PLANNING & ZONING COMMITTEE MINUTES
MAY 6, 2008

PRESENT: Douglas Richmond, Phil Baebler, John Healy

ABSENT AND
EXCUSED: Fred Teitgen, Harlan Baumgartner

STAFF: John Bluemke, Director, Michael Stapleton, Zoning
        Administrator, Susan Runnion, Office Administrator,
        Randy Thompson, Planning Administrator, Brian Zirbes,
        Principal Planner

BUSINESS MEETING

1:00 PM

1. Chair Richmond called the meeting to order at 1:00 PM

2. Certification of Open Meeting Law

3. Roll Call

4. Approval of Agenda

   Motion by Mr. Healy to approve Agenda of May 6, 2008 Planning & Zoning
   Committee Regular Meeting & Public Hearing. Seconded by Mr. Baebler.
   Motion carried unanimously.

5. Approval of Minutes

   Motion by Mr. Baebler to approve Minutes of April 1, 2008 Planning & Zoning
   Committee Regular Meeting & Public Hearing. Seconded by Mr. Healy.
   Motion carried unanimously.

6. Department Report
   a. Financial
      • Out of County travel – no travel anticipated
      • Expenditure Report
        Motion by Mr. Healy to approve Expenditure Report. Seconded by
        Mr. Baebler.
        Motion carried unanimously.

   b. Enforcement
      Mr. Stapleton reviews Enforcement Report.
Planning Update –

Mr. Zirbes discusses Comprehensive Plan status. Progress on West Point Park Plan will continue when list of facilities is provided.

2:00 PM
7. View Sites

4:00 PM

8. Public Hearing

Item I – Home Occupation Permit – April Carlson, Petitioner and Owner – Town of Marcellon – Dog Breeding Kennel

Chair Richmond opens Public Hearing

Mr. Bluemke presents the staff report and revision of Condition #9 which requires a solid wood fence to be constructed around the entire kennel. Mr. Bluemke points out staff report recommendation for fewer dogs than originally requested.

Chair Richmond asks if anyone has any questions.

Petitioner present and inquires about decrease in dog capacity. Town recommends dog doors and expansion to allow all dogs in one area. Needs more than six month time limit for expansion.

Mr. Bluemke explains these are conditions similar to conditions, including the number of dogs, for other kennels that have been approved.

Chair Richmond asks if anyone is in favor of petition. (no comments)

Chair Richmond asks if anyone is against the petition. (no comments)

Town Board represented by Ms. McDonald Rawson, Town Supervisor. Contacted by a concerned neighbor that reported dogs barking during a time when they should be in the kennel. The petitioner committed to paying dog taxes by January 31st at the April Town Board Meeting. The Town Treasurer confirmed the dog licenses have not been paid to date.

Ms. Carlson states she is prepared to pay for the license fees this evening.

Chair Richmond closes Public Hearing.
Motion by Mr. Healy to approve Home Occupation Permit for Dog Breeding Kennel.
And adopt the findings, conclusions and conditions.
   Seconded by Mr. Baebler.
   Motion carried unanimously.

Findings:
1. Mr. and Mrs. Vernon Carlson are the owners of a Labrador Retriever and Weimaraner kennel.
2. The Carlson’s are 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, with conditions.
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 kennel.

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 conditions requested by the Town of Marcellon at the August 8, 2008 meeting are hereby incorporated by reference as part of this Home Occupation Permit unless the same condition is listed below and it is more restrictive. Additionally, 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 meeting for which the County has not assumed direct enforcement authority, upon written request by the Town the County reserves the right to review the Home Occupation Permit.
2. If there are horses to be kept on the property the Home Occupation Permit only becomes effective when a Nutrient Management Plan is approved by the Columbia County Land and Water Conservation Department. Said plan must be approved within 6 months of the date of the public hearing for this Major Home Occupation Permit or the County will commence with enforcement action to bring about compliance for operating a kennel in violation of the Zoning Ordinance.
3. The Home Occupation Permit is not transferable pursuant to Sec. 16-1-13 (g)(6).
4. No additional signs are allowed without a recommendation from the Town and approval of the Planning & Zoning Department.
5. The Home Occupation Permit shall only be for a Labrador and Weimaraner kennel with a maximum of 24 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 24 dogs.
6. All mature dogs must be licensed by the Town.
7. The site plan shall be modified to show all buildings, fences, and runs drawn to scale. Upon review and approval by Department staff this site plan will be signed and noted as the approved plan for the home occupation.
8. All dogs are to be housed inside the new kennel, which shall be maintained with the materials and a design necessary to mitigate sound from within the kennel.
9. The solid wood fence must be constructed around the entire kennel.
10. No boarding of dogs is allowed.
11. Outside activities shall be limited to the hours of 8:00 am to 6:00 pm.
12. 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.
13. The owners must submit documentation as to when the animal waste holding tank was installed and who installed the tank and the operational plan as to how sanitation issues for the kennel will be handled and the plan must be approved by the Department.
14. There shall be strict observance of all sanitation and animal cruelty rules, regulations or laws of the Town, County, or State of Wisconsin.
15. The owners submit to the Department copies of the AKC Care & Conditions and Compliance Reports.
16. There shall be no employees outside of family members who reside on the subject property.
17. There must be a responsible person on site 24 hours a day.
18. Outside storage of any materials or equipment associated with the kennel is not permitted.
19. The applicant and owner shall comply with and obtain all necessary permits required by applicable federal, state, and local regulations.
20. 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- Zoning Change – Agricultural to Single Family Residential, Kristine Beck, Petitioner and Owner – Town of Lodi

Chair Richmond opens Public Hearing.

Mr. Bluemke presents the staff report.
Chair Richmond asks if anyone has any questions.

Chair Richmond asks if anyone is in favor of petition. (no comments)

Chair Richmond asks if anyone is against the petition. (no comments)

Linda Jacobson
W10255 CTH K
Lodi, WI

Has lived there for 54 years and rides her horse along the fence line. Has a concern about the property split, future splits and run off issue.

Town Board not present, but Minutes on file. Town recommended approving rezoning.

Chair Richmond closes Public Hearing.

Motion by Mr. Baebler to approve rezoning from Agricultural to Single Family Residential. Seconded by Mr. Healy.
Motion carried unanimously.

Item III- Zoning Change – Agricultural to Agricultural II, John S. Husefth, Petitioner and Owner – Town of Otsego

Chair Richmond opens Public Hearing.

Mr. Bluemke presents the staff report.

Chair Richmond asks if anyone has any questions.

Petitioner was present.

Chair Richmond asks if anyone is in favor of petition. (no comments)

Chair Richmond asks if anyone is against the petition. (no comments)

Town Board was present and stated that the Town recommended approving the rezoning.

Chair Richmond closes Public Hearing.
Motion by Mr. Healy to approve rezoning from Agricultural to Agricultural II effective upon the recording of a proper legal document combining the parcels into one property with a single metes and bounds boundary description.
   Seconded by Mr. Baebler.
   Motion carried unanimously.

Item IV- Zoning & Wireless Ordinance Text Amendments

   Chair Richmond opens Public Hearing.

   Mr. Bluemke explains purpose for revisions to Title16 Chapter 6 Wireless Communications Facilities Ordinance Amendment.

   Chair Richmond asks if anyone has any questions.

   Chair Richmond asks if anyone is in favor of Title 16 Chapter 6 Wireless Communications Facilities Ordinance Amendment.
      (no comments)

   Chair Richmond asks if anyone is against the Title 16 Chapter 6 Wireless Communications Facilities Ordinance Amendment.
      (no comments)

   Chair Richmond closes Public Hearing.

Motion by Mr. Healy to approve Title 16 Chapter 6 Wireless Communications Facilities Ordinance Amendments.
   Seconded by Mr. Baebler.
   Motion carried unanimously.

   Chair Richmond opens Public Hearing.

   Mr. Bluemke explains purpose for revisions to Title16 Chapter 1 Zoning Ordinance Amendment. Currently there is not a definition for lot lines which is needed to determine setback.

   Chair Richmond asks if anyone has any questions.

   James Grothman
   County Surveyor

   There will be a problem with pre-existing structures which will create a number of substandard setbacks. Easement should be same setback as side lot line (10 feet).
Jeffery Clark  
Attorney

What is the public interest for revisions? There is not a defined setback because it is not considered a road. Are we attempting to create a new class of driveways? Condominiums are all private roads. Are you going to begin regulating?

Also inquires about how trailers are affected by habitable structure and human habitation definitions.

Chair Richmond asks if anyone is in favor of Title 16 Chapter 1 Zoning Ordinance Amendment.  
(no comments)

Chair Richmond asks if anyone is against the Title 16 Chapter 1 Zoning Ordinance Amendment.  
(no comments)

Chair Richmond closes Public Hearing.

**Motion by Chair Doug Richmond to layover Title 16 Chapter 1 Zoning Ordinance text Amendments.**  
Seconded by Mr. Healy.  
*Motion carried unanimously.*

9. Adjourn

**Motion by Mr. Healy to adjourn meeting. Seconded by Mr. Baeblar.**  
*Motion carried unanimously.*

Meeting adjourned at 6:20 PM.

Respectfully submitted,

[Signature]

John H. Healy, Vice Chair  
Planning and Zoning Committee
Susan Runnion
Office Administrator

cc: Committee Members
    Debra Wopat, County Board Chair
    Robert Westby, County Board Vice Chair