PLANNING & ZONING COMMITTEE MINUTES
MARCH 3, 2009

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

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

ALSO PRESENT: Deb Wopat, Chair – Columbia County Board of Supervisors

BUSINESS MEETING

12:30 PM

1. Chair Doug Richmond called the meeting to order at 12:30 PM

2. Certification of Open Meeting Law

3. Roll Call- All Committee members present

4. Approval of Agenda

   Motion by Mr. Teitgen to approve Agenda of March 3, 2009 Planning & Zoning Committee Regular Meeting & Public Hearing with the addition of Item 9 – Performance Planning. Seconded by Mr. Healy. Motion carried unanimously.

5. Approval of Minutes

   Motion by Vice Chair Baumgartner to approve Minutes of January 6, 2009 & February 3, 2009 Planning & Zoning Committee Regular Meeting & Public Hearing. Seconded by Mr. Baebler. Motion carried unanimously.

6. Department Report

   a. Planning Update – Mr. Bluemke explains that Randy Thompson is working on formal Map Amendment process for Comprehensive Plan.

      Farmland Preservation is in the budget bill and they trying to adopt in June, 2009. If adopted it will be a new law. Under our current process we are looking at
revising our ordinance in the 1st Quarter of 2010 which would give us 3.5 years to comply with the new regulations if they are adopted.

Vice Chair Baumgartner asks when more details and County costs will be available? Do we get money out of the deal or do work for someone else?

Mr. Bluemke responded there would be more details in the future but it is anticipated that there will be some grant funds for planning.

b. Enforcement - Mr. Stapleton reviews Enforcement Report.
c. Financial
   • Out of County travel – Mr. Stapleton and Mr. Bluemke to attend WCCA Conference in Mosinee on March 26 & 27. Overnight stay may be required.

   **Motion by Mr. Teitgen to approve Out of County travel for WCCA – Wisconsin County Code Administrators conference.**
   Seconded by Mr. Baebler.
   Motion carried unanimously.

• Expenditure Report

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

d. Ordinance Update
   • Town Advisory Committee Update – Mr. Bluemke explains they are working on questions related to residential use. Survey results are on the website and next meeting scheduled for March 25th.

7. 2008 Annual Report – Mr. Teitgen would like a change from the graphic of dwelling units to a chart with five year running total.

   **Motion by Mr. Teitgen to approve 2008 Annual Report with modified dwelling unit figures.**
   Seconded by Vice Chair Baumgartner.
   Motion carried unanimously.

8. Fee Schedule Amendments
   a. POWTS Maintenance - Mr. Bluemke explains proposal to charge taxpayers to offset cost of revised WI Administrative Code mandates.

   Chair Richmond inquires if proposal would be for all tax payers or septic owners only.

   Mr. Bluemke explains it would be for property owners with Private On-Site Waste Treatment Systems only.
Motion by Mr. Teitgen to approach Finance Committee with proposed $4.00 fee for tax payers with Private On-Site Waste Treatment Systems.
   Seconded by Mr. Baebler.
   Motion carried unanimously.

- Highway Interchange – Amending Ordinance 102-07 should have read (a.) Commercial/Industrial “Use” verses “District”. Mr. Bluemke to consult with Joe Ruf to determine appropriate correction process.

9. Performance Planning – Mr. Bluemke will write up goals/objectives to send to HR by April 1st deadline. Committee members encouraged to submit ideas.

10. View Sites

4:00 PM
11. Public Hearing

Item I- Zoning Change – Agricultural to Rural Residential and Agricultural to Agricultural with Agricultural Overlay, Roger Weidemann, Petitioner and Owner – Town of Columbus

Chair Richmond opens Public Hearing.

Mr. Bluemke presents the staff report.

Chair Richmond asks if anyone has any questions.

Petitioner present and wants to know if this rezoning will allow him to sell his house.

Mr. Bluemke confirms.

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. Town recommended approving rezoning.

Chair Richmond closes Public Hearing.

Motion by Mr. Teitgen to approve rezoning from Agricultural to Rural Residential and Agricultural to Agricultural with Agricultural Overlay effective upon the recording of the Certified Survey Map.
   Seconded by Vice Chair Baumgartner.
   Motion carried unanimously.
Item II- Zoning Change – Agricultural to Single Family Residential, Shawn & Melissa Ballweg, Petitioners and Owners – Town of West Point

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.

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. Town recommended approving rezoning.

Chair 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 the recording of the Certified Survey Map.
Seconded by Mr. Teitgen.
Motion carried unanimously.

Item III- Conditional Use Permit for Recycling Concrete, Yahara Materials, Inc. Petitioner Paul Helt, Owner – Town of Arlington

Chair Richmond opens Public Hearing.

Mr. Bluemke presents the staff report.

Chair Richmond asks if anyone has any questions.

Mr. Teitgen asks if CTH K will be used for access.

Mr. Geoghegan representing Yahara Materials, Inc. explains that the majority of access will be off the Interstate. CTH K will be used as mobilization access only. In addition, project will have limited affect on crop production.

Petitioner 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. Town recommended approving Conditional Use Permit.

Chair Richmond closes Public Hearing.

Motion by Vice Chair Baumgartner to approve Conditional Use Permit for recycling concrete, subject to the following findings, conclusions and conditions.
   Seconded by Mr. Teitgen.
   Motion carried unanimously.

Findings:
1. Paul Helt is the owner of the subject property described in the application.
2. Yahara Materials, Inc., Applicant, has been awarded a contract for the recycling of concrete as part of the reconstruction of Interstate 90/94 during the 2009 construction period.
3. Yahara proposes two temporary concrete recycling sites on the Helt property that will store and reprocess concrete for proposed 2009 reconstruction of the interstate highway.
4. The proposed sites are existing cultivated land and both are proposed to be restored to the original/existing use.
5. Both proposed sites on the Helt property are directly adjacent to the interstate corridor and project site, permitting direct access to and from the proposed recycling site.
6. The application complies with the criteria for review of conditional use permits contained in Sec. 91.75 (5), Wisconsin Statutes.
7. The application complies with the general criteria for conditional uses contained in Sec. 16-1-5(b)(2) of the Ordinance.
8. The application complies with the general review criteria of Sec. 16-1-18(e) of the Ordinance.
9. The Town has drafted an agreement with the owner and applicant regarding the use of the proposed sites and local roads, and also proposes bonding for local road use.

Conclusions:
1. The application qualifies for a Conditional Use Permit under Sec. 16-1-5 (b)(2) as a government-related use.
2. This proposed use is consistent agricultural use in that its impact will be temporary with full restoration anticipated.
3. 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.
4. The property is physically well suited for the proposed use and has appropriate highway access.
5. 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).
6. The development 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.

Conditions:
1. 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.
2. Yahara Materials, Inc. agrees that all operations will be conducted professionally and conform to industry, state or local standards.
3. Yahara Materials, Inc. shall obtain highway access approval from the Town of Arlington for the purpose of initial access to the site, and if requested or required by the Town shall abandon or remove said driveway upon completion of the project.
4. A copy of the approved Erosion Control Plan must be submitted to the Planning and Zoning Department prior to the topsoil being removed.
5. Traffic advisory signs shall be installed when material is being hauled to the site from offsite sources for the purpose of accessing the interstate project site by way of the Helt property.
6. The temporary access points shall be restored to preconstruction condition no later than December 1, 2009
7. Yahara Materials, Inc. shall insure that upon completion of contract obligations, the crushing plant, all vehicles and equipment, and stockpiles of concrete whether processed or unprocessed, reclaimed reinforcing steel if any shall be removed from the property, with the site being restored to its preconstruction condition no later than May 1, 2010.
8. Yahara Materials, Inc. shall comply with and obtain all necessary permits required by applicable federal, state, and local regulations.
9. This permit shall become effective only upon the signing of the Town agreement.

Item IV- Conditional Use Permit for Recycling Concrete, Yahara Materials, Inc., Petitioner, Marion Markhardt, Owner – Town of Arlington

Chair Richmond opens Public Hearing.

Mr. Bluemke presents the staff report.

Chair Richmond asks if anyone has any questions.

Mr. Teitgen noticed frozen water during site visit and wondered how that would affect project.
Mr. Geoghegan representing Yahara Materials, Inc. explains that this will be addressed by grading and locating slightly north of area. DNR viewed site and didn’t have any issues.

Chair Richmond inquires about Helt property on both sides of highway.

Mr. Geoghegan explains that this site will become active in Phase II because it has closest access to the Interstate east bound. Mr. Geoghegan details schedule which will occur in two phases. West bound traffic will be routed to east bound Interstate with temporary barrier and must be completed by May 22nd. Next phase of the project will begin on September 9th with a deadline of November 20th. Liquidated damages of $10,000/ per day for delays are part of the contract.

Mr. Teitgen inquires about emergency vehicle access.

Mr. Geoghegan explains they will have access through the fence at all times.

Vice Chair Baumgartner asks how many miles of Interstate this project will affect.

Mr. Geoghan responds that it will affect three miles.

Petitioner 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. Town recommended approving Conditional Use Permit.

Chair Richmond closes Public Hearing.

Motion by Mr. Teitgen to approve Conditional Use Permit for recycling concrete subject to the following findings, conclusions and conditions.

Seconded by Mr. Baebler.

Motion carried unanimously.

Findings:

1. Marion Markhardt is the owner of the subject property.
2. Yahara Materials, Inc., Applicant, has been awarded a contract for the recycling of concrete as part of the reconstruction of Interstate 90/94 during the 2009 construction period.
3. Yahara proposes a temporary concrete recycling site on the Markhardt property that will store and reprocess concrete for proposed 2009 reconstruction of the interstate highway.
4. The proposed site is existing cultivated land and is proposed to be restored to the original/existing use.
5. The proposed site is directly adjacent to the interstate corridor and project site, permitting direct access to and from the proposed recycling site.
6. The Town has drafted an agreement with the owner and applicant regarding the use of the proposed sites and local roads, and also proposes bonding for local road use.
7. The application complies with the criteria for review of conditional use permits contained in Sec. 91.75 (5), Wisconsin Statutes.
8. The application complies with the general criteria for conditional uses contained in Sec. 16-1-5(b)(2) of the Ordinance.
9. The application complies with the general review criteria of Sec. 16-1-18(e) of the Ordinance.

Conclusions:
1. The application qualifies for a Conditional Use Permit under Sec. 16-1-5 (b)(2) as a government-related use.
2. This proposed use is consistent agricultural use in that its impact will be temporary with full restoration anticipated.
3. 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.
4. The property is physically well suited for the proposed use and has appropriate highway access.
5. 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).
6. The development 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.

Conditions:
1. 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.
2. Yahara Materials, Inc. agrees that all operations will be conducted professionally and conform to industry, state or local standards.
3. Yahara Materials, Inc. shall obtain highway access approval from the Town of Arlington for the purpose of initial access to the site, and if requested or required by the Town shall abandon or remove said driveway upon completion of the project.
4. A copy of the approved Erosion Control Plan must be submitted to the Planning and Zoning Department prior to the topsoil being removed.
5. Traffic advisory signs shall be installed when material is being hauled to the site from offsite sources for the purpose of accessing the interstate project site by way of the Markhardt property.

6. The temporary access points to the extent that they exist on the Markhardt property shall be restored to preconstruction condition no later than December 1, 2009.

7. Yahara Materials, Inc. shall insure that upon completion of contract obligations, the crushing plant, all vehicles and equipment, and stockpiles of concrete whether processed or unprocessed, reclaimed reinforcing steel if any shall be removed from the property, with the site being restored to its preconstruction condition no later than May 1, 2010.

8. Yahara Materials, Inc. shall restore the site in such a manner so as to not result in the ponding or impoundment of surface water on the site.

9. Yahara Materials, Inc. shall comply with and obtain all necessary permits required by applicable federal, state, and local regulations.

10. This permit shall become effective only upon the signing of the Town agreement.

Item V - Conditional Use Permit for Towing, Rental and Temporary Storage of Motor Vehicles, Sale, Rental and Repair of Motor Vehicles including Cars and Trucks, Farm Equipment, Lawn and Garden Equipment, LP Filling Station (Tanks and Gas), Bill & Kathy Sellner, Petitioner, Schmelzer, LLC, Owner – Town of Arlington

Chair Richmond opens Public Hearing.

Mr. Bluemke presents the staff report.

Mr. Teitgen suggests revising Condition #5 to be more specific regarding purpose of fence and height.

Chair Richmond asks if anyone has any questions.

Petitioner was present and states that U-Haul dealership will be part of business.

Mr. Teitgen suggests adding “rental” to description list (sale, repair & rental) in paragraph prior to Conditions.

Petitioner clarifies parking spaces and off premise sign removal.

Mr. Bluemke suggests contacting the State for a directional sign.

Petitioner inquires if trees count as fencing and other possible fence solutions.

Mr. Bluemke explains that to waive Condition #5 a variance would be required.
Petitioner inquires about details of landscaping plan requirements.

Mr. Bluemke reiterates size requirements in Staff Report.

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

Mr. Ray Voss
PO Box 402
Portage, WI 53901

We need businesses in Columbia County. Can't play favoritism – law is going to be the law. Can't sacrifice one for the other.

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

Town Board not present, but Minutes on file. Town recommended approving Conditional Use Permit.

Petitioner mentions they will have LP Filling station with tanks and gas available to the public.

Vice Chair Baumgartner suggests adding LP Filling station (tanks and gas) to the list of items after equipment at the top of Conditional Use Permit.

Chair Richmond closes Public Hearing.

Motion by Mr. Teitgen to approve Conditional Use Permit for mixed use development with the following revisions:
- Addition of “rental” equipment,
- Addition of “LP filling station (tanks and gas)”
- Addition to Condition #5 “such that the fence shall totally screen all inoperable, recovered and wrecked vehicles and trailers”.

and subject to the following findings, conclusions and conditions.
Seconded by Mr. Baebler.
Motion carried unanimously.

Findings:
1. The property will be owned Sellner Properties, LLC.
2. The Arlington Town Plan Commission and Board have reviewed and recommended approval of the Conditional Use Permit.
3. 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. This is a reuse of the site and the proposed uses are consistent with the purpose and intent of the ordinance.
3. The use is similar to commercial uses within Columbia County for which there has been no documented evidence submitted that the other commercial facilities have been detrimental to or endangered nearby residents or business.
4. The Town regulatory process adequately addressed the site and design issues associated with the redevelopment.

Conditions:
1. The approvals of the Town of Arlington hereby incorporated by reference as part of this Conditional Use Permit; however, the County is not responsible for enforcing said conditions, unless an individual condition is specifically included below as a condition of approval. In the event County and Town conditions are similar the County condition will apply. However, in the event the Town submits a finding of noncompliance with any item of the above referenced letter 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 upon Sellner Properties LLC providing documentation that they are the owners of the subject property, which must occur within 1 year of the date of public hearing.
3. A new site plan which shows all product display in graveled areas shall be submitted and approved by the Department by than May 1, 2009 or no later than 2 months after Sellner Properties LLC acquires the property.
4. There shall be no storage of equipment or other material outside of the buildings, other than operable wheeled vehicles, farm and recreation equipment displayed for in the product display areas on the approved site plan.
5. No storage of inoperable vehicles is allowed outside of the fenced storage, which fence must be approved by and comply with applicable Ordinance regulations such that the fence shall totally screen all vehicles and trailers.
6. No vehicle shall remain inside the fenced storage area for more than 120 days from the time it is towed onto the property.
7. New lighting for the facility shall be oriented so that the lighting element (or transparent shield) is 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.
8. A landscaping plan be submitted to and approved by the Planning and Zoning Department no later than June 31, 2009 and be installed no later than December 31, 2009, unless the Department approves a different schedule. 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 and lawn shall be maintained, and all planting shall be maintained and replaced if diseased or dead.
9. All signs shall comply with the current regulations and any new regulations pertaining to electronic changeable copy and graphic display signs.
10. Any amendments to the approved site plans, additions or changes in the design or size of the structures or capacity of the facility, or hours of operation shall be referred to the Town for review and the Committee for action.
11. The applicant and owner shall comply with and obtain all necessary permits required by applicable federal, state, and local regulations.
12. 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 VI- Amendments to Title 16, Chapter 1, Section 13A Sign Regulations, of the County Code

Chair Richmond opens Public Hearing.

Mr. Bluemke presents the staff report.

Mr. Bluemke asks if any Planning and Zoning Committee member received any comments regarding the proposed amendments.

No comments were received.

Chair Richmond asks if anyone has any questions.

Chair Richmond asks if anyone is in favor of proposed Amending Ordinance.

Mr. Ray Voss
PO Box 402
Portage, WI 53901
Why is Zoning controlling our own property regarding signs? We pay taxes and we should control. We need restriction law; they are here because they do us good. Signage has to change. Need to quite telling people what to do.

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

Chair Richmond closes Public Hearing.

Motion by Mr. Teitgen to recommend approval and distribute proposal for Amendments to Title 16, Chapter 1, Section 13A, Sign Regulations to Columbia County Board of Supervisors this month and put on Board agenda in April.
Seconded by Mr. Healy.
Motion carried unanimously.
12. Adjourn

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

Meeting adjourned at 5:25 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