PLANNING & ZONING COMMITTEE MINUTES
AUGUST 4, 2015

PRESENT: Fred Teitgen, Kevin Kessler, Harlan Baumgartner, Mike Weyh

ABSENT AND EXCUSED: John A. Stevenson

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

ALSO PRESENT: Mary Cupery – Vice Chair, Columbia County Board of Supervisors

3:30 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 August 4, 2015 for Planning & Zoning Committee Regular Meeting & Public Hearing.
   Seconded by Vice Chair Weyh.
   Motion carried unanimously.

5. Approval of Minutes

   Motion by Vice Chair Weyh to approve Minutes of July 7, 2015 Planning & Zoning Committee Regular & Public Hearing.
   Seconded by Mr. Kessler.
   Motion carried unanimously.

6. Department Report

   a. Planning Update/Ordinance Update

   Discussion relating to Conditional Use Permits for two family dwellings in zoning districts other than just the R-1 Single Family District.

   Committee felt it made sense to allow in other districts and it would create consistency.
Mr. Kessler has concerns of basement rental. He recommended including an expiration date for Conditional Use Permits issued for this purpose.

Mr. Bluemke explained this revision would require a Text Amendment after the public hearing.

b. Financial

- Out of County Travel
  
  Mr. Bluemke not aware of any travel at this time.

- Expenditure Report

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

- 2016 Budget

  Motion by Mr. Kessler to approve 2016 Budget.  
  Seconded by Vice Chair Weyh.  
  Motion carried unanimously.

c. Enforcement

  Mr. Thompson reviews Enforcement Report noting there are additional violations for filling, grading and building without permits.

Site Visits (were not needed)

7. Public Hearing

Item I- Zoning Change – A-1 Agriculture to RR-1 Rural Residence and A-1 Agriculture to A-1 Agriculture with the A-4 Agricultural Overlay; Judith A. and James C. Mountford, Petitioners and Owners – Town of Caledonia

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.**

**Seconded by Mr. Baumgartner.**

**Motion carried unanimously.**

**Item II- Major Home Occupation for Residential Dog Kennel; Sterling Jones.**

Petitioner and Owner – Town of Lewiston

Chair Teitgen opens Public Hearing.

Mr. Bluemke presents staff report.

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

Chair Teitgen asks if anyone has any questions.

Chair Teitgen inquires as to how many acres the kennel sits on?

Mr. Bluemke responds it is 8 acres.

Mr. Kessler asks if it is necessary to specify the particular breed of dogs. Points out that a larger breed would create more waste, but do we care about the breed.

Mr. Bluemke explains we have always specified breeds and if it were to change it could create a different set of circumstances. We are specific because this is what the petitioner as requested to do.

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 Major Home Occupation for Residential Dog Kennel per stated findings, conclusions and conditions.**

**Seconded by Vice Chair Weyh.**

**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 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 of Law:

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. Sterling Jones is the petitioner and owner for a Major Home Occupation/Conditional Use Permit which petition followed the procedures of Section 16-150-070 C. of the Columbia County Zoning Code.
3. The petitioners are proposing to operate a residential kennel 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.

Conditions for the Decision:

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 a residential kennel for Shelties and Pomeranians with a maximum of 100 dogs which typically
includes breeding stock, dogs over 12 weeks but less than 6 months that are waiting to sold or being considered for introduction into the breeding stock or become show dogs.
4. All mature dogs must be licensed by the Town.
5. No boarding of dogs is allowed.
6. There shall be no more than 2 employees outside of family members who reside on the subject property unless approved by the Planning and Zoning Department.
7. 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.
8. There shall be strict observance of all sanitation and animal cruelty rules, regulations or laws of the Town, County, or State of Wisconsin.
9. Upon request, the owner submit to the Department copies of the AKC Care & Conditions and Compliance Reports as well inspections by the Department of Agriculture and Consumer Protection if any.
10. The applicant and owner shall comply with and obtain all necessary permits required by applicable federal, state, and local regulations.
11. 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 III - Zoning Change – A-1 Agriculture to RR-1 Rural Residence and A-1 Agriculture to A-1 Agriculture with the A-4 Agricultural Overlay; Brian and Ingrid Pierson, Petitioners and Owners – Town of Springvale

Chair Teitgen opens Public Hearing.

Mr. Bluemke presents staff report.

Ms. Cupery states the staff report doesn’t have a complete address.

Mr. Bluemke explains that a driveway permit and emergency response number (address) have not be issued.

Chair Teitgen recommends that a condition be added to include highway access approval.
Mr. Pierson asks if he needs the rezoning before he can get the driveway permit. He knows he needs to have a driveway permit, but not sure which occurs first.

Chair Teitgen explains the County Highway Ordinance requires a driveway permit. He suggests making the approval contingent upon approval being gained.

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. 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 and obtaining a Driveway Permit.

Seconded by Mr. Baugnartner.
Motion carried unanimously.

Item IV - Zoning Change – A-1 Agriculture to RR-1 Rural Residence and A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay; Skylar Franz, Petitioner and Owner – Town of Wyocena

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 it’s a county requirement to approve the long driveway.

Mr. Bluemke explains the Planning and Zoning Committee must approve driveways in excess of 1,000 feet and points out that the town has recommended approval of the driveway.

Mr. Kessler asks if it would require a Waiver of Access.
Mr. Bluemke responds it has 66 feet of frontage and would not.

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 V- Zoning Change – A-1 Agriculture to RR-1 Rural Residence and A-1 Agriculture to A-1 Agriculture with the A-4 Agricultural Overlay; Kenneth and Heidi Dickerson, Petitioners and Owners – Town of Fountain Prairie**

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.

Mr. Kessler points out it is an odd shaped parcel. Would like to know if it is existing?

Mr. Bluemke confirms that it is existing Certified Survey Lot.

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 the A-4 Agricultural Overlay, effective upon recording of Certified Survey Map.**
Seconded by Mr. Baumgartner.
Motion carried unanimously.
Mr. Baumgartner would like to see standardized process for driveway permit requirement.

Mr. Bluemke explains there is a database with driveway permits. Some CSM’s don’t have a location of the driveway. We have discussed amending the County ordinance to require driveway permits but the change in Highway Commissioners has delayed any action.

Chair Teitgen states that we are technically violating a County ordinance.

Mr. Kessler asks if there are towns that don’t have Driveway Ordinances.

Mr. Baumgartner explains there are towns that use the County Highway Department for driveway permits.

8. Adjourn

Motion by Mr. Kessler to adjourn meeting.
Seconded by Mr. Baumgartner.
Motion carried unanimously.

Meeting adjourned at 4:32 PM

Respectfully submitted,

Kevin Kessler, Secretary
Planning and Zoning Committee

Recording Secretary
Susan Runnion, Office Administrator

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