

**PLANNING & ZONING COMMITTEE MINUTES
MARCH 2, 2021**

PRESENT: Harlan Baumgartner, John Stevenson, Denise Brusveen,
Mike Weyh, Tom Borgkvist, Doug Richmond

STAFF: Kurt Calkins – Director of Planning & Zoning, Renee
Pulver-Johnson – Principal Land Use Planner, Lauren
Ramirez – Office Administrator

ALSO PRESENT: Susan Fisher – Corporation Counsel

1:30 PM

1. Call to order
2. Certification of Open Meeting Law & confirmed meeting was properly noticed and published
3. Roll Call was taken and a quorum declared present
4. Approval of Agenda

**Motion by Mr. Borgkvist to approve Agenda of March 2, 2021 Planning &
Zoning Committee Regular Meeting & Public Hearing.
Seconded by Ms. Brusveen.
Motion carried unanimously.**

5. Approval of Previous Meeting Minutes

**Motion by Mr. Weyh to approve Minutes of January 5, 2021
Planning & Zoning Committee Regular Meeting.
Seconded by Mr. Stevenson.
Motion carried unanimously.**

6. Citizen Input

No citizen input.

7. Operational Overview

- a. Approve Expenditure Report

Mr. Calkins presented Expenditure Report. Reviewed out of ordinary expenses.

**Motion by Mr. Richmond to approve Expenditure Report.
Seconded by Mr. Stevenson.
Motion carried unanimously.**

- b. Department Budgets, Compensatory Time, Out of County Travel
- c. Director's Staff Report/Update

Mr. Calkins reviewed budget updates.

- 8. Chairman's Update
- 9. 2020 Annual Report

Mr. Calkins reviewed the 2020 Annual Report.

**Motion by Mr. Weyh to approve 2020 Annual Report.
Seconded by Mr. Borgkvist.
Motion carried unanimously.**

- 10. Access Variance

- Harris – Town of Marcellon

Ms. Pulver-Johnson reviewed the Staff Report.

**Motion by Mr. Weyh to recommend approval of an Access Variance for Lot 1 to have no frontage on a public road subject to the following conditions:
A note being placed on the CSM that states, "A variance to Section 16-210-040(E) was approved by the Planning and Zoning Committee on March 2, 2021 to waive road frontage requirements for Lot 1 with access provided via other instrument."
The variance will become effective upon recording of the Certified Survey Map.
Seconded by Mr. Borgkvist.
Motion not carried unanimously.**

- Voegeli – Town of Arlington

Ms. Pulver-Johnson reviewed the Staff Report.

**Motion by Mr. Richmond to recommend approval of an Access Variance for Lot 1 to have no frontage on a public road subject to the following conditions:
A note being placed on the CSM that states, "A variance to Section 16-210-040(E) was approved by the Planning and Zoning Committee on March 2, 2021 to waive road frontage requirements for Lot 1 with access provided via other instrument."
The variance will become effective upon recording of the Certified Survey Map.
Seconded by Ms. Brusveen.
Motion not carried unanimously.**

- 11. Driveway Exception

- Voegei – Town of Arlington

Ms. Pulver-Johnson reviewed the Staff Report.

**Motion by Ms. Brusveen to approve Driveway Length Exception on
County Highway V.**

Seconded by Mr. Borgkvist.

Motion carried unanimously.

Site Visits (were not needed)

12. Public Hearing – 2:00PM

Item I Conditional Use Permit – For Non-Metallic Extraction – Renewal:
Applicants: James C Ballweg & Yahari Materials Inc. – Town of West
Point

Chair Baumgartner opened Public Hearing.

Mr. Calkins presented Staff Report.

Chair Baumgartner asked if anyone has any questions.

Petitioner was present.

Chair Baumgartner asked if anyone is in favor of the petition. (no comments)

Chair Baumgartner asked if anyone else is against the petition. (no comments)

Town Board not present, but Approval is on file.

Chair Baumgartner closed the Public Hearing.

**Motion by Mr. Richmond to approve Conditional Use Permit for Non-Metallic
Extraction – Renewal at W12257 Reynolds Road, in the application and
accompanying submittals and subject to the following Findings, Conclusions and
Conditions of Approval.**

Seconded by Mr. Weyh.

Motion carried unanimously.

Findings of Fact:

1. James C Ballweg is the owner of the subject property described in the application.
2. Yahara Materials, Inc. is the operator of a Non-metallic mineral extraction use on the subject property.
3. The Town of West Point has recommended approval of the Conditional Use Permit.
4. Upon review of the guidelines in Section 16-150-070(D) of the Columbia County Zoning Code, and with the explanation of the criteria in Attachment A of the Staff Report, the Committee finds the following:

- a. The establishment, maintenance, or operation of the proposed use will not be detrimental to or endanger the public health, safety, or general welfare of the occupants of surrounding lands.
 - b. The use will be designed, constructed, operated, and maintained so as to be compatible, and be appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area such that the use will substantially impair or diminish the use, value, or enjoyment of existing or future permitted uses in the area.
 - c. The erosion potential of the site, based on topography, drainage, slope, soil type, and vegetative cover is minimal.
 - d. There is no existing or anticipated water pollution including sedimentation, and no impacts on floodplain and wetlands.
 - e. The site has adequate utilities, including acceptable disposal systems.
 - f. Access to streets and highways is suitable, and ingress and egress is designed to minimize traffic congestion and the potential effect on traffic flow.
 - g. The Conditional Use shall conform to the standards of the applicable district(s) in which it is located.
5. The Columbia County Board of Adjustment, on March 22, 2000, approved a Conditional Use Permit for the operation of a limestone quarry on parcel 307.
 6. The Columbia County Planning & Zoning Committee, on March 2, 2010, approved a renewal of the March 22, 2000 Conditional Use Permit.
 7. The site is subject to the provisions of a reclamation plan on file with the Columbia County Planning and Zoning Department. The reclamation plan is subject to the provisions of Title 16 Chapter 600, Columbia County Nonmetallic Mining Reclamation Ordinance, and Chapter NR 135, Wisconsin Administrative Code.
 8. The Planning and Zoning Department, during the 10-year permit period, has not become aware of any aspect of noncompliance at this site with respect to the Conditional Use Permit or Reclamation Plan.

Conclusions of Law:

1. The subject property is located in the Town of West Point and is zoned A-1. The District uses are listed in Table 16-105-020(1).
2. James C Ballweg and Yahara Materials, Inc. currently have a valid Conditional Use Permit for the operation of a limestone quarry on the subject property.
3. James C Ballweg and Yahara Materials, Inc are the petitioners for a Conditional Use Permit renewal. The petition followed the procedures of Section 16-150-070(C) of the Columbia County Zoning Code.
4. The West Point Town Board has reviewed and recommended approval of the Conditional Use Permit, with conditions, in accordance with Section 16-150-070 of the Columbia County Zoning Code.
5. The Columbia County Planning and Zoning Committee has the authority under Sections 16-150-030(B)(2) and 16-150-070 of the Columbia County Zoning Code to conduct public hearings, review, and decide on requests for Conditional Use Permits.
6. The proposed use is consistent with the purpose and intent of the A-1 Agriculture zoning district.
7. The proposed use does not conflict with current use of any adjacent properties over the long term, and fits in the future land use plan for the area. It does not limit the usefulness of adjacent agricultural properties for uses permitted under their current zoning classifications.
8. The site has operated in compliance with its Conditional Use Permit during the 10-year period approved in 2010.
9. A renewal of the Conditional Use Permit is justified.

Conditions for Decision:

1. The Conditional Use Permit shall expire 10 years from the date of issuance.
2. The pit area shall not be used for parking, refueling, servicing, or repair of vehicles and equipment other than equipment required for excavation and loading in the pit area. No fuel shall be stored in the mine site area, as delineated on the approved plan.
3. 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.
4. 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.
5. The County shall have the right to order the installation of erosion control barriers on site where, due to unforeseen circumstances, such barriers are deemed necessary to prevent unacceptable off-site erosion and sedimentation that might impact surface waters.
6. Hours of operation, including, but not limited to, excavating, stockpiling, loading, hauling, and processing of asphalt are limited to the following: Monday through Friday 6:00 am to 6:00 pm, and Saturdays from 6:00 am to 12:00 pm. 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. Processing of asphalt is further limited in item 8 below.
7. In the event a State or municipal contract is awarded to the operator and requires night quarry operations, the operator shall provide three (3) days' notice to the County, Town, and any surrounding neighbors that have requested said notice. Said notice shall identify the job and the number of nights required for after-hours operation. Notice shall be in writing unless the individuals, County, or Town consent to an email notification. Night hauling shall not exceed 120 days per calendar year.
8. The operation of a portable asphalt plant on the premises shall be allowed for a maximum of 120 days per calendar year, with the allowed dates occurring between May 15 and Nov 1. In the event a contract is awarded to the operator requiring night paving operations, the operator shall provide three (3) days' notice to the County, Town, and any surrounding neighbors that have requested said notice. Said notice shall identify the job and the number of nights required for after-hours operation. Notice shall be in writing unless the individuals, County, or Town consent to an email notification. The operation of the asphalt plant during normal hours of operation shall count as an allowed day in determining the total number of allowed days per calendar year.
9. There shall be no changes to the proposed mine operation as described in the Reclamation Plan 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.
10. 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.
11. There shall be no harvesting of timber on the subject property without approval of the Planning and Zoning Department, which shall be subject to a determination that such harvest will maintain proper vegetative screening of the quarry area.
12. The provisions of Section 16-125-250 of the Columbia County Zoning Code are hereby incorporated as part of this Conditional use Permit.

13. The owner and operator shall comply with and obtain all necessary permits required by applicable federal, state, and local regulations.
14. If the Planning and Zoning Committee finds that the review criteria of Section 16-150-070(D) of the Columbia County Zoning Code, 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.
15. 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.
16. Any agreement(s) or condition(s) pertaining to this Conditional Use Permit between the Town of West Point and James C Ballweg and Yahara Materials, Inc. are hereby incorporated as part of this Conditional Use Permit; however, the County is not responsible for enforcing said agreement(s) or condition(s), unless an individual point of the agreement(s) or condition(s) is specifically included above as a condition of approval. Any additional Town agreements or conditions are listed below. In the event that the Town submits a finding of noncompliance with any of the item(s) listed below, 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.
 - a. The CUP shall be contingent on the execution of the contract between the Town of West Point and Yahara Materials.

Item II- Zoning Change: A-1 Agriculture to RR-1 Rural Residence, and from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay; Petitioners: Jeffrey J Rowe & Stacy L Rowe – Town of Springvale

Chair Baumgartner opened Public Hearing.

Mr. Calkins presented Staff Report.

Chair Baumgartner asked if anyone has any questions.

Agent Jim Grothman was present.

Chair Baumgartner asked if anyone is in favor of the petition. (no comments)

Chair Baumgartner asked if anyone else is against the petition. (no comments)

Town Board not present, but Approval is on file.

Chair Baumgartner closed the Public Hearing.

Motion by Mr. Borgkvist to recommend approval of 3 acres, more or less, from A-1 Agriculture to RR-1 Rural Residence, and 34.23 acres, more or less, from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay, all effective upon recording of the Certified Survey Map.

Seconded by Mr. Stevenson.

Motion carried unanimously.

Item III Plan Map Amendment: Future Land Use Map: Agriculture or Open Space to Industrial; and Farmland Preservation Plan Map: Farmland Preservation Area to Developed/Infill Area; Petitioner: Colwis LLC – Town of Columbus

Chair Baumgartner opened Public Hearing.

Ms. Pulver-Johnson presented Staff Report.

Chair Baumgartner asked if anyone has any questions.

Petitioner was present.

Chair Baumgartner asked if anyone is in favor of the petition. (no comments)

Chair Baumgartner asked if anyone else is against the petition. (no comments)

Town Board not present, but Approval is on file.

Chair Baumgartner closed the Public Hearing.

**Motion by Mr. Weyh to recommend approval to amend 6.19 acres, more or less, of the Future Land Use map from Agricultural or Open Space to Industrial land use designation, and to amend the same area on the Farmland Preservation Plan map from Farmland Preservation Area to Developed/Infill Area, all effective upon recording of the Certified Survey Map.
Seconded by Mr. Richmond.**

Item IV Zoning Change: A-1 Agriculture to I-2 General Industrial; Petitioner: Colwis LLC – Town of Columbus

Chair Baumgartner opened Public Hearing.

Ms. Pulver-Johnson presented Staff Report.

Chair Baumgartner asked if anyone has any questions.

Petitioner was present.

Chair Baumgartner asked if anyone is in favor of the petition. (no comments)

Chair Baumgartner asked if anyone else is against the petition. (no comments)

Town Board not present, but Approval is on file.

Chair Baumgartner closed the Public Hearing.

**Motion by Mr. Stevenson to recommend approval of 6.19 acres, more or less, from A-1 Agriculture to I-2 General Industrial, all effective upon recording of the Certified Survey Map.
Seconded by Mr. Borgkvist.
Motion carried unanimously.**

Item V Zoning Change: A-1 Agriculture to RR-1 Rural Residence, and from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay; Petitioner: Donovan Huebner – Town of Columbus

Chair Baumgartner opened Public Hearing.

Mr. Calkins presented Staff Report.

Chair Baumgartner asked if anyone has any questions.

Petitioner was present.

Chair Baumgartner asked if anyone is in favor of the petition. (no comments)

Chair Baumgartner asked if anyone else is against the petition. (no comments)

Town Board is present, and Approval is on file.

Chair Baumgartner closed the Public Hearing.

**Motion by Mr. Borgkvist to recommend approval of 5 acres, more or less, from A-1 Agriculture to RR-1 Rural Residence, and 30 acres, more or less, from A-1 Agriculture with A-4 Agricultural Overlay, all effective upon recording of the Certified Survey Map.
Seconded by Mr. Weyh.
Motion carried unanimously.**

Item VI Zoning Change: A-1 Agriculture to RR-1 Rural Residence, and from A-1 Agriculture to A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay; Petitioners: John D Kehl & Marianne S Kehl – Town of Columbus

Chair Baumgartner opened Public Hearing.

Mr. Calkins presented Staff Report.

Chair Baumgartner asked if anyone has any questions.

Petitioner was present via Zoom.

Chair Baumgartner asked if anyone is in favor of the petition. (no comments)

Chair Baumgartner asked if anyone else is against the petition. (no comments)

Town Board is present, and Approval is on file.

Chair Baumgartner closed the Public Hearing.

**Motion by Ms. Brusveen to recommend approval of 3 acres, more or less, from A-1 Agriculture to RR-1 Rural Residence, and 32 acres, more or less, from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay, all effective upon recording of the Certified Survey Map.
Seconded by Mr. Stevenson.
Motion carried unanimously.**

Item VII Zoning Change: A-1 Agriculture to RR-1 Rural Residence, and from A-1 Agriculture to A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay; Petitioners: John D Kehl & Marianne S Kehl – Town of Columbus

Chair Baumgartner opened Public Hearing.

Mr. Calkins presented Staff Report.

Chair Baumgartner asked if anyone has any questions.

Petitioner was present via Zoom.

Chair Baumgartner asked if anyone is in favor of the petition. (no comments)

Chair Baumgartner asked if anyone else is against the petition. (no comments)

Town Board is present, and Approval is on file.

Chair Baumgartner closed the Public Hearing.

**Motion by Mr. Weyh to recommend approval of 3 acres, more or less, from A-1 Agriculture to RR-1 Rural Residence, and 32 acres, more or less, from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay, all effective upon recording of the Certified Survey Map.
Seconded by Mr. Stevenson.
Motion carried unanimously.**

Item VIII Zoning Change: A-1 Agriculture to RR-1 Rural Residence, and from A-1 Agriculture to A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay; Petitioners: Gregory Kearns, Debra McElroy, et al – Town of Marcellon

Chair Baumgartner opened Public Hearing.

Ms. Pulver-Johnson presented Staff Report.

Chair Baumgartner asked if anyone has any questions.

Petitioner was present.

Chair Baumgartner asked if anyone is in favor of the petition. (no comments)

Chair Baumgartner asked if anyone else is against the petition. (no comments)

Town Board not present, but Approval is on file.

Chair Baumgartner closed the Public Hearing.

Motion by Mr. Borgkvist to recommend approval of 1.5 acres, more or less, from A-1 Agriculture to RR-1 Rural Residence, and 33.5 acres, more or less, from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay, all effective upon recording of the Certified Survey Map.

Seconded by Mr. Stevenson.

Motion carried unanimously.

Item IX Zoning Change: A-1 Agriculture to RR-1 Rural Residence, and from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay; Petitioners: Darel A Smith & Cathy A Smith – Town of Marcellon

Chair Baumgartner opened Public Hearing.

Ms. Pulver-Johnson presented Staff Report.

Chair Baumgartner asked if anyone has any questions.

Petitioner was present.

Chair Baumgartner asked if anyone is in favor of the petition. (no comments)

Chair Baumgartner asked if anyone else is against the petition. (no comments)

Town Board not present, but Approval is on file.

Chair Baumgartner closed the Public Hearing.

**Motion by Ms. Brusveen to recommend approval of 4.6 acres, more or less, from A-1 Agriculture to RR-1 Rural Residence, and 28.14 acres, more or less, from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay, all effective upon recording of the Certified Survey Map.
Seconded by Mr. Richmond.
Motion carried unanimously.**

Item X Zoning Change: A-1 Agriculture to RR-1 Rural Residence, and from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay; Petitioners: Colt W Voegeli & Nikki M Voegeli – Town of Arlington

Chair Baumgartner opened Public Hearing.

Ms. Pulver-Johnson presented Staff Report.

Chair Baumgartner asked if anyone has any questions.

Petitioner was present.

Chair Baumgartner asked if anyone is in favor of the petition. (no comments)

Chair Baumgartner asked if anyone else is against the petition. (no comments)

Town Board not present, but Approval is on file.

Chair Baumgartner closed the Public Hearing.

**Motion by Mr. Richmond to recommend approval of 4.02 acres, more or less, from A-1 Agriculture to RR-1 Rural Residence, and 41.98 acres, more or less, from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay, all effective upon recording of the Certified Survey Map.
Seconded by Ms. Brusveen.
Motion carried unanimously.**

Item XI Zoning Change: A-1 Agriculture to RR-1 Rural Residence, and from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay; Petitioners: Harold D Buchanan & Pamela S Buchanan – Town of Arlington

Chair Baumgartner opened Public Hearing.

Mr. Calkins presented Staff Report.

Chair Baumgartner asked if anyone has any questions.

Petitioner was not present.

Chair Baumgartner asked if anyone is in favor of the petition. (no comments)

Chair Baumgartner asked if anyone else is against the petition. (no comments)

Town Board not present, but Approval is on file.

Chair Baumgartner closed the Public Hearing.

Motion by Mr. Borgkvist to recommend approval of 3.33 acres, more or less, from A-1 Agriculture to RR-1 Rural Residence, and 36.75 acres, more or less, from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay, all effective upon recording of the Certified Survey Map.

Seconded by Ms. Brusveen.

Motion carried unanimously.

Item XII Conditional Use Permit – For sales, distribution, mixing, blending, and storage of agricultural supplies such as feed, seeds, propane, and fertilizer: Grain Elevator & Propane Storage – Amendment; Petitioner: Landmark Services Cooperative – Town of Fountain Prairie

Chair Baumgartner opened Public Hearing.

Mr. Calkins presented Staff Report

Chair Baumgartner asked if anyone has any questions.

Petitioner was present.

Chair Baumgartner asked if anyone is in favor of the petition. (no comments)

Chair Baumgartner asked if anyone else is against the petition.

Adrian Homan- Neighbor to property, stated he is has concerns with grain operation, as he sees issues with current handling of operations. He is unsure if they can handle propane and chemicals if they cannot handle grain.

Representative for the energy division of Landmark was present, and assured safety is a precaution and all equipment meet NFPA and local jurisdiction regulations. He stated environmental factors play into loss of grain, but they are adamant of safety precautions.

Adrian Homan stated this has happened many times not just from wind. He stated with fertilizer and propane and chemicals, they can get into the ground.

Landmark Representative stated they are always striving to improve and meet needs, and propane would be released as vapor so it would not go in ground.

Chair Baumgartner asked if anyone else is against the petition. (no comments)

Town Board not present, but Approval is on file.

Chair Baumgartner closed the Public Hearing.

Motion by Mr. Weyh to approve Conditional Use Permit for sales, distribution, mixing, blending, and storage of agricultural supplies such as feed, seeds, propane, and fertilizer: Grain Elevator & Propane Storage – Amendment at N3220 Seier Road, in the application and accompanying submittals and subject to the following Findings, Conclusions and Conditions of Approval.

**Seconded by Mr. Stevenson.
Motion carried unanimously.**

Findings of Fact:

1. Landmark Services Cooperative is the owner of the subject property described in the application.
2. The Town of Fountain Prairie has recommended approval of the Conditional Use Permit.
3. Upon review of the guidelines in Section 16-150-070(D) of the Columbia County Zoning Code, and with the explanation of the criteria in Attachment A of the Staff Report, the Committee finds the following:
 - a. The establishment, maintenance, or operation of the proposed use will not be detrimental to or endanger the public health, safety, or general welfare of the occupants of surrounding lands.
 - b. The use will be designed, constructed, operated, and maintained so as to be compatible, and be appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area such that the use will substantially impair or diminish the use, value, or enjoyment of existing or future permitted uses in the area.
 - c. The erosion potential of the site, based on topography, drainage, slope, soil type, and vegetative cover is minimal.
 - d. There is no existing or anticipated water pollution including sedimentation, and no impacts on floodplain and wetlands.
 - e. The site has adequate utilities, including acceptable disposal systems.
 - f. Access to streets and highways is suitable, and ingress and egress is designed to minimize traffic congestion and the potential effect on traffic flow.
 - g. The Conditional Use shall conform to the standards of the applicable district(s) in which it is located.
4. The proposed grain shuttle is consistent with the County Comprehensive Plan, Section 6.2, Goal 3, Objective 1: Assist in the promotion and attraction of agricultural related services and industries to maintain agriculture as a viable business.

5. The proposed grain shuttle is consistent with Object 12 of the Columbia County Farmland Preservation Plan: Encourage the continued growth of the agricultural economy of Columbia County.
6. The proposed grain shuttle will provide new employment opportunities in the County.
7. The proposed grain shuttle adds to the infrastructure that supports agriculture in the County.

Conclusions of Law:

1. The subject property is located in the Town of Fountain Prairie and is zoned A-1. The District uses are listed in Table 16-105-020(1).
2. Landmark Services Cooperative is the petitioner for a Conditional Use Permit. The petition followed the procedures of Section 16-150-070(C) of the Columbia County Zoning Code.
3. The petitioner is proposing to construct and operate a grain shuttle which is allowed as a Conditional Use Permit under Section 16-105-020.
4. The Fountain Prairie Town Board has reviewed and recommended approval of the Conditional Use Permit, with conditions, in accordance with Section 16-150-070 of the Columbia County Zoning Code.
5. The Columbia County Planning and Zoning Committee has the authority under Sections 16-150-030(B)(2) and 16-150-070 of the Columbia County Zoning Code to conduct public hearings, review, and decide on requests for Conditional Use Permits.
6. The proposed use is consistent with the purpose and intent of the A-1 Agriculture zoning district.
7. The proposed use does not conflict with current use of any adjacent properties over the long term, and fits in the future land use plan for the area. It does not limit the usefulness of adjacent agricultural properties for uses permitted under their current zoning classifications.
8. The property is physically well suited for the proposed use due to the location of transportation infrastructure and its current location.
9. The development 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. This Conditional Use Permit shall become effective upon the following:
 - a. Landmark Services Cooperative takes title to the 188 + acre property.
 - b. Landmark provides the County with documentation the Wisconsin Department of Transportation has approved the detailed final plan for the Work in Right of Way Permit needed to make improvements to the intersection of Seier Road and STH 16.
 - c. The Town of Fountain Prairie provides the County with written approval of all plans and agreements pertaining to the reconstruction and maintenance of Seier Road as it relates to the grain shuttle project.
2. All lighting over 150 watts 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. Aviation lights shall be shielded to the extent possible.
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, unless the Department agrees to a different schedule. 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

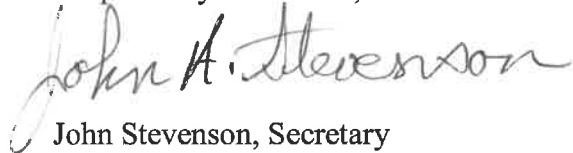
- and prairie shall be maintained, and all planting shall be maintained and replaced if diseased or dead.
4. The Seier Road access drive to the propane tanks must meet the same requirements as the portion that exits to State Highway 16. An amendment to the Seier Road agreement shall be approved by the Fountain Prairie Town Board. All other field access roads and driveways shall be removed.
 5. A knoxbox system shall be included on the gate opening to the propane tank storage area.
 6. The area around the platform and propane tanks shall be fenced to prevent unauthorized access to the tanks and equipment.
 7. A separate Emergency Response Number shall be obtained for the access off Seier Road.
 8. No more than 400 trucks may unload grain each day during the 4-month peak harvest season and no more than 300 trucks may unload grain each day during the rest of the year.
 9. Signs shall be placed at the exit to the site advising grain trucks that no right turn onto Seier Road is allowed and that this is not an entrance.
 10. Hours of grain elevator operations relating to the unloading of grain trucks during the 4-month peak harvest season may be performed for 24 hours each day, with no operation on legal holidays. Hours of grain elevator operations during the rest of the year may be performed from 7:00 am to 5:00 pm, Monday through Saturday, with no unloading of trucks on Sundays or legal holidays. Grain shuttle operations related to the outgoing shipment of grain in rail cars may occur 24 hours each day, seven days a week.
 11. The Planning and Zoning Department shall have the right of inspection for the purpose of determining compliance with this permit during normal working hours or upon reason notice outside of normal hours.
 12. All chemicals and petroleum product and flammable materials shall be stored, contained and used in full compliance with all applicable Federal, State, County and Town regulations.
 13. The owner and operator shall minimize the generation of airborne dust resulting from hauling operations on the driveways within the shuttle site by paving all driveways.
 14. The grain elevator and related structures must have proper ventilation meeting the requirements of the applicable federal, state, and local regulations.
 15. The owner shall annually, at its sole cost, provide training to the Fall River Community Fire District on rescue and fire hazards associated with the operation.
 16. The owner, shall in consultation with the Fall River Community Fire District, have appropriate rescue equipment on the property including but not limited to coffer dams.
 17. Any amendments to the approved site plan, Exhibit A, and substantial additions or changes in design or size of the structures or capacity of the facility shall be referred to the Town for review and Planning and Zoning Committee for action.
 18. In the event the owner proposes to convey to the property to another other owner, the owner shall provide the County and the Town with written notice prior to the conveyance in order to allow the County and Town a reasonable opportunity to inform the proposed new owner of conditions and requirements of the Conditional Permit and any other agreements between the Town and the owner.
 19. The applicant and owner shall comply with and obtain all necessary permits required by applicable federal, state, and local regulations.
 20. If the Planning and Zoning Committee finds that the review criteria of Section 16-150-070(D) of the Columbia County Zoning Code 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.

13. Adjourn

**Motion by Mr. Borgkvist to adjourn meeting.
Seconded by Ms. Brusveen.
Motion carried unanimously.**

Meeting adjourned at 3:01 PM

Respectfully Submitted,



John Stevenson, Secretary
Planning and Zoning Committee



Recording Secretary
Lauren Ramirez, Office Administrator

cc: Committee Members
Vern Gove, County Board Chair
Bob Koch, County Board Vice Chair
James Foley, County Board Vice Chair