PLANNING & ZONING COMMITTEE MINUTES
OCTOBER 7, 2008

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

STAFF: John Bluemke, Director, Michael Stapleton, Zoning Administrator, Randy Thompson, Planning Administrator, Susan Rummion, Office Administrator

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

BUSINESS MEETING

11:30 AM

1. Vice Chair Baumgartner called the meeting to order at 11:35 AM.

2. Certification of Open Meeting Law

3. Roll Call-

4. Approval of Agenda

    Motion by Mr. Healy to approve Agenda of October 7, 2008 Planning & Zoning Committee Regular Meeting & Public Hearing. Seconded by Mr. Baebler.
    Motion carried unanimously.

5. Approval of Minutes

    Motion by Mr. Teitgen to approve Minutes of September 2, 2008 Planning & Zoning Committee Regular Meeting & Public Hearing. Seconded by Mr. Baebler.
    Motion carried unanimously.

11:45 AM Chair Doug Richmond arrives.

6. Storm Water Discussion – Kurt Calkins/Land & Water Conservation

    Kurt Calkins suggests incorporating the storm water management and erosion/sediment plan into Zoning and Subdivision ordinance.
Mr. Teitgen explains that the Town of Dekorra has regulations in the Subdivision and Land Division Ordinance. The Town Engineer reviews proposed plan prior to construction and costs are passed along to the property owner.

Vice Chair Baumgartner suggests working toward the standards you really want vs. band aid solution.

Chair Richmond feels it should include standards for both residential and agricultural development.

Mr. Bluemke suggests getting an inventory of the Towns that have erosion control in their Ordinances.

Columbia County Board of Supervisor Chair Wopat asks who will be responsible for enforcing the standards?

Mr. Teitgen suggests outside source such as General Engineering because the Town’s are not staffed.

Mr. Bluemke proposed a more formal discussion with ideas of how to start and then return to the Planning & Zoning Committee.

Vice Chair Baumgartner suggests asking Mark Roffers about an estimated cost to assist with the project.

7. Implementation of New Emergency Response Number Signs

Randy distributes a copy of the Emergency Response Number Ordinance. It requires that a double sign be perpendicular to the road by January 1, 2010. We need to inform the towns that the deadline is coming up in the next year.

Vice Chair Baumgartner points out the notice should be forwarded to the Town Clerks and Town Chairs.

Mr. Thompson inquires about who will be responsible and what type of penalty if ordinance is not followed.

Mr. Teitgen explains it is the property owner’s responsibility, not the Town.

Mr. Thompson commits to preparing and mailing the letter.

8. Department Report

a. Planning Update – Mr. Thompson explains that two Towns are close to completing their Comprehensive Plans. There are three Towns which may need a deadline.
Mr. Thompson explains he would like to inform these three Towns that a deadline is approaching on their contracts.

Mr. Bluemke suggests that the Towns respond with a target completion date by the end of the 2008 and then a contract termination date of May, 2009. Mr. Bluemke suggests that the letter come from Chair Doug Richmond.

b. Enforcement - Mr. Stapleton reviews Enforcement Report.

Mr. Bluemke points out that April Carlson has not submitted nutrient management plan.

c. Financial
   - Out of County travel – Mr. Stapleton to attend Wisconsin County Code Administrator Conference at the Leopold Center in Sauk County.

   **Motion by Mr. Teitgen to approve Out of County Travel. Seconded by Vice Chair Baumgartner.**
   **Motion carried unanimously.**

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

d. Ordinance Updates

   Mr. Bluemke finalizing the organization of the Town Advisory Committee. Next meeting will occur on October 22nd.

1:30 PM
9. View Sites

4:00 PM

10. Public Hearing

**Item I- Zoning Change – Agricultural to Single Family Residential, Donna J. Lawry-Rankin, Petitioner and Owner – Town of Dekorra**

   Chair Richmond opens Public Hearing.

   Mr. Bluemke presents the staff report.

   Chair Richmond asks if anyone has any questions.

   Petitioner represented by Jim Grothman 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 Chair Teitgen present and states that the rezoning coincides with Comprehensive Plan and Town Board recommended approving.

Chair Richmond closes Public Hearing.

**Motion by Mr. Teitgen to approve rezoning from Agricultural to Single Family Residential effective upon the recording of the Certified Survey Map.**
Seconded by Vice Chair Baumgartner.
Motion carried unanimously.

**Item II- Zoning Change – Agricultural to Rural Residential and Agricultural to Agricultural with Agricultural Overlay, William A. Kutz, Petitioner and Owner – Town of Leeds**

Chair Richmond opens Public Hearing.

Chair Richmond asks if anyone has any questions.

Mr. Teitgen inquires about restricting remaining lands. Town Plan maintains one home for every 40 acres.

Mr. Teitgen inquires about access from Peterson Road.

Petitioner was present and did not have anything to add.

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

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

Town Board Supervisor Roger Reible was present. Town recommended Rural Residential rezoning with a deed restriction. If Agricultural Overlay comes back to the Town it will be rejected because it doesn’t allow for agricultural structures.

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 Mr. Healy.
Motion carried, but not unanimously.
Mr. Healy – Yes, Chair Richmond –Yes, Mr. Baebler – Yes, Mr. Teitgen – Yes, Vice Chair Baumgartner – No
Item III - Conditional Use Permit for Retail Sales and Ski Rental, Ralph Bauch, Petitioner and Owner – Town of Caledonia

Chair Richmond opens Public Hearing.

Mr. Bluemke presents the staff report.

Mr. Teitgen suggests adding verbiage regarding sign from staff report analysis section as Item #8 in Recommended Conclusions.

Motion by Mr. Teitgen to add Recommended Conclusion #8 “the sign illustration submitted does not meet the new requirements because it would be classified as a “projecting sign” which is not permitted. An alternate proposal for a sign will be necessary, and the sign is subject to a zoning permit”.

Seconded by Mr. Baebler.

Motion carried unanimously.

Chair Richmond asks if anyone has any questions.

Petitioner was present and states that he is currently owns the property.

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

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

Henry Hutterli
W10517 Tritz Road
Portage, WI 53901

Doesn’t understand why development would be considered in a floodway. Recent flooding in June closed I 90/94 and STH 33. Submits photographs of the flooded area. Fill has to extent over 2/3 of the lot which would obstruct flow of the water. Has residence 100’ from proposed area.

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

Mr. Teitgen inquires about background and analysis of site in floodplain.

Mr. Bluemke confirms it is flood fringe and meets the regulations.

Chair Richmond closes Public Hearing.

Motion by Vice Chair Baumgartner to approve Conditional Use Permit for Ski Rental and Related Retail Sales subject to the following findings, conclusions and conditions.
Seconded by Mr. Teitgen.
Motion carried unanimously.

Findings:
1. The property is owned by Ralph Bauch.
2. The property is vacant; previous commercial development on this site was terminated and removed over 20 years ago.
3. The Caledonia Town Board has reviewed and recommended approval of the Conditional Use Permit.
4. There is existing commercial development on two adjacent properties on opposite sides of the subject property.
5. Title 16, Chapter 1 of Columbia County Code of Ordinance is applicable to this site.
6. Title 16, Chapter 4, Floodplain Zoning, is also applicable to this site.
7. The property is located in the Flood Fringe District, where development can be permitted when in compliance with the development standards of said District.

Conclusions:
1. The application qualifies for a Conditional Use Permit
2. This proposed use is consistent with the purpose and intent of the ordinance.
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 (c).
6. The development is compatible with the commercial 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.
7. Development of the property as proposed, with changes to existing grades to comply with dry land access requirements, will meet the purpose and intent of the Floodplain Zoning Ordinance.
8. The sign illustration submitted does not meet the new requirements because it would be classified as a “projecting sign” which is not permitted. An alternate proposal for a sign will be necessary, and the sign is subject to a zoning permit.

Conditions:
1. The conditions requested by the Town of Caledonia in its August 13, 2008 minutes 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 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. 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.

3. A landscaping plan which shows species, size and location of all planting and landscape areas be submitted to and approved by the Planning and Zoning Department no later than December 31, 2008, and installed by June 1, 2009 or as approved by the Zoning Administrator. At the time of planting the minimum size of the planting shall be as follows: deciduous trees 3/4 inch in diameter; evergreen trees 4 feet in height; shrubs 12 inches in height. 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.

4. Any mechanical equipment located either on the roof or the ground be screened so it is not visible from adjacent roads.

5. Any amendments to the approved site plans, 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.

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 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 IV- Conditional Use Permit for various school related structures, Wisconsin Corporation of Seventh Day Adventists, Petitioner and Owner – Town of Columbus

Chair Richmond opens Public Hearing.

Mr. Bluemke presents the staff report.

Mr. Teitgen states the Staff Report needs a revision changing “Recommended Decision” to “Recommended Conditions”.

Chair Richmond asks if anyone has any questions.

Petitioner was present and adds that the zoning laws came into effect after the campus was built.

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 Chair Eugene Damm was present and Town recommended approving Conditional Use Permit.

Chair Richmond closes Public Hearing.

Motion by Mr. Teitgen to approve Conditional Use Permit for various school related structures subject to the following findings, conclusions and conditions.
Seconded by Mr. Baebler.
Motion carried unanimously.

Findings:
1. The WI Corporation of Seventh-Day Adventists are the owners of the subject property
2. The owners operate an educational campus that includes a high school, elementary school, administration complex, dorms, and staff housing. The proposed use is religious and educational in nature and may be considered for a conditional use permit under Section 16-1-5(b)(2) of the Columbia County Zoning Ordinance.
3. The application complies with the criteria for review of conditional use permits contained in Sec. 91.75 (5), Wisconsin Statutes.
4. The application complies with the general criteria for conditional uses contained in Sec. 16-1-5(b)(2) of the Ordinance.
5. The application complies with the general review criteria of Sec. 16-1-18(e) of the Ordinance.
6. The Town Board has reviewed the application and on September 9, 2008 and recommended approval.

Conclusions:
1. The application qualifies for a Conditional Use Permit
2. This proposed use is consistent with the purpose and intent of the ordinance.
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 commercial 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. 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.
2. Any mechanical equipment located either on the roof or the ground be screened so it is not visible from adjacent roads.

3. Any amendments to the approved site plans – Map B and SA-1, 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.

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

5. If the Planning and Zoning Committee finds that the review criteria of Section 16-1-18(e) of the Columbia County Zoning Ordinance or the conditions stipulated in the Committee Decision are not being complied with, the Planning and Zoning Committee, after a public hearing, may revoke the conditional use permit.

Item V- Zoning Text Amendments

Chair Richmond opens Public Hearing.

Mr. Bluemke explains purpose for text amendment. The existing ordinance requires revision to coincide with Columbia Comprehensive Plan 2030 which recommends a density standard of one residence per 35 acres or greater.

Mr. Teitgen feels it is right to adopt this Text Amendment which does not preclude adjustments it will take to bring everything together.

Chair Richmond asks if anyone has any questions.

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

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

Jon Steinhaus
PO Box 116
Briggsville, WI

This proposal really disturbs me. Unless you have an operating farm this does not allow for accessory buildings. This is biggest change to the ordinance. It affects more people than any other portion of the ordinance. This does not simplify the process. We need definition of farm and will you exclude rent from farm income. This needs major changes and should not have been proposed.

Attorney John Miller -Miller & Miller, LLC
311 DeWitt Street
Portage, WI
Disappointing that you didn’t go back to the Towns or Ad Hoc Committee for input. Who did you get input from? We were not going make revisions by piece mail. You can’t apply all criteria to all parts of the county because this is the wrong approach. This will have an adverse affect on citizens and it is not an appropriate time.

Bill Devine  
W8351 Bedrock Road  
Portage, WI

Felt it was short notice and impractical because it was received after the last Town meeting and prior to the next. Difficult to be part of the process when we haven’t had time to talk to our people. We recognize problems with the ordinances and suggest taking off the table to allow town involvement.

Tom Pinion  
W8022 Jonathan Drive  
Pardoeville, WI

Class II Notice needs to be published twice, once every seven days vs every three days. Why didn’t people respond to the RFP? You require Town input for rezoning. Why wasn’t map published showing affected areas?

Attorney Doug Kammer -- Kammer & Studinski Chartered  
702 DeWitt Street  
Portage, WI

Structure and policies are irritating and tedious. Verbiage inconsistent on the number of houses you can have on a farm. These are serious policy decisions. Income requirement difficult to enforce. Also, removed grandfather and you can’t do this. Cool your jets and redraft the proposal.

Alan Kaltenberg  
N2236 Kaltenberg Dr.  
Arlington, WI

I was on the committee to write Comprehensive Plan. You can’t define things with income.

Jim Grothman – Grothman & Associates

Should consider the state of the economy. Take the time and think about what you are doing. Also need town insight.
Attorney Jeffery Clark – Lathrop & Clark LLP Law Office
111 N. Main
Poynette, WI

Just learned of the Public Hearing. In January, we were so pleased because efforts were made to involve Ad Hoc Committee and legal input. We were happy about consultant and everything put in place has been derailed. How hard is it to send out an e-mail. It appears that the Zoning Department didn’t want us to know about this proposal. Have problems with several areas.
Don’t do this my piece mail.

Bruce Walker
N8796 Wilcox
Portage, WI

Shame on the Committee. Keep coming back with piece mail and band-aids don’t accomplish anything. Agrees that with today’s economy 18 months is not a long time.

Cecil Pittack
W14542 Fairway Lane
Wisconsin Dells, WI

New Town Clerk for the Town of Newport. Seem to be jumping the gun.

Jon Steinhaus
PO Box 116
Briggsville, WI

Harlan said we are going to get done now and we are going to move ahead.
The bottom falls out and we are starting all over again.

Chair Richmond closes Public Hearing.

John Bluemke received a phone call from the Town of West Point stating they would like to postpone the proposal for further consideration.

Vice Chair Baumgartner – I don’t want a 30 day postponement. Need an opportunity to put together in a complete format. I asked John Bluemke for conditions on siting criteria. I am a strong promoter of the towns having input and I don’t know how long to postpone until towns have input.

**Motion by Vice Chair Baumgartner to postpone Zoning Text Amendments indefinitely.**
**Seconded by Mr. Baehler**
Motion carried, but not unanimously.
Mr. Healy – Yes, Chair Richmond – Yes, Mr. Baebler – Yes,
Mr. Baumgartner – Yes, Mr. Teitgen – No, opposed to indefinitely

9. Adjourn

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

Meeting adjourned at 5:25 PM.

Respectfully submitted,

Fred Teitgen, Secretary
Planning and Zoning Committee

Susan Runnion
Recording Secretary
Susan Runnion
Office Administrator

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