

**PLANNING & ZONING COMMITTEE MINUTES
JUNE 7, 2016**

PRESENT: Fred Teitgen, Susanna R. Bradley, Harlan Baumgartner,
John A. Stevenson, Kevin Kessler

STAFF: John Bluemke – Director of Planning & Zoning, Randy
Thompson – Planning & Zoning Administrator, Susan
Runnion - Office Administrator, Renee Pulver – Land Use
Specialist

ALSO PRESENT: Vern E. Gove – Chair, Columbia County Board of
Supervisors, Mary Cupery – Vice Chair, Columbia County
Board of Supervisors, Joseph Ruf – Corporation Counsel,
Susan Fisher – Assistant Corporation Counsel, James
Grothman – Grothman & Associates

2:30 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

Chair Teitgen would like to add topic “Discussion of Committee Meeting Date for July”.

**Motion by Mr. Baumgartner to approve revised Agenda of June 7, 2016 for
Planning & Zoning Committee Regular Meeting & Public Hearing.**

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

5. Approval of Minutes

**Motion by Ms. Bradley to approve Minutes of May 3, 2016
Planning & Zoning Committee Regular Meeting.**

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

6. Zoning Change: A-1 Agriculture to I-2 General Industrial - Discussion & Decision
– WB Tanks Petitioner, Richard Preuss, Owner – Town of Dekorra

Mr. Bluemke explains the Public Hearing for the zoning petition took place in April. Because the vote by the Town Board was to disapprove, the Planning and Zoning Committee postponed their decision until the Town had an opportunity to file a Resolution of Disapproval. The Staff Report contains a summary from the April 5th

meeting with revisions to the Town Action and Recommendation sections reflecting the filing of the Town Resolution. After discussion with Corporation Counsel the Report to the County Board was prepared with the recommendation for denial of the Petition. While the recommendation may not be consistent with the County and Town Comprehensive Plans it is the recommendation that has to be made to comply with State Statutes. The Committee's information includes a memo outlining options for the Board of Supervisors to consider regarding the petition. Corporation Counsel is present if you have any further questions.

Chair Teitgen asks if any questions for staff or Corporation Counsel.

Vice Chair Kessler is unable locate County Board memo and Resolution.

Mr. Bluemke assists in locating document and clarification.

Adam Gazapian verifies that this meeting is just to deny the consideration. He would like to bring up environmental issues so people can research. The environmental concerns include storm water, runoff and ground water contamination. He spoke with the DNR many times to find out what is allowable. The DNR doesn't initially assess the property, but once the business is up and running they monitor site for pollution prevention throughout the operation. If pollution were to become a problem, we would be required to prevent it and they would determine the extent. We have been told to go to towns, villages and cities, but this business makes the most sense to be located in a rural agricultural area because they are our customers. I feel we can sit down with any committee or board and resolve any issue.

Mr. Baumgartner states that if it wasn't by statutory requirement, we wouldn't have voted for denial today.

Vice Chair Kessler feels it's a significant issue that the Town was opposing the rezoning. The Town Comprehensive Plan called for this area to be industrial and there has been no update. Did the Town consider changing their Comprehensive Plan? If so, what was the outcome?

Adam Gazapian confirms the Town did consider it and had several formal Plan Commission meetings to change the verbiage, but not the maps. There are several property owners that are residential. They would like to change to residential and not industrial. Most of the land, especially east of the site will stay industrial.

Vice Chair Kessler points out this is a significant issue when it goes to the board. It is a conflict with their own Comprehensive Plan.

Mr. Bluemke confirms there has been discussion dealing with this consistency issue of the Town and County Comprehensive Plan. Staff has concern that we have potential issues because it would not be consistent with the plans we have adopted. The County Board will have to follow the statutory process and decide what they want to do in June.

Chair Teitgen states that some of us as County Board members may want to speak at that meeting.

Mr. Bluemke explains that if the County Board were to ultimately approve an ordinance the Town still has the opportunity to veto this rezoning. It should be noted the infrastructure for industrial uses is existing; potential rail access and accessibility to both County and State highways. However, people who live there have some issues with the proposed use which have been detailed.

Ms. Bradley asks if the proposal will be pursued with the Town Board.

Adam Gazapian responds “yes, absolutely”.

Richard Preuss comments that it’s not in his backyard, but we are back to old style objections. He asks the question if this was a town, county or state what has changed in your plan? They are imposing stricter interpretation of the rules. If there were farming going on noise would still be a factor and they have the perfect screening already existing on the property.

Chair Teitgen replies that we understand, but we are bound to follow the statutory process and we need to do what we need to do.

**Motion by Vice Chair Kessler to recommend denial of rezoning petition
per statutory requirement.**

Seconded by Mr. Baumgartner.

Motion carried unanimously.

7. Preliminary Plat – Portage Country Club

Mr. Bluemke presents staff report.

Mr. Grothman explains that adjacent members will have an opportunity to purchase additional land and/or connection to the collection system.

Vice Chair Kessler is unable to locate the collection system on the plat.

Mr. Grothman points to location on plat.

Ms. Bradley inquires about park.

Mr. Grothman explains the Lakeside Park subdivision has been in existence for years.

Ms. Bradley clarifies her concern about Condition #5 relating to the donation for park purposes.

Mr. Grothman verifies they will need to get proof from the Town of Wyocena that they are waiving the requirement.

Mr. Bluemke reports that condition #5 is part of the County Ordinance and the Town of Wyocena doesn't have a Land and Subdivision Ordinance. If they don't want a park or donation for a park that will have to be part of the record.

Columbia County Supervisor -Vice Chair Cupery asks if part of the property is located in the Town of Pacific.

Mr. Grothman confirms it is all located in the Town of Wyocena.

Vice Chair Kessler inquires about the future use of Outlot 1.

Mr. Grothman verifies it will be a parking lot with an easement. He explains that construction vehicles will not come down Lakeside. The Town of Wyocena has asked for emergency access from Lakeside Drive. Preliminary proposal is for a breakdown gate and access so fire engine or EMS could enter.

Mr. Bluemke asks if there will be description of where that will be.

Mr. Grothman reports that it will be indicated on the Final Plat.

Mr. Bluemke suggests that the Fire Department sign off on it.

Mr. Grothman agrees that it would be wise.

Mr. Bluemke states that it could be added as a condition.

Motion by Chair Teitgen to recommend the addition of Condition #7 "Provide Emergency access from Lakeside" for Portage Country Club Preliminary Plat.

Seconded by Vice Chair Kessler.

Motion carried unanimously.

Vice Chair Kessler inquires about building envelopes that don't extend to easement.

Mr. Grothman explains there is no setback requirement because it is not a road.

Mr. Bluemke confirms that it is not a requirement because our setbacks go to the roadway. He states they would be 30 foot setback from the easement and the building envelope is consistent with that setback.

Vice Chair Kessler asks if a Waiver of Access is needed.

Mr. Bluemke explains a variance is being requested as part of the plat review.

Motion by Vice Chair Kessler to recommend approval of a Preliminary Plat of Portage Country Club subject to the recommended conditions and addition of Condition #7.

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

Mr. Baumgartner inquires about prior Portage Country Club Plat.

Mr. Grothman explains that the bank required the sale of 7 lots which they were unable to secure. The property was sold to the Drury family and reverted back to Agricultural use. If plat was reconstituted it could start all over again.

8. Department Report

a. Planning Update/Ordinance Update

- Shoreland Wetland Ordinance Discussion

Mr. Thompson and Ms. Pulver ask committee to refer to Shoreland-Wetland Ordinance, page 35 relating to impervious surface standards.

Ms. Pulver explains she did a lot of leg work and analysis on subdivisions in the area and related mitigation. Existing regulations were reviewed such as setbacks and lot coverage. These small lots are greatly restricted by regulations in place now and new development often requires variances. The new shoreland ordinance allows impervious surfaces up to 15% of the lot and once you exceed you are required to have some form of mitigation up to 30%.

Mr. Stevenson asks if there is consideration for slope.

Mr. Thompson explains we don't have factors for slope, but mitigation is easier for flatter lots. He explains that you can go up to 30% if you provide mitigation. The points are listed with the options. We increased the mitigation option values with hopes of not having to go to "highly developed" areas.

Chair Teitgen suggests adding shoreline stabilization per DNR permit rather than Zoning Administrator discretion.

Mr. Thompson replies mitigation can be above the riprap which doesn't require DNR permit.

Chair Teitgen suggests breaking it out and making it obvious.

Mr. Thompson asks how you would calculate points for a stabilized hillside as size and slope are major factors.

Mr. Bluemke asks if the committee would prefer it split out.

Mr. Thompson has concern that riprap is not always necessary. He also has concern over controlling other agency permits and whether they are done properly.

Ms. Pulver points out another challenge is make sure the options are fair and correlate with the points of other mitigation options.

Vice Chair Kessler points out that word “feet” is missing 16-555-040 M. Further discussion takes place about 75 feet above or below the OHWM. It is decided that preference is to create a separate category for “retention method”. It could include “stabilization or DNR permit”. Rip rap will be one point for every 50 feet of mitigation with a maximum two points and. Also modify 16-555-010 (Purpose) to read like a sentence.

Chair Teitgen suggests replacing verbiage for portion of sentence 16-525-020 B (e) to “floor to bottom of finished structure above”.

Vice Chair Kessler inquires about requirement for fencing and railing on Page 20. Why are transparent or translucent panels prohibited?

Mr. Thompson explains that glass can reflect out to the water and birds fly into them.

Ms. Bradley inquires about 16-505-050 (B) State legislation being more restrictive.

Mr. Bluemke explains that if a town had a Shoreland Ordinance prior to 1964 and was more restrictive than this ordinance it would continue to be in effect.

Mr. Thompson explains these changes will be made and Public Hearing to occur in July.

Discussion takes place relating to “highly developed” areas.

Ms. Pulver illustrates analysis of Harmony Grove with setbacks that we have today. The proposed 30-40% doesn’t inhibit much and it almost matches. What would the increase from 30-40% give people?

Chair Teitgen suggests the allowance of 30% without mitigation.

Ms. Pulver points out that we have to adopt “highly developed” as written by the state, or not adopt them at all. There is no flexibility other than that we can identify what “highly developed” areas we want included.

Mr. Bluemke states there isn’t a lot of room for people to do anything if they don’t meet the setback.

Ms. Pulver validates that we have proposed to reward more points for mitigation options.

Mr. Thompson points out that 7% of shoreland owners in the County would have been required to pull permits and 3.5% would need some form of mitigation.

Mr. Bluemke suggests that if we give a lot of variances for impervious surfaces, highly developed areas would be something we can look at in the future. He noted that it would require significant staff time to try to add highly developed areas to the ordinance.

Vice Chair Kessler comments that he has strong feelings and owns a medium sized lot with 35% coverage. The word is out and there has been a rush for development. The Town of West Point has teardowns which are replaced with larger houses. Property owners are not going to build a small cottage on lake lot. They will require some form of mitigation. He feels that 40% should be allowed with a variance. The State statute developed over many years with lots of controversy and it contained "high developed" provision to provide for discretion. He is not convinced we should not be taking advantage of the state law.

Mr. Thompson reports that adjacent counties have not considered going with "highly developed" yet. If we do this, it should be consistent across the lake. He feels this is not intended for Columbia County.

Vice Chair Kessler states it wasn't intended for Northern Wisconsin. He has a concern about one variance.

Ms. Pulver refers to page 29 that allows for impervious surfaces to be excluded from impervious surface calculations if runoff is treated with engineered systems. This means that property owner can go well above and beyond the 30% if they prove the impervious surfaces are treated.

Mr. Bluemke points out that if the committee recommends "highly developed" we would not be able to do it by the October deadline.

Chair Teitgen suggests monitoring it and go forward "as is".

Vice Chair Kessler comments that you probably have a different perspective if living on the lake.

Mr. Thompson reports that a Wisconsin River basin study will be available in 2017

Vice Chair Kessler feels highly developed provision is necessary for impervious surfaces.

Motion by Chair Teitgen to move forward with draft version of Shoreland Wetland Protection Ordinance with the adjustments not including highly developed areas.

Seconded by Mr. Baumgartner.

**Mr. Bradley – Yes, Mr. Stevenson – Yes, Vice Chair Kessler – No, Chair
Tetigen – Yes, Mr. Baumgartner - Yes
Motion carried, but not unanimously.**

b. Financial

- Out of County Travel
Mr. Bluemke not aware of any travel at this time.
- Expenditure Report

**Motion by Vice Chair Kessler to approve Expenditure Report.
Seconded by Ms. Bradley.
Motion carried unanimously.**

c. Enforcement

Enforcement Report is distributed and available on local government portal.

Ms. Bradley asks what happens to violations.

Mr. Thompson explains that we take complaints and determine if they are a violation by making a site visit. If warranted, a letter is sent stating corrective action with a deadline of one week to ten days, depending on severity of the violation. If we don't receive feedback, a second letter is sent and then a Citation. A Citation is \$243.00 and they usually make contact. 50% of Citations get dismissed because we work with property owner to determine best solution. Ultimately the Citation is paid and the process starts over again. Corporation Counsel gets involved with repetitive cases.

d. Next Planning and Zoning Committee Meeting Date of July 5, 2016

Chair Teitgen will not be present.

Discussion takes place and it is decided that a quorum would be present and meeting date will remain unchanged.

Site Visits (were not needed)

9. 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; Thomas and
Stacy Davenport, Petitioners and Kenneth & Kay Krcma Trust, Owners –
Town of Caledonia

Chair Teitgen opens Public Hearing.

Mr. Bluemke presents staff report.

The Petitioner and Owner were present and state 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 Ms. Bradley 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 Kessler.
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; Anderson Living Trust, Petitioner and Owner – Town of Dekorra

Chair Teitgen opens Public Hearing.

Mr. Bluemke presents staff report.

The Petitioner was present and states they have been granted access through an easement from Olson Road.

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 Kessler.
Motion carried unanimously.**

Columbia County Board of Supervisor - Chair Gove departs at 4:15 pm

Item III Zoning Change – A-1 Agriculture and A-2 General Agriculture to A-2 General Agriculture; Michael & Ellen Keller Trust, Petitioners and Owners – Town of Dekorra

Chair Teitgen opens Public Hearing.

Mr. Bluemke presents staff report.

The Petitioner was not present.

Chair Teitgen asks if anyone has any questions.

Vice Chair Kessler inquires about acreage difference on application and Staff Report.

Mr. Bluemke states he will confirm prior to County Board meeting.

Vice Chair Kessler asks if a variance is required.

Mr. Bluemke explain that no variance is needed. You can add to the A-2 District which only allows one house.

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 Kessler to approve rezoning from A-1 Agriculture and A-2 General Agriculture to A-2 General Agriculture.
Seconded by Mr. Baumgartner.
Motion carried unanimously.**

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; Jeffery Johnson, Petitioner and Owner – Town of Fort Winnebago

Chair Teitgen opens Public Hearing.

Mr. Bluemke presents staff report.

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

Chair Teitgen asks if anyone has any questions.

Vice Chair Kessler asks if there is an existing residence on Lot 2.

Mr. Bluemke explains that petitioner wants an agricultural lot and it has to be a minimum of 5 acres. There is no house on the lot and no possibility to build on it.

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 represented by William Schroeder, Sr. – Chair and states the Town is in favor of rezoning.

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 Ms. Bradley.

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; William R. Herrmann, Petitioner and Owner – Town of Hampden

Chair Teitgen opens Public Hearing.

Mr. Bluemke presents staff report.

The Petitioner is not present.

Chair Teitgen asks if anyone has any questions.

Chair Kessler asks if easement is required for existing POWTS.

Mr. Bluemke points out mound system in NE corner is for the agricultural building.

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 Ms. Bradley 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 VI- Zoning Change – A-1 Agriculture to RR-1 Rural Residence and A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay; Todd Stimac, Petitioner and Owner – Town of Hampden
Chair Teitgen opens Public Hearing.

Mr. Bluemke presents staff report.

The Petitioner was represented by Dan Paulson, surveyor and states he has no additional comments.

Chair Teitgen asks if anyone has any questions.

Mr. Baumgartner asks about the two lots.

Mr. Bluemke verifies that it was a separate lot a long time ago and there is no need to restrict because it has a pre-existing residence.

Vice Chair Kessler asks if a CSM will be required.

Mr. Bluemke confirms that a CSM will be required.

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 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 Mr. Stevenson.
Motion carried unanimously.**

Item VII- Zoning Change – RC-1 Recreation to R-1 Single Family Residence; Portage Country Club, Petitioner and Owner – Town of Wyocena

Chair Teitgen opens Public Hearing.

Mr. Bluemke presents staff report.

The Petitioner was represented by Jim Grothman, surveyor and states he has 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 RC-1 Recreation to R-1 Single Family Residence effective upon recording of the Final Plat.
Seconded by Vice Chair Kessler.
Motion carried unanimously.**

Item VIII- Zoning Change – R-1 Single Family Residence to A-1 Agriculture; Columbia County Planning & Zoning, Petitioner and Marcel and Marjorie Ripp, Owners – Town of Lodi

Chair Teitgen opens Public Hearing.

Mr. Bluemke presents staff report.

The Petitioner was present and states they had two parcels, but now there is one.

Mr. Bluemke explains that a survey was filed that combined the parcels. The rezoning process will make sure the entire lot is zoned A-1 Agriculture. The parcel will remain the same, but it won't have two zoning districts. The fees were waived for the rezoning.

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 did not take formal action as this was a correction.

Chair Teitgen closes Public Hearing.

**Motion by Vice Chair Kessler to approve rezoning from A-1 Agriculture and R-1
Single Family Residence to A-1 Agriculture.**

Seconded by Ms. Bradley.

Motion carried unanimously.

10. Adjourn

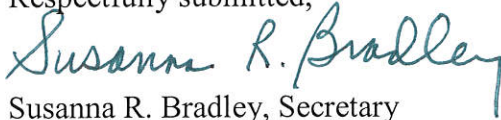
Motion by Vice Chair Kessler to adjourn meeting.

Seconded by Mr. Stevenson.

Motion carried unanimously.

Meeting adjourned at 4:41 PM

Respectfully submitted,



Susanna R. Bradley, 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