

**PLANNING & ZONING COMMITTEE MINUTES
APRIL 5, 2016**

PRESENT: Fred Teitgen, Kevin Kessler, Harlan Baumgartner, John A. Stevenson, Mike Weyh

STAFF: John Bluemke – Director of Planning & Zoning, Randy Thompson – Planning & Zoning Administrator, Susan Runnion - Office Administrator

ALSO PRESENT: Mary Cupery – Vice Chair, Columbia County Board of Supervisors, James Grothman, Grothman and Associates S.C.

2:00 PM

1. Call to order
2. Certification of Open Meeting Law
3. Roll Call was taken and a quorum declared present
4. Approval of Agenda

Motion by Vice Chair Weyh to approve Agenda of April 5, 2016 for Planning & Zoning Committee Regular Meeting & Public Hearing.

Seconded by Mr. Stevenson.

Motion carried unanimously.

5. Approval of Minutes

Motion by Mr. Stevenson to approve Minutes of March 1, 2016 Planning & Zoning Committee Regular Meeting.

Seconded by Mr. Baumgartner.

Motion carried unanimously.

6. Site Visit to Item VIII at 2:10 pm.

The Committee returned at 2:35 pm.

7. Department Report

- a. Planning Update/Ordinance Update

Mr. Bluemke reports that a letter was sent to the towns regarding the Subdivision Ordinance.

- Shoreland Wetland Ordinance Discussion

Mr. Kessler arrived at 2:58 pm.

Mr. Thompson and staff share presentation explaining new Shoreland Wetland Ordinance.

Discussion takes place relating to revisions and potential suggestions. Boathouses, mitigation and density are all areas that need clarification.

It is decided that the Public Workshops will take place during the month of April. Public input generated from these presentations will be shared with Planning & Zoning Committee members at their May meeting.

Mr. Thompson would like to have the revised Ordinance complete prior to the building season. Counties need to adopt the new shoreland standards by October 1, 2016.

b. Financial

- Out of County Travel

Mr. Bluemke not aware of any travel at this time.

- Expenditure Report

**Motion by Mr. Baumgartner to approve Expenditure Report.
Seconded by Vice Chair Weyh.
Motion carried unanimously.**

c. Enforcement

8. Waiver of Access – Thompson – Town of Fort Winnebago

**Motion by Mr. Baumgartner to recommend approval of a Waiver of Access 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, "The Planning and Zoning Committee approved a variance on 4/5/16 for Lot 1 to have no frontage on a public road". The variance will become effective when the Certified Survey Map is recorded.**

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

9. Waiver of Access – Erickson – Town of Lodi

Mr. Kessler states there is no indication of Town input.

Mr. Grothman verifies that the Town of Lodi approved the CSM.

Motion by Mr. Kessler to recommend approval of a Waiver of Access 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, "The Planning and Zoning Committee approved a variance on 4/5/16 for Lot 1 to have no frontage on a public road". The variance will become effective when the Certified Survey

Map is recorded.

Seconded by Mr. Stevenson.

Motion carried unanimously.

10. Preliminary Plat Pleasant Valley – Town of Lodi

Motion by Vice Chair Weyh to recommend approval of Preliminary Plat of Pleasant Valley.

Seconded by Mr. Baumgartner.

Motion carried unanimously.

11. BOA Appointment

Mr. Kessler asks to provide background on Mr. Kaltenberg.

Mr. Bluemke reports he is the Plan Commission Chair and serves on the Town Board for the Town of Leeds. He has been an alternate member of the Board of Adjustment for approximately four years.

Motion by Mr. Kessler to recommend Alan Kaltenberg appointment for permanent member of Board of Adjustment Committee to be forwarded to Executive Committee and Columbia County Board of Supervisors.

Seconded by Mr. Stevenson.

Motion carried unanimously.

12. Public Hearing

Item I- Zoning Change – A-1 Agriculture to RR-1 Rural Residence and A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay; Brian & Ingrid Pierson, Petitioners and Owners – Town of Springvale

Chair Teitgen opens Public Hearing.

Mr. Bluemke presents staff report.

The Petitioners were present and stated they have no additional comments.

Chair Teitgen asks if anyone has any questions.

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

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

Town Board not present, but Minutes on file.

Chair Teitgen closes Public Hearing.

Mr. Kessler asks if the rezoning is for 3 or 4 acres.

Mr. Bluemke responds that it's for four because we typically provide a metes and bounds description that includes the entire boundary of the rezoning.

Mr. Kessler asks the applicant what is the purpose of the rezoning.

Petitioner responds that they added an acre to provide the best building site.

**Motion by Vice Chair Weyh to approve rezoning from A-1 Agriculture to RR-1 Rural Residence and A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay effective upon recording of Certified Survey.
Seconded by Mr. Stevenson.
Motion carried unanimously.**

Item II- Zoning Change – A-1 Agriculture to RR-1 Rural Residence and A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay; Randy Attoe, Petitioner and Attoe Living Trust, Owner – Town of Leeds

Chair Teitgen opens Public Hearing.

Mr. Bluemke presents staff report.

The Petitioner was present and stated they have no additional comments.

Chair Teitgen asks if anyone has any questions.

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

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

Town Board not present, but Minutes on file.

Chair Teitgen closes Public Hearing.

April 5, 2016

Motion by Mr. Baumgartner to approve rezoning from A-1 Agriculture to RR-1 Rural Residence and A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay effective upon recording of Certified Survey.

Seconded by Mr. Stevenson.

Motion carried unanimously.

Item III- Zoning Change – A-1 Agriculture to RR-1 Rural Residence and A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay; Sandra Paulsen, Petitioner and Owner – Town of Lewiston – **Postponed to later date**

Item IV- Zoning Change – A-1 Agriculture to RR-1 Rural Residence and A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay; David W. Erickson and Tracy L. Erickson, Petitioners and Owners – Town of Lodi

Chair Teitgen opens Public Hearing.

Mr. Bluemke presents staff report.

The Petitioners were present and stated they have no additional comments.

Chair Teitgen asks if anyone has any questions.

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

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

Town Board not present, but Minutes on file.

Chair Teitgen closes Public Hearing.

Mr. Kessler asks if there is an existing structure shown on the air photo.

Petitioner verifies it's a clearing.

Motion by Mr. Baumgartner to approve rezoning from A-1 Agriculture to RR-1 Rural Residence and A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay effective upon recording of Certified Survey.

Seconded by Vice Chair Weyh.

Motion carried unanimously.

Item V- Zoning Change – A-1 Agriculture to RR-1 Rural Residence and A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay; Jeffery H. Thompson and Marsha E. Johnson, Petitioners and Owners – Town of Fort Winnebago

Chair Teitgen opens Public Hearing.

Mr. Bluemke presents staff report.

The Petitioners were present and stated they have no additional comments.

Chair Teitgen asks if anyone has any questions.

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

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

Town Board Chair, William Schroeder, Sr. is present and states the Town approved on March 17, 2016.

Chair Teitgen closes Public Hearing.

**Motion by Mr. Kessler to approve rezoning from A-1 Agriculture to RR-1 Rural Residence and A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay effective upon recording of Certified Survey.
Seconded by Vice Chair Weyh.
Motion carried unanimously.**

Item VI- Zoning Change – A-1 Agriculture and R-1 Single Family to RR-1 Rural Residence and A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay; Patrick Gatling and Nancy Gatling, Petitioners and Owners – Town of Dekorra

Chair Teitgen opens Public Hearing.

Mr. Bluemke presents staff report.

The Petitioners were present and stated they have no additional comments.

Chair Teitgen asks if anyone has any questions.

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

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

Town Board not present, but Minutes on file.

Chair Teitgen closes Public Hearing.

**Motion by Vice Chair Weyh to approve rezoning from A-1 Agriculture and R-1 Single Family to RR-1 Rural Residence and A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay effective upon recording of Certified Survey.
Seconded by Mr. Stevenson.**

Motion carried unanimously.

Item VII- Map Amendment – Farmland Preservation Area to Developed/Infill Area;
Kleespie Tank & Refurbishing, Inc. , Petitioners and Leona Hutchinson LLC,
Owner – Town of Dekorra –**Postponed to later date**

Item VIII- Zoning Change – A-1 Agriculture to I-2 General Industrial; Richard Preuss &
WB Sales, Petitioner and Leona Hutchinson LLC, Owner – Town of Dekorra
Move Item VIII to Item IX

Item VIII- Zoning Change – A-1 Agriculture to RR-1 Rural Residence and A-1
Agriculture to A-1 Agriculture with A-4 Agricultural Overlay; Douglas
Konkol and Rebecca Konkol, Petitioners and Owners – Town of Dekorra

Chair Teitgen opens Public Hearing.

Mr. Bluemke presents staff report.

The Petitioners were present and stated they have no additional comments.

Chair Teitgen asks if anyone has any questions.

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

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

Town Board not present, but Minutes on file.

Chair Teitgen closes Public Hearing.

**Motion by Mr. Baumgartner to approve rezoning from A-1 Agriculture to
RR-1 Rural Residence and A-1 Agriculture to A-1 Agriculture with A-4
Agricultural Overlay effective upon recording of Certified Survey.**

Seconded by Vice Chair Weyh.

Motion carried unanimously.

Item IX- Zoning Change – A-1 Agriculture to I-2 General Industrial; Richard Preuss &
WB Sales, Petitioner and Leona Hutchinson LLC, Owner – Town of Dekorra

Mr. Bluemke presents staff report.

The petitioner, Adam Gazapian, WB Tanks, Inc. is present and explains the business will consists of indoor operations. The outdoor operation would include trucks, outdoor storage and minor repair work. The northwest and east sides have trees that are 10-16 feet in height. A proposed Declaration of Covenants and Development Agreement provide restrictions to operation of hours and type of work proposed.

He explains they have attempted to work and speak with the neighbors, but they decided not talk to us on middle ground. We have not said "no" to anything. We have been flexible with what we can and can't do. We have encouraged working with the property owners. The issues that are brought up include noise, truck traffic, groundwater and well contamination and property values, but they have not produced any hard evidence. There are 115 acres that are planned to be zoned commercial/industrial on the south side of the road. Across from our driveway is owned by Alliant and we are not introducing railway. The largest industrial facility in the County, the power plant and industrial zoning is at the other end. We understand there are issues with resident's and our site plan keeps the lights below the tree line and downward facing. We will not have a 24 hour operation. We will keep the buffer of vegetation and traffic is screen from our operation. This is a situation that would not cause air pollution or smells. We would be allowed to use 400 gallons of water per day to run our ovens. Groundwater is not contaminated because propane is a vapor. We could work together to discuss truck traffic. The Town Board had issues with outside storage and enforcement. Outside storage is permitted in I-2 General Industrial and business that we want there, it would be allowable. We need to screen which we will do and maintain the screening. We agree not only to pay fines and take care of a problem, but the cost of enforcement or lawyer. The Declarations and Development Agreements are all enforceable. This is not an exception to the rule of enforcement. We are showing that we put a lot of money into equipment that helps not to break the law. We have looked for other locations, but industrial planned areas are not readily available. This location is consistent with all ordinances and meets and exceeds those regulations.

Chair Teitgen asks if anyone has any questions.

Mr. Kessler asks for clarification of the zoning map.

Mr. Bluemke explains Future Land Use Map and Farmland Preservation Maps.

Mr. Kessler asks if this were to be rezoned would it require a Conditional Use Permit.

Mr. Bluemke responds that it would not.

Chair Teitgen asks if anyone is in favor of petition.

Richard Preuss
N5386 Dunning Road
Pardeeville, WI

Identifies himself as owner of the land which has been in CRP with a 15 year contract and payments end in two years. He farms in a different area and adjacent property owners have listened to a lot of crops being planted and a diesel engine close to full throttle for irrigation. States you would have a lot more sound coming from agriculture use. He also sprays chemicals in his field and they complain about minor smells. There will be a screen around this proposal.

Adam Gazapian states that this land is currently zoned A-1 Agriculture which would allow for quite a few agricultural services that would produce more smell than this proposal. We don't expect any smell and you could have pigs, chickens, etc. A-1 would allow bulk service and it is allowed in the current zoning district. The only real change is the 12,000 square foot building and from our calculations the noise will not be heard at the property line. We are not deviating from what is currently allowed.

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

Chair Teitgen asks if anyone is against the petition.

Deb Bennett
W8384 HWY JV
Poynette, WI

She states they live directly across the road and would be directly impacted and long term, financially. The Town Board voted against the proposal and we are asking the County to honor the Town's decision. There are six homes across the street and 15-20% of their property value could be lost. It will affect the home value and I don't know if we could see our house. WB Sales website states that it could be dangerous. This will affect our quality of life and property values and this will cause damage. The Town carefully considered this and it will cause damage. I looked at the Comprehensive Plan and this rezoning should be denied.

Peggy Tomlinson
W8495 County Road J & V
Poynette, WI

She lives to the west of the proposed site. Property value is a concern and it will be reduced. Another concern is that we hunt in the area and a bullet could accidentally stray. Our hunting would be gone. Also concern about ground water contamination from the rusty tanks and old tanks that may have lead. When it rains it is sandy soil and there is Rocky Run stream. There will be four lights, but as the business grows they usually add lighting. Exhaust from semis and employees. They expect thirty employees in two years and dust will be created. There could be possible smell from emptying tanks. She sent an e-mail to Norman Township where Fisher Tank is located. They said

this operation should not be near a residential property. There was 24/7 noise and it smelled like rotten eggs. They moved into a more industrial area and did better there. Even though the repainting will be inside, there is always stuff that can escape.

Jim Bennett
W8384 Hwy JV
Poynette, WI

He states that it sounds like his business is small, but he can't help but think he will be growing the business. He is concerned about it growing, perhaps 4000-5000 tanks. I would think his business plan is for growth.

Sandy South
W8352 Hwy J & V
Poynette, WI

She comments that she doesn't have more to add. She objects to it. She didn't buy a house in the country to live across from propane. Currently have enough traffic in the neighborhood and the roads are falling apart already.

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

Town of Dekorra represented by Sandy Smith, Town Board Supervisor.

Ms. Smith states that the Town Board voted 4 to 1 to deny and we had a very lengthy meeting. Adam said that 1000-2000 tanks will be stored outside. We should be conscious of the area and Rocky Run runs behind the property. I agree that it's a future vision of the past board that those houses are in the industrial area. We asked Mark Roffers why you would place houses there. He said the people would move or turn the houses into business or sell to people who are more tolerant. I-2 doesn't require a Conditional Use Permit and the Town would have a very difficult time with enforcement outside of the agreement. Semi may run all night and who does the neighbor call. For smells, how can you measure the smell? The Town Board voted 4 to 1.

Adam Gazapian responds that there are not many locations in the county or southern Wisconsin. It takes map changes and Comprehensive Plan and a lot of towns don't want to do that. We are very limited with our location. As for ground water contamination, we don't prepare the tanks outside and the contaminants remain in the paint. It stays in the paint the loose paint would get blown off in transit before it gets to the site. The paint doesn't move and the waste gets collected and disposed of per state rules. The trucks would be sent to truck stops when the business is not open unless there is an emergency. The exhaust, the EPA air is cleaner going out than coming in. Fisher Tanks was located in a town like Poynette and was surrounded by a grocery store and bank which was surrounded by residences. They didn't have enough

space and they didn't have bulk storage. They released the vapor at night and that caused a smell and it's against the law. That is not our plan and we are placing 250,000 gallon pumping station. They are in a new location with pumping station and they don't have an issue with smell. Fisher has 60 acres of open space. We are proposing six acres and will be fully screened. We are restricted to the site plan and have to come back to the Town for more space. The powder coat paint has essentially no hazards for the ground or the air. If we dumped it on the ground it is not hazardous. There could be issues, but our operation is designed to take care of those issues. We are trying to care of potential problems. We just can't defend things that we have already taken care of. Our site is completely screened 10-16 feet in height. I don't think these concerns are legitimate and property values too. They say this will hurt property values, but any change can affect your property values. 5000 bird chicken farm could affect your property value. It's not a reason not to do something with your land because it affects mine. We are doing our best to accommodate.

Mr. Stevenson asks how many tanks are processed in a day.

Mr. Gazapian responds about 54 tanks in a day. He explains that 1000 tanks provide a 20 day supply. They provide cleanup of dangerous tanks and they fly to Florida, Pennsylvania, etc. and clean up and pump out at the site. Sometimes the tanks are used for scrap metal. The only tanks we bring back are refurbished. Once we hit 29 unusable tanks, we send them out for scrap. It will not be a junk yard. We would like to expand and with the Town's site plan it should not cause harm to the neighbors.

Mr. Kessler confirms the Plan Commission recommended "in favor". When did the Public Hearing take place?

Sandy Smith, Supervisor-Town of Dekorra responds that the Plan Commission met on February 1st. The Public Hearings for Plan Commission and Town Board took place on March 24, 2016. The Town Board met after the Plan Commission which voted 6/1 in favor and Town Board voted against.

Chair Teitgen closes Public Hearing.

Mr. Kessler asks if this is a situation, if the County Board were to vote, the Town can veto the County Board.

Mr. Baumgartner asks if they are "tabling" the proposal.

Mr. Bluemke responds it will be "postponed". We are not in position to have the Committee make a recommendation to the County Board because of the Town has thirty days to file a certified resolution of denial, which resolution limits the recommendation the Committee can make to the County Board.

April 5, 2016

Mr. Kessler asks what the thirty day requirement is.

Mr. Bluemke responds it's the time frame established by State Statute.

Mr. Kessler replies that this allows the Town to react within a minimum of 30 days, if they choose to react.

Motion by Mr. Baumgartner to postpone a Decision for 30 days from this date.

Seconded by Vice Chair Weyh.

Motion carried unanimously.

13. Adjourn

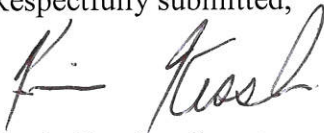
Motion by Vice Chair Weyh to adjourn meeting.

Seconded by Mr. Stevenson.

Motion carried unanimously.

Meeting adjourned at 5:20 PM

Respectfully submitted,



Kevin Kessler, Secretary
Planning and Zoning Committee



Recording Secretary
Susan Runnion, Office Administrator

cc: Committee Members
Vern Gove, County Board Chair
Mary Cupery, County Board Vice Chair