

VILLAGE OF WINDSOR

JOINT MEETING OF THE VILLAGE BOARD AND PLAN COMMISSION

Minutes

August 23, 2016

1. Call Meeting To Order And Roll Call.

- a. The Village Board meeting was convened by President Wipperfurth at 5:00 p.m. All Trustees were present.
- b. The Plan Commission meeting was convened by Chairperson Wipperfurth at 5:00 p.m. All Commissioners were present, except Alvin Davis, Kay Hoffman, and Barry Eichinger who had excused absences.

Others present: Village Clerk Christine Capstran, Village Attorney Connie Anderson, Village Planner Jamie Rybarczyk, and Village Engineer Kevin Richardson.

2. Recitation Of The Pledge Of Allegiance.

The flag pledge was led by Commissioner LeGore.

3. Minutes From July 27, 2016.

A motion was made by Commissioner Gaustad, seconded by Commissioner LeGore, to approve the Minutes of July 27, 2016, as presented. Motion carried with a 4-0 vote.

4. Announcements.

- a. Public Hearing For Amendments To Chapter 10 (Buildings And Building Regulations) Of The Village Of Windsor Code Of Ordinances For Amendments Relating To The Scope Of Site Plan Review Authority.

President Wipperfurth read the above announcement.

5. Appearances.

There were no appearances.

6. Ordinance Amendment To Chapter 10 (Buildings And Building Regulations) Of The Village Of Windsor Code Of Ordinances For Amendments Relating To The Scope Of Site Plan Review Authority.

a. Public Hearing.

President Wipperfurth opened the public hearing at 5:02 p.m.

A staff report was provided by Village Planner Rybarczyk. As Windsor has been going through ordinance codification and as developments have been going forward, staff came to the realization that some of the commercial developers that wanted to do changes found it burdensome running through the present process. Staff came up with language for review by the Plan Commission and Village Board regarding multi-family residential, commercial, industrial, public utility, institutional, and governmental facility. Anything new will have to go through site plan review. For circumstances where multi-family residential is increasing floor area or parking area less than 25 percent, staff would like to do its own analysis and, if appropriate, issue an approval. If 25 percent or greater, it would go through site plan review. For commercial, anything 50 percent or greater would require site plan review. Village staff would be able to give approval to move the project forward. An example would be expansion of a loading dock. If there was something controversial, it would be referred to the Plan Commission and Village Board. Trustee Buchner asked for clarification on the percentages.

President Wipperfurth added that this would create some efficiencies for the public.

Trustee Smith asked how the percentages were arrived at.

Village Planner Rybarczyk responded that 25 percent was part of the original ordinance. They felt it better to have 50 percent for commercial.

Trustee Buchner suggested that parking areas greater than 25 percent would qualify.

President Wipperfurth closed the public hearing at 5:09 p.m.

b. Action Item / Plan Commission Resolution 2016-28.

A motion was made by Commissioner LeGore, seconded by Commissioner Gaustad, to approve Resolution 2016-28 Recommending Approval Of Site Plan Review Ordinance Amendment as modified by Trustee Buchner. Motion carried with a 4-0 vote.

c. Action Item / Village Board Ordinance 2016-22.

A motion was made by Trustee Buchner, seconded by Trustee Madelung, to approve Ordinance 2016-22, Amendment Of Site Plan Review Ordinance as modified by Trustee Buchner. Motion carried with a 5-0 vote.

7. Discussion Of Potential Amendments To The Village Of Windsor Code Of Ordinances Regarding Non-Metallic Mineral Extraction Procedures And Zoning.

President Wipperfurth noted that this item is on the agenda for discussion only. No action will be taken. Staff will present what they have been working on for a number of months, to which the Plan Commission and Village Board can offer comments.

Village Planner Rybarczyk stressed that this is preliminary. It is the broad-brush approach. They are looking for a thumbs up. Are they going in the right direction?

When Windsor was a town, it had a policy in place for nonmetallic mineral extraction. Since that was created and adopted, a lot has changed in mining. Staff has done a great deal of research and feels it has a process to present. It will be two-fold. There will be a general process identified in Windsor's zoning code and have accompanying police powers, which would be through the operator's license. Work is still being done on the second part. Village Planner Rybarczyk indicated they were comfortable with the direction in which they were going. Based on the industry changing, the one-size-fits-all is no longer viable.

Village Planner Rybarczyk indicated they have identified four classifications of nonmetallic mining that could take place: major mine site, minor mine site, borrow pit, and processing facility or site. The numbers shown are placeholders being used to distinguish categories.

Village Planner Rybarczyk explained the four classifications.

They are looking at this in the context of zoning. The village of Windsor will require a rezone of the property to a nonmetallic extraction operation zoning district. This would require an operator's license. It will also require a registration license and a developer's agreement. Dane County would be issuing erosion and storm water control permits and a reclamation permit. A processing facility or site could be done through a conditional use. There would be an operator's license and storm water control permit. The license would identify how it will look, how it will operate, and how it will be managed.

Village Attorney Anderson explained the second part. When the state was looking at water law changes, there were three tiers of permits. They have looked at this in a similar way. There will be a major site, a minor site, and borrow pits. Windsor will be talking about zoning and use. Where should these be located in accordance with Windsor's Comprehensive Plan? When will the operation be run? What are the times it will be run? These are more police powers. These items could be included in a development agreement. Policies are not necessary because of Windsor's ability to address regulation.

Village Attorney Anderson asked whether this type of arrangement made good sense to the Plan Commission and Village Board. They would like feedback before proceeding.

The Plan Commission would have certain responsibilities, and the Village Board would have all responsibilities.

Trustee Madelung was concerned about public safety issues. Where would they be incorporated? He felt the major improvements that have occurred in the mining industry would need to be cited. Trustee Madelung indicated he liked what he saw.

Trustee Stravinski indicated if the property was rezoned it would be forever. If it was a conditional use permit, it would be for a limited time. A rezone is on the land forever.

President Wipperfurth indicated that the land never goes back to the way it was. He thought that rezoning was important. The land will never go back to where it was.

Village Planner Rybarczyk said with the issue of making it a conditional use some people think there is an inherent right to that use.

Trustee Stravinski expressed his concern. For example, Dane County will have the reclamation plan in effect. If it was rezoned, could they use it in the future as a borrow pit?

President Wipperfurth responded that this would be addressed in the licensing provisions if the site was going to be used for something else.

Trustee Smith had questions regarding the usage of the roads – safety issues, silica, health standards. It costs so much to replace roads. Will Windsor address the damage to the roads? Can Windsor be compensated for use of its roads?

Village Engineer Richardson explained that Windsor could get a royalty. There are mechanisms the village could put in the agreement. They have to be negotiated.

Trustee Buchner asked, if aggregate advocates are successful in getting sites located, what happens to Windsor's ordinance?

Village Attorney Anderson responded. Windsor could regulate the impacts but not the location. If the "where" question is taken over by the state, Windsor would have to look at the impacts. Windsor would have to look where it is located for land use based on the Comprehensive Plan and impact.

Trustee Stravinski asked if any consideration has been given to width and depth.

Village Planner Rybarczyk responded that they have just been working with cubic yards.

Trustee Stravinski asked whether there would be a fee in connection with operators' licenses for the major and minor sites.

Village Attorney Anderson responded that Windsor would have to go through an analysis and come up with a fee.

Trustee Stravinski asked whether there would be a fine or forfeiture for violations. He would like to see a developer's agreement on both major and minor sites.

Trustee Stravinski indicated he would like to see for C-1 Limited Commercial District there could not be a processing facility or site.

Commissioner Gaustad added that they did an excellent job on this preliminary document.

Trustee Madelung asked when they thought this would be ready for the public.

Village Attorney Anderson answered when the moratorium expires.

President Wipperfurth said this is to provide clarity and provide clarity for the applicants.

Trustee Stravinski thought they were on the right path. He thought that a rezone was better than a conditional use permit.

President Wipperfurth indicated that, while Plan Commission members and Village Board members are thinking about this, if they have additional comments they should be provided for incorporation into the document. This will be on an upcoming agenda.

8. Adjournment.

The next meeting of the Plan Commission will be on September 20 at 5:00 p.m. It was unknown at this time whether it would be a joint meeting with the Village Board.

At 6:05 p.m., a motion was made by Commissioner Gaustad, seconded by Commissioner LeGore, to adjourn the Plan Commission meeting. Motion carried with a 4-0 vote.

At 6:05 p.m., a motion was made by Trustee Buchner, seconded by Trustee Stravinski, to adjourn the Village Board meeting. Motion carried with a 5-0 vote.

Respectfully submitted,



Ellen G. Teed  
Recording Secretary