PLANNING & ZONING COMMITTEE MINUTES
OCTOBER 3, 2006

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

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

ALSO PRESENT: Harlan Baumgartner

BUSINESS MEETING

1. Chair Doug Richmond called the meeting to order at 12:04 a.m.

2. Certification of open meeting law.

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

4. Approval of Agenda.

5. Approval of Minutes – Chair Doug Richmond points out two grammatical changes on pages 15 & 19.

Motion by Mr. O’Neil for approval of Minutes of September 5, 2006 Planning & Zoning Committee Public Hearing. Seconded by Mr. Healy to approve. Motion carried unanimously.

6. PRELIMINARY PLAT HOLZEM PLAT, TOWN OF NEWPORT – Marvin Holzem, Petitioner and Owner

Marvin Holzem was present.

Mr. Bluemke presented the staff report. The Town Chair was not present. Mr. Bluemke points out the concerns are not the location of the subdivision itself, but three lots with double frontage and the County Subdivision Ordinance does not allow double frontage lots; two lots with only 33 feet of frontage, and accessory structures without a principal structure.

Marvin Holzem stated that the Town eliminated a cul du sac on his original plat and the revision is what created the double lots.

Chair Doug Richmond inquired about average lot size of a Pinehurst subdivision and Marvin Holzem replied that most lots were about one acre.
Mr. Bluemke emphasized that the subdivision is not bad location and suggested reconfiguring lots to resolve frontage issue. Other issue to consider is connectivity to move between areas in the future.

Chair Doug Richmond stated that a single egress/ingress a problem.

Mr. O’Neil suggested that Mr. Holzem present a new plat showing the 66’ frontage. Mr. Bluemke said that Lot #4 house has to be certain size because accessory can’t be larger than main structure. Mr. Holzem offered to plant trees to hide business and was informed that the property wouldn’t likely be rezoned to commercial.

Mr. O’Neil suggests moving the park. Mr. Holzem said he could move the park if necessary but prefers leaving park at current location.

Mr. Bluemke restates issues that require town review; double frontage on Lots 16, 17, 18 concern about road name, connectivity issue, lack of 66’ frontage on Lots 6 and 10, accessory structures on Lot 4.

Mr. Bluemke suggests that Mr. Holzem come back after speaking with town and present new design at next meeting. Chair Doug Richmond felt connectivity was a big issue.

**Motion by Mr. Teitgen to postpone decision after town review and revised plat preparation. Seconded by Mr. Healy.**

**Motion carried unanimously.**

**Recommendations/Conditions**

Staff recommends denial of the Holzem Plat for the following reasons:

1) The Ordinance does not allow for double frontage lots and lots 16, 17, and 18 are all double frontage lots.
2) The Ordinance requires that lots have at least 66 feet of frontage on a public road and lots 6 and 10 only have 33 feet.
3) The Zoning Ordinance requires that a principal structure be on a lot before accessory structures and Lot 4 has 3 accessory structures.
4) There is also a concern associated with how the proposed road is named.
5) There is undeveloped land to the north and south of the subdivision and there is no consideration as to what if any planned connectivity should be provided to ensure pedestrian and vehicles can move safely between these areas in the future.

7. **DEPARTMENT REPORT**
   a. Financial
      ♦ Out of county travel
i. Mr. Stapleton and Mr. Bluemke in Madison on October 30th - Livestock Siting  
ii. Mr. Stapleton and Mr. Bluemke in Stevens Point on November 1, 2, 3 - WCCA

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

♦  Vouchers to be paid  
   i. Wisconsin Fund payments were a pass through ($30,960). Grants for people who meet criteria and have need for septic repairs/replacement.

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

b. Comprehensive Planning

   Mr. Thompson met with the Town of Hampden to discuss land use portion of Comprehensive Plan. Plan to continue meetings and distribute maps to Towns for tool to help determine suitable sites for development.

c. Correspondence
d. Enforcement  
   No enforcement actions at this time.

8. Meeting recessed at 1:17 P.M. for tour of public hearing sites.

Public Hearing reconvened at 4:00 P.M.

9. Postponed Items

**ITEM I: CONDITIONAL USE PERMIT – GRAND RIVER DISTRIBUTION, LLC, PETITIONER AND OWNER – TOWN OF COURTLAND – POSTPONED FROM SEPTEMBER 5, 2006**

Property on Cabbage Road, located in part of the NE ¼ of the SW ¼, Section 5, T12N, R12E, Town of Courtland. A map of the land is on file in the Planning and Zoning Department.

Chair Doug Richmond asks if the committee members have any questions?  
Mr. O’Neil comments that this was a very engaging and taxing issue for both sides. Mr. Bluemke reviewed the new recommended condition pertaining to odor.
Motion by Mr. Healy to approve Conditional Use Permit for a 40 Million-Gallon Corn based Ethanol Plant with the following recommendations, conclusions, conditions. Seconded by Mr. Teitgen. Motion carried unanimously.

Findings:
1. The property is owned by Grand River Distribution, LLC a subsidiary of Didion Milling Inc.
2. Grand River Distribution, LLC is proposing to construct 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 Town of Courtland has signed an agreement with Grand River Distribution, LLC which helps protect the Town and its residents.
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 use is an industrial use that is consistent with the purpose and intent of the ordinance.
3. The proposed use is local business that can achieve economies of scale by expanding in its current location.
4. The proposed use 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 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.

Conditions for the Decision:
1. The conditions requested by the Town of Courtland per the August 29, 2006 agreement between the Town and Didion Milling, Inc. meeting are 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 the Town submits a finding of noncompliance with any item of the above meeting 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 not become effective until the Grand River Distribution, LLC obtains from the Wisconsin Department of Natural Resources: 1) The high capacity well permits necessary to operate the plant on the subject property; and 2) the air emission permit necessary to operate an ethanol plant on the subject property.

3. A 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.

4. The level of noise or sound generated by the facility shall at the property line not exceed 65 decibels.

5. There shall be no outside storage of any stock that is used to produce ethanol, or materials or equipment not actively associated with the production of ethanol.

6. All lighting for the facility shall be in accordance with an approved lighting plan and 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.

7. 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.

8. No ground signs or signs on the building, except of directional or informational, shall be allowed unless they are reviewed by the Town and approved by the Planning and Zoning Department, unless they are installed with an applicable local sign ordinance.

9. Any amendments to the approved site plans “A” or “B” and additions or 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.

10. The owner shall provide the County, Town, and Village with a copy of the odor abatement plan that is approved as part of the Air Emissions Permit, and for the first two (2) years provide at six (6) month intervals to the County, Town, and Village copies of the documentation for order complaints, responses, and notifications to the Wisconsin Department of Natural Resources. After the first two (2) years this information will be provided to the County, Town, and Village by request with such requests being no more than every six (6) months.

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.

Chair Doug Richmond states that this has been a five-month process, which has not been easy. Thanked everyone involved in process and hopes decision was understood.

10. Public Hearing

ITEM I: A PETITION BY JOSEPH MEAD, TO REZONE FROM AGRICULTURAL TO AGRICULTURAL NO 2.

Property at W8613 Bilkie Road, located in part of the SW ¼ of the NE ¼, Section 16, T11N, R9E, Town of Dekorra. Intent: To build one single-family residence. A map of the land to be rezoned is on file in the Planning and Zoning Department.

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?

Chair Doug Richmond inquires if the Town Board is present?

Town Chair (Mr. Teitgen) is present and confirmed that the Town Board unanimously recommended approval to county.

Chair Doug Richmond declared the public hearing was closed.

Motion by Mr. Teitgen, to recommend approval of rezoning the property from Agricultural to Agricultural No. 2. Seconded by Mr. Baebler. Motion carried unanimously.

ITEM II: A PETITION BY NORMAN AND BONNIE TROTTER, TO REZONE FROM AGRICULTURE TO RURAL RESIDENTIAL

Property at W8535 CTH CS, located in part of the SE ¼ of the SE ¼, Section 33, T11N, R9E, Town of Dekorra. Intent: To build one single-family residence. A map of the land to be rezoned is on file in the Planning and Zoning Department.
Mr. Bluemke presented the staff report, which recommended changing the Petition from the request from Rural Residential to Single Family Residence. The Property owner aware of situation prior to the meeting.

Mr. Bluemke states that Rural Residential allows for farm animals. He points out that the committee can stay with the town’s recommendation for Rural Residential instead of Single Family Residence. Mr. Teitgen explains Plan Commission disagreed with Mr. Bluemke’s suggestion, but it was a close vote. Town Board recommended for Rural Residential but Mr. Teitgen agrees with Mr. Bluemke.

Chair Doug Richmond asks if any questions of staff?

Chair Doug Richmond asks if the petitioner is present?

Norman Trotter was present and explains that he would like to sell property because of medical bills and added mortgage. He states he against having horses next door and the lot is buildable with a driveway.

Chair Doug Richmond asks if anyone is in favor of the petition?

Chair Doug Richmond asks if anyone is against the petition?

Chair Doug Richmond inquires if the Town Board is present?

Mr. Teitgen has already spoken.

Chair Doug Richmond declared that the public hearing was closed.

**Motion by Mr. O’Neil to approve rezoning from Agriculture to Single Family Residence. Seconded by Mr. Baebler.**

Motion carried unanimously.

The petition will be presented to County Board with the change and but needs to be reviewed by the Town.

Bonnie Trotter asks if land could be divided? Mr. Bluemke informs her that they could put covenant on the parcel.

**ITEM III:** **A PETITION BY ALLISON SCHULTZ, FOR A MAJOR HOME OCCUPATION PERMIT UNDER SECTION 16-1-13 (G), COLUMBIA COUNTY ZONING ORDINANCE TO OPERATE A DOG KENNEL**
Property at N3102 Berkvam Road, described as Lot 1 of Certified Survey Number 3403, Section 30, T11N, R11E, Town of Otsego. A map of the land is on file in the Planning and Zoning Department.

Mr. Bluemke reads staff report.

Chair Doug Richmond asks if there are any questions?

Mr. Teitgen states that the Town of Dekorra has done a fair amount of research on dogs & kennels. He inquires if Area B can be flipped from public road to get noise away from public road?

Allison Schultz responds that runs could be moved and that the dogs are trained not to bark.

Chair Doug Richmond asks if there are any questions? Mr. Bluemke inquires where the run should be moved. Mr. Teitgen states that Area B should be towards east on the opposite side of the kennel. Mr. Bluemke suggests adding to condition #7 “all runs should be located behind the kennel”.

Allison Schultz states that the business is not a commercial operation, but a small operation with no advertising. Tend to have 1-2 litters per year with no boarding.

Mr. Bluemke inquires about how often there would be a visiting dog. Allison Schultz responds that when it does occur the dog is on site for one week. Mr. Bluemke suggests a condition to limit visiting dog to one week

Chair Doug Richmond asks if anyone is in favor of the petition?

Chair Doug Richmond asks if anyone is against the petition?

Chair Doug Richmond inquires if the Town Board is present?

Yes, Harlan Baumgartner did appear and confirmed Town approved with conditions and would accept changes made to conditions.

Chair Doug Richmond declared that the public hearing was closed.

Motion by Mr. Healy to approve Major Home Occupation for an Italian Spinone kennel with the following findings, conclusions, conditions. Seconded by Mr. O’Neil. Motion carried unanimously

Findings:

1. Ms. Allison Schultz is owner of an Italian Spinone kennel.
2. Ms. Schultz is proposing to operate a dog kennel per Sec. 16-1-13 (g).
3. The Otsego Town Plan Commission and Town Board have reviewed and recommended approval of the Home Occupation Permit, with conditions.
4. Title 16, Chapter 1 of Columbia County Code of Ordinance is applicable to this site.

Conclusions:
1. The application qualifies for a Home Occupation Use Permit
2. The proposed use is a home occupation that is consistent with the purpose and intent of the ordinance.
3. The dog kennel is compatible with the agricultural and rural 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 for Decision:
1. The conditions requested by the Town of Otsego at the August 15, 2006 meeting are hereby incorporated by reference as part of this Home Occupation 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 the Town submits a finding of noncompliance with any item of the above meeting for which the County has not assumed direct enforcement authority, upon written request by the Town the County reserves the right to review the Home Occupation Permit.
2. The Home Occupation Permit becomes effective when the petitioner takes title to the property.
3. The Home Occupation Permit is not transferable pursuant to Sec. 16-1-13 (g)(6).
4. No additional signs are allowed without a recommendation from the Town and approval of the Planning & Zoning Department.
5. The Home Occupation Permit shall only be for a Italian Spinone Retriever dog kennel with a maximum of 25 dogs used for breeding or competition, no puppies over 10 weeks of age shall be kept on the property unless the puppies have been sold, but have not been shipped to the new owner. Puppies that have been sold but not shipped shall not be on site for more than one year or they must be counted against the maximum of 25 dogs.
6. All mature dogs must be licensed by the Town.
7. The site plan shall be modified to show all buildings, fences, and runs drawn to scale. All runs must be located east of the new kennel. Upon review and approval by Department staff this site plan will be signed and noted as the approved plan for the home occupation. All dogs are to be housed inside and the new kennel, which shall be constructed with the insulation necessary to mitigate sound from within the kennel.
8. No boarding of dogs is allowed.
9. On site breeding with female dogs not owned by the petitioner shall be limited to a total of 15 calendar days a year.
10. Outside activities shall be limited to the hours of 8:00 AM to 6:00 PM.
11. Excessive barking, cries, howling or other noise will result in the permit being reviewed and subject to revision or revocation. The term excessive barking, cries, howling or other noise includes but is not limited to the creation of any noise by a dog, dogs, or puppies which can be heard at a property line by any person, including an enforcement officer, which noise occurs continuously or incessantly for a period of 10 minutes or intermittently for 30 minutes or more any time day or night. A dog or dogs shall not be deemed to be barking if at the time a dog is barking or making other noise, a person is trespassing or threatening to trespass upon the private property upon where the kennel is situated or when the dog or dogs are being teased or provoked.

12. The owners must submit an operational plan as to how sanitation issues for the kennel will be handled and the plan must be approved by the Department.

13. There shall be strict observance of all sanitation and animal cruelty rules, regulations or laws of the Town, County, or State of Wisconsin.

14. The owners submit to the Department copies of the AKC Care & Conditions and Compliance Reports.

15. There shall be no employees outside of family members who reside on the subject property.

16. Outside storage of any materials or equipment associated with the kennel is not permitted.

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

18. 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 by the Home Occupation Permit approved by the Committee Decision are not being complied with, the Planning and Zoning Committee, after a public hearing, may revoke the Home Occupation Permit.

ITEM IV: A PETITION BY YAHARA MATERIALS, INC., PETITIONER, FOR DENNIS AND JACQUELINE KELLY, OWNERS, FOR A CONDITIONAL USE PERMIT UNDER SECTION 16-1-5 (b)(2)(b), OF THE COLUMBIA COUNTY ZONING ORDINANCE TO OPERATE A GRAVEL QUARRY ON KELLY PROPERTY GENERALLY.

Property generally located on the northwest corner of the intersection of CTH I and Kampen Road. The location is shown on the attached air photo, which photo also shows other quarries in the vicinity of the proposed new quarry. The site would be used for the extraction and crushing of the sand and gravel required to produce aggregate products for sale to the public and private sectors.
Mr. Bluemke reads staff report.

Chair Doug Richmond asks if there are any questions?

Mr. Teitgen inquires if Condition #7 should require 10’ high berms in SW corner? Several residences close to area. Tim Geoghegan explains the topography creates natural berms and shows map with noise relationship. Mr. Teitgen asks if he would you be comfortable that berms be 50’ from residential property line?

Mr. Healy inquires about where the entry would be and Mr. Geoghegan states CTH I. Chair Doug Richmond asks about depth and Mr. Geoghegan answers that depth will be approximately 25’. Also explains that the reclamation will be gently rolling and drainage will be self-contained.

Mr. O’Neil asks if blasting will occur. Mr. Geoghegan confirmed no blasting and explains that the sand is scooped and water spray used for dust. He also confirms that the water is trucked to the site.

Chair Doug Richmond asks if anything added as petitioner?

Mr. Geoghegan states it is a pretty good plan, reclamation submitted – and relatively short term of 9 years.

Mr. Bluemke inquires if County Highway Department had any complaints? Mr. Geoghegan explains that clean up occurs quickly with water truck.

Chair Doug Richmond asks if anyone is in favor of the petition?

Chair Doug Richmond asks if anyone is against the petition?

Raymond Redell
W8010 Kampen Road

Inquires if everything being documented – as far as conditions? Shows on map that he has lived at location for 68 years and has pit 5 miles south. In 1986, Madison Sand and Gravel had a 10-year agreement. Trucks continue to go in and out without water control. Claims that 5-6 years ago spoke with Mr. Stapleton as to why pit was still going? I am here to complain. All trucks will be traveling south – leaving Columbia County traveling to Madison. Don’t sell out to Madison. Nobody seems to close the other pit.

Chair Doug Richmond asks if anyone is against the petition?

William Benade
W8001 Kampen Road

When we purchased our land we thought the pit would be closed. I believe they have even expanded – I don’t think they will be gone in 9 years from now.

Judy Benade
W8001 Kampen Road
Water is the issue. Consider private wells.

Chair Doug Richmond asks if anyone is against the petition?

Mr. Baebler asks who owns gravel pit across the road? Mr. Benade responds that it is Madison Sand and Gravel.

Chair Doug Richmond inquires if the Town Board is present?

Yes, George Plenty states that the Town Engineer and Attorney and felt it was a good plan. Old plan was a handshake deal. This is a good plan.

Chair Doug Richmond declared that the public hearing was closed.

Motion by Mr. Teitgen to approve Conditional Use Permit for Gravel Quarry subject findings, conclusion, and conditions as amended; berms be 50’ from property lines and berm height not less than 10’ and reclamation found to be acceptable to P & Z, Seconded by Mr. Healy.
Motion passed but, not unanimously

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

Findings:
1. The property is owned by Dennis and Jacqueline Kelly
2. The owners are proposing a long-term lease with Yahara Materials, Inc, for the operation of a mineral extraction site.
3. The Arlington Town Board has recommended approval of the Conditional Use Permit, with conditions, and approved an Agreement with Yahara Materials, Inc.
4. The application complies with the general criteria of Sec. 16-1-5 (b)(2)(b), and 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 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.
4. The state and local regulatory process will adequately address the primary environmental issues associated with the operation of a quarry.
5. The quarry is compatible with the agricultural and 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.

Conditions for the Decision:
The agreement between the Town of Arlington and Yahara Materials, Inc. 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 the review the Conditional Use Permit.
1. There shall be only one joint driveway access for the Pit and other uses. This access shall be located off County Trunk Highway I in the location permitted by Columbia County. The first 200 feet of the driveway shall be paved, after which recycled asphalt may be used. The width of the driveway shall be a minimum of twenty-four (24) feet of paved or recycled asphalt. The asphalt and recycled asphalt shall be of sufficient depth to withstand typical truck loading in connection with Pit operations. Yahara shall construct a gate at the entrance to the Pit. This gate shall be locked during all hours that the Pit is not in operation.
2. Trucks shall exclusively use County Trunk Highway I for ingress and egress to the Pit. Prior to commencement of hauling to or from the Pit, Yahara Materials, Inc. shall improve the Country Trunk I intersection with the Pit’s joint driveway access through the construction of a Type “C” Access intersection as defined in Columbia County’s Highway Access Control Ordinance including the construction of acceleration and deceleration lanes and a by-pass lane. All of these improvements shall be constructed pursuant to plans and specifications reviewed and approved by the Columbia County Highway Department. All road improvements shall be the sole expense of Yahara. At the termination of this Permit or the end of operations of the Pit, whichever occurs first, the County Trunk I access intersection improvements shall be removed by Yahara and the intersection restored to its original condition.
3. This Conditional Use Permit shall expire at the end of nine years from the date of the decision at which time Yahara shall immediately cease and desist all further operations of the Pit unless a petition for an extension of this Conditional Use Permit is granted.
4. All Pit operating equipment and vehicles shall be fueled, stored, serviced and repaired on lands five (5) feet above the highest water table elevation. Additionally, the Yahara shall require all trucks, 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. The level of noise or sound generated by the facility or equipment shall not exceed 65 decibels at the property line of the leased property.

5. Yahara shall minimize the dispersion of dust from the excavation, crushing, and hauling operations within the Pit and on the joint driveway. Yahara 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. A water truck shall apply water in and around the Pit as needed and/or as requested by the Town to reduce dust, weather permitting.

6. Yahara shall create and maintain earthen berms of not less than 10 feet high around portions of the parameter of the Pit for the purpose of mitigating noise and visual concerns of the neighbors. These berms should 50 feet from the property lot line to mitigate sound and vision issues for adjacent residential properties.

7. No blasting shall be conducted at the Pit.

8. Yahara acknowledges that the Pit shall be opened and progress in phases with no more than approximately ten (10) acres of land to be stripped and open at any time.

9. Yahara agrees to limit hours of Pit operation, including, but not limited to, excavating, crushing, and stockpiling to the hours between 6:00 a.m. to 6:00 p.m. Monday through Friday and 6:00 a.m. to 2:00 p.m. on Saturdays. 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.

10. No process water may be released from the Pit.

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 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.

13. No ground signs or signs on the building, except of directional or informational, shall be allowed unless they are reviewed by the Town and approved by the Planning and Zoning Department.

14. The Reclamation Plan for the quarry must be approved by the County.

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

16. 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 V: A PETITION TRI-COUNTY PAVING, INC., PETITIONER, FOR DENNIS AND JACQUELINE KELLY, FOR A CONDITIONAL USE PERMIT UNDER SECTION 16-1-11(2)(N) AND SECTION 16-1-18 OF THE COLUMBIA COUNTY ZONING ORDINANCE FOR A HOT ASPHALT BATCH PLANT

Kelly property generally located on the northwest corner of the intersection of CTH I and Kampen Road. The location is shown on the attached air photo, which photo also shows other quarries in the vicinity of the proposed asphalt plant. The site would be used for a portable/relocatable hot mix asphalt plant to produce hot mix asphalt for sale to the public and private sectors.

Mr. Bluemke reads staff report

Mr. Teitgen asks where asphalt would be and inquires about berms. Mr. Geoghegan said that an asphalt plant is typically quieter than a grinder. Berms are part of the landscaping plan and will be modified to show berm changes.

Chair Doug Richmond asks if there are any other questions?

Terry Wenger explains that the facility will generate employment, be a clean site with water fountains and want to be a good neighbor.

Mr. Teitgen asks how many years the gravel pit will be on site. Mr. Wenger explains they will be there for the same length of time as Yahara, but will only operate from April to December. Good central location with good stony aggregate. Mr. Teitgen asks what percentage will be used for asphalt? Mr. Wenger responds that all of the excavating will be used for asphalt.

Chair Doug Richmond asks if anyone is in favor of the petition?

Chair Doug Richmond asks if anyone is against the petition?

Raymond Redell
W8010 Kampen Road
Inquires about hours of operation?

Mr. Bluemke reads the hours of operations. Mr. Redell states that he doesn’t like the hours and doesn’t want any after hour operation. Shows
location of his farm on map and claims all water will run onto his farm. Need berms to protect contaminated water from coming onto his farm. Mr. Geoghegan states that DNR will not allow any run off onto his property.

William Benade
W8001 Kampen Road

Recycled asphalt a concern – oil spills – grease operations – contaminating my water. What will occur after 10-15 years of contamination? This not an appropriate place.

Mr. Wenger explains that asphalt hardens immediately and they scoop it up and move it. Fuel – handled through containment – natural gas – best solution. Contaminants will be contained.

Mr. Teitgen asks if there is extra territorial to deal with? Mr. Bluemke that the Village of Arlington hasn’t exercised anything. Mr. Geoghegan said the Village attended the Town Board meeting. Also explains that a gravel pit can improve contamination problems because of the elimination of agricultural related chemicals.

Chair Doug Richmond asks if anyone is against the petition?

Judy Benade
W8001 Kampen Road
Air and water are my concerns and there are many big unknowns. Learning new things every day.

Chair Doug Richmond asks if anyone is against the petition?

Chair Doug Richmond asks if Town Board present? Yes, George Plenty present and said that the Town Attorney and Engineer reviewed everything and advised to proceed.

Chair Doug Richmond declared that the public hearing was closed.

Motion by Mr. Teitgen to approve Conditional Use Permit for Hot Mix Asphalt Plant with the following findings, conclusions, conditions.
Seconded by Mr. Healy.

Motion passed but, not unanimously

Mr. Healy – Yes, Mr. Teitgen – Yes, Mr. Richmond – Yes, Mr. O’Neil – No, Mr. Baebler - No
Raymond Redell  
W8010 Kampen Road  

Inquires about hours of operation???
Chair Doug Richmond states that the motion did not have adjustment for hours.

Findings:
1. The property is owned by Dennis and Jacqueline Kelly
2. The owners are proposing a long-term lease with Tri-County Paving, Inc, for the operation of a hot mix asphalt plant.
3. The Arlington Town Board has recommended approval of the Conditional Use Permit, with conditions, and approved an Agreement with Tri-County Paving, Inc.
4. The application complies with the general criteria of Sec. 16-1-5 (b)(2)(b), and 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 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.
4. The state and local regulatory process will adequately address the primary environmental issues associated with the hot mix asphalt plant.
5. The plant is compatible with the agricultural and 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.

Conditions for the Decision:
1. The agreement between the Town of Arlington and Tri-County Paving, Inc. 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 the review the Conditional Use Permit.
2. There shall be only one joint driveway access for the Plant and other uses. A gate shall be constructed at the entrance to the Pit and Plant. This gate shall be locked during all hours that the Pit and Plant are not in operation.
3. Trucks shall exclusively use County Trunk Highway I for ingress and egress to the Plant.
4. This Conditional Use Permit shall expire at the end of nine years from the date of the decision at which time Tri-County shall immediately cease and desist all further operations of the Plant unless a petition for an extension of this Conditional Use Permit is granted.

5. Tri-County agrees to limit hours of Asphalt Plant operation including, but not limited to, mixing and processing asphalt from 5:30 a.m. to 7:30 p.m. Monday through Friday and from 5:30 a.m. to 4:30 p.m. on Saturday. Tri-County further agrees to limit trucking out of the Asphalt Plant to 6:00 a.m. to 7:00 p.m. Monday through Friday and from 6:00 a.m. to 4:00 p.m. on Saturday. Necessary maintenance and repairs may be conducted at other times provided such activities do not constitute a nuisance. In the event a contract awarded Tri-County requires night paving, Tri-County agrees to provide three (3) days advance to the Town and any surrounding neighbors who have requested notice as well as the Village Clerk for the Village of Arlington. Said notice shall identify the job and the number of nights required for after-hours operation. Notice shall be in writing unless the individuals, Town or Village consent to an email notification.

6. Air emissions associated with the Plant shall be limited to per the Agreement between the Town and Tri-County Paving, Inc. Tri-County shall annually certify to the Town that its actual emissions are less than those that would require the Asphalt Plant site to obtain an air quality operating permit and that they comply with the limits stated herein. The annual certification shall comply with the certification requirements of the DNR. The annual certification shall be submitted no later than March 1 and may be submitted with the annual emission inventory information.

7. Tri-County shall cause covered trucks to be used for hauling asphalt from the Plant.

8. Tri-County shall only use natural gas, liquid propane, waste oil and #2 distillate oil (diesel) to fire the hot mix asphalt dryer and the asphalt heater.

9. The diesel generators shall use the latest sound abatement technology. The level of noise or sound generated by the facility or equipment shall not exceed 65 decibels at the property line of the leased property.

10. Tri-County shall allow the County, DNR representatives or Town Engineer access to the Asphalt Plant at all reasonable times for the purpose of making inspections, surveys, collecting samples, obtaining data, auditing any monitoring equipment (CEMS – Continuous Emission Monitoring Systems), (CERMS – Continuous Emissions Rate Monitoring System) or observing any monitoring or testing, and otherwise conducting all necessary functions related to this Asphalt Plant.

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. Tri-County shall ensure that a berm at least ten (10) feet high will be created northeast of the site of the asphalt plant to help mitigate noise and vision issues and ensure that the berms shown on the Yahara’s site on the west side
of the property are connect to prevent water from leaving the pit and moving unto the lands to the west.

13. 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.

14. No ground signs or signs on the building, except of directional or informational, shall be allowed unless they are reviewed by the Town and approved by the Planning and Zoning Department.

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

16. 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.

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

Next meeting at Law Enforcement facility
Meeting adjourned at 6:00 pm

Respectfully Submitted,

Fred Teitgen, Secretary
Planning and Zoning Committee

Recording Secretary,

Susan Runnion
Office Administrator

cc: Committee Members
    Harlan Baumgartner, County Board Chair
    Jeanne Miller, County Clerk