PLANNING & ZONING COMMITTEE MINUTES
SEPTEMBER 4, 2012

PRESENT:                      Fred Teitgen, Harlan Baumgartner, Mary Cupery, James Foley

ABSENT AND
EXCUSED:                      Mike Weyh

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

ALSO PRESENT:                 Andy Ross – Chair – Columbia County Board of
                              Supervisors, Kevin Kessler – Columbia County Board of
                              Supervisors, Jim Grothman – Grothman & Associates SC,
                              Attorney Jeffery Clark – Lathrop & Clark LLP Law Office,
                              Lyn Jerde- Capital Newspaper

BUSINESS MEETING

12:30 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 Ms. Cupery to approve Agenda of September 4, 2012 for Planning & Zoning Committee Regular Meeting & Public Hearing.
Seconded by Mr. Baumgartner.
Motion carried unanimously.

5. Approval of Minutes

Motion by Mr. Foley to approve Minutes of August 7, 2012 Planning & Zoning Committee Regular Meeting & Public Hearing.
Seconded by Mr. Baumgartner.
Motion carried unanimously.

12:45 PM

6. View Sites
7. Department Report

a. Planning Update – Mark Roffers sent a draft of the zoning text.

Next Town Steering Committee for Farmland Preservation meeting will occur on October 2nd. A second draft of the Farmland Preservation plan will be available for review.

Mr. Baumgartner inquires about having a list of items that the state requires.

Mr. Bluemke replies that we are not including anything other than what the state requires.

b. Enforcement – Mr. Bluemke distributes Enforcement Report.

c. Financial

- Out of County travel – Randy Thompson traveling to Madison on September 26th and 27th for WAPA – Midwest Planning Conference.

John Bluemke and Randy Thompson attending WCCA Fall Conference in Eau Claire on October 3-5th.

Motion by Mr. Baumgartner to approve Out of County travel.
Seconded by Ms. Cupery.
Motion carried unanimously.

Expenditure Report

Motion by Mr. Foley to approve Expenditure Report.
Seconded by Ms. Cupery.
Motion carried unanimously.

d. Replacement Request

Mr. Bluemke explains the Replacement Request is for Kenneth Thiele who will be deployed to Afghanistan for approximately one year.

Also explains potential need for an Intern to handle basic tasks.

Motion by Mr. Baumgartner to approve Replacement Request.
Seconded by Mr. Foley.
Motion carried unanimously.

8. Preliminary Plat – Nature Crossing – Town of Marcellon

Mr. Bluemke reviews staff report.
Petitioner represented by Attorney Clark and states that in his opinion; he considers this a recorded plat.

Mr. Grothman points out this is a sensitive property with wetlands, soil evaluation allows POWTS and driveway would require substantial culvert.

Property owner, Steve Barans, states he is aware of environmental concerns.

Mr. Grothman presents committee with a reconfigured Preliminary Plat. Conceptually the density changes from 12 to 9 lots and creates two outlet lots which would be Deed Restricted.

Mr. Teitgen asks property owner if he has approached Department of Natural Resources about purchasing the property.

Mr. Barans replies "no".

Mr. Teitgen inquires about "Save French Creek" sign.

Mr. Barans explains that neighbors placed sign years ago because they thought the proposal was for high rise type structure.

Discussion takes place about appropriate Zoning District.

Mr. Bluemke suggests Rural Residence with Planned Development or Single Family Residence.

Attorney Clark would like flexibility to allow horses which would make the property more marketable.

Mr. Baran explains that original plan was for a proposed campground.

Ms. Cupery inquires about Pat Beghin concern about access.

Mr. Grothman explains that the two lots in question have been removed from plat.

Mr. Baumgartner states that he prefers the new concept.

Motion by Chair Teitgen to recommend a reconfigured Preliminary Plat be submitted for review which plat will includes lands within Certified Survey Map 3631 provided the subdivider agrees to an additional 120 day preliminary plat review with the subdivider’s written approval of the extension submitted to the Planning and Zoning Department by September 9-21-12, or the Preliminary Plat of Nature Crossing filed July 3, 2012 is denied for the following reasons:

a. As designed the plat seeks to maximize the number of lots which creates several lots on lands that are unsuitable for development because of
flooding, adverse soil formations which make land unsuitable for
development
b. The lack of hydrologic and hydraulic study for development in areas zoned
General Floodplain
c. The ability of emergency service providers to be able to get wheeled vehicles
to certain lots within the Plat.
d. The consistency between the proposed plat and the County and Town
Comprehensive Plans which have mapped the lands as planned for
Agriculture and Open Space uses.

Seconded by Mr. Foley

Motion by Chair Teitgen to review reconfigured Preliminary Plat which is due by
end of this week at a special meeting of the Planning and Zoning Committee on
September 19, 2012 at 6:00 pm.

Seconded by Mr. Baumgartner
Motion carried unanimously.

9. ERN Addressing

Chair Ross - Columbia County Board of Supervisor suggests prioritizing the list of
proposed Emergency Response Numbers.

Mr. Baumgartner inquires about 911 cell phone triangulation? Also, he doesn’t want
to shift burden down to municipalities.

Kevin Kessler – Columbia County Board of Supervisors suggests that a study
committee be established.

Chair Ross - Columbia County Board of Supervisor states that the appropriate
people are in place.

Kevin Kessler asks which group is taking the lead; Sherriff, Planning & Zoning,
Town?

Chair Ross - Columbia County Board of Supervisor feels another committee is not
necessary.

Chair Teitgen suggests posting upcoming meeting notices.

4:00 PM

10. Public Hearing
Item I - Home Occupation Permit – Dog Kennel – Scott Brandsma, Petitioner and Owner – Town of Marcellon

Chair Teitgen opens Public Hearing.

Mr. Bluemke presents the 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)

Mr. Baumgartner inquires about Town Board decision.

Mr. Bluemke explains the Town recommended moving the decision along.

Helen Rawson, Supervisor - Town Board present and states noise and the number of dogs were a concern. During site visit, dogs were very quiet and neighbors didn’t have any recent complaints of noise. Placement of feces along fence line is a concern. Town minutes on file.

Petitioner explains that he now owns the 58 acre field across road to distribute dog feces. He feeds the dog’s expensive food and they do not generate a lot of waste.

Mr. Bluemke suggests revising Condition #9 to state “if this changes a new plan must be submitted to the Planning & Zoning Department 30 days prior to alteration”.

Chair Teitgen closes Public Hearing.

Motion by Mr. Baumgartner to approve Home Occupation Permit for a dog kennel with revision to Condition #9 per the stated findings, conclusions and conditions.

Seconded by Mr. Foley.

Motion carried unanimously.

Findings:

1. Scott Brandsma is the owner of a Labrador retriever kennel.
2. Scott Brandsma is proposing to operate a dog kennel per Sec. 16-1-13 (g).
3. The Marcellon Town Board has reviewed and recommended approval of the Home Occupation Permit.
4. Title 16, Chapter 1 of Columbia County Code of Ordinance is applicable to this site.
5. There is a residence within 500 feet of the exercise area.

Conclusions:
1. The application qualifies for a Home Occupation Use Permit.
2. The proposed use is a home occupation that is consistent with the purpose and intent of the ordinance.
3. With conditions and limitations the dog kennel is compatible with the agricultural and rural character of the general vicinity and will not change the character of the area as to substantially impact current or future permitted uses in the vicinity.

Conditions:
1. The Home Occupation Permit is not transferable pursuant to Sec. 16-1-13 (g)(6).
2. No signs are allowed without approval of the Planning & Zoning Department.
3. The Home Occupation Permit shall only be for a Labrador kennel with a maximum of 45 dogs used for breeding, no puppies over 10 weeks of age shall be kept on the property unless the puppies are to be replacements for mature dogs that are being removed from the kennel and they must be counted against the maximum of 45 dogs. For a period of six months after the date of the approval of this Home Occupation the petitioner may keep up to 53 dogs on site in order to improve the age of his breeding stock. After six months the maximum of 45 dogs will the standard that must be met.
4. All mature dogs must be licensed by the Town.
5. No boarding of dogs is allowed.
6. On site breeding with female dogs not owned by the petitioner shall be limited to a total of 15 calendar days a year.
7. Outside exercise activities shall be limited to the hours of 7:00 am to 9:00 am and 3:30 pm to 5:00 pm and must be under direct supervision of the petitioner or other 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. Owner will use the 58 acre field across Military Road to spread dog's feces. If this changes a new plan must be submitted to the Planning & Zoning Department 30 days prior to alteration.
10. There shall be no employees outside of family members who reside on the subject property unless approved by the Planning and Zoning Department.
11. There shall be strict observance of all sanitation and animal cruelty rules, regulations or laws of the Town, County, or State of Wisconsin.

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

13. There shall be no employees outside of family members who reside on the subject property.

14. There must be a responsible person on site 24 hours a day.

15. Outside storage of any materials or equipment associated with the kennel is not permitted.

16. The applicant and 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 the Section 16-1-18(e) of the Columbia County Zoning Ordinance or the conditions stipulated by the Home Occupation Permit approved by the Committee Decision are not being complied with, the Planning and Zoning Committee, after a public hearing, may revoke the Home Occupation Permit.

**Item II-** Conditional Use Permit – Wireless Communication Tower – SBA Network Services Inc., Petitioner and Myron G. Hohl, Owner – Town of Caledonia

Chair Teitgen opens Public Hearing.

Mr. Bluemke presents the staff report.

The Petitioner’s Representative 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 Conditional Use Permit for Wireless Communication Tower per the stated findings, conclusions and conditions.  
Seconded by Chair Teitgen.  
Motion carried unanimously.
Findings:
1. The property is owned Myron Hohl.
2. SBA Network Services, under a lease with the owners, proposes to erect a 190-foot monopole wireless communications tower capable of supporting the antennas of four service providers.
3. The proposed site is subject to the requirements of Title 16, Chapter 6, and the Columbia County Wireless Communications Ordinance.
4. Sec. 16-1-5 (b)(2)(e) of the Columbia County Zoning Ordinance requires that a conditional use permit be obtained for a new communications tower.
5. Submittals by the applicant indicate that the site will be developed in accordance with the standards of Chapter 16-6.
6. The application also complies with the general criteria of Sec. 16-1-18 (e) of the Columbia County Zoning Ordinance.
7. The Town of Caledonia has recommended approval of the wireless tower.

Conclusions:
1. The proposed use is consistent with the purpose and intent of Title 16, Chapter 6.
2. The proposed use is also consistent with the purpose and intent of Title 16, Chapter 1.
3. The proposed use complies with all applicable standards and criteria.
4. The application qualifies for a Conditional Use Permit.

Conditions:
1. The tower construction and operation shall be in compliance with Section 16-6 of Columbia Code of Ordinances.
2. Liability insurance and bonding for tower removal as specified under Sec. 16-6-5 (e) shall be maintained during the life of the tower.
3. The tower shall be removed in accordance with the provisions of Sec. 16-6-5 (f) upon cessation of its operation or use.
4. The leased area shall be screened and landscaped in accordance with Section 16-6-8(d).
5. An Emergency Response Number must be assigned and posted at the tower.
6. Development of the site shall comply with all applicable national, state and local building and electrical codes.

Item III- Rezoning – Agricultural to Rural Residential and Agricultural to Agricultural with Agricultural Overlay — Richard & Amber Reierson, Petitioners & Owners – Town of Lowville

Chair Teitgen opens Public Hearing.

Mr. Bluemke presents the 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 represented by Curt Walters - Chair and Minutes on file.

Chair Teitgen closes Public Hearing.

**Motion by Mr. Foley to approve rezoning from Agricultural to Rural Residential and Agricultural to Agricultural with Agricultural Overlay effective upon recording of the Certified Survey Map.**
Seconded by Mr. Baumgartner.
Motion carried unanimously.

**Item IV - Rezoning - Agricultural to Rural Residential and Agricultural to Agricultural with Agricultural Overlay —Marilyn Rowley, Petitioner & Lucille Uttech Estate, Owner – Town of Lowellville**

Chair Teitgen opens Public Hearing.

Mr. Bluemke presents the staff report.

The Petitioner was present and states that staff report should reference Hagan Road as site address.

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 Curt Walters - Chair and Minutes on file.

Chair Teitgen closes Public Hearing.

**Motion by Ms. Cupery to approve rezoning from Agricultural to Rural Residential and Agricultural to Agricultural with Agricultural Overlay effective upon recording of the Certified Survey Map.**
Seconded by Mr. Baumgartner.
Motion carried unanimously.

**Item V - Rezoning – A-1 Agricultural to R-1 Single Family Residence —Henry Jowett, Petitioner & Owner – Town of Lewiston**

Chair Teitgen opens Public Hearing.
Mr. Bluemke presents the 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 Mr. Baumgartner to approve rezoning from A-1 Agriculture to R-1 Single Family Residence.**  
*Seconded by Ms. Cupery.*  
*Motion carried unanimously.*

**Item VI - Rezoning – RR-1 Rural Residential to A-1 Agricultural — Jason Link, Petitioner & Owner — Town of Springvale**

Chair Teitgen opens Public Hearing.

Mr. Bluemke presents the 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 Mr. Foley to approve rezoning from RR-1 Rural Residential to A-1 Agricultural effective upon recording of the Certified Survey Map.**  
*Seconded by Ms. Cupery.*  
*Motion carried unanimously.*
Item VII- Rezoning – A-1 Agricultural to RR-1 Rural Residential — Blayde Elert &
Linda Elert, Petitioners & Owners – Town of Wyocena

Chair Teitgen opens Public Hearing.

Mr. Bluemke presents the 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.

Chair Teitgen shares letter of opposition from Mr. Neuman and list of
property owners expressing opposition.

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 Residential.
Seconded by Chair Teitgen.
Motion carried unanimously.

11. Adjourn

Motion by Mr. Foley to adjourn meeting.
Seconded by Ms. Cupery.
Motion carried unanimously.

Meeting adjourned at 4:50 PM.

Respectfully submitted,

Mary Cupery, Secretary
Planning and Zoning Committee
Planning and Zoning Committee Minutes -12-  

September 4, 2012

Susan Runnion
Recording Secretary
Susan Runnion, Office Administrator

cc: Committee Members
    Andy Ross, County Board Chair
    Vern Gove, County Board Vice Chair