

**PLANNING & ZONING COMMITTEE MINUTES
OCTOBER 4, 2016**

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

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 & Associates

3:00 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

Mr. Bluemke points out that Public Hearing Item #2 has been postponed. He would like to add topic of WB Sales in Department Report.

Motion by Vice Chair Kessler to approve revised Agenda of October 4, 2016 for Planning & Zoning Committee Regular Meeting & Public Hearing.

Seconded by Ms. Bradley.

Motion carried unanimously.

5. Approval of Minutes

Motion by Mr. Baumgartner to approve Minutes of September 6, 2016 Planning & Zoning Committee Regular Meeting.

Seconded by Mr. Stevenson.

Motion carried unanimously.

6. Citizen Comments

Kevin Stoddard
W5040 Salisbury Road
Rio, WI

Currently has an 80 foot easement with Enbridge Energy for their pipeline. They are considering expansion and he has many concerns which include demolition of his home, several environmental issues and risk of spills.

Charles Biddle
W4178 STH 16
Rio, WI

Has concerns about barn and home demolition if expansion takes place. He feels the pipe maybe wearing and it's the property owner responsibility to abandon it properly. Points out that Enbridge Energy is a Canadian company and they do not allow pipeline of this nature.

Michelle Arnold
W5258 Salisbury Road
Rio, WI

Inherited the property and her father requested it remain in forestry. When pipeline was installed trees were damaged which were never replaced as promised. Liquid in pipeline is toxic and could leach into the soil. Has concerns about how the clean-up would be paid for. The pipeline is running from Canada to the Gulf of Mexico and just going through the state of Wisconsin without any benefits.

Unnamed Person

There is a larger pump station in Dane County and Enbridge will do anything it takes to expand.

Unnamed Person

Explains there are three pipes and one of them contains a volatile gas which assists the liquid to flow. If this were to leak it could affect residences for miles.

Nancy Stoddard

Enbridge lobbied the state to change their eminent domain verbiage which originally stated for use of "public".

Chair Teitgen expresses his gratitude for the comments. He suggests contacting state legislature for further involvement.

Vice Chair Kessler states that these presentations are affective but keep in mind that the County Board has very little they can pursue. He suggests the group contact the legislature. Recommends that the newspaper be contacted for reporting concerns. Also assures that legislative representatives read the newspapers.

Chair Teitgen proposes appearance in front of the County Board.

7. Final Plat – Pleasant Valley – Town of Lodi

Mr. Bluemke reviews staff report.

Ms. Bradley inquires about 35 acre law.

Mr. Bluemke reports this is a single family residential zoning district and is planned for residential development.

Mr. Grothman states he has nothing to add.

Vice Chair Kessler inquires about substantial drainage easement on north side of plat. Asks if there are drainage ditches.

Mr. Grothman replies that topographical illustration was provided on the preliminary plat. He confirms there are swales and basin in the easement areas.

Vice Chair Kessler asks if it would be appropriate to require stormwater plan before approving the final plat.

Mr. Bluemke replies that it has been approved by the Town of Lodi. They have a stormwater ordinance and the plan was stamped by an engineer.

Motion by Mr. Baumgartner to recommend approval of a Final Plat of Pleasant Valley subject to the recommended conditions:

A variance to Sec. 16-2-8(c) of the Land Division and Subdivision Ordinance for a cul-de-sac 1,062.53 in length.

- 1. The Department will not sign the Final Plat until copies of all signed agreements and the approved Stormwater Management and Erosion Control plan are submitted to the Planning and Zoning Department.**

Seconded by Mr. Stevenson.

Motion carried unanimously.

8. Rezones – Town of Courtland

a. David Eisenga

Mr. Bluemke reads staff report.

Petitioner is not present.

Chair Teitgen asks if anyone has any questions.

Mr. Kessler asks if Courtland has a density requirement.

Mr. Thompson explains there is no requirement for Ag Overlay in their ordinance. Their definition for R-1 is Rural Residential and our R-1 district is Single Family Residence. The different definitions make it complicated.

Mr. Kessler asks what the distinction is.

Mr. Bluemke explains they have similar lot size, but County code has 35 acre density requirement and they do not have that requirement. The Town of Courtland has their own zoning code.

Mr. Kessler states he is not happy to vote on a proposal that the county staff doesn't understand.

Ms. Bradley asks how they can opt out.

Mr. Bluemke explains that in 2012 when comprehensive revision occurred, the towns could opt out of the County Zoning Ordinance and Courtland chose to do that. They are responsible for administering their own code. They had things they wanted to do. They had their ordinance certified by DATCP and follow their plan and ordinance.

Mr. Kessler would like to know what criteria is used by the County to approve or disapprove.

Mr. Bluemke explains that it's a consistency issue and we should probably approve.

Mr. Thompson points out that in Sauk County more than half the towns have their own zoning code. The assumption is that the town knows what is best for planning and zoning issues.

Mr. Kessler states he is against the proposal and would like staff to report to the committee what criteria the County Board should use to approve or disapprove in circumstances like this one.

Mr. Bluemke commits to putting something together.

Motion by Mr. Baumgartner to recommend Resolution to Approve Town of Courtland Zoning Ordinance Amendment be presented to the Columbia County Board of Supervisors.

Seconded by Chair Teitgen.

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

9. Department Report

a. Planning Update/Ordinance Update

- Dedication of land for existing County Highways

Mr. Bluemke explains proposal to dedicate land along county highways. Chris Hardy was unable to attend the meeting, but provided a summary. Mr. Stevenson and Mr. Baumgartner have concerns and would like to delete that particular section.

Mr. Baumgartner explains that the land owner owns and pays taxes to the centerline of the road. This terminology changes that land along the row just because of the certified survey map be dedicated to the County. The County is just taking that land and the property owner gets nothing in return. If it is voluntarily, it would be ok, but zoning department shouldn't be in the business of taking land. The Highway Department should introduce a proposed ordinance to the County Board itself. All lands should be dedicated

and inform the property owners their land will be gone. We have operated for years the way it works today. The Highway Department has control now and they don't ask the landowner for permission. He is very much opposed and explains that if you sell 35 acres and need it be rezoned and 1-1.5 acres is right-of-way the person no longer has 35 acres because the land belongs to the County.

Chair Teitgen comments that in the Town of Dekorra they ask the property owner to relinquish that portion from the center line to the road right-of-way. It is not an ordinance requirement, but people have been willing to do that on town roads.

Mr. Grothman comments that the circumstances could be detrimental to the land owner, but the county wouldn't stand in the way of the rezoning.

Mr. Baumgartner explains that we didn't vote last month because two committee members were gone.

Chair Teitgen proposes a vote next month and that Chris Hardy be in attendance to answer questions.

Mr. Bluemke confirms that it would be a public hearing item and action take place versus just discussion.

Ms. Bradley confirms that if you own 35 acres and 1.5 acres are lost to dedication, it would still satisfy the rezoning requirement.

Mr. Bluemke confirms this is the case, as did Mr. Grothman previously.

Mr. Kessler is somewhat torn and shares example in Town of West Point of farmer interested in saving oak trees in right-of-way, but county can do what they want anyway.

Mr. Baumgartner explains that the proposal would give the county right for ownership.

Mr. Kessler asks what real advantage the highway commission gets with ownership.

Mr. Bluemke explains if the county owns it they can do what they want with trees.

**Motion by Vice Chair Kessler to move forward with Public Hearing for
Dedication of Land for Existing County Highways.
Seconded by Mr. Baumgartner
Motion carried unanimously.**

b. Financial

- Out of County Travel

Mr. Bluemke reports that Randy Thompson and Andy O’Brion will be attending WCCA Conference in Appleton.

Motion by Vice Chair Kessler to approve Out of County Travel.

Seconded by Mr. Stevenson.

Motion carried unanimously.

- Expenditure Report

Motion by Ms. Bradley to approve Expenditure Report.

Seconded by Mr. Stevenson.

Motion carried unanimously.

Enforcement Report is distributed and available on local government portal.

- WB Sales

Mr. Bluemke explains the WB Sales rezoning was approved by Columbia County Board of Supervisors and the town had 40 days to file a resolution to disapprove the ordinance. It was determined the town filed the wrong resolution and County Board zoning decision is still in place.

Site Visits (were not needed)

10. Public Hearing

Item I- Zoning Change – C-2 General Commercial and AO-1 General Agriculture to AO-1 Agriculture; Patrick and Lori Brackman, Petitioners and Owners – Town of Newport

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 Mr. Stevenson to approve rezoning from C-2 General Commercial and AO-1 Agriculture to AO-1 Agriculture effective upon recording of Certified Survey.

Seconded by Ms. Bradley.

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; David Leege Petitioner and Owner – Town of Newport

Petition was postponed

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; Alycia Olson, Petitioner and James & Judith Mountford, Owners – Town of Caledonia

Chair Teitgen opens Public Hearing.

Mr. Bluemke presents staff report.

Chair Teitgen suggests condition requiring driveway permit.

The Petitioner was present and states they have an approved driveway permit.

Chair Teitgen asks if anyone has any questions.

Chair Teitgen asks if anyone is in favor of petition.

Unnamed Person

Asks what A-4 Overlay is.

Mr. Bluemke explains it tracks density. You can't build any residential structures and it tracks density standard in the town and county.

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.

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; Paul Joles and Mary Joles, Petitioners and Owners – Town of Marcellon

Chair Teitgen opens Public Hearing.

Mr. Bluemke presents staff report.

Mr. Grothman representing the Petitioner and states the driveway is existing.

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 Ms. Bradley.

Motion carried unanimously.

Mr. Kessler asks about total acreage being under 35 acres.

Mr. Bluemke explains there is an existing house and if it's under 35 acres, it is allowable, but you have to restrict the remaining land.

Item V- Zoning Change – R-1 Single Family Residence and A-1 Agriculture to A-1 Agriculture and A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay; Amalia W. Ryan Trust c/o Marilyn E. Meffert, Petitioner and Owner – Town of West Point

Chair Teitgen opens Public Hearing.

Mr. Bluemke presents staff report.

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

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. Kessler to approve rezoning from R-1 Single Family Residence and A-1 Agriculture to A-1 Agriculture 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.

11. Adjourn

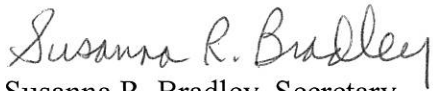
Motion by Mr. Stevenson to adjourn meeting.

Seconded by Ms. Bradley.

Motion carried unanimously.

Meeting adjourned at 4:25 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

