PLANNING & ZONING COMMITTEE MINUTES
NOVEMBER 6, 2007

PRESENT: Douglas Richmond, Phil Baehler, Tim O'Neil, John Healy, Fred Teitgen

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

ALSO PRESENT: James Grothman

BUSINESS MEETING

10:30 AM

1. Chair Doug Richmond 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. Healy to approve Agenda of November 6, 2007 Planning & Zoning Committee Regular Meeting & Public Hearing, Seconded by Mr. Baehler. Motion carried unanimously.

5. Approval of Minutes

Motion by Mr. Teitgen to approve Minutes of October 2, 2007 Planning & Zoning Committee Regular Meeting & Public Hearing, Seconded by Mr. Baehler. Motion carried unanimously.

6. Waiver of Access – Vernon Hohl

Motion by Mr. Healy to approve Waiver of Access for Vernon Hohl, Seconded by Mr. Teitgen. Motion carried unanimously.

7. Department Report
   a. Financial
      • Out of County Travel - No travel anticipated for next month
      • Expenditure Report
Motion by Mr. Teitgen to approve Expenditure Report. Seconded by Mr. Baebler.
Motion carried unanimously.

b. Enforcement
   Mike Stapleton reviews report. Country Life Ministries and James Schave will be top priorities.

c. Comprehensive Planning
   Randy Thompson reviews Town’s progress in pursuing recommended Comprehensive Plans.

d. Flood Plain Adoption
   FEMA letter received and adoption to occur by May, 2008. We plan to notify affected property owners and hold Public Hearing prior to adoption. DNR representative would need to be present at the Public Hearing.

e. Authoring of Ordinance and Zoning Code Revisions
   Mr. Bluemke feels that staff could handle immediate concerns. Permits are down and we could devote staff to these issues.

   Mr. Teitgen feels that Agricultural Overlay needs to be revisited because of the “no build” clause. Need better definition of structures that would be permitted.

   Chair Doug Richmond emphasizes the need for zoning ordinances to be in place to back the plan.

f. Farm Consolidation

   Chair Doug Richmond points out that the process is not being used as it was intended and is no longer relevant.

   Jim Grothman states that the Sauk County Ordinance reads that the Planning & Zoning Department qualifies whether situation is suitable or not. Can’t have a provision that has been in effect for 30 years and not make it irrelevant.

   Mr. Teitgen points out that the revision would be adopted from Comprehensive Plan adoption forward.

g. Sign Ordinance Status
   Chair Doug Richmond states that County Board would like to see the Ordinance complete by January or February, 2008.

   Mr. Bluemke points out that a Public Hearing would need to take place in December in order to meet that deadline. Need to consider how much involvement the Towns should have in the process.
Motion by Mr. Teitgen to schedule Special Planning and Zoning Committee Meeting for November 28th for Ordinance Discussion.
Seconded by Mr. Healy.
Motion carried unanimously.

1:00 PM
8. View Sites

4:00 PM
9. Public Hearing

Postponed Item (from Public Hearing January 3, 2006)
Item I – Zoning Change – Agricultural to Rural Residential, Vernon & April Carlson, Petitioner & Owners – Town of Marcellion

Mr. Bluemke presents the staff report.

Chair Doug Richmond asks if anyone has any questions.

Petitioner (April Carlson) present and stated that her understanding was a kennel ordinance would be established in the past year, but apparently that never occurred. Doesn’t understand why zoning can’t remain agricultural?

Mr. Bluemke reminds Committee that they can recommend for or against the change to Rural Residential zoning. If the zoning change is denied the situation becomes a violation.

Mr. Teitgen feels we should support the Town’s decision/direction.

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

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

Motion by Mr. Teitgen to disapprove rezoning from Agricultural to Rural Residential.
Seconded by Mr. O’Neil.
Motion carried unanimously.

Item I – Zoning Change – Agricultural to Rural Residential, Randall & Julie Crawford, Petitioners and Owners – Town of Dekorra

Mr. Bluemke presents the staff report.

Chair Doug Richmond asks if anyone has any questions.

Petitioner not present, but represented by Attorney Paul Johnson.

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

Town Board was present and stated that the Town recommended approving the rezoning.

Motion by Mr. Teitgen to approve rezoning from Agricultural to Rural Residential effective upon the Certified Survey Map being recorded.
Seconded by Mr. Healy.
Motion carried unanimously.

Item II – Zoning Change – Agricultural to Rural Residential, Randall & Julie Crawford, Petitioners and Owners – Town of Dekorra

Mr. Bluemke presents the staff report.

Petitioner not present, but represented by Attorney Paul Johnson.

Chair Doug Richmond asks if anyone has any questions.

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

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

Town Board was present and stated that the Town recommended approving the rezoning.

Motion by Mr. Teitgen to approve rezoning from Agricultural to Rural Residential effective upon the Certified Survey Map being recorded.
Seconded by Mr. Healy.
Motion carried unanimously.

Item III – Zoning Change – Agricultural to Rural Residential and Agricultural to Agricultural with Agricultural Overlay, Daniel J. Krejchik, Petitioner and Owner – Town of Caledonia

Mr. Bluemke presents the staff report.

Chair Doug Richmond asks if anyone has any questions.

Petitioner present and did not have anything to add.

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

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

Town Board not present, but Minutes on file. Town recommended approving rezoning.
Motion by Mr. Baebler to approve rezoning from Agricultural to Rural Residential and Agricultural to Agricultural with Agricultural Overlay effective upon the Certified Survey Map being recorded. 
Seconded by Mr. Teitgen. 
Motion carried unanimously.

Item IV – Zoning Change – Agricultural to Single Family Residential, Derek Hoffman, Petitioner and Owner – Town of Lodi

Mr. Bluemke presents the staff report.

Chair Doug Richmond asks if anyone has any questions.

Petitioner present and did not have anything to add.

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

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

Town Board not present, but Minutes on file. Town recommended approving rezoning.

Motion by Mr. O’Neil to approve rezoning from Agricultural to Single Family Residential. 
Seconded by Mr. Baebler. 
Motion carried unanimously.

Item V – Conditional Use Permit—Good Karma Broadcasting, LLC. Petitioner and Owner – Town of Hampden – Two Guyed Broadcasting Towers

Mr. Stapleton presents the staff report.

Chair Doug Richmond asks if anyone has any questions.

Petitioner present and did not have anything to add.

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

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

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

Motion by Mr. Teitgen to approve Conditional Use Permit for Two Guyed Broadcasting Towers
And adopt the findings, conclusions and conditions.
Seconded by Mr. Healy.
Motion carried unanimously.

Findings:

1. The property is owned by Good Karma Broadcasting, LLC.
2. The Hampden Town Board has reviewed and recommended approval of the Conditional Use Permit.
3. Title 16, Chapter 1 of Columbia County Code of Ordinance is applicable to this site.

Conclusions:

1. The application qualifies for a Conditional Use Permit.
2. The proposed use is consistent with the purpose and intent of the ordinance.
3. The proposed use complies with all applicable standards and criteria.
4. The Hampden Town Board has reviewed and recommended approval of the Conditional Use Permit.
5. The proposal complies with the general review criteria of Sec. 16-1-18 (e), and the placement of such towers is consistent with the agricultural use of the general area.

Conditions:

1. Removal of the existing 324-foot tower as proposed in the application.
2. The proposed towers shall remain unlighted as proposed.
3. Applicants shall submit a written statement by qualified individuals as to the reasons why the tower cannot be used to support other communications equipment.
4. Applicants shall submit a written statement by qualified individuals as to the anticipated fall zone radius for the proposed towers. In the absence of specific design factors employed for the purpose of reducing the fall zone radius, applicants shall submit a signed statement from the adjacent property owner acknowledging the height of the proposed towers, their proposed distance from the property lines, and his/her acceptance of the applicant’s development proposal.
5. A conditional use permit, if approved, shall not become effective and no zoning permits for tower construction shall be approved until conditions 4 & 5 above are satisfied.

Item VI – Conditional Use Permit – Tim Lanzendorf, Petitioner and Owner – Town of West Point – Sand Pit

Mr. Stapleton presents the staff report.
Chair Doug Richmond asks if anyone has any questions. 
Petitioner present and did not have anything to add.

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

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

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

*Motion by Mr. Teitgen to approve Conditional Use Permit for Sand Pit
And adopt the findings, conclusions and conditions.*

  Seconded by Mr. Healy
Motion carried unanimously.

Findings:

1. Timothy L. Lanzendorf is the owner of the subject property.
2. The existing driveway located at W11848 CTH J will be used as the entrance for the nonmetallic mining site.
3. Sand and gravel were removed from a small excavation on the site in the past, but such use was sporadic and occasional and does not establish a legal nonconforming use.
4. A Conditional Use Permit is required to establish a sand pit at the site as proposed.
5. Nonmetallic mining sites are permitted in the Agricultural District upon approval of a Conditional Use Permit.
6. Nonmetallic mining sites are consistent with agricultural use for the purposes of Sec. 91.75 (9)(b), Wisconsin Statutes.
7. A reclamation plan has been filed that has been approved as being in compliance with Title 16, Chapter 7, the Columbia County Nonmetallic Mining Reclamation Ordinance, and Chapter NR 135, Wisconsin Administrative Code.
8. The applicant has signed an agreement with the Town of West Point containing numerous provisions relating to the interests of the Town and its residents.
9. There is a dry waterway adjacent to the site requiring protection from the possible stormwater, erosion and sedimentation impacts of the proposed adjacent mine site.

Conclusions:

1. The proposed use is consistent with the purpose and intent of the Ordinance and applicable provisions of Chapter 91, Wisconsin Statutes.
2. The proposed use complies with all applicable standards and criteria, including the provisions of Title 16, Chapter 7, the Columbia County Nonmetallic Mining Ordinance.
3. With adequate periodic review and oversight by Town and County staff, as provided for in the Town agreement with the owner/operator and county ordinances, the stormwater management and erosion control practices as proposed in the reclamation plan should prevent unacceptable off-site erosion and sedimentation.

4. The proposed sand pit is compatible with the agricultural character of the general vicinity and will not change the character of the area as to substantially impact current or future permitted uses in the vicinity.

5. The application qualifies for a Conditional Use Permit.

Conditions:

1. The agreement between the Town of West Point and Timothy Lanzendorf 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 County 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. Prior to any site preparation or stripping, the applicant shall obtain and submit a copy of the approval of the Columbia County Highway Department as to the adequacy of the existing driveway for the proposed use or approval for any required improvements.

3. The Planning and Zoning Department shall have the right of inspection, upon reasonable notice to the owner/operator, for the purpose of determining compliance with this permit and the approved Reclamation Plan.

4. The pit area shall not be used for the parking, refueling, servicing or repair of vehicles and equipment other than screening and processing equipment requiring a location in the pit area. No fuel shall be stored in the mine site area as delineated in the submittals.

5. The owner and operator shall require all trucks, excavation and processing 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.

6. The owner and operator shall minimize the generation of airborne dust resulting from excavating, screening, processing and hauling operations within the mine site and on the driveway as needed or upon request of the Town or County.

7. The owner and operator shall install and maintain a silt fence between the proposed clay berm and the adjacent dry waterway. The silt fence shall be maintained in working condition at all times until determined by the County that vegetative growth on said stockpile is adequate to enable the berm itself to function as an erosion control barrier.
8. The County shall have the right to order the installation of erosion control barriers on the site where, due to unforeseen circumstances, such barriers are deemed necessary to prevent unacceptable off-site erosion and sedimentation that might impact surface waters.

9. Hours of operation, including, but not limited to, excavating, crushing, screening, stockpiling, loading and hauling are limited to the hours between 6:00 a.m. to 6:00 p.m. Monday through Friday and 7:00 a.m. to 4:00 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. There shall be no changes to the proposed mine operation regarding the depth, extent, proposed final grades or phasing sequence without the prior written approval of the Planning and Zoning Department, which shall have the right to determine whether such changes require further review by the Planning and Zoning Committee or revisions to the Reclamation Plan.

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

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

13. 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.

14. Maintain 75' buffer from sand and gravel pit to wildlife pond.

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Item VII– Conditional Use Permit – Michels Materials. Petitioners and Owners – Town of Columbus – Expand Quarry Operations

Mr. Stapleton presents the staff report.

Chair Doug Richmond asks if anyone has any questions.

Petitioner present and did not have anything to add.

Chair Doug Richmond asks if anyone is in favor of petition.

Eugene O’Brion
W1575 STH 16
Fall River, WI

Need pit on this side of town where most of the construction is taking place.

Chair Doug Richmond asks if anyone is against the petition.
Arlene Sennhenn  
W1287 STH 60  
Columbus, WI

Submitted letter with noise and water supply concern.

Town Board Supervisor present and Town recommended approving.

Motion by Mr. Teitgen to approve Conditional Use Permit to Expand Quarry Operations  
And adopt the findings, conclusions and conditions.  
Seconded by Mr. Healy  
Roll Call Vote -  
Mr. Healy – Yes, Mr. Richmond –Yes, Mr. Baebler – Yes, Mr. Teitgen – Yes,  
Mr. O’Neil – No

Findings:

1. Michels Materials, a division of Michels Corporation, has operated a limestone quarry currently located within the boundaries of the City of Columbus that has been in existence since the 1970’s.
2. In 2006 Michels acquired lands located in the Town of Columbus, consisting of approximately 118 acres located adjacent to and west of the existing quarry.
3. Michels proposes to expand the existing quarry in a westerly direction on to Tax Parcels 187 and 190, with quarrying proposed on approximately 70 acres on said parcels.
4. A Conditional Use Permit is required for the proposed expansion.
5. The quarry has an existing access point on STH 60 within the City of Columbus. No change or relocation of said access point is proposed.
6. A revised reclamation plan for the existing quarry and proposed expansion area has been filed pursuant to Title 16, Chapter 7 of the Columbia County Code and Chapter NR 135, Wisconsin Administrative Code.
7. The Operation, Erosion Control Implementation Plan and Environmental Control Plan submitted proposes operating hours, collection of baseline information, provisions for safety, dust control, and surface and ground water protection.
8. The application complies with the general review criteria of Sec. 16-1-18 (e).

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

1. The Operation, Erosion Control Implementation Plan and Environmental Control Plan, dated 8/13/07, is incorporated into these conditions and shall be followed unless the operational element has been modified by these conditions. Future proposed changes to said plan shall be subject to the review and approval of the Planning & Zoning Department, which shall have the authority to require further review and approval by the Planning & Zoning Committee for changes deemed to be significant.

2. An Emergency Response Number be applied for and issued to the quarry (Note: This would be within the jurisdiction of the City of Columbus).

3. Michels shall submit information as to the content of warning signs to be posted on the berms as described in the submittals, the dimensions and spacing of said signs, and their locations with respect to active quarry areas if said signs are not located on or near property boundaries.

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

5. 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.

6. 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.

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

8. Fuel storage on site shall be limited to vehicle-mounted tanks only, which shall be removed daily from any portion of the quarry subject to dewatering.

9. Excavating equipment and vehicles used at the site on a regular basis shall not be fueled, stored, serviced or repaired on quarry areas at least five (5) feet above the anticipated groundwater elevation, and no such equipment not in regular use shall be stored in any portion of the quarry subject to dewatering.

10. Process equipment, during periods of nonuse, shall be stored in areas not subject to dewatering or shall be removed from the site.

11. All trucks, excavating and process equipment shall have exhaust systems that meet or exceed current industry standards to ensure that noise levels are kept at or below allowable limits.

12. No portion of the expansion area shall be developed for mining, including site preparation, until the Reclamation Plan has been approved.

13. No portion of the expansion area shall be developed for mining, including site preparation, until the baseline data described in the Operation, Erosion
Control Implementation Plan and Environmental Control Plan has been collected as proposed. All such information collected shall be provided to the Planning & Zoning Department upon request.

14. Buildings located at W1006 STH 60 within the expansion area shall be removed within one year of permit approval.

15. Michels shall submit a landscaping plan, subject to the review and approval of the Planning & Zoning Department, providing for the maintenance of existing trees around the building site, and providing for the planting of trees along the base of the proposed screening berm, located between the berm and the right of way of STH 60. Hardwood species are preferred. Said trees shall be planted within one year of permit approval for the purpose of allowing the trees to attain a greater size and aesthetic impact prior to the actual construction of the screening berm.

16. Michels will notify the clerks of the Town of Columbus and the City of Columbus at least twenty-four hours prior to a proposed blast time. In addition, a second notice shall be given to the municipalities approximately sixty minutes before any blast if requested. Any residence within 2,500 feet of the quarry who requests notice of blasting shall receive a notice at least 24 hours prior to blasting and if also requested a second notice approximately sixty minutes before any blast.

10. Adjourn

Motion by Mr. Baehler to adjourn meeting. Seconded by Chair Doug Richmond.

Motion carried unanimously.

Next meeting at Columbia County Administration Building
Meeting adjourned at 6:00 pm.

Respectfully submitted,

[Signature]

Fred Teigen, Secretary
Planning and Zoning Committee
Recording Secretary

Susan Runnion
Office Administrator

cc: Committee Members
Harlan Baumgartner, County Board Chair
Debra Wopat, County Board Vice Chair
Susan M. Moll, County Clerk