Tuesday, April 5, 2005

Planning and Zoning Committee Regular Monthly Meeting and Public Hearings
11:00 AM Columbia County Annex Building (Meeting Room #1) Wisconsin River Room
4:00 PM Columbia County Administration Building (County Board Room)
Portage, WI 53901

11:00 AM

Meeting called to order by Chair, Harlan Baumgartner

Present – Harlan Baumgartner, John Stevenson, John Healy, Harlan Horton and Phil Baebler

Present from the Planning and Zoning Office – John Bluemke, Randy Thompson and Jeannine Baertsch

Also present – Susan Martin, County Board Chair

Harlan Baumgartner – Any changes to the agenda?

John Bluemke – Would like to add - amend Title 16, Chapter 3, entitled “Private Sewage Systems” for discussion.

Approval of Agenda – Add - amend Title 16, Chapter 3, entitled “Private Sewage Systems” for discussion. Motion by John Healy, seconded by Harlan Horton to approve the agenda with the change. Motion carried unanimously.

Approval of Minutes – Motion by John Stevenson, seconded by Phil Baebler to approve the minutes with the following corrections: Page 1 (Motion by entered twice). Page 5 (is instead of in and Presser instead of presser). Motion carried unanimously.

Preliminary Plat of Oak Shore East, Town of Fountain Prairie – Motion by John Stevenson, seconded by John Healy to approve the Preliminary Plat of Oak Shore East with the following conditions:

1) The property being zoned Single Family Residence before the Final Plat is submitted.
2) The Vision triangles at the access point to Oak Shore Dive must be shown on the Final Plat.
3) Written verification from the Town that provisions are in place for the donation of money for park purposes per Sec. 16-2-3 (c), or that the Town chooses not to require any dedication of lands or donation of funds under this section.
4) Written verification that the Village of Fall River either approved or chose not to review the plat.
5) Developer obtains approval from the Town for all applicable Town ordinances and plans.
6) Minutes of Town approval of the Final Plat are included with the submittal of the Final Plat to the County.

Out of County Travel – John Bluemke informs the committee of the following meetings coming up: April 21st there is a workshop to be held in Dodge County, John, Brian and Randy will be attending. April 7th there is a meeting in Dodge County that John and Mike will be attending. Motion by John Healy, seconded by Phil Baehler to approve the Out of County Travel. Motion carried unanimously.

Approval of Vouchers – Motion by John Healy, seconded by John Stevenson to approve the vouchers. Motion carried unanimously.

Comprehensive Planning – Randy Thompson asks the committee if they have heard any comments on the meetings that have been held?

John Healy – States Randy and Brian are doing a good job.

Randy Thompson – We are working with the towns right now.

Susan Martin – Can you comment on the Historic Meeting?

Randy Thompson – Randy states a lot of feedback on how to protect the land. Recording helps to obtain grants to keep it up. Durwards Glen is recorded as a historic place.

Harlan Baumgartner – Asks about Churches?

Randy Thompson – The state would send a person out from the historical society to evaluate the site. Also on line under Wisconsin State Historical Society.

Susan Martin – Does the City of Portage have any historic sites?

Randy Thompson – Yes. There is a file on database indicating where all the historic sites are in Columbia County. Also, cemeteries are indicated on a map.

Randy Thompson informs the committee of the following: At a CPAC committee meeting – John Van Ruk, City of Columbus is being considered as a new member.

Randy Thompson – Laura Paine will be present at our meeting in April.
Harlan Baumgartner – Did you have good representation from the towns?

Randy Thompson – Yes, was hoping to have more from the historical society.

Enforcement – John Bluemke comments. Dekorra – Mr. Wendt has 30-day appeal process, needs to clean it up or move. Caledonia – Mr. Hohl, have not heard anything on this. Marcellon – Mr. Larson, Hwy 44 has a car repair business that we are trying to bring into compliance.

John Bluemke comments on proposed amendments to Title 16, Chapter 3 of the County Code.

Susan Martin – Has any more come up with the situation on the fire where people were injured?

John Bluemke – No.

Meeting recessed at 11:45 AM

Meeting reconvened at 4:00
Columbia County Administration Building (County Board Room)

Present – Harlan Baumgartner, John Stevenson, John Healy, Harlan Horton and Phil Baebler

Present from the Planning and Zoning Office – John Bluemke and Jeannine Baertsch

Meeting called to order by Chair, Harlan Baumgartner

Notice of Public Hearings read by John Stevenson, Secretary

1) A petition by the Columbia County Planning and Zoning Committee, Agent for DMS, I, LLC & RSW, I, LLC, Jefferson, Wisconsin to rezone from Agricultural to Single Family Residence property at N1774 STH 188, described as Lot 1, Certified Survey Map Number 3290, Section 17, Town 10N, Range 8E, Town of Lodi. Intent: To correct the previous rezoning.

John Bluemke - gives staff report.

Harlan Baumgartner – Any questions of the committee? No response.
Harlan Baumgartner – Anyone in favor of the rezoning request? No response.

Anyone in opposition to the rezoning request? No response.

Harlan Baumgartner – Any questions of the committee? No response.

The Town Board of Lodi considered the three rezoning requests and will not take any action.

The Public Hearing is closed.

Motion by John Healy, seconded by John Stevenson to recommend approval of the rezoning request. Motion carried unanimously.

2) A petition by The Columbia County Planning and Zoning Committee, Agent for Harold Brereton, Lodi, Wisconsin to rezone from Agricultural to Single Family Residence property at N1780 STH 188, located in part of the SE ¼ of the SE ¼, Section 17, Town 10N, Range 8E, Town of Lodi. Intent: To correct the previous rezoning

John Bluemke – Gives staff report.

Harlan Baumgartner – Any questions of the committee? No response.

Harlan Baumgartner – Anyone in favor of the rezoning request? No response. Anyone in opposition to the rezoning request? No response.

Harlan Baumgartner – Any questions of the committee? No response.

The Public Hearing is closed.

Motion by John Stevenson, seconded by Phil Baebler to recommend approval of the rezoning request. Motion carried unanimously.

3) A petition by the Columbia County Planning and Zoning Committee, Agent for Daniel See, Lodi, Wisconsin to rezone from Agricultural to Single Family
Residence property on STH 188, located in part of the NE ¼ of the SE ¼, Section 17, Town 10N, Range 8E, Town of Lodi. Intent: To correct the previous rezoning.

John Bluemke – Gives staff report.

Harlan Baumgartner – Any questions of the committee? No response.

Harlan Baumgartner – Anyone in favor of the rezoning request? No response. Anyone in opposition to the rezoning request? No response.

Harlan Baumgartner – Any questions of the committee? No response.

The Public Hearing is closed.

Motion by Phil Baebler, seconded by Harlan Horton to recommend approval of the rezoning request. Motion carried unanimously.

4) A petition by Judith Lou Manthey, Pardeeville, Wisconsin to rezone from Agricultural to Rural Residential property on Vaughn Road, located in part of the NW ¼ of the SE ¼ lying south of highway, Section 36, Town 13N, Range 10E, Town of Marcellon. Intent: Construction of a single family home.

John Bluemke – Gives staff report.

Harlan Baumgartner – Any questions of committee? No response.

Harlan Baumgartner – Is the petitioner present and willing to add anything?

Judith Lou Manthey – No.

Harlan Baumgartner – Anyone in favor of the rezoning request?

Tony Pautzke, Chair – Town of Marcellon. Present. Comments on deed restriction.

Harlan Baumgartner – Anyone else in favor of the rezoning request?

Violet McElroy, N9029 McElroy Road – Present. No problem with the rezoning request.
Harlan Baumgartner – Anyone else in favor of the rezoning request? No response. Anyone in opposition to the rezoning request? No response.

Harlan Baumgartner – Any questions of the committee? No response.

Tony Pautzke – Landowners adjacent to this property have given written approval.

The Public Hearing is closed.

Motion by Harlan Horton, seconded by John Healy to approve of the rezoning request subject to the following conditions: The rezoning effective upon the recording of the Certified Survey Map for the subject property, which CSM also must show the shared driveway, access easement, access restriction and the submittal of a copy of the recorded Deed Restriction to the Planning and Zoning Department. Motion carried unanimously.

5) A petition by Mary Ann C. Frank, Arlington, Wisconsin to rezone from Agricultural to Rural Residential, property located at W5937 STH 60 located in part of the E ¼ of the NE ¼ of the SW ¼, Section 15, Town 10N, Range 10E, Town of Leeds. Intent: Separate house from the farm.

John Bluemke – Gives staff report.

Harlan Baumgartner – Any questions of the committee? No response.

Harlan Baumgartner – Is petitioner present and wishing to add anything?

Mary Ann Frank – No.

Harlan Baumgartner – Anyone in favor of the rezoning request?

Mary Ann Frank – Speaks in favor.

Tony Pautzke – How much land is being divided off?

John Bluemke – 4.01 acres, remainder will be restricted.

Harlan Baumgartner – Anyone in opposition to the rezoning request? No response.

The Town Board is on file in favor of the rezoning request.
Harlan Baumgartner – Any questions of the committee? No response.

The Public Hearing is closed.

Motion by John Healy, seconded by John Stevenson to recommend approval of the rezoning subject to the following conditions: The rezoning effective upon the recording of the Certified Survey Map, and submittal of a copy of the recorded Deed Restriction to the Planning and Zoning Department. Motion carried unanimously.

6) A petition by Eugene and Carol Niehoff, Columbus, Wisconsin to rezone from Agricultural to Single Family Residence, property on Oak Shore Drive located in part of the N ½ of the SE ¼ of the SE ¼, Section 23, Town 11N, Range 12E, Town of Fountain Prairie. Intent: Development of a subdivision.

John Bluemke – Gives staff report.

Harlan Baumgartner – Any questions of staff? No response.

Harlan Baumgartner – Is petitioner present and wishing to add anything?

Eugene Niehoff – No.

Harlan Baumgartner – Any questions of the committee? No response.

Harlan Baumgartner – Anyone in favor of the rezoning request? No response.

Anyone in opposition to the rezoning request? No response.

Harlan Baumgartner – As petitioner you have last say, anything you wish to add?

Eugene Niehoff – No.

The Public Hearing is closed.

Motion by Harlan Horton, seconded by John Stevenson to recommend approval of the rezoning request subject to the following condition: The rezoning effective upon the recording of the Certified Survey Map. Motion carried unanimously.

7) A petition by STS Consultants, Ltd., Oshkosh, Wisconsin, Agent for Roger Westphal, Columbus, Wisconsin for a Conditional Use Permit under Section 16-
1-5 (2)(b)(1) of the Columbia County Zoning Ordinance to expand the existing quarry on property on STH 89, located in part of the SW ¼ of the SW ¼, Sections 23 and 24, Town 10N, Range 12E, Town of Columbus.

John Bluemke – Gives staff report.

Harlan Baumgartner – Any questions of committee? No response.

Harlan Baumgartner – Any questions on recommendations? No response.

Harlan Baumgartner – Is petitioner present and wishing to add anything?

Paul Timm – With STS Consultants, Present – Met with the Town of Columbus several times. Offered to pick up existing quarry, keeps the neighborhood happy. We are sensitive to residents, trying to protect the subdivision. Committed to a fence. Planting trees. Speaks on production hours and operational hours. Item #2 under Conditions it states operational hours of 8:00 a.m. - 4:00 p.m. Monday through Friday – We propose operation hours of 9:00 a.m. – 6:00 p.m.

John Bluemke – Hours are the same as what we have approved with other mines.

Oswald Kinas – With Linck Aggregates, Inc, Present – The reason for extending the hours to 6:00 p.m. – in some instances we have had problems with the weather.

Harlan Baumgartner – Asks how we came up with the hours?

John Bluemke – Other towns recommended these hours. Would like to stay consistence.

Harlan Baumgartner – Any comments from the Town?

Eugene Damm – Not much in the way of disturbance.

Harlan Baumgartner – For blasting only – staff recommends 8:00 a.m. – 4:00 p.m. Petitioner would like 9:00 a.m. – 6:00 p.m. Discussion.

John Bluemke – I would like 8:00 a.m. – 4:00 p.m., but if there were a change would like to see 8:00 a.m. – 5:00 p.m.

Motion by John Healy, seconded by Phil Baebl to have the hours for blasting be 9:00 a.m. – 5:00 p.m. Monday through Friday. Motion carried unanimously.
Paul Timm – Item #3 under Conditions – Would like production hours and Operational hours to be the same.

Discussion on Item #3.

Harlan Horton – If there are complaints, can we change the Conditional Use Permit?

John Bluemke – If we get complaints, we can revisit.

Motion by John Healy, seconded by John Stevenson to allow the production hours to be 6:00 a.m. – 10:00 p.m. Monday through Friday with the level of noise at the property line not to exceed 60 decibels. Motion not unanimous. Harlan Horton not in favor.

Motion by Phil Baebler, seconded by John Stevenson to allow the operational hours to be 6:30 a.m. – 6:30 p.m. Monday through Friday and 7:00 a.m. until Noon on Saturdays. Motion carried unanimously.

Paul Timm – Item #6 under Conditions – Would like to run the fence for 1800 feet on north end of site.

John Bluemke – For safety purposes if we don’t get the entire length what is the purpose. All you have to do is walk around. Approximately 2900 feet is north side of quarry.

Harlan Baumgartner – Anyone wanting to make a change?

John Bluemke – The same should apply to the west end of the site with the start of Phase II.

John Stevenson – Will there be a berm?

Paul Timm – Yes.

Harlan Horton – What was there before?

Oswald Kinas – Netting wire that we would repair.

John Bluemke – Netting wire should be a minimum of 48 inches in height and 6 inches above grade when Phase II begins.

Discussion.
Motion by Harlan Horton, seconded by Phil Baebler to approve a woven fence a minimum of 48 inches in height along the entire north side of the mine, approximately 2900 feet. When Phase II begins a woven wire fence shall be installed along the west end of the site. Motion carried unanimously.

Paul Timm – Item #8 – Discussion.

Motion by Harlan Horton, seconded by John Stevenson to change item #8 under Conditions from November 2005 to November 2006. Motion carried unanimously.

John Bluemke – Questions the vegetative screen and fence issues.

Oswald Kinas – The north slope to be cleaned up by November 2006.


Harlan Baumgartner – Any other questions of the committee? No response.

Eugene Damm – The Town Board of Columbus is on record approving of the Conditional Use Permit.

Harlan Baumgartner – As petitioner you have last say anything you wish to add?

Paul Timm – No.

The Public Hearing is closed.

Motion by John Healy, seconded by Phil Baebler to approve the Conditional Use Permit subject to the following conditions:

1. Any agreement between the Town of Columbus and Roger Westphal or Linck Aggregates, Inc. (Linck) 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. Linck shall minimize the dispersion of dust from the drilling, blasting, crushing, and hauling operations. Linck shall use water spray bars in the crushing process to reduce dust except the use of such bars is not required when the temperature is below freezing. The entrance road and access to STH 89 will be surfaced with appropriate material so as to reduce dust. A water truck shall apply water in and around the quarry and quarry entrance road as needed and/or as requested by the Town to reduce dust, weather permitting. The pavement surface of STH 89 shall be kept free of all mud, debris, and dust by sweeping or other means as necessary or as requested by the State, County or Town. Linck agrees that all blasting will be conducted by professionals licensed with the State of Wisconsin and conform to the standards developed by the State of Wisconsin. No blasting agents will be stored on site. Blasting operations must occur between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday. Linck will notify the Clerks of the Town and City of Columbus of blasting at least twenty-four (24) hours prior to the proposed blast time. In addition, a second notice shall be given to the municipalities approximately sixty (60) minutes before any blast if requested. Linck shall monitor all blasts. A minimum of two seismograph machines shall be used for each blast. In addition, recording seismographs will be used in buildings or other structures as requested by Town residents, the Town, or the County. Seismograph records shall be available to the County, Town or any resident without charge by Linck within three (3) business days of such request.

3. Linck agrees to limit hours of general quarry operation including, but not limited to, drilling, stockpiling, and hauling to the hours between 6:30 a.m. to 6:30 p.m. Monday through Friday and 7:00 a.m. to 12:00 Noon on Saturdays. Production or crushing is allowed 6:00 a.m. to 10:00 p.m. Monday through Friday, provided the level of noise at the property line does not exceed 60 decibels after or before general quarry operation hours, and lighting is focused inward towards the quarry. 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.

4. All excavation equipment, plants, and vehicles shall be fueled, stored, serviced and repaired on lands five (5) feet above the highest water table elevation. Additionally, Linck shall require all trucks and excavation equipment to have exhaust systems that meet or exceed current industry standards to ensure that noise levels are kept at or below allowable limits.

5. The applicant shall submit a reclamation plan and file the required financial assurance pursuant to Chapter NR 135, Wisconsin Administrative Code, and Title 16, Chapter 7, of the Columbia County Nonmetallic Mining Reclamation Ordinance. Site development shall not commence until the reclamation plan is approved and financial assurance is accepted by the County.

6. By November, 2006 Linck will install a woven wire fence a minimum of 48 inches in height along the entire north side of the mine, approximately 2,900 feet, to limit access to the mine from the residential properties to the north. When
Phase II begins a woven wire fence shall be installed along the west end of the property.

7. Linck will eliminate the access road along the exterior of the perimeter screening berm except along the north side of the site. A minimum 20 foot setback will be retained between the property line and the outward toe of the slope of the screening berm. The screening berm will be a minimum of 5 feet high with a maximum of 3:1 slope. The screening berm will be constructed in conjunction with stripping of the mining area and may be removed as part of the reclamation; however, the north screening berm will remain for the life of the quarry.

8. A vegetative screen be planted, by November 2006, along the north side of the quarry from STH 89 to the west end of the proposed quarry site:
   a. The screen shall consist of red pine or other suitable species approved by the PZD, a minimum of 12 inches in height. Trees shall be maintained and replaced as needed.
   b. Two parallel rows of trees shall be provided, with the rows being staggered, 10 - 15 feet apart, and trees in an individual row being not more than 20 feet apart on center.

9. Linck will substantially complete, within reason operational site constraints, the reclamation of Phase I including the abandoned quarry as mapped on the approved site drawing prior to mining Phase II and will meet with the Town to review Phase I prior to mining Phase II.

10. All permanent or temporary lighting for the quarry 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.

11. The level of noise or sound generated by the operation of the quarry shall not exceed 70 decibels at the property line.

12. An Emergency Response Number be applied for and issued to the quarry.

13. Warning signs shall be posted around the perimeter of the site.

14. The operation plan by STS Consultants, dated February 7, 2005, is incorporated into these conditions and shall be followed unless the operational element has been modified by these conditions.

15. The operator shall comply with and obtain all necessary permits required by applicable federal, state, and local regulations and shall comply with and obtain all necessary permits required by applicable federal, state, and local regulations.
Proposed amendments to Title 16, Chapter 3, entitled “Private Sewage Systems”, of the Columbia County Code as follows:

Section 16-3-15 (a) (4)(c) to read as follows:
(c) A clear and legible detailed plot plan (site plan) dimensioned or drawn to scale, on paper no smaller than 8 1/2 inches by 11 inches in size, but not to exceed 11 1/2 inches by 17 inches in size. The plot plan shall delineate the lot size and the location of all existing and proposed private sewage system components, building sewers, private interceptor main sewers, wells, water mains or water services, existing buildings and proposed buildings that will hooked to a sewer system or impact a sewer system, lot lines, swimming pools, navigable waters, and the benchmark established on the Soil and Site Evaluation Report. Adjoining properties shall be checked to insure that the horizontal setback parameters in Comm 83.43, WAC are complied with. All separating distances and dimensions shall be clearly shown on the plot plan.

Section 16-3-24 repealed
(a) Notice for final inspection shall be given to the Department for all private sewage systems installed, modified or reconnected.
(b) These private sewage systems shall be inspected by the Department for compliance with Comm 82, Comm 83, Comm 84, and Comm 91, WAC, other appropriate Wisconsin Statutes and Administrative Codes and this ordinance.
(c) Notification for final inspection shall be given in accordance with the requirements of Comm 83, WAC.
(d) The entire system shall be left completely open until it has been inspected and accepted, unless the Department fails to inspect within the time period specified by Comm 83, WAC.
(e) When a private sewage system is ready for inspection, the plumber in charge shall make arrangements to enable the inspector to inspect all parts of the system. The plumber shall provide the proper apparatus, equipment and necessary assistance to make a proper inspection.
(f) Private sewage systems may be inspected periodically, after the initial installation inspection(s) and/or after the system is operative, as deemed necessary by the inspector.

Section 16-3-24 recreated to read as follows:
(a) The county shall inspect all private sewage systems as required by state code after construction but before backfilling no later than the end of the next workday,
excluding Saturdays, Sundays and holidays after receiving notice from the plumber in charge if notice from the plumber in charge is made to the County by 9:00 a.m. on the previous day. Inspections shall be reported on forms furnished by the department. The plumber in charge or an authorized journeyman plumber must be present during the inspection and must provide all necessary equipment and assistance to the inspector as requested.

(b) Other Inspections: Additional inspections of a private sewage system may be necessary based on private sewage system type, complexity or due to unforeseen circumstances. Private sewage systems may be inspected periodically, after the initial installation inspection(s) and/or after the system is operative, as deemed necessary by the County.

Section 16-3-25 amended to read as follows:
(a) All site constructed treatment tanks shall may be inspected after the floor is poured and the key way and water stop are installed or after the forms for the tank walls have been set but in all instances before any concrete for the walls has been poured.
(b) Concrete walls may be poured only after it has been determined that the tank, as formed complies with the approved plans.
(c) This inspection shall may not eliminate the need for an inspection after the installation has been completed.

Section 16-3-27 amended to read as follows:
(a) The plumber installing the mound shall notify the Department the working day prior to the installation, excluding Saturdays, Sundays and holidays.
(b) Mound systems shall may be inspected at the time the ground surface is plowed, at the time the distribution piping installation has been completed and after all work has been completed.

Section 16-3-28 amended to read as follows:
(a) The plumber installing the sand filter shall notify the Department the working day prior to the installation, excluding Saturdays, Sundays and holidays.
(b) Sand filters shall may be inspected at the time the liner or tank and under drain are in place, before placement of any treatment media, at the time the distribution piping installation has been completed and after all work has been completed.

Section 16-3-30 (a) amended to read as follows:
(a) A re-inspection fee may shall be assessed when a re-inspection of a private sewage system is required because the initial inspection disclosed that the installation is incomplete at the scheduled inspection time or does not comply with applicable Wisconsin Statutes, Administrative Codes, the approved plans or this ordinance. Each additional re-inspection required at the site will require a fee.

John Bluemke – This will allow more flexibility with staff in the field.
Harlan Baumgartner – Any questions of staff? No response.

Harlan Baumgartner – Anyone in favor to the proposed amendments to Title 16, Chapter 3 of the County Code? No response. Anyone in opposition to the proposed amendments to Title 16, Chapter 3 of the County Code? No response.

Harlan Baumgartner – Anyone have any questions? No response.

Motion by John Stevenson, seconded by Phil Baebler to send the proposed amendments to Title 16, Chapter 3 of the County Code to County Board in April. Motion carried unanimously.

Motion by John Healy, seconded by Phil Baebler to adjourn. Meeting adjourned at 6:00 P.M.

Respectfully Submitted,

John Stevenson, Secretary
Planning and Zoning Committee

Recording Secretary,

Jeannine C. Baertsch
Office Administrator

Cc: Committee Members
    Susan Martin, County Board Chair
    Jeanne Miller, County Clerk