PLANNING & ZONING COMMITTEE MINUTES  
OCTOBER 6, 2009

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

STAFF: John Bluemke, Director, Susan Runnion, Office 
Administrator, Mike Stapleton, Zoning Administrator, 
Randy Thompson, Planning Administrator, Brian Zirbes, 
Principal Planner

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

BUSINESS MEETING

10:30 AM

1. Vice Chair Baumgartner called the meeting to order at 10:30 AM

2. Certification of Open Meeting Law

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

4. Approval of Agenda

   Motion by Mr. Teitgen to approve Agenda of October 6, 2009 Planning & 
   Zoning Committee Regular Meeting & Public Hearing with amendments to add 
   “Camping Issues” after “Minutes” and move “Planning Update” after 
   “Ordinance Update” 
   Seconded by Mr. Baebler. 
   Motion carried unanimously.

5. Approval of Minutes

   Motion by Mr. Teitgen to approve Minutes of August 4, 2009 Planning & 
   Zoning Committee Regular Meeting & Public Hearing. 
   Seconded by Mr. Baebler. 
   Motion carried unanimously.

Chair Doug Richmond arrives at 10:45 AM
6. Camping Issues –

Mr. Bluemke explains camping from an enforcement perspective is viewed as a violation in the ordinance. The ordinance update will include camping as an issue.

Mr. Stapleton explains that the current Ordinance references “trailers” which would include mobile homes and campers. In this case a violation has been pursued. A 1980 state Supreme Court case created the means to pursue violations. County ordinance defines trailers broadly, which must be temporary. Trailers cannot be part of a building structure.

Mr. Teitgen explains the only time the Ordinance allows for mobile homes is on a temporary basis while building a permanent residence.

Neal Shortreed
N2627 Pine Ridge Court
Portage, WI

And representative for
Debra Meidl (Neal Walkerhauser)
N9995 Fox River Road
Portage, WI

Both parties express their concern for being singled out and don’t want to defend entire County. They consulted with Gary Hendricks (DNR) and the DNR allows for temporary structures which are movable and licensed for 180 days.

Vice Chair Baumgartner explains that Planning and Zoning Committee can’t make any decision at this time and their full intention is to have something ratified by next spring.

7. Revision to Conditional Use Permit for Madigan Refrigeration and Cold Storage

Mr. Bluemke reviews staff report which includes (4) Town and (6) County recommendations to the site plan.

Dorothy & Howard Richards
N1680 Kohn Road
Lodi, WI

They have two homes across from the Madigan property. It seems awkward that a neighbor has to complain about screening which was required in the CUP. Normal business hours seem to be all hours of the day/night and substantial space would not be screened. We are looking for adherence to the original conditions.
Attorney Peter Conrad, representative for Mark Madigan/Madigan Refrigeration 
Axley Brynelson LLP 
22 E. Mifflin 
Madison, WI

Attorney Conrad volunteers to double the density of plantings and provide the 
construction of a brick wall. He feels the hours are not an issue and were not 
included in the original CUP. This property is located in Highway Interchange 
District which is not being used as residential or intended for residential use. 
Residential is the non-conforming use. Condition #5 relating to overnight parking 
and running vehicle limitation will be difficult to enforce. Tracking the number of 
employees will also be difficult because it's continually changing.

Vice Chair Baumgartner states the length of time the trucks are running and adequate 
screening is a “good neighbor” intention.

Attorney Conrad states the enforceability of truck idling will be a nightmare.

Dorothy Richards claims the Town Minutes should have included verbiage relating 
to the hours of operation, but were mistakenly excluded.

Attorney Conrad offers discussion of revised site plan with Mr. Bluemke.

Motion by Vice Chair Baumgartner to delay review of Site Plan until 
next business portion of Planning & Zoning Committee Meeting. 
Seconded by Mr. Teitgen. 
Motion carried unanimously.

8. Department Report

a. Planning Update – (moved on Agenda).

b. Highway Access Plan Review Process

Mr. Bluemke met with Kurt Dey to discuss proposed language. Together they 
will provide policy statements for Committee review.

Mr. Teitgen provides information relating to private roads. If recommended by 
the Planning Commission a private road would be acceptable. This includes 
provision that the town will not pay to maintain, but the owners of the lots will 
maintain by written agreement.

c. Enforcement

Mr. Stapleton reviews Enforcement Report.

Mr. Teitgen inquires about complaint for Bill’s Towing which concerns vehicles 
visible from Interstate.
Mr. Bluemke states that a fence permit was issued recently.

d. Financial

- Out of County travel
  Mr. Bluemke will be traveling to Stevens Point for the State Planning Directors Meeting and to Wisconsin Dells for the Town’s Association Meeting.

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

- Expenditure Report

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

- Ag Lands Conversion Fees

  Chair Richmond asks how the State will track this. What if don’t agree to the program?

  Vice Chair Baumgartner not in favor of voting now or until we know what is going on with the State. My Town Board should be informed and we don’t want anything to do with this.

  Mr. Bluemke states that he would hate to jeopardize program for 2010. Perhaps a moratorium could be in place for January and February.

  **Motion by Vice Chair Baumgartner to table Ordinance Amendment - Fee Schedule indefinitely or County decides to be in or out of the program.**
  Seconded by Mr. Baepler.
  Motion carried unanimously.

  Mark Roffers explains that adopting fees may be irrelevant because it is a State requirement. This is an entirely different program and it is a violation of state law if you remain in farmland preservation. Third way to develop which is authorized by statute enables housing to be developed by Conditional Use. Then the conversion fee doesn’t apply.

e. Ordinance Update

- **ACT 23 Farmland Preservation**
Mr. Thompson explains that the Towns need involvement and explanation. Then a decision can be made whether to participant or not.

Columbia County Board of Supervisor- Chair Wopat asks if the Towns will get notice prior to October 27th meeting. She suggests possibility of joint letter with Kurt Calkins.

Columbia County Board of Supervisor- Chair Wopat recommends joint meeting on Monday to determine implication with Land and Water Conservation Department.

Vice Chair Baumgartner suggests visit to Town and Planning and Commission.

Mr. Bluemke would like to think that we would like to be part of Farmland Preservation.

Columbia County Board of Supervisor- Chair Wopat inquires if overall intention is to preserve agricultural land and eliminate spot zoning?

Mark Roffers explains that the conversion fee is put into a pot to fund purchase of development rights. Additional payments above tax credits may be used for grants and farmland.

Columbia County Board of Supervisor- Chair Wopat would like to hear what everyone heard and thinks and then decide.

- Planning Update

Mr. Teitgen inquires about Town paying for rezoning fee and should it be waived. Mr. Bluemke explained that other towns have paid fees for rezoning town halls.

Mr. Thompson explains the Amendment Plan process will begin December 1st and then to County Board on December 16th. We will move forward with these amendments for a trial basis.

- Town Advisory Committee Update

Mark Roffers explains that they were prepared to go Towns and Town Advisory Committee decided to take one step back and make it more digestible. Also waiting for input from local attorneys.

Vice Chair Baumgartner would like something for the Town that compares current language to the proposed.
Mr. Bluemke would like approval of Work Order for additional $30,000 for Vandewalle & Associates contract.

Motion by Mr. Teitgen to authorize Work Order for an additional year and $30,000 for Vandewalle & Associates.
Seconded by Mr. Healy.
Motion carried unanimously.

4:00 PM
9. Public Hearing

Item I- Zoning Change – Agricultural to Rural Residential, Lester & Darlene Martinson, Petitioners and Owners – Town of Hampden

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 effective upon the recording of the Certified Survey Map.
Seconded by Mr. Healy.
Motion carried unanimously.

Item II- Zoning Change – Agricultural to Single Family Residential, Eric, Petitioner and ETC Enterprises LLC, Owner – Town of Lodi

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 Mr. Baebler to approve rezoning from Agricultural to Single Family Residential.**

Seconded by Vice Chair Baumgartner.

Motion carried unanimously.

**Item III- Major Home Occupation – Duane Hartman, Petitioner and Owner – Town of Lodi**

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 Major Home Occupation.

Chair Richmond closes Public Hearing.

**Motion by Mr. Teitgen to approve conditional use permit for woodworking shop and sales subject to the following findings, conclusions and conditions.**

Seconded by Mr. Baebler.

Motion carried unanimously

**Findings:**

1. **Duane Hartman is the owner of the subject property.**

2. The applicant proposes to use an existing building for a woodworking shop and finishing room, where custom furniture would be manufactured, displayed and sold.

3. **The proposed structures are 26’ x 60’ and 18’ x 24’**.
4. The provisions of Sec. 16-1-13 (g) require a Major Home Occupation Permit for the business as it is described in the application and submittals.
5. The proposed parking area can comply with the parking requirements of Sec. 16-1-13 (e)(9)(d).
6. The application meets the applicable criteria for home occupations under Sec. 16-1-13 (g)(4).
7. The application meets the applicable criteria for conditional uses under Sec. 16-1-18 (e).

Conclusions:
1. The application qualifies for a Home Occupation Permit
2. The proposed home occupation is compatible with the general character of the subject property and surrounding area.
3. The proposed use is consistent with the purpose and intent of the ordinance.

Conditions for the Decision:
1. The home occupation as described in the application and submittals shall be confined to the interior of the existing structure. Enlargements to the proposed structures, use of other structures or construction of new structures for business-related use shall be subject to further review by the Planning & Zoning Committee.
2. The Home Occupation Permit is not transferable pursuant to Sec. 16-1-13 (g)(6).
3. Signs are allowed with approval of the Planning & Zoning Department
4. Employees are limited to one as proposed by the applicant.
5. Outside storage or display of materials, equipment or finished products associated with the woodworking shop is not permitted. Waste material may be stored outside if kept in an enclosed environment secured from public view, but not on any side of the structure facing either highway.
6. The applicant and owner shall comply with and obtain all necessary permits required by applicable federal, state, and local regulations.
7. 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.
8. Hours of operation shall be limited to the Monday – Friday 7:00 am to 4:30 pm.

Item IV- Zoning Change – Agricultural to Rural Residential, Kenneth & Ann Schroeder, Petitioners and Owners – Town of Leeds

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 Mr. Healy to approve rezoning from Agricultural to Rural Residential effective upon the recording of the Certified Survey Map and the recording of the Deed Restriction.
Seconded by Vice Chair Baumgartner.
Motion carried unanimously.


Chair Richmond opens Public Hearing.

Mr. Bluemke presents the staff report adding verbiage “rezoning effective upon the recording of the Certified Survey Map”.

Chair Richmond asks if anyone has any questions.

Petitioner represented by Jim Grothman of Grothman & Associates 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 Mr. Teitgen to approve rezoning from Agricultural to Recreational effective upon the recording of the Certified Survey Map.
Seconded by Mr. Baebler.
Motion carried unanimously.

10. Evaluation of the Director
Motion by Mr. Teitgen to go into closed session for the evaluation of the Director at 4:25 PM. Seconded by Vice Chair Baumgartner. Motion carried unanimously.

Motion by Vice Chair Baumgartner to return to open session at 5:05 PM. Seconded by Mr. Teitgen. Motion carried unanimously.

11. Adjourn

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

Meeting adjourned at 5:10 PM.

Respectfully submitted,

[Signature]
Fred Teitgen, Secretary
Planning and Zoning Committee

[Signature]
Recording Secretary
Susan Runnion
Office Administrator

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