PLANNING & ZONING COMMITTEE MINUTES
JANUARY 5, 2016

PRESENT:  
Fred Teitgen, Kevin Kessler, Harlan Baumgartner, John A. Stevenson, Mike Weyh

STAFF:  
John Bluemke – Director of Planning & Zoning, Susan Runnion - Office Administrator

ALSO PRESENT:  
Mary Cupery – Vice Chair, Columbia County Board of Supervisors, James Grothman, Grothman and Associates S.C.

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

Motion by Mr. Baumgartner to approve Agenda of January 5, 2016 for Planning & Zoning Committee Regular Meeting & Public Hearing.

Seconded by Mr. Kessler.

Motion carried unanimously.

5. Approval of Minutes

Motion by Vice Chair Weyh to approve Minutes of December 1, 2015 Planning & Zoning Committee Regular Meeting.

Seconded by Mr. Stevenson.

Motion carried unanimously.


Mr. Kessler states he has concern about the requirement for lots to have 66 feet of frontage, yet it is common for people to ask for variance without criteria. He hasn’t seen any of the proposals turned down. We have a prohibition unless you want something else and then you get it. These requests seem to be concentrated in certain town or towns. He suggests that flag lots and easements off public roads should be examined in the Land Division and Subdivision ordinance.

Chair Teitgen points out the existing easement was already there.
Mr. Bluemke comments he will try to cover some of these concerns in the Land Division and Subdivision ordinance. In the past, in cases where the land divisions were 35 acres or more we didn’t get to review them for access.

Chair Teitgen points out the issue should be addressed in the Comprehensive Plan as well.

**Motion by Chair Teitgen to recommend approval of a Waiver of Access for Lot 1 to have no frontage on a public road subject to the following conditions:**
A note being placed on the CSM that states, "The Planning and Zoning Committee approved a variance on 1/5/16 for Lot 1 to have no frontage on a public road". The variance will become effective when the Certified Survey Map is recorded.
Seconded by Mr. Baumgartner.
Motion carried unanimously.


**Motion by Mr. Stevenson to recommend approval of a Waiver of Access for Lot 1 to have no frontage on a public road subject to the following conditions:**
A note being placed on the CSM that states, "The Planning and Zoning Committee approved a variance on 1/5/16 for Lot 1 to have no frontage on a public road". The variance will become effective when the Certified Survey Map is recorded.
Seconded by Vice Chair Weyh.
Motion carried unanimously.

8. Rezone Town of Courtland
   a. Mark Heller

**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 Vice Chair Weyh.
Motion carried unanimously.

9. Town Road Names

Mr. Bluemke reports the topic of duplicate town road names came up at the Highway Committee and Highway Safety Commission meetings.

Mr. Baumgartner explains an incident in the town of Otsego where an ambulance was called to a man and there was confusion between Moore Road and Mohr Road. He questions whether we should ask property owners if they are willing to change their address. There are some ERN’s that have inaccurate directional designations. The County Board of Supervisors turned down the proposal for the county government to take on the responsibility of road names.
Mr. Thompson notes that people typically have many vital documents that include their address and a change in road name would mean that all those documents would have to be revised.

Mr. Kessler inquires what the County role is in reference to road names.

Mr. Bluemke suggests a list of master road names and review for specific problems.

Mr. Baumgartner recommends attendance at the next Town’s Association meeting on February 29th for further discussion.

10. AB 583 Short Term Rentals

Mr. Bluemke explains Assembly Bill 583 would not allow the County to regulate tourist rooming houses. There are two proposed Resolutions distributed for the Committee to review and potentially recommend to the Columbia County Board of Supervisors consideration.

Mr. Kessler feels the legislation is a very bad idea. The local municipalities need to determine the priorities.

Mr. Bluemke explains the claim is that it takes away property owner rights, but this proposal takes away the rights of the neighbors.

Motion by Mr. Kessler to recommend Chair Teitgen’s Resolution with the addition of Lines 37 – 42 of the colored version be presented to the Columbia County Board of Supervisors.
Seconded by Vice Chair Weyh.
Motion carried unanimously.

11. Department Report

a. Planning Update/Ordinance Update

Mr. Bluemke reports he met with Department heads to discussion the Land and Subdivision ordinance. Offers to conduct workshop to review at next Planning & Zoning Committee meeting in March.

Decision made to review after the Public Hearing at March Planning & Zoning Committee meeting. It will be forwarded to the Columbia County Board of Supervisors sometime after that review.

b. Floodplain Ordinance is being updated to accommodate new FEMA Maps and the addition of Flood Storage.
c. Financial

- Out of County Travel

  Mr. Bluemke reports that four employees will travel to Sauk County for shoreland training.

  **Motion by Vice Chair Weyh to approve Out of County Travel.**
  Seconded by Mr. Baumgartner.
  Motion carried unanimously.

- Expenditure Report

  **Motion by Mr. Kessler to approve Expenditure Report.**
  Seconded by Mr. Stevenson.
  Motion carried unanimously.

d. Enforcement

  Mr. Thompson distributes the Enforcement Report. He plans to review the Department statics for violations and permits during next meeting.

**Site Visits** (were not needed)

12. 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: Robert Cuff and Kathleen Cuff, Petitioners and Owners – Town of Fort Winnebago**

Chair Teitgen opens Public Hearing.

Mr. Bluemke presents staff report.

The Petitioners were present and stated 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 Chair, William Schroeder, Sr. was present to confirm town approval and Minutes are 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 Mr. Stevenson. Motion carried unanimously.

Item II- Map Amendment – Commercial to Agriculture or Open Space; SBHF Transition Trust, Petitioners and Owners – Town of Fort Winnebago

Chair Teitgen opens Public Hearing.

Mr. Bluemke presents staff report.

The Petitioner was represented by Attorney Mark Bennett and he urges the committee to follow recommendation to favor.

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 Chair, William Schroeder, Sr. was present to confirm town approval and Minutes are on file. He states they will amend the town map.

Chair Teitgen closes Public Hearing.

Motion by Mr. Baumgartner to approve Map Amendment from Commercial to Agriculture and Open Space. Seconded by Vice Chair Weyh. Motion carried unanimously.

Item III- Zoning Change – C-3 Highway Interchange to RR-1 Rural Residence and AO-1 Agriculture with A-4 Agricultural Overlay; SBHF Transition Trust, Petitioners and Owners – Town of Fort Winnebago

Chair Teitgen opens Public Hearing.

Mr. Bluemke presents staff report.

Chair Teitgen inquires about status of draft CSM.

Mr. Bluemke verifies we have a metes and bounds description.

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 Chair, William Schroeder, Sr. was present to confirm town was in favor, but we need to work out a driveway permit.

Chair Teitgen closes Public Hearing.

**Motion by Mr. Kessler to approve rezoning from C-3 Highway Interchange to RR-1 Rural Residence and A-4 Agriculture with A-4 Agricultural Overlay effective upon recording of Certified Survey.**

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-4 Agriculture with A-4 Agricultural Overlay; Helen Iwert, Petitioner and Owner – Town of Leeds**

Chair Teitgen opens Public Hearing.

Mr. Bluemke presents staff report.

The Petitioner was not present.

Chair Teitgen asks if anyone has any questions.

Mr. Kessler asks if the Town Board has taken action.

Mr. Bluemke explains they are in favor and will take action on 1-18-16 prior to County Board.

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 A-1 Agriculture to RR-1 Rural Residence and A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay effective upon Town approval and recording of Certified Survey.**

Seconded by Vice Chair Weyh.

Motion carried unanimously.
Item V- Conditional Use Permit for Personal Storage of Semi Tractors, Trailers and Farm Equipment; Daniel Schroeder and Wannetta Schroeder, Petitioners and Owners – Town of Arlington

Chair Teitgen opens Public Hearing.

Mr. Bluemke presents staff report.

The Petitioner was present along with Attorney Derek Allen and states he doesn’t have additional comments.

Chair Teitgen asks if anyone has any questions.

Vice Chair Weyh asks if the intent is to use the building as a shop.

Attorney Allen responds that it was originally going to be used for Schroeder Transportation, but they are now going to use it as a shop.

Mr. Kessler asks if there is an office in the building.

Attorney Allen responds that the office will be used for personal or agriculture purpose.

Chair Teitgen asks if anyone is in favor of petition. (no comments)

Chair Teitgen asks if anyone is against the petition. (no comments)

Bill Sellner
W9179 Old 60
Lodi, WI

Mr. Sellner states he has property in the area. He has concern because there is a full kitchen and bathroom along with a shower. There is an office upstairs and downstairs and the shop is ready for use. He also held a wedding there this summer.

Town Board not present, but Minutes on file.

Chair Teitgen closes Public Hearing.

Motion by Vice Chair Weyh to approve Conditional Use Permit for Personal Storage of Semi Tractors, Trailers and Farm Equipment.
Seconded by Mr. Stevenson.
Motion carried unanimously.

Mr. Kessler inquires about concern expressed during public hearing. Are we confident that the conditions cover the concerns?
Mr. Bluemke states that it’s not unusual to find a convenience bathroom in large accessory buildings, but we will need to monitor. It doesn’t mean that it will be misused.

Mr. Kessler asks if we have anything describing the second floor.

Mr. Bluemke replies that the mezzanine mirrors the first floor storage areas.

Findings of Fact:
1. Upon review of the guidelines in Section 16-150.070 D. of the Columbia County Zoning Code and with the explanation of the criteria in Exhibit C of the Staff Report the Committee finds the following:
   a. The establishment, maintenance, or operation of the proposed use will not be detrimental to or endanger the public health, safety, or general welfare of the occupants of surrounding lands.
   b. The use will be designed, constructed, operated, and maintained so as to be compatible, and be appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area such that the use will substantially impair or diminish the use, value, or enjoyment of existing or future permitted uses in the area.
   c. The erosion potential of site based on topography, drainage, slope, soil type, and vegetative cover is minimal.
   d. The prevention and control of water pollution including sedimentation, and the potential impacts on floodplain and wetlands is not an issue as there are no mapped floodplain or wetlands.
   e. The site has adequate utilities including, if necessary, acceptable disposal systems.
   f. Access to streets and highways is suitable, and ingress and egress is designed to minimize traffic congestion and the potential effect on traffic flow.
   g. The conditional use shall conform to the standards of the applicable district(s) in which it is located.

Conclusions of Law:
1. The subject property is located in the Town of Arlington and is zoned C-3 Highway Interchange which District uses are stated in Section 16-115-020.
2. Daniel and Wannetta Schroeder are the petitioners for a Conditional Use Permit on lands they own, which petition followed the procedures of Section16-150-070 C. of the Columbia County Zoning Code.
3. The Schroeder’s wish to use a new building for personal storage of semi tractors and trailers and farm equipment which is allowed as a Conditional Use Permit under Section 16-115-020 of the Columbia County Zoning Code.
4. The Arlington Town Board has reviewed and approved the Conditional Use Permit with conditions in accordance with Section 16-105-070 of the Columbia County Zoning Code.
5. The Columbia County Planning and Zoning Committee has the authority under Section 16-150-030 B. 3. and Section 16-150-070 of the Columbia County Zoning Code to conduct public hearings, review and decide on requests for conditional use permits.

Conditions for the Decision:

1. This use allowed by this Conditional Use Permit is only allowed to the east and north of the blue line on the site plan attached as Exhibit A.

2. Any agreement between the Town of Arlington and the Schroeder's or conditions established by the Town of Arlington are hereby incorporated by reference as part of this Conditional Use Permit; however, the County is not responsible for enforcing said agreement or conditions, unless an individual point of agreement or condition is specifically included below as a condition of approval. In the event that the Town submits a finding of noncompliance with any item of the above referenced agreement for which the County has not assumed direct enforcement authority, upon written request by the Town the County reserves the right to the review the Conditional Use Permit.

3. The list of farm equipment and tractors and trailers that may be stored in the building shall be updated as necessary to keep it current and shall be provided to the County upon request by the County.

4. Only limited general maintenance and repairs, such as changing or replacing tires and other components on the farm equipment is allowed.

5. No repair or maintenance work on the semi tractors and trailers used by the business is allowed in the building.

6. No employees of Schroeder Transport Services, Inc. may work in the building.

7. No outside storage or parking of semi tractors and trailers and farm equipment is allowed (except temporarily to facilitate the movement of vehicles and equipment inside the building).

8. Limited parking of personal automobiles, pickup trucks and ATV’s may be allowed on the south side of the building.

9. All new lighting shall be 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.

10. Any significant changes to the site plan or building shall be reviewed and approved by the Town and County.

11. The Owner shall comply with and obtain all necessary permits required by applicable federal, state, and Town regulations.

12. If the Planning and Zoning Committee finds that the review criteria of Section 16-150-070 D of the Columbia County Zoning Code 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.
Item VI- Conditional Use Permit for Outdoor Commercial Entertainment; Luckys Okee Real Estate LLC, Petitioner and Owner – Town of Lodi

Chair Teitgen opens Public Hearing.

Mr. Thompson presents staff report.

The Petitioner was present and states he has no additional comments.

Mr. Kessler confirms that the temporary stage will be located five feet from the right-of-way.

Chair Teitgen suggests that the view of the lake is a significant asset to clients. Perhaps the structure can tweaked so the view isn’t obstructed.

Mr. Kessler states the aerial photo shows the location of the stage for winter. Last week, it was stored to the dining room.

Mr. Ripley explains that he loaded the stage with piers and was afraid to move further when it started creaking. In addition, there was an abundance of water and he was afraid of sinking. He would like to store at this location for now.

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 Conditional Use Permit for Outdoor Commercial Entertainment.**

**Seconded by Vice Chair Weyh.**

**Motion carried unanimously.**

Mr. Kessler asks if the Conditional Use Permit should be contingent on the variances being approved.

Mr. Thompson explains that the petitioner would still be allowed outdoor entertainment.

**Motion Amended by Mr. Kessler to approve Conditional Use Permit for Outdoor Commercial Entertainment contingent upon obtaining the necessary variances.**

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

Findings of Fact:
1. Upon review of the guidelines in Section 16-150.070 D. of the Columbia County Zoning Code and with the explanation of the criteria in Exhibit A of the Staff Report the Committee finds the following:
   a. The establishment, maintenance, or operation of the proposed use will not be detrimental to or endanger the public health, safety, or general welfare of the occupants of surrounding lands.
   b. The use will be designed, constructed, operated, and maintained so as to be compatible, and be appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area such that the use will substantially impair or diminish the use, value, or enjoyment of existing or future permitted uses in the area.
   c. The erosion potential of site based on topography, drainage, slope, soil type, and vegetative cover is minimal.
   d. The prevention and control of water pollution including sedimentation, and the potential impacts on floodplain and wetlands is not an issue.
   e. The site has adequate utilities including, if necessary, acceptable disposal systems.
   f. Access to streets and highways can be suitable, and ingress and egress designed to minimize traffic congestion and the potential effect on traffic flow.
   g. The conditional use shall conform to the standards of the applicable district(s) in which it is located.

Conclusions of Law:
1. The subject property is located in the Town of Lodi and is zoned C-2 General Commercial.
2. Rodney Ripley is the petitioner for a Conditional Use Permit on lands owned by Luckys Okee Real Estate LLC, which petition followed the procedures of Section16-150-070 C. of the Columbia County Zoning Code.
3. Mr. Ripley desires to have Outdoor Commercial Entertainment (amplified live music) which is allowed as a Conditional Use Permit under Section 16-115-020(1) and 16-125-260 of the Columbia County Zoning Code.
4. The Lodi Town Board has reviewed and approved the Conditional Use Permit with conditions in accordance with Section 16-150-070 of the Columbia County Zoning Code.
5. The Columbia County Planning and Zoning Committee has the authority under Section 16-150-030 B. 3. and Section 16-150-070 of the Columbia County Zoning Code to conduct public hearings, review and decide on requests for conditional use permits.

Conditions for the Decision:
1. The Temporary Trailer Stage (8.5 ft x 24 ft) will remain portable at all times.
2. The total number of events from May 1st to Nov 1st shall not exceed 36 events and 6 events from Nov 1st to May 1st.
3. Signage on the site/stage must be compliant with 16-145 of the Columbia County Sign Regulations.
4. The temporary stage must be earth tone in color or approved by the Zoning Administrator
5. The temporary stage will be moved to the designated locations by the dates indicated as shown on the above plot plan.
6. Amplification devices may be placed within or directed toward the outdoor entertainment area for the purposes of playing music or spoken words, subject to the following standards.
   • No amplified music may be played between the hours of 10:00 p.m. and 10:00 a.m.
   • Except for occasional events not occurring more than three times in any calendar year, sound from amplified music shall not exceed 65 dBA at any property line. If a town has sound and time restrictions that are less restrictive that regulation shall be applicable so long as the town enforces their regulations.
   • At the discretion of the Zoning Administrator, the property owner may be required to install sound & light containment barriers.
7. The owner shall comply with and obtain all necessary permits required by applicable federal, state, and local regulations.
8. The Planning and Zoning Department shall have the right of inspection for the purpose of determining compliance with this permit during normal working hours or upon reasonable notice outside of normal hours.
9. If the Planning and Zoning Committee finds that the review criteria of Section 16-150-070 D or 16-125-260 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.
10. All necessary variances have been obtained from the Zoning Board of Adjustment.

Item VII- Zoning Change – A-1 Agriculture to A-3 Agriculture Business; Dave Lofthouse, Petitioner and Reconex, Owner – Town of Newport

Chair Teitgen opens Public Hearing.

Mr. Bluempke presents staff report.

The Petitioner was present and states he would like to use the wooded land as a buffer zone to his business.

Chair Teitgen asks if anyone has any questions.

Mr. Kessler wonders why a rezoning requested is required.

Mr. Bluempke explains the lot is not the 5 acre minimum required for A-1 Agriculture and to eliminate split zoning when the parcels are combined.
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 A-3 Agriculture Business and A-1 Agriculture to A-3 Agriculture Business effective upon recording of Certified Survey.**
Seconded by Mr. Stevenson.
Motion carried unanimously.

**Item VIII- Zoning Change – A-1 Agriculture to RR-1 Rural Residence and A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay; Adam Larson and Allison Larson, Petitioners and Owners – Town of Dekorra**

Chair Teitgen opens Public Hearing.

Mr. Bluemke presents staff report.

The Petitioner was represented by Jim Grothman and he has no additional comments.

Chair Teitgen asks if anyone has any questions.

Chair Teitgen inquires about ten foot strip in corner shown on aerial photo.

Mr. Grothman explains the property owner wants to build in southwest corner.

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- 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 Weyh.
Motion carried unanimously.
Mr. Kessler asks if a variance approval is required for a driveway greater than 1000 feet.

Mr. Bluemke states we consider it as town approval and it doesn’t need a variance.

Mr. Grothman states the driveway is over 2000 feet and it was done prior to the 2001 driveway requirement.

Item IX- Zoning Change – A-1 Agriculture to RR-1 Rural Residence and A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay; Douglas Konkol and Rebecca Konkol, Petitioners and Owners – Town of Dekorra

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.

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 Weyh 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. Seconced by Mr. Stevenson.
Motion carried unanimously.

Item X- Amend Title 16 Chapter 400 – Floodplain Zoning

Chair Teitgen opens Public Hearing.

Mr. Bluemke explains that to maintain eligibility for FEMA’s flood insurance program we need to adopt new floodplain maps and addition of flood storage district.

Mr. Baumgartner asks why FEMA/DNR is asking for our permission.

Mr. Bluemke reports that if we request an evaluation we would be required to pay for the study.
Mr. Kessler asks what changed for Crystal Lake.

Mr. Bluemke explains the elevation at Schoepp Road went down by about \( \frac{3}{4} \) inch.

Chair Teitgen asks if anyone has any questions.

Steve Rubert – Chair, Town of Fountain Prairie asks several questions relating to dams and storage areas.

Mr. Kessler clarifies that a dam doesn’t add storage space for water.

Chair Teitgen closes Public Hearing.

**Motion by Mr. Baumgartner to forward Amendments to Title 16 Chapter 400 Floodplain Zoning to Columbia County Board of Supervisors.**

Seconded by Chair Teitgen.

**Motion carried unanimously.**

13. Adjourn

**Motion by Vice Chair Weyh to adjourn meeting.**

Seconded by Mr. Stevenson.

**Motion carried unanimously.**

Meeting adjourned at 5:07 PM

Respectfully submitted,

[Signature]

Kevin Kessler, Secretary
Planning and Zoning Committee

[Signature]

Recording Secretary
Susan Runnion, Office Administrator

cc: Committee Members
   Vern Gove, County Board Chair
   Mary Cupery, County Board Vice Chair