PLANNING & ZONING COMMITTEE MINUTES  
JUNE 3, 2014

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

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

ALSO PRESENT: Vern Gove – Chair, Columbia County Board of  
               Supervisors, Mary Cupery – Vice Chair, Columbia County  
               Board of Supervisors, Jim Grothman – Grothman &  
               Associates, LLC, Attorney Jeffrey Clark - Boardman &  
               Clark LLP, Attorney Peter Conrad – Pietz, VanderWaal,  
               Stacker & Rottier, S.C.

1:30 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 June 3, 2014 for Planning &  
   Zoning Committee Regular Meeting & Public Hearing.
   Seconded by Vice Chair Weyh.
   Motion carried unanimously.

5. Approval of Minutes

   Motion by Mr. Baumgartner to approve Minutes of May 6, 2014 and May 21,  
   2014 Planning & Zoning Committee Regular & Special Meeting & Public  
   Hearing.
   Seconded by Mr. Stevenson.
   Motion carried unanimously.

6. Waiver of Access – Allan Beerkircher, Town of West Point

   Mr. Kessler points out that Theresa Lane is not a town road and some updates have  
   occurred. The Town Plan Commission has recommended this be a lot line  
   adjustment and easement across the new lot one is going to be relocated. There is  
   going to be a structure and a revised Certified Survey Map. The easement will not be  
   in the same location as shown here.
Mr. Bluemke points out that the Waiver will not be effective until it is recorded.

Motion by Mr. Kessler to recommend approval of Waiver of Access (Tax Parcels 173,174.A, 195) for Lots 1 & 2 having no frontage on a public road subject to the following conditions:

A note being placed on the CSM that “The Planning and Zoning Committee approved a variance for Lots 1 & 2 having no frontage on a public road on 6/3/2014” The variance will become effective when the Certified Survey Map is recorded.
Seconded by Mr. Baumgartner.
Motion carried unanimously.

7. Discussion on Summary of Public Hearing for Complete Change of Code Update

Mr. Kessler explains that he may have misunderstood because there was a Hearing Summary provided to the County Board. He wanted to confirm that a hearing was held and nobody appeared. When there are comments, they should be summarized to the County Board.

Chair Teitgen explains that in the past if we had comments they were summarized.

Mr. Kessler suggests an excerpt from the Draft Minutes could be included.

Chair Teitgen feels that would seem sufficient.

Mr. Kessler confirms that an excerpt from the Draft Minutes would be provided in the future.

8. Recodification Title 16 Chapter 3

Mr. Bluemke explains that minor clarifications were added and references to agency names were revised.

Mr. Kessler inquires about section pertaining to impending action relating to transfer tanks and holding tanks.

Mr. Bluemke points out section numbers. This is a state mandated ordinance which doesn’t require a Public Hearing Notice.

Motion by Mr. Baumgartner to approve recommended revisions to Title 16 Chapter 300 Private Sewage Systems of the Columbia County Code of Ordinances and recommend the Columbia County Board of Supervisors repeal and recreate Title 16 Chapter 300 Private Sewage Systems of the Columbia County Code of Ordinances.
Seconded by Vice Chair Weyh.
Motion carried unanimously.
Mr. Kessler states he will vote for this today, but would be much more comfortable having a Public Hearing Notice for any county code change.

Mr. Kessler inquires about the difference between a transfer and a holding tank.

Mr. Thompson explains that a dump station is a transfer tank.

9. Department Report

a. Planning Update/Ordinance Update

Mr. Bluemke explains that revisions to Subdivision Ordinance will take place during the next couple of months.

Mr. Bluemke reports that meetings have been scheduled with the towns to review the new Zoning Code and related forms and process.

Mr. Kessler states the letter sent to the towns was very well done and helpful. He suggests sharing the memo with the Planning and Zoning Committee members.

b. Financial

• Out of County Travel

Mr. Bluemke states that Renee Pulver will be attending a Wetland & Shoreland Seminar in Necedah on June 5th.

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

• Expenditure Report

Motion by Mr. Kessler to approve Expenditure Report.
Seconded by Chair Teitgen.
Motion carried unanimously.

c. Enforcement

Mr. Thompson reviews Enforcement Report.

Discussion takes place about the potential to share this report with the townships and/or general public. It was suggested that the report could be placed on the government portal. The topic will be placed on next month’s agenda for further dialogue.
Mr. Kessler summarizes the situation at Crystal Lake and potential effects on workload. Chair Gove and Mr. Kessler plan to attend informational meeting next week.

Mr. Bluemke points out that Sandy Suchomel (part time Administrative Assistant) will be retiring the end of August, 2014.

Planning and Zoning Committee grants permission to proceed with Replacement Request next month.

Mr. Kessler states that he has concern about committee meeting at a different location for site visit without being on the Agenda. Does that have to noticed?

Mr. Baumgartner points out that decisions are never made and you can view what you care to.

Vice Chair Weyh inquires about the fact the site visit is on private property.

Mr. Thompson explains that the General Application form includes verbiage that gives the department and committee the authorization to access private property.

Mr. Kessler states that accordingly to the Attorney General it’s considered a meeting even if a decision is not made. Perhaps generic language or catchall phrase could be used.

Committee suggests adding catchall phrase to future Agendas.

10. Public Hearing

Item I- Conditional Use Permit for a Tourist Rooming House; Peter Stellas Farms Inc. Petitioner and Owner – Town of Lewiston

Chair Teitgen opens Public Hearing.

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

Vice Chair Weyh points out that the Staff Report referenced Lake Wisconsin which is actually a pond.

Mr. Kessler asks how town adoption of new zoning code would affect this legal non-conforming use.

Mr. Bluemke points out that the conditional use permit and conditions will not be affected.
Chair Teitgen points out that Staff Report, Page two, last paragraph, first sentence should include the word “is” after the word “license”.

Chair Teitgen asks if anyone has any questions.

Mr. Kessler inquires about rustic log cabin in photo.

Mr. Bluemke explains it is included in the list of conditions.

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 Conditional Use Permit for a Tourist Rooming House per stated findings, conclusions and conditions.

Seconded by Vice Chair Weyh.

Motion carried unanimously.

Findings:

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 Attachment 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. There is no existing or anticipated water pollution including sedimentation, and no impacts on floodplain and wetlands.
   e. The site has adequate utilities including 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.
2. The proposed tourist rooming house is consistent with the County Comprehensive Plan, Section 6.0 Goal 3 Objective 3 - Foster tourism that promotes the natural resource base and unique historical heritage of Columbia County.

Conclusions:
1. The subject property is located in the Town of Lewiston and is zoned A-1 Agriculture which District uses are stated in Section 16-105-120.
2. Peter Stellas Farms, Inc. is the petitioner and owner for a Conditional Use Permit which petition followed the procedures of Section16-150-070 C. of the Columbia County Zoning Code.
3. The petitioner is proposing to operate a Tourist Rooming House which is allowed as a Conditional Use Permit under Section 16-105-120 of the Columbia County Zoning Code.
4. The Lewiston 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.
6. The standards of Section 16-125-010 A of the Columbia County Zoning Code as noted below are applicable:
   a) Occupancy shall be limited to two persons per bedroom, plus an additional two persons. At no time may the number of guests exceed eight regardless of the number of bedrooms in the unit. Two exits are required for each bedroom.
   b) The number of guest vehicles allowed on site is limited to the number of bedrooms in the tourist rooming house. On-street parking is prohibited. No recreational vehicle or tent may be used for living or sleeping purposes.
   c) Must meet all requirements associated with a single-family dwelling in Section 16-125-090(A). A legally constructed single-family dwelling with less square feet than the current requirement can be considered for a tourist rooming house. The appearance or use of the tourist rooming house shall not be altered in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, odors, dust or vibrations that carry beyond the premises.
   d) The availability of the tourist rooming house to the public shall not be advertised on site.
   e) Must be licensed by the State of Wisconsin.
   f) In addition to any state required license fee, each operator of a tourist rooming house shall provide Columbia County with an annual fee and an annual report on a form furnished by the County to enable the County to confirm compliance with any conditions of approval, the standards of this chapter and any state reporting requirements.
g) The Conditional Use Permit shall not be transferable to another owner.

h) Conditional use permit may be subject to revocation or alteration if the Planning and Zoning Committee finds that these standards or the standards for all conditional use permits in Section 16-150-070D are not being met.

Conditions for Approval:
1. Any agreement or conditions pertaining to this Conditional Use Permit between the Town of Lewiston and Peter Stellas Farms, Inc. 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 the 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.

2. The Conditional Use Permit is not transferable to another owner.
3. Accessory buildings cannot be used as habitable structures.
4. Pets are allowed.
5. Pet behavior must meet County and Towns ordinances.
6. Quiet hours on weekdays are between 10 PM and 8 AM and on weekends and holidays 11 PM and 8 AM.
7. All fires are to be in proper fire pit structures and must be extinguished during established quiet hours.
8. No fireworks are allowed at any time.
9. Provide the Planning and Zoning Department, Town Chair, Town Clerk and Town Constable with a 24 hour contact number.
10. A sign no larger than 12” by 18” shall be placed near the primary entrance door with a 24 hour contact number in case of a complaint or emergency. If the owner does not live within one hour’s drive of the tourist rooming house, there shall be a local contact person.
11. A state sales tax number must be obtained and provided to the Planning and Zoning Department.
12. Property must remain free from citation and charges for nuisance, disorderly conduct or other illegal activity.
13. Garbage and recycled materials shall be properly stored.
14. Owner’s website or other advertising shall state there are conditions associated with this use.
15. 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.
16. The owner shall comply with and obtain all necessary permits required by applicable federal, state, and local regulations.
17. If the Planning and Zoning Committee finds that the review criteria of Section 16-150-070D 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 II- Zoning Change – A-1 Agriculture to RR-1 Rural Residence and A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay; Kenneth Sharpee, Petitioner and Owner – Town of Hampden

Chair Teitgen opens Public Hearing.

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 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 Map. Seconded by Vice Chair Weyh.

Motion carried unanimously.

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; Raymond Geymann, Petitioner and Owner – Town of Caledonia

Chair Teitgen opens Public Hearing.

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

Item IV- Conditional Use Permit for a Commercial Apartment; Rodney Ripley, Petitioner and Owner – Town of Lodi

Chair Teitgen opens Public Hearing.

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

Chair Teitgen expresses his pleasure to having this establishment open.

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 a Commercial Apartment per stated findings, conclusions and conditions.
Seconded by Vice Chair Weyh.
Motion carried unanimously.

Findings:
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. There is no existing or anticipated water pollution including sedimentation, and no impacts on floodplain and wetlands.

c. The site has adequate utilities including acceptable disposal systems.

d. 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:

1. The subject property is located in the Town of Lodi and is zoned C-2 General Commercial which District uses are stated in Section 16-115-120.

2. Lucky's Okee Real Estate LLC is the petitioner and owner of property for a Conditional Use Permit which petition followed the procedures of Section 16-150-070 C. of the Columbia County Zoning Code.

3. The petitioner is proposing to have a commercial apartment within a structure that also contains a restaurant which is allowed as a Conditional Use Permit under Section 16-115-120 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 16-105-070 of the Columbia County Zoning Code.

5. The Columbia County Planning and Zoning Committee have 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 Approval:

1. Any agreement or conditions pertaining to this Conditional Use Permit between the Town of Lodi and the Lucky's Okee Real Estate LLC 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 the 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 review the Conditional Use Permit.

2. If the CSM is not recorded before the Committee decision is signed, the Conditional Use Permit will become effective when the Certified Survey Map combining Lots 2 and 3 of CSM 877 is recorded.

3. All additional outdoor lighting for the facility 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.
4. No change to the site plan or addition to the building unless approved by the Town and County.

5. 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.

6. The owner shall comply with and obtain all necessary permits required by applicable federal, state, and local regulations.

7. 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 V- Zoning Change — A-1 Agriculture to RR-1 Rural Residence and A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay: Jocelyn Dornfeld and Matthew S. Dornfeld, Petitioners and Owners — Town of Fort Winnebago

Chair Teitgen opens Public Hearing.

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 Chair William Schroeder, Sr. was present and states that the Town Board and Plan Commission approved and felt this was a sufficient use for the property.

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 recording of Certified Survey Map. Seconded by Chair Teitgen.
Motion carried unanimously.

Mr. Kessler inquires if this is rezoned to rural residential is there an issue with the existing shed.

Mr. Bluemke explains that the purpose of the rezoning is because the property owner will be adding a residence which will make the shed an accessory structure.
Item VI- Major Home Occupation for Dog Breeding Kennel and Boarding Kennel/Training Facility: Amy Schultz, Petitioner and Owner – Town of Fort Winnebago

Chair Teitgen opens Public Hearing.

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

Chair Teitgen notes there are several residences in the area. Have there been any complaints.

Petitioner states they have never had a complaint.

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 and states that the Town Board and Plan Commission approved. This is a continuation of what he has been doing and we didn’t have any negative comments or complaints.

Chair Teitgen closes Public Hearing.

Motion by Mr. Baumgartner to approve Major Home Occupation for a Dog Breeding Kennel and Boarding Kennel/Training Facility per stated findings, conclusions and conditions.
Seconded by Vice Chair Weyh.
Motion carried unanimously.

Findings:
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 D 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. There is no existing or anticipated water pollution including sedimentation, and no impacts on floodplain and wetlands.

e. The site has adequate utilities including 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:

1. The subject property is located in the Town of Fort Winnebago and is zoned A-1 Agriculture which District uses are stated in Section 16-105-120.

2. Steve and Amy Pappas are the petitioners and owners for a Major Home Occupation/Conditional Use Permit which petition followed the procedures of Section16-150-070 C. of the Columbia County Zoning Code.

3. The petitioners are proposing to operate a residential kennel and training facility which is allowed as a Conditional Use Permit under Section 16-105-120 of the Columbia County Zoning Code.

4. The Fort Winnebago 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 Approval:

1. The Major Home Occupation Permit is not transferable

2. No signs are allowed without the approval of the Planning and Zoning Department

3. The Home Occupation Permit shall only be for breeding English Springer Spaniels and Labradors with a maximum of 20 dogs which typically includes 12 breeding stock, 5 dogs over 10 weeks but less than 1 year that are waiting to sold or being considered for introduction into the breeding stock, and 3 dogs that have been retired and are waiting to be adopted.

4. The Home Occupation Permit for training shall be for a maximum of 15 sporting breed dogs, with training only allowed from June through October.

5. No boarding of dogs other than the dogs being trained on site is allowed.

6. All mature dogs must be properly licensed.

7. Outside exercise and training activities shall be limited to the hours of 7:00 am to 6:00 pm and shooting limited to being between 7:00 am to 4:00 pm. All outside activities must be under direct supervision of the owners or an employee.

8. Excessive barking, cries, howling or other noise will result in the permit being reviewed and subject to revision or revocation. The term excessive barking, cries, howling or other noise includes but is not limited to the creation of any noise by a dog, dogs, or puppies which can be heard at a property line by any person, including an enforcement officer, which noise
occurs continuously or incessantly for a period of 10 minutes or intermittently for 30 minutes or more any time day or night. A dog or dogs shall not deemed to be barking if at the time a dog is barking or making other noise, a person is trespassing or threatening to trespass upon the private property upon where the kennel is situated or when the dog or dogs are being teased or provoked.

9. There shall be no more than 1 employee outside of family members who reside on the subject property unless approved by the Planning and Zoning Department.

10. There shall be strict observance of all sanitation and animal cruelty rules, regulations or laws of the Town, County, or State of Wisconsin.

11. The owners submit to the Department copies of any AKC Care & Conditions and Compliance Reports and well inspections by the Department of Agriculture and Consumer Protection.

12. The applicant and owner shall comply with and obtain all necessary permits required by applicable federal, state, and local regulations.

13. Conditional use permit may be subject to revocation or alteration if the Planning and Zoning Committee finds that these standards or the standards for all conditional use permits in Section 16-150-070D are not being met.

Item VII- Zoning Change – A-1 Agriculture to RR-1 Rural Residence, A-1 Agriculture to A-3 Agriculture Business and A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay; Gregory K. Kluge and Debora A. Kluge. Petitioners and Owners – Town of Fort Winnebago

Chair Teitgen opens Public Hearing.

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 Chair William Schroeder, Sr. was present and states that the Town Board and Plan Commission approved. He states this is an appropriate use and not a highly residential area.

Chair Teitgen closes Public Hearing.

Motion by Vice Chair Weyh to approve rezoning from A-1 Agriculture to RR-1 Rural Residence, A-1 Agriculture to A-3 Agriculture Business and A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay, effective upon recording of Certified Survey Map.
Seconded by Mr. Baumgartner.
Motion carried unanimously.

Mr. Kessler inquires if the County Comprehensive Plan or Town Comprehensive Plan will need to change to A-3 Agriculture Business.

Mr. Bluemke responds that the Agricultural Business District is allowed in the Agriculture and Open Space areas of the plan.

Item VIII- Conditional Use Permit for Contractor’s Shop; Gregory K. Kluge and Debora A. Kluge, Petitioners and Owners – Town of Fort Winnebago

Chair Teitgen opens Public Hearing.

The Petitioner was present and inquires about hours of operation (Condition #3). He may work later in the evening. Also has concern about stockade fence requirement (Condition #4). He intends to build it after he moves his equipment on site. He will need to accomplish some grading first. The expense of the fence is also a consideration.

Chair Teitgen asks what type of commitment can be made in regards to the fence. Mr. Kluge responds one year from now.

Mr. Bluemke asks about hours for Saturday.

Mr. Kluge points out he has been in business for 8 years and has worked three or four Saturdays.

Mr. Grothman suggests hours of operation from 6:00 am to 6:00 pm and occasionally until 8:00 pm including occasional Saturday.

Chair Teitgen inquires about discrepancy in staff report reference to CSM Lot 1. Not seeing Lot 1.

Mr. Bluemke explains that one lot will be three acre lot and that’s not on the site plan.

Mr. Grothman points out it will lie on the left.

Chair Teitgen asks if we need to concern ourselves.

Mr. Bluemke points out it will require an easement.

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 and states that the Town Board and Plan Commission approved. This is an agriculture community and I have been up early in the morning running equipment. I don't believe the change in hours would be a big deal. There are no close residents.

Mr. Kessler asks if there is a town reaction regarding the fence.

Town Board Chair William Schroeder, Sr. states that the petitioner has made the property look better and giving him one year would be adequate.

Chair Teitgen closes Public Hearing.

**Motion by Mr. Kessler to approve Conditional Use Permit for Contractor’s Shop per stated findings, conclusions and conditions.**
Seconded by Vice Chair Weyh.
Motion carried unanimously.

Motion by Chair Teitgen to amend Condition #3 to “The normal business hours from spring to fall will be Monday-Friday 6:00 am to 8:00 pm with occasional Saturday use. Winter hours dependent upon demand for snow removal”.
Seconded by Mr. Kessler.
Motion carried unanimously.

Motion by Chair Teitgen to amend Condition #4 to “The eight foot wood stockade fence as shown on the site plan must be installed by June 1, 2015”.
Seconded by Mr. Baumgartner.
Motion carried unanimously.

**Findings:**

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.
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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.

2. The proposed business expansion is consistent with the County Comprehensive Plan, Section 6.2 Goal 1 Objectives 1, 6 and 12, and Section 8.2 Goal 1 Objective 4.

Conclusions:

1. The subject property is located in the Town of Fort Winnebago and will be zoned A-3 Agriculture Business District which District uses are stated in Section 16-105-020.
2. Greg and Debora Kluge 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 Kluge’s are to operate the contractor shop for 4 Seasons Landscape, Lawn Care, and Snow Removal which is allowed as a Conditional Use Permit under Section 16-105-020 of the Columbia County Zoning Code.
4. The Fort Winnebago 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 Approval:

1. Any agreement between the Town of Fort Winnebago and the Kluge’s is hereby incorporated by reference as part of this Conditional Use Permit; however, the County is not responsible for enforcing said agreement, unless an individual point of agreement 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.
2. This Conditional Use Permit shall become effective when the property is rezoned.
3. The normal business hours from spring to fall will be Monday-Friday 6:00 am to 8:00 pm with occasional Saturday use. Winter hours dependent upon demand for snow removal.

4. The eight foot wood stockade fence as shown on the site plan must be installed by June 1, 2015.

5. The equipment on site will be up to 3 pickup trucks, 4 smaller dump trucks, 2 tri-axle dump trucks, a tractor backhoe, a track hoe, a medium excavator, bulldozer, 4 skid loaders and 6 trailers.

6. All parking, storage of materials, machinery, and equipment must be located in the delineated areas on the approved site plan.

7. Screening of black dirt and blending finished compost with dirt for projects are allowed and they may be stored on site in accordance with the approved site plan.

8. The site may not be used for active composting and project waste cannot be stored on the property.

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. Significant modifications to the approved site plan must be reviewed and approved by the Town and the County.

11. The 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 16-150-070 D 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.

Item IX- Conditional Use Permit for Expansion of Transportation Service/Freight Terminal: Dan and Wannetta Schroeder, Petitioners and Owners – Town of Arlington

Chair Teitgen opens Public Hearing.

Chair Teitgen states it is my understanding there is an administrative appeal which would affect actions this committee would be taking.

Mr. Bluemke explains we can go through the public hearing and you can decide to table the decision.

The Petitioner was present and represented by Attorney Peter Conrad who states there is an administrative appeal which would potentially impact the Conditional Use Permit. He explains the County refused to let the Conditional Use Permit be withdrawn.
Mr. Kessler comments he doesn’t understand reference to the County refused to withdraw application.

Mr. Bluemke explains policy is not to withdraw a Conditional Use Permit when violations in current code exist.

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 represented by Attorney Jeffrey Clark who explains it’s been a long process to get to this point. Town Board is in agreement as long as town conditions are incorporated into the conditions.

Chair Teitgen closes Public Hearing.

**Motion by Chair Teitgen to postpone the decision for Conditional Use Permit until the after the appeal to the Board of Adjustment is complete.**

Seconded by Vice Chair Weyh.

Motion carried unanimously.

Mr. Bluemke clarifies that the appeal could be withdrawn by petitioned prior to the hearing by the Board of Adjustment. Essentially we need to go through the appeal process to determine if the petitioner has a valid permit for an agricultural structure and prove that it is used for agricultural purposes or if the revocation of the permits stands.

Mr. Kessler asks to clarify what decision is being appealed.

Mr. Bluemke responses it is the revocation of the Zoning Permit. We needed more information which was not provided so permit was revoked.

11. Adjourn

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

Seconded by Mr. Baumgartner.

Motion carried unanimously.

Meeting adjourned at 5:00 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