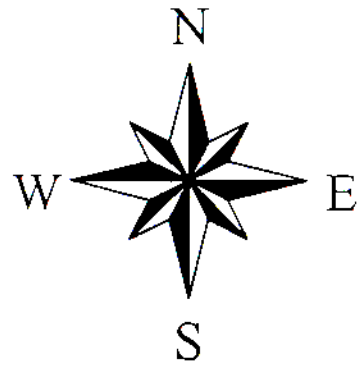


Rezoning Petition of Carl Stiemsma

Sec. 5, T12N, R12E
Town of Courtland



COURTLAND

T.12N.-R.12E.

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COLUMBIA COUNTY

Planning & Zoning Department

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400 DeWitt Street
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Public Hearing Item 9: Rezoning from Agricultural to Industrial

Petitioner: **Stiemsma, Carl (Didion Milling, buyer)**

Description of Property: **Part of the NE ¼ NW ¼, Sec. 5, T12N, R12E
Town of Courtland; Tax Parcel 108**

Site Address: **None. Property is located on Cabbage Road.**

Hearing Date: **March 4, 2003**

Background

The parcel proposed for rezoning is part of a 230-acre farm owned by the petitioner. The north boundary of the parcel fronts on Cabbage Road, which exits to STH 146 about 400 feet west of the northeast corner of the property. The Cabbage Road right-of-way lies entirely within the Village of Cambria.

There is a small creek at the east end of the property is considered a navigable stream, so the provisions of Title 16, Chapter 5, the Columbia County Shoreland-Wetland Ordinance would apply. The creek drains to the north to Tarrant L. and the North Branch of Duck Creek. A small wetland area adjacent to the creek has been identified and delineated, and there may be a small isolated wetland area at the northeast corner of the property. Other wetland areas exist on Didion's existing property to the north; drainage from all of these areas ultimately ends up in the creek.

Most of the property is currently cultivated and consists of Class II and III soils.

Town Board Action

The Courtland Town Board, at a meeting on February 11, 2003, approved the petition. Minutes of the meeting are in the file.

Standards for Review

The rezoning standards of Sec. 91.77 (a) and (b), Wisconsin Statutes, can be met by the petition if the cost of any necessary reconstruction of Cabbage Road is borne by the developer rather than by the Village or Town. As for potential environmental impacts under 91.77 (c), it will likely be necessary to have properly engineered stormwater and erosion control plans for the site. Given the potential size of the project, state review of such plans would appear to be likely.

The rezoning criteria of the Columbia County Farmland Preservation Plan are not fully complied with since relatively good cultivated land would be lost, and the area south of the Village appears to be viable for long-term agricultural use. The lack of other suitably zoned sites and the fact that there is existing adjacent industrial development tends to favor this site in spite of the potential loss of cultivated land.

Discussion/Analysis

Under Industrial zoning, there are many uses that could be established on this site as permitted uses, that is, without a conditional use review. The proposed ethanol plant, however, would require a Conditional Use Permit, and it is during this process that the details of site development would be examined, and specific information relating to potential environmental impacts would be required. The rezoning process should be a review as to whether the property is a suitable location for industrial use in general, and although it is impossible to fully ignore the stated intent of the petitioner, this process is not meant to be a review of the proposed ethanol plant itself.

Didion acknowledges that it must file a notice of intent with the DNR as to stormwater discharge. Due to the adjacent surface waters, this site may receive a detailed review by the state that requires the preparation of a complete stormwater management plan. The grading of the site would also be reviewable by the county under the Shoreland-Wetland Protection Ordinance, and it is possible that a Chapter 30 grading permit would be required by the DNR as well.

Significant traffic issues exist in that it would be necessary to rebuild Cabbage Road in order to support the heavy truck traffic that it would receive if the property were developed as proposed. This appears to be primarily a village issue.

If the Committee and County Board see fit to rezone the property, the significant issues of site development and environmental impacts, such as those mentioned above, could take a considerable amount of time to resolve, and there is no guarantee that, once rezoned, that this site will prove to be a suitable location for an ethanol plant. In the event of rezoning, consideration should be given to a conditional rezoning that will expire after a specific period of time (for example, two years) if the property owner fails to receive approval for a Conditional Use Permit.

The Town Board, in its minutes, states that their draft Land Use Plan encourages farm-related industries as a basis for their endorsement of the petition.

Recommendation

Staff recommends approval of the petition based on the position of the Town, which is supported by the draft of their Land Use Plan, and also due to the adjacent existing industrial use. Since the use of the property proposed by the petitioner raises many questions and concerns that can only be reviewed and resolved through the Conditional Use Permit process, however, it is further recommended that any amending ordinance that might be adopted by the County Board should provide for the expiration of the amending ordinance after some reasonable time period if the owner or developer of the site fails to obtain a valid Conditional Use Permit for the proposed ethanol plant.

Michael Stapleton
Zoning Administrator

Cc: John Bluemke

Criteria for rezoning lands out of the
Agricultural District as contained in the
Columbia County Farmland Preservation Plan

Petition: Stiemsma, Carl

Lands are not to be removed from the Exclusive Agricultural District unless (provide comments where appropriate):

- a) **The area is of such size or shape that it is impractical to cultivate.** There are no obvious physical limitations to continued cultivation of this parcel.
- b) **The area is needed for development purposes and there are no alternate areas available for development.** The need for the proposed development is stated in the Project Information Document submitted by Didion Milling, Inc. There is no existing Industrial zoning in the area that might be available for the type of development intended.
- c) **The existing or planned activities on adjacent properties are compatible to the agricultural use of the area.** The use of property to the south and east is agricultural and is likely to remain that way for some time to come.
- d) **The area is not economically viable for agricultural use.** This is good farmland that would be viable for continued agricultural use. The general area beyond this parcel is also viable for long-term agricultural use.
- e) **The change in land use would not cause conflicts with the existing agricultural use on adjacent properties.** Development of this property for industrial use would not likely conflict with continued agricultural use of adjacent property.
- f) **Areas with severe or very severe soil conditions shall not be approved for development purposes unless these conditions can be overcome by the installation of central sewer and water services or by other approved methods.** It is not known whether the village sewer system can be made available to serve this property. According to the soil survey, the property is generally suitable for onsite waste disposal, however, detailed soil evaluations would be needed before zoning and sanitary permits could be issued.
- g) **The proposed development would not place an undue burden upon the local government and require services which said government, would be unable to provide.** The reconstruction of Cabbage Road may be necessary to accommodate anticipated truck traffic, and it may be unacceptable for this to occur at Village or Town expense.
- h) **The public investment in our highway system shall be protected and extreme caution shall be used in approving development adjacent to these highways.** The Project Information Document describes traffic impact, and expresses a willingness to involve all affected units of government in the review of traffic patterns from the proposed facility.
- i) **The development shall be designed so as not to result in the removal of land from cultivation.** Cultivated land would be lost. There are no other existing industrial sites available in the area, and rezoning in another location in the area might affect other cultivated land also.
- j) **All developments shall be planned to effectively control erosion, prevent the ponding of surface waters and contain provisions for the drainage of surface waters in such a manner that they will not affect adjacent properties.** Due to the extensive site preparation and grading required for the proposed project, carefully designed and monitored erosion control will be essential for the protection of water quality in the nearby creek. A well designed stormwater management plan involving retention areas will be necessary for the long term. Concern is mostly for the site's impact on the adjacent stream; it does not appear that drainage from the site will affect adjacent properties.



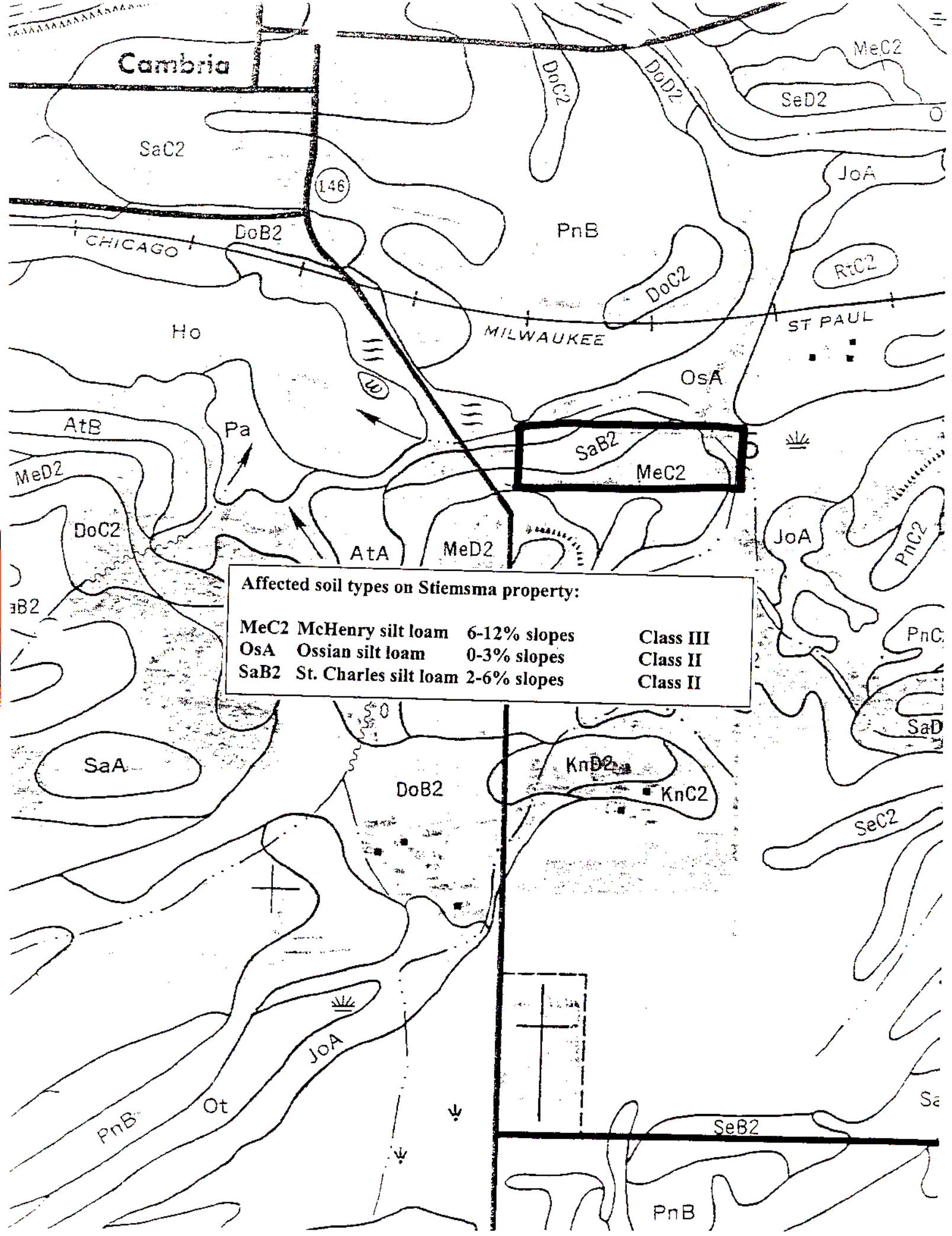
Didion Milling property
(Village of Cambria)

Cabbage Rd.

Parcel 108
10.00 acres

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Town of Courtland

STH 146



Affected soil types on Stiemsma property:

MeC2	McHenry silt loam	6-12% slopes	Class III
Osa	Ossian silt loam	0-3% slopes	Class II
SaB2	St. Charles silt loam	2-6% slopes	Class II