisconsin Administrative Code.

8. The Planning and Zoning Department, during the 10 year permit period, has not become aware of any aspect of noncompliance at this site with respect to the Conditional Use Permit or Reclamation Plan.

Conclusions:
1. James Ballweg and Yahara Materials, Inc. currently have a valid Conditional Use Permit for the operation of a limestone quarry on the subject property.
2. The site has operated in compliance with its Conditional Use Permit during the 10 year period approved in 2000.
3. 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).
4. 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.
5. An extension of the Conditional Use Permit is justified.

Conditions of Approval:
1. Yahara Materials, Inc. shall comply with and obtain all necessary permits required by applicable federal, state, and local regulations.
2. Yahara Materials, Inc. shall minimize the dispersion of dust from the hauling and stockpiling of concrete, operation of crushing equipment, all vehicles and machinery used on site, and associated driveways. Yahara Materials, Inc. shall use water to reduce dust from the stockpiles and driveways and all vehicle or machinery traffic areas. A water truck shall apply water in and around the crushing plant, stockpiles and entrance road as needed and/or as requested by the County and Town to reduce dust.
3. Yahara Materials, Inc. agrees that all operations will be conducted professionally and conform to industry, state or local standards.
4. Hours of operation as originally approved will remain in effect for Monday through Friday, with operation also being permitted 6:00 to noon on Saturday.
5. No fuel shall be stored in the mine site area or initial processing area other than truck-mounted storage tanks or tanks located within a spill containment structure.
6. The 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 shall not exceed 65 decibels at the property line.
7. This approval applies to the development and operation of the proposed mine site and the extraction of limestone products, including processing incidental to such extraction, but does not apply to the storing or processing
of cement or asphalt materials on site. Also allowed is the temporary storing and processing of highway project specific recycled concrete and asphalt pavement provided it is not on site for more than one year.

8. There shall be no changes to the proposed mine operation regarding the depth, extent, or proposed final grades 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. As to depth, the quarry floor shall maintain an elevation of 1040 MSL as stated on the original site plan.

9. No ground signs, except for directional, informational or required warning signs, shall be allowed unless they are reviewed and approved by the Planning and Zoning Department, and shall comply with the provisions of Sec. 16-1-13A, Sign Regulations.

10. There shall be no harvesting of timber on the subject property without the approval of the Planning and Zoning Department, which shall be subject to a determination that such harvest will maintain vegetative screening of the quarry area.

11. Yahara Materials, Inc. shall apply to the Planning and Zoning Department for an Emergency Response Number (ERN/site address) for the quarry site.

12. The owner shall record with the Register of Deeds a Notice of Conditional Use Permit and Reclamation Plan serving to notify future owners, heirs, assignees and site operators of the existence of the C.U.P. and Plan, that both contain restrictions and specifications as to the use and reclamation of the mine site, and that provisions of both are binding on future owners, heirs, assignees and site operators. Said document shall be drafted or approved by the Planning and Zoning Department.

Item IV- Conditional Use Permit – Didion Ethanol, LLC, Petitioner & Owner –

Town of Courtland – Revision to Conditional Use Permit

Chair Richmond opens Public Hearing.

Mr. Bluemke presents the staff report.

Chair Richmond asks if anyone has any questions.

Vice Chair Baumgartner asks if any revisions from the original Conditional Use Permit.

Mr. Bluemke responds that all State permits still apply.

Mr. Teitgen states that the Planning & Zoning Committee sat down with Didion staff and find that they (Didion) put a lot of thought into the addition and it fits well.
Chad Carter, Didion - Plant Controller representing Petitioner was present and explains the Energy Efficient Project. Total project is estimated in excess of $11M and the U.S. Department of Energy matching grant of $5.5M.
- Reduce energy consumption 25%
- Addition of ten permanent job positions
- Temporarily employ up to 75 individual with contractors from area
- Increase fermentation yield with the addition of fermentation tanks
- Additional conversion of starch with same amount of corn and energy input
- Eight – ten cooling cells would be added
- Ring dryer will run 12 hours day verses 24 hours per day
- Reduce emissions from the drying process.
- Adding two stillage tanks, an additional effect evaporator and three evaporator system tanks.
- Addition of a tank to hold extracted corn oil. This would be sold to another facility to produce biodiesel and/or oil feedstock products.
- Two outside projects include new maintenance build with zero water discharge and covering wet cake load area.

Chad Carter asks that audience members who support Didion to rise. Approximately 50 people (most of the audience) respond.

Mr. Teitgen asks about containment wall around the facility which was added in November, 2009. Have they experienced any bin spills?

Chad Carter explains that if the largest vessel spilled, it would be held by the containment wall.

Attorney John Miller submits letters of support and signed petition which includes support from State Representative - Keith Ripp.

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

Jeff Bump
N9093 CTH E
Cambria, WI

Accept the grant, if we don’t capture these funds someone else will. New jobs and increased efficiencies will have long term impact. We urge for a timely approval.

Gene Hahn
W3198 Old County Highway B
Cambria, WI
Agricultural is the #1 industry in Wisconsin. Seven farmers lost equates to one lost business in downtown areas. Farmers are pleased to have Didion. Ethanol is renewable, from the heartland and better for our lungs than gasoline. I hope you can convince County Board that Agricultural is still #1.

Randy Link
W3347 Link Drive
Cambria, WI

I would like to speak in favor of the project. The Town of Courtland recommended it. This adds improvements and process to the site plan which were part of the original Conditional Use Permit. Department of Energy was impressed enough that they contributed to Didion. Help preserve agricultural heritage with increased jobs and opportunities for corn growers. Didion employs 150 people and 45% are local residents. These improvements will require an increase in corn of $3.6 million bushels.

Cindy Trevethan
Baisch Engineering
809 Hyland Ave.
Kaukauna, WI

Supports Didion and the stimulus of jobs in Wisconsin

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

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

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

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

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

Town Board representative by JoAnn Wingers - Town Supervisor, approved at Town and everything that needs to be said has been said.

Motion by Mr. Healy to approve Revision to Conditional Use Permit per the stated findings, conclusions and conditions.
   Seconded by Mr. Teitgen.
   Motion carried unanimously.
Findings:
1. The property is owned by Didion Ethanol, LLC.
2. Didion Ethanol, LLC is proposing to expand an ethanol production facility by constructing process additions and support structures and operate an ethanol production facility per Sec. 16-1-11(2)(n).
3. The Courtland Town Board has reviewed and recommended approval of the Conditional Use Permit, with conditions.
4. The project is proposed to receive grant funds from the U. S. Department of Energy.
5. Title 16, Chapter 1 of Columbia County Code of Ordinance is applicable to this site.

Conclusions:
1. The application qualifies for a Conditional Use Permit
2. The proposed expansion is an industrial use that is consistent with the purpose and intent of the ordinance.
3. The proposal is an expansion of local business that can achieve economies of scale by expanding in its current location.
4. The proposed expansion will provide new employment opportunities in the County and support agriculture in the County.
5. The proposed use is consistent with the Town of Courtland and Columbia County Comprehensive Plan.
6. The proposed use is similar to other ethanol operations in the State of Wisconsin and a facility within Columbia County for which there has been no documented evidence submitted that the other facilities have been detrimental to or endangered nearby residents or business.
7. The state regulatory process will adequately address the primary environmental issues associated with the ethanol plant.
8. The ethanol plant is compatible with the industrial 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.
9. As part of the ethanol production process other products are produced which commodities are also sold by Didion Ethanol, LLC.

Conditions for the Decision:
1. The conditions of approval to the Conditional Use Permits approved by the Columbia County Planning and Zoning on October 3, 2006, November 7, 2006 and April 3, 2007 are applicable unless modified by a condition listed below.
2. Any amendments to the site plan approved by this decision and any further additions or substantial changes in the design or size of the structures or capacity of the facility shall be referred to the Town for review and the Committee for action.
3. If Didion Ethanol, LLC does not obtain a variance for the wet cake load structure, the structure will have to be located in compliance with applicable ordinance standards but the zoning permit can be approved by the
Department without Committee review unless the Department determines the location is a substantial change to be the design of the facility.

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

5. 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.

8. Adjourn

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

Meeting adjourned at 5:28 PM.

Respectfully submitted,

Fred Teitgen, Secretary
Planning and Zoning Committee

Recording Secretary
Susan Runnion
Office Administrator

cc: Committee Members
Debra Wopat, County Board Chair
Robert Westby, County Board Vice Chair