PLANNING & ZONING COMMITTEE MINUTES
AUGUST 5, 2014

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

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, Jim Grothman – Grothman & Associates, LLC, Shonna Neary – Columbia County Accounting Supervisor

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

   Mr. Bluemke would like to add topic of Town of Courtland zoning in light of new case law.

   Motion by Chair Teitgen to approve Agenda of August 5, 2014 for Planning & Zoning Committee Regular Meeting & Public Hearing with addition. Seconded by Vice Chair Weyh. Motion carried unanimously.

5. Approval of Minutes

   Motion by Vice Chair Weyh to approve Minutes of July 1, 2014 Planning & Zoning Committee Regular Meeting & Public Hearing. Seconded by Mr. Kessler. Motion carried unanimously.

6. Update on Purchasing Ordinance and Manual

7. Accounting Department Presentation

8. 2015 Budget

Chair Teitgen suggests the addition of Town Association attendance as a 2015 Goal.
Motion by Mr. Baumgartner to approve the 2015 Budget with the addition.
Seconded by Chair Teitgen.
Motion carried unanimously.


Mr. Kessler asks if the town is okay with proposal.

Mr. Bluemke states that the town doesn’t have a Subdivision Ordinance.

Motion by Mr. Kessler to recommend approval of Waiver of Access (Tax Parcel 473) for Lot 1 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 Lot 1 having no frontage on a public road on 8/5/2014” The variance will become effective when the Certified Survey Map and appropriate access easement are recorded.
Seconded by Chair Teitgen.
Motion carried unanimously.

10. Department Report

a. Planning Update/Ordinance Update

Mr. Bluemke reports that FEMA announced that list of panel number is changing and the floodplain boundary will go up slightly due to change in map projection.

Mr. Kessler suggests adding an agenda to discuss present ordinance as it relates to retaining walls. He has concerns that it's not the most sufficient way to deal with retaining walls.

Mr. Bluemke explains that it involves two ordinances and they are considered structures within the 75 feet. He will provide something in writing which can be reviewed.

b. Financial

- Out of County Travel

Randy Thompson, Renee Pulver and Kenneth Thiele will be attending Shoreland Restoration training in Dane County.

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

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

c. Enforcement

Mr. Thompson explains that he met with Chair Gove and Supervisor Weyh to discuss Enforcement Report and what is suitable for sharing with the public. The report could be updated on a weekly or monthly basis. It could contain a message “contact the Planning & Zoning Department for further information”.

Mr. Kessler asks if this is an example of the total list.

Mr. Thompson explains it is the list of violations.

Mr. Kessler asks about including an address.

Chair Teitgen would like to know what complaints are reported.

Mr. Bluemke explains that a complaint is something that is not verified.

Mr. Kessler asks if the “action date” is the date the violations was confirmed. If so, the heading should be changed to “Violation Date”.

d. Town of Courtland Zoning

Mr. Bluemke explains that Wisconsin Supreme Court denied review of the Court of Appeals case. This means that towns do not have any authority to zone land in the area covered by county shoreland zoning unless the towns had zoning that predates county shore land zoning. For the counties that have relied on town zoning to establish uses in the shoreland area, the county will need to amend the county shoreland zoning ordinance to specify what uses occur around the lakes and cover gaps that might exist due to the elimination of town zoning ordinances covering the shore land area.

This will affect the Town of Courtland and areas within yellow (indicated on map) where there isn’t general zoning and shoreland zoning. Any A-1 Agriculture on their map will no longer be eligible for tax credits. I don’t want the County to be in trouble for not informing them of this zoning issue.

Mr. Baumgartner asks who is going to catch this.
Mr. Bluemke explains that it could be DATCP, but that is the questions we need to figure out. I will speak with Kurt Calkins so we can protect the county from being liable.

Mr. Baumgartner suggests that someone else inform the town.

Vice Chair Weyh asks if we are going to inform all towns that haven’t adopted county zoning.

Mr. Bluemke explains that the Town of Pacific is aware of it and is the other town that is considering town zoning.

Chair Teitgen feels that all towns should be informed.

Mr. Bluemke states he would be happy to communicate it to all towns.

Mr. Kessler suggests the communication come under Joe Ruf signature.

Mr. Stevenson asks if they will lose their leverage on conservation and nutrient management plans.

Mr. Bluemke explains that a nutrient management plan could be in place.

Mr. Stevenson comments that those are the fragile areas.

Mr. Bluemke inquires if he should send something out to the towns that haven’t adopted.

Chair Teitgen replies that given the complexity of the issue we should just deal with the Town of Courtland. Suggests drafting correspondence and he would be happy to review.

Mr. Kessler mentions the Wisconsin County’s Association may be working on it.

11. Public Hearing

Item I- Conditional Use Permit for a Tourist Rooming House; Karen Slomski, Petitioner and Lake Wisconsin Rentals, LLC, Owner – Town of Dekorra

Chair Teitgen opens Public Hearing.

The Petitioner was present and states they have conformed to requirements.

Mr. Kessler asks what the intent is with the small house.

Petitioner explains it is a permanent residence for our own use.
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 states that the town conditions limit to two bedroom rental.

Chair Teitgen closes Public Hearing.

Motion by Mr. Baumgartner to approve Conditional Use Permit for a two bedroom Tourist Rooming House 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.
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 of Law:

1. The subject property is located in the Town of Dekorra and is zoned R-1 Single Family Residence which District uses are stated in Section 16-110-120.

2. Lake WI Rentals LLC and Karyn Slomski are the owners and petitioners for a 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 Tourist Rooming House which is allowed as a Conditional Use Permit under Section 16-110-120 of the Columbia County Zoning Code.

4. The Dekorra Town Board has reviewed and approved the Conditional Use Permit with conditions in accordance with Section 16-110-070 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). 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 to enable the County to confirm compliance with the standards of this chapter and fulfill state reporting requirements.
   g. Conditional use permit may be subject to revocation or alteration if the Planning and Zoning Committee finds that these standards, the recommended Conditions adopted by the Planning and Zoning Committee, or the standards for all conditional use permits in Section 16-150-070D are not being met.
Conditions for the Decision:

1. Any agreement or conditions pertaining to this Conditional Use Permit between the Town of Dekorra and Lake Wisconsin Cottage 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. The Conditional Use Permit is not transferable to another owner.

3. Accessory buildings cannot be used as habitable structures.

4. Pets are allowed, so property lines between adjacent properties must be physically delineated by a fence which does not have to be designed to contain the pets on the subject property.

5. Pet behavior must meet County ordinances.

6. Quiet hours on weekdays are between 10 PM and 8 AM and on weekends 11 PM and 8 AM on weekends and holidays.

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 16-150-070 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 II- Zoning Change — A-1 Agriculture to RR-1 Rural Residence and A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay; George and Brita Schoeneberg, Petitioners and Owners — Town of Lowville

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 the rezoning of 3 acres from A-1 Agriculture to RR-1 Rural Residence and 41.38 acres from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay District effective upon recording of the Certified Survey Map. Seconded by Mr. Kessler. 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; Byron J. Kessenich, Petitioner and Owner — Town of Leeds

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 the rezoning of .50 acre from R-1 Single Family Residence to A-1 Agriculture, 2.13 acres from A-1 Agriculture to RR-1 Rural Residence and 37.87 acres from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay District effective upon recording of the Certified Survey Map. Seconded by Chair Teitgen. 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; Robert J. Gerstenkorn, Petitioner and Owner – Town of Lewiston

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 Chair Teitgen. Motion carried unanimously.

Mr. Kessler has concern that a recommendation is being made without a Certified Survey Map.

Mr. Bluemke explains that a metes and bounds description must be on file before County Board review. The County Board can’t approve without the legal description.

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; Robert William Fallon, Petitioner and Owner – Town of Wyocena

Chair Teitgen opens Public Hearing.

The Petitioner was represented by Jim Grothman 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 Tcitgen closes Public Hearing.

Motion by Mr. Kessler to approve rezoning of 4 acres from A-1 Agriculture to RR-1 Rural Residence and 35 acres from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay District effective upon recording of the Certified Survey Map.

Seconded by Vice Chair Weyh.
Motion carried unanimously.

12. Adjourn

Motion by Vice Chair Weyh to adjourn meeting.
Seconded by Mr. Stevenson.
Motion carried unanimously.

Meeting adjourned at 4:27 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