Tuesday, January 4, 2005

Planning and Zoning Committee Regular Monthly Meeting and Public Hearings
Columbia County Administration Building
Portage, WI 53901

11:00 AM

Meeting called to order by Chair, Harlan Baumgartner

Present – Harlan Baumgartner, John Stevenson, John Healy, Harlan Horton and Phil Baebler

Present from the Planning and Zoning Office – John Bluemke, Randy Thompson and Jeannine Baertsch

Also present – Susan Martin, County Board Chair

Approval of Agenda – Motion by John Stevenson, seconded by Harlan Horton to approve the agenda. Motion carried unanimously.

Approval of Minutes – Motion by Harlan Horton, seconded by Phil Baebler to approve the December 7th, 2004 minutes. Motion carried unanimously.

Out of County travel – There will be a meeting with the Sauk County Planning and Zoning staff in January, 2005. No date has been set at this time.

Approval of Vouchers – Motion by John Healy, seconded by Phil Baebler to approve the vouchers. Motion carried unanimously.

Comprehensive Planning – Randy Thompson hands out information to the committee on the Comprehensive Plan Time Schedule and the Comprehensive Plan Progress Report. There is discussion on the two items listed above. Would like to hold two meetings – one on the East side of the County and one here in Portage. There are 15 towns participating with us.

John Healy – Do you feel towns are where they should be at this point?

Randy Thompson - Yes, at the Open House Meetings that will be set up would like to make sure the towns are understanding. In January, February and March Open House Meetings will be held.

John Bluemke - Feels it would be a good idea to give a presentation to County Board. Randy Thompson - Explains County Board will also be invited to the Open Houses.
Susan Martin – The new members on County Board need to be educated and also have the existing members updated.

Harlan Baumgartner – 15-20 minute presentation should be enough.

Susan Martin – Plan on the March County Board meeting for the presentation of the Comprehensive Plan Update.

Zoning/Sanitary –


Motion by John Stevenson, seconded by John Healy to go into open session at 12:20 PM. Motion carried unanimously.

Meeting recessed at 12:20 PM.

Meeting reconvened at 4:00 PM.

A petition by Miller and Miller, LLC, Agent for Vearl O. Anacker Estate, James Anacker, Personal Representative, Bellevue, NE to rezone from Agricultural to Agricultural No. 2, property at W11632 STH 33, located in part of the NW ¼ of the NW ¼, Section 20, Town 12N, Range 8E, Town of Caledonia. Intent: To build one single family residence.

John Bluemke – Gives staff report.

Harlan Baumgartner – Any questions of the committee or staff? No response.

Harlan Baumgartner – Any questions of the petitioner?

Dawn Marquardt of Miller and Miller – Agree with the staff report.

Harlan Baumgartner – Anyone in favor of the rezoning request? No response
Anyone in opposition to the rezoning request? No response.

Harlan Baumgartner – Any questions of the committee? No response.

The Town Board is on record approving of the rezoning request.

Harlan Baumgartner – As petitioner you have last say is there anything you wish to add?

Dawn Marquardt of Miller and Miller – No.

The Public Hearing is closed.

Motion by John Healy, seconded by John Stevenson to recommend approval of the rezoning request. Motion carried unanimously.

A petition by Stephen Agnew, Columbus, Wisconsin to rezone from Agricultural to Rural Residential, property on County DG, located in part of the NW ¼ of the NE ¼, Section 16, Town 11N, Range 12E, Town of Fountain Prairie. Intent: To build one single family residence.

John Bluemke – Gives staff report.

Harlan Baumgartner – Any questions of the committee? No response.

Harlan Baumgartner – Any questions of petitioner?

Stephen Agnew – No.

Harlan Baumgartner – Anyone in favor of the rezoning request? No response.
Anyone in opposition to the rezoning request? No response.

The Town Board is on record approving of the rezoning request.

Harlan Baumgartner – As petitioner you have last say is there anything you wish to add?

Stephen Agnew – No.

The Public Hearing is closed.
Motion by Harlan Horton, seconded by Phil Baebler to recommend approval of the rezoning request subject to: The recording of the Certified Survey Map, and submittal of a copy of the recorded Deed Restriction to the Planning and Zoning Department. Motion carried unanimously

A petition by Will Sadek, Lodi, Wisconsin to rezone from Agricultural to Agricultural No. 2, a parcel of land described as Government Lot 2, located in Section 13, Town 11N, Range 8E, Town of Dekorra. Intent: To build one single family residence.

John Bluemke – Gives staff report.
Harlan Baumgartner – Any questions of the committee or staff? No response.

Harlan Baumgartner – Any questions of petitioner?

Will Sadek – No.

Harlan Baumgartner – Anyone in favor of the rezoning request? No response. Anyone in opposition to the rezoning request? No response.

The Town Board is on record approving.

Ken Erdahl, Town Board of Dekorra – Where the driveway goes, it floods. They have received approval from the Town Engineer to correct the driveway problem.

Harlan Baumgartner – As petitioner you have last say is there anything you wish to add?

Will Sadek – No.

The Public Hearing is closed.

Motion by John Stevenson, seconded by Harlan Horton to recommend approval of the rezoning request. Motion carried unanimously.

A petition by Scott and Joyce Felicijan, Rio, Wisconsin for a Home Occupation on property described as Lot 1, Certified Survey Map Number 4057, Section 19, Town 11N, Range 10E, Town of Lowville. Intent: Milk Hauling Operation.

John Bluemke – Gives staff report.
Harlan Baumgartner – Is petitioner present and wishing to add anything?

Scott Felicijan – Passes out information to the committee.

Joyce Fleicijan – Reads the information that was passed out. Concerns with a couple of Recommendations/Conditions for a Major Home Occupation Permit.

Phil Baebler – What is the 5th truck used for?

Joyce Felicijan – If our milk business would increase we would need additional trucks.

Harlan Baumgartner – Anyone in favor of the Major Home Occupation? No response.

Diane Tomlinson – Speaks against. Wants the committee to hold the line on what the town board has recommended.

Dan Stencel – Speaks against. Against the Home Occupation. Against 5 trucks. This is only 5 acres. This will be a major business.

Harlan Baumgartner – Anyone else wishing to speak against?

Eldon Saager, Chair Town Board of Lowville – The Plan Commission did not give us minutes. The Town Board has approved with recommendations.

Harlan Baumgartner – Any questions on the recommendations the town sent?

Harlan Horton – Feelings on Item 10, outside storage. Not saying you can’t have more than 5 trucks (not on the lot), additional trucks shall be parked where the driver lives.

John Bluemke – These 5 trucks are for milk hauling only.

Harlan Baumgartner – Yes, as stated under Condition #6.

Phil Baebler – This 5th truck would be used if something happened to one of the other trucks?

Scott and Joyce Felicijan – Yes.

Harlan Baumgartner – As petitioner is there anything you wish to add?

Joyce Felicijan – Reads information to the committee.
The Public Hearing is closed.

Discussion – Motion by John Stevenson, seconded by John Healy to approve the Major Home Occupation subject to the following conditions:

1) The conditions requested by the Town of Lowville Plan Commission memo are hereby incorporated by reference as part of this Major Home Occupation, however, the County is not responsible for enforcing said conditions, unless an individual condition is specifically included below as a condition of approval. In the event the Town submits a finding of noncompliance with any item of the above referenced memo for which the County has not assumed direct enforcement authority, upon written request by the Town the County reserves the right to review the Major Home Occupation Permit.

2) The Home Occupation Permit is not transferable pursuant to Sec. 16-1-13 (g)(6).

3) The Home Occupation Permit shall only be for the exclusive use of a milk hauling business.

4) Currently there are four employees, which is the maximum that is allowed.

5) There shall be no signs posted advertising the home occupation, so as to help maintain the residential character of the property.

6) The home occupation is limited to keeping five (5) business trucks on the site, and the trucks and trailers must be stored inside the shed when they are on the property, permanent or overnight outdoor parking of business-related vehicles is not permitted. The intent is to require the provision for and maintenance of interior parking spaces for all business vehicles.

7) Only minor repair and services of the trucks can take place on the property, and waste oil and other material shall be handled in accordance with applicable regulations.

8) The on site idling of trucks associated with the business shall be limited to 15 minutes if outside the accessory structure.

9) The fuel storage facilities shall meet all applicable state and federal regulations and be at least partially screened by landscaping.

10) Outside storage of any materials associated with the business is not permitted.

11) Planting of evergreen trees and shrubs to help screen the shed used for truck storage. The landscape plans for this must be submitted to and approved by the Planning and Zoning Department within six (6) months of obtaining the zoning permit and installed no later than six (6) months after the plan is approved or on a schedule approved by the Zoning Administrator. At the time of planting the minimum size of the planting shall be as follows: deciduous trees 3/4 inch in diameter; evergreen trees 4 feet in height; shrubs 12 inches in height. The owner of the premises shall be responsible for the watering, maintenance, repair and replacement of the landscaping, and all plant material that has died shall be replaced with equivalent vegetation within twelve (12) months.
12) New lighting for the shed shall be oriented so that the lighting element (or transparent shield) is not visible from an adjacent property or the highways, and shall be the minimum needed to provide for safety and security. The use of shielded luminaries and careful placement of fixtures is encouraged to facilitate compliance with this requirement.

13) No wastewater or water containing petroleum can be run onto the ground of the subject property, however the exterior of trucks can be washed with a biodegradable agent.

14) No engine braking shall be allowed near the property.

15) The petitioner shall provide the County with evidence that the onsite waste disposal system is capable of handling both the residence and home occupation before it is installed.

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

Motion carried unanimously.

A petition by John and Sally Guger, Lodi, Wisconsin for a Major Home Occupation on property described as part of the SW ¼ of the SE ¼, Section 11, Town 10N, Range 7E, Town of West Point. Intent; Pottery and Sculpture Studio.

John Bluemke – Gives staff report.

Harlan Baumgartner – Any questions of the committee? No response.

Harlan Baumgartner – Is petitioner present and wishing to add anything?

Sally Guger – Asking for dust to dawn lights shinning on our sign. Speaks about the sign she made stating there is no backing up on STH 188.

Harlan Baumgartner – Any question of committee? No response.


The Town board is on record approving.

Sally Guger – Comments on the sign and lighting.

John Healy – Asks about a time limit on this.
Harlan Baumgartner – As petition you have last say is there anything you wish to add?

Sally Guger – No.

The Public hearing is closed.

Motion by John Healy, seconded by Phil Baebler to approve the Major Home Occupation subject to the following conditions:

1) In the event the Town submits a finding of a potential negative impact as a result of the home occupation, upon written request by the Town the County reserves the right to review the Major Home Occupation Permit.
2) The Home Occupation Permit is not transferable pursuant to Sec. 16-1-13 (g)(6).
3) No persons other than members of the resident family are to be employed by the home occupation.
4) The “Lake Spur Blue” sign shall not be changed or relocated without written approval by the Committee and it shall not be illuminated at any time, so as to help maintain the residential character of the property.
5) There shall be no display of materials for sale outside the dwelling.
6) There shall be no backing of customer vehicles onto STH 188 and there shall be a sign no larger than 1’ by 1’ placed in front of the parking spaces advising customers of this condition.
7) An appropriate legal instrument that will combine the separate parcels be approved by the Department and recorded with the Register of Deeds.
8) The applicant and owner shall comply with and obtain all necessary permits required by applicable federal, state, and local regulations.

Motion carried unanimously.

A petition by Wisconsin State Horse Council Equine Foundation, Agent for Roger and Joan Herzberg, Columbus, Wisconsin for a Conditional Use Permit under Section 16-1-5(b)(2) of the Columbia County Zoning Ordinance to develop a Horse Park on property at N729 River Road, located in part of the NE ¼ of the SE ¼, Section 25, Town 10N, Range 12E, Town of Columbus.

John Bluemke – Gives staff report.

Harlan Baumgartner – Any questions of committee? No response.
Jim Simons, Walworth County – The road will be to the South. Landscape plan will be submitted when we apply for the zoning permit. Would like the noise level to be louder and asking for the time to be from 6AM – 11PM. Outdoor to be the same as the indoor time.

Harlan Baumgartner – Any questions of committee?

John Stevenson – Asks about waste disposal?

Jim Simons – Will have containers and the county will be handling this in the beginning.

Harlan Baumgartner – Anyone in favor of the Conditional Use Permit?

Lee, President of downtown improvement – Speaks in favor. This will be a benefit to the community.

Ken Bates, Superintendent of Schools – Speaks in favor. Reads a letter to the committee.


Wayne Osterhoff – Speaks in favor. Member of school board. Will educate kids, family event.


Harlan Baumgartner – Anyone opposed to the Conditional Use Permit?

Connie Schultz, W258 Sydo Road, Columbus, WI – Speaks against. Adjacent land owner. Hands out information to the committee, reads this information.

Jeff Schultz, W258 Sydo Road, Columbus, WI – Speaks against. My hunting will be ruined.
Diane from Dodge County – Speaks against. Concerned with the noise.

Harlan Baumgartner – The town board is present.

Eugene Damm, Chair, Town Board of Columbus – Present. The Town Board had a hearing in December, we voted in favor of the Conditional Use Permit.

Harlan Baumgartner – As petitioner anything you wish to add?

Jim Simons – There is a considerable distance between adjacent properties. We are hiring MSA to control runoff. Land selling for $3,000/acre went up to $5,000/acre now.

John Bluemke – Asks about shooting?

Jim Simons – Shooting will be inside. Occasionally will be outside if possible.

Harlan Baumgartner – Questions of staff? No response.

John Bluemke – Comments on the Landscaping Plan.

The Public Hearing is closed.

Motion by Harlan Horton, seconded by John Healy to approve the amendments to the 21 recommendations. Motion carried unanimously.

Motion by Harlan Horton, seconded by John Stevenson to approve the Conditional Use Permit subject to the following conditions:

1) The conditions requested by the Town of Columbus per the “Herzberg/Wisconsin Horse Park – Town of Columbus Conditions” are hereby incorporated by reference as part of this Conditional Use Permit, however, the County is not responsible for enforcing said conditions, unless an individual condition is specifically included below as a condition of approval. In the event the Town submits a finding of noncompliance with any item of the above referenced memo 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 becomes effective when the Wisconsin State Horse Council Equine Foundation takes title to the 145 acres and the access road from STH 89, which must take place within eighteen (18) months of the date of the public hearing, unless an extension is granted. The first phase (all site work and the construction of the 81,000 square foot arena and stalls for 300 horses) of the
3) The horse park must be established within eighteen (18) months of the effective date of the Conditional Use Permit unless an extension is granted.
4) The Conditional Use Permit is not assignable to any other entity unless the transfer is reviewed by the Town and reviewed and approved by Columbia County.
5) The parcels making up the 145 acres shall be combined by a Certified Survey Map into one lot.
6) Any changes to the square footage of the structures, area or number of parking spaces, and size of outdoor arenas shown on the site plan submitted as part of this application must be reviewed by the Town and reviewed and approved by the County.
7) Only the offices for the Wisconsin State Horse Council, Wisconsin State Horse Council Equine Foundation, the Midwest Horse Fair, the Wisconsin Horse Park shall be allowed within the facility.
8) A landscaping plan shall be submitted to and approved by the Planning and Zoning Department within six (6) months of the State’s approval of the building plans, and installed no later than six (6) months after approval of the landscape plan or on a schedule approved by the Zoning Administrator. All new evergreens to be planted must be at least 4’ high, deciduous trees at least 1 ½” in caliper, and shrubs at least 1’ high. The landscaped area, including any mulch and edging, trees, shrubs, lawn and prairie shall be maintained, and all planting shall be maintained and replaced if diseased or dead.
9) The Town must review and recommend approval of any property line fencing to the Planning and Zoning Department.
10) A Storm Water Management Plan designed to contain a 25 year storm must be reviewed and approved by the Columbia County Planning & Zoning and Columbia County Land & Water Conservation Departments, and upon written request any costs incurred by the County as part of this review will be reimbursed by Wisconsin State Horse Council Equine Foundation. The plan may be approved prior to the approval of the building plans, but must be approved no later than 6 months after building plan approval.
11) A nutrient management and composting plan for the disposal of horse bedding must be approved by the County within one (1) year of the completion of the first phase of the project.
12) The main access to the property will be by State Highway 89 and the River Road. Access will be signed and gated to limit this access to emergency service providers and service vehicles.

13) The level of noise or sound generated by the horse park or horse park activities shall not exceed 70 decibels at the property line, and berms, approved by the Planning and Zoning Department shall be installed to attenuate noise in the vicinity of the Herzberg property.

14) Hours of operation shall be, for scheduled outdoor activities, from 7:00 am until 10:00 pm., however scheduled equine events can be completed, but must not extend past 11:00 pm. Hours of operation for scheduled indoor activities are from 6:00 am until completion.

15) Any “Mounted Calvary” events involving the use of firearms with blank ammunition shall be indoors.

16) Parking of vehicles in the area designated for electric and water hookup is permitted only in conjunction with approved operating events and such parking shall be limited to fourteen (14) consecutive days. A copy of a campground permit from the State or written confirmation that a permit is not needed must be provided to the Planning and Zoning Department.

17) The food service court and gift shop shall only be open during scheduled events and only serve event participants or spectators.

18) The only vendors allowed are those associated with an approved event and can only be on the property during the event for which they received permission to attend.

19) All lighting for the horse park 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.

20) The Town must review and recommend approval to the County Planning and Zoning Department for all signage.

21) The Wisconsin State Horse Council Equine Foundation shall comply with and obtain all necessary permits required by applicable federal, state, and local regulations.

22) Allowable events and activities shall be centrally focused on equine related events and education, but other activities that promote or support the agricultural community as outlined below shall be allowed:

**Horse Shows:** These shows includes any equine show, competition, or performance involving equine, conducted indoor or outdoor, whether the equine is driven, ridden under a saddle or bareback, at halter or at liberty. These shows may include shows, competitions, or performances in which guns are fired using blanks or specially modified loads to burst balloons.
Seminars and Education events: These events may involve any agriculturally related meeting or training class in which individuals or groups come together to learn. The Foundation intends to sponsor equine seminars. Other agriculturally related organizations may utilize our facility to educate their members or the public. These may also include training classes for equine.

Tack Shows, Auctions and Exchanges. These events shall involve only the sale of equine and equine related items by vendors who purchase temporary space and sell equine related items to the public. This may also include equine or other agriculturally related shows where individuals come together to sell or swap equipment.

Rodeos: Rodeos are competitive events in which various competitions are held involving horses, cattle and goats.

Other Agriculturally Related Animal Shows: These shows will involve agriculturally related animals. The shows would include any recognized manner of showing or demonstrating the conformation or ability of the animal in question. These shows may also include training classes.

Long Term Stabling: No long term (more than fourteen consecutive days) stabling or residential care of animals is allowed as it is the intention of the horse park to be used for shows and events.

Under no circumstances will the following activities be permitted either separately or in conjunction with allowed events:

- Outdoor Concerts of any kind
- Music inside unless it is directly associated with and incidental to an approved event
- Firearms shooting events (live ammunition)
- Fireworks

Motion carried unanimously.
Motion by John Healy, seconded by Harlan Horton to adjourn. Meeting adjourned at 7:00 PM. Motion carried unanimously.

Respectfully Submitted,

John Stevenson, Secretary
Planning and Zoning Committee

Recording Secretary

Jeannine C. Baertsch
Office Administrator

Cc: Committee Members
   County Clerk
   Susan Martin