

COLUMBIA COUNTY

Planning & Zoning Department

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COLUMBIA COUNTY PLANNING & ZONING COMMITTEE DECISION ON APPLICATION FOR CONDITIONAL USE PERMIT

Petitioner/Owner: Grand River Distribution, LLC
Description of Property: Part of the NE 1/4 of the SW 1/4, Section 5, T12N, R12, Town of Courtland, Tax Parcel 108
Site Address: Cabbage Road
Zoning District: Industrial
Applicable Section Of Ordinance: 16-1-11 (2)(n) & 16-1-18 Columbia County Zoning Ordinance
Hearing Date: October 3, 2006

In consideration of evidence submitted and testimony given at a public hearing on September 5, 2006 the Columbia County Planning and Zoning Committee at their October 3, 2006 meeting approved a Conditional Use Permit for a 40 million gallon corn based ethanol production facility with the following findings, conclusions, and conditions:

Findings:

1. The property is owned by Grand River Distribution, LLC a subsidiary of Didion Milling Inc.
2. Grand River Distribution, LLC is proposing to construct and operate an ethanol production facility per Sec. 16-1-11(2)(n).
3. The Courtland Town Board has reviewed and recommended approval of the Conditional Use Permit, with conditions.
4. The Town of Courtland has signed an agreement with Grand River Distribution, LLC which helps protect the Town and its residents.
5. Title 16, Chapter 1 of Columbia County Code of Ordinance is applicable to this site.

Conclusions:

1. The application qualifies for a Conditional Use Permit
2. The proposed use is an industrial use that is consistent with the purpose and intent of the ordinance.
3. The proposed use is local business that can achieve economies of scale by expanding in its current location.
4. The proposed use will provide new employment opportunities in the County and support agriculture in the County.
5. The proposed use is consistent with the Town of Courtland Comprehensive Plan.
6. The proposed use is similar to other ethanol operations in the State of Wisconsin and a facility within Columbia County for which there has been no documented evidence submitted that the other facilities have been detrimental to or endangered nearby residents or business.

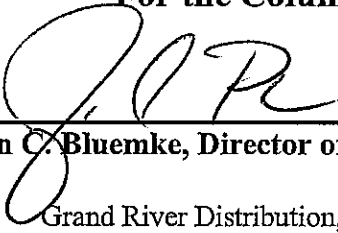
7. The state regulatory process will adequately address the primary environmental issues associated with the ethanol plant.
8. The ethanol plant is compatible with the industrial character of the general vicinity and will not change the character of the area as to substantially impact current or future permitted uses in the vicinity.

Conditions for the Decision:

- 1) The conditions requested by the Town of Courtland per the August 29, 2006 agreement between the Town and Didion Milling, Inc. meeting are hereby incorporated by reference as part of this Conditional Use Permit, however, the County is not responsible for enforcing said conditions, unless an individual condition is specifically included below as a condition of approval. In the event the Town submits a finding of noncompliance with any item of the above meeting 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.
- 2) The Conditional Use Permit shall not become effective until the Grand River Distribution, LLC obtains from the Wisconsin Department of Natural Resources: 1) The high capacity well permits necessary to operate the plant on the subject property; and 2) the air emission permit necessary to operate an ethanol plant on the subject property.
- 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. 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 level of noise or sound generated by the facility shall at the property line not exceed 65 decibels.
- 5) There shall be no outside storage of any stock that is used to produce ethanol, or materials or equipment not actively associated with the production of ethanol.
- 6) All lighting 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.
- 7) Any construction or location of materials in compliance with the approved plan shall not require any review of the Conditional Use Permit, however, all zoning and building permits will have to be obtained in accordance with applicable regulations.
- 8) No ground signs or signs on the building, except of directional or informational, shall be allowed unless they are reviewed by the Town and approved by the Planning and Zoning Department, unless they are installed with an applicable local sign ordinance.
- 9) Any amendments to the approved site plans "A" or "B" and additions or changes in the design or size of the structures or capacity of the facility shall be referred to the Town for review and the Committee for action.
- 10) The owner shall provide the County, Town, and Village with a copy of the odor abatement plan that is approved as part of the Air Emissions Permit, and for the first two (2) years provide at six (6) month intervals to the County, Town, and Village copies of the documentation for order complaints, responses, and notifications to the Wisconsin Department of Natural Resources. After the first two (2) years this information will be provided to the County, Town, and Village by request with such requests being no more than every six (6) months.
- 11) The applicant and owner shall comply with and obtain all necessary permits required by applicable federal, state, and local regulations.

12) If the Planning and Zoning Committee finds that the review criteria of Section 16-1-18(e) of the Columbia County Zoning Ordinance or the conditions stipulated in the Committee Decision are not being complied with, the Planning and Zoning Committee, after a public hearing, may revoke the conditional use permit.

For the Columbia County Planning & Zoning Committee



John C. Bluemke, Director of Planning & Zoning

October 4, 2006

Date

Cc: Grand River Distribution, LLC
Town of Courtland, Chair
Town of Courtland, Clerk
Village of Cambria, Clerk