

**PLANNING & ZONING COMMITTEE MINUTES
JANUARY 3, 2023**

PRESENT: Denise Brusveen, Doug Richmond, Adam Hahn, Harlan Baumgartner, Andrew Kolberg

STAFF: Kurt Calkins – Director of Planning & Zoning, Lauren Ramirez – Office Administrator, Haley Nielsen – Zoning & Land Use Specialist

ALSO PRESENT: Susan Fisher – Corporation Counsel, Chris Polzer – Chairman of Columbia County Board of Supervisors

1:00 PM

1. Call to order
2. Certification of Open Meeting Law & confirmed meeting was properly noticed and published
3. Roll Call was taken and a quorum declared present
4. Approval of Agenda

Motion by Mr. Richmond to approve Agenda of January 3, 2023 Planning & Zoning Committee Regular Meeting & Public Hearing, with change to move up Items 12 and 13 after Item 6, and move Items 7 and 8 to end.

Seconded by Mr. Baumgartner.

Motion carried unanimously.

5. Approval of Previous Meeting Minutes

Motion by Mr. Kolberg to approve Minutes of December 6, 2022 Planning & Zoning Committee Regular Meeting with grammatical corrections suggested.

Seconded by Mr. Baumgartner.

Motion carried unanimously.

Motion by Mr. Kolberg to approve Minutes of December 21, 2022 Planning & Zoning Committee Special Meeting.

Seconded by Mr. Richmond.

Motion carried unanimously.

6. Citizen Input

Lauren Tonn – Ms. Tonn was present and presented information regarding the PSC and their deadlines.

Mary Flynn Statz – Ms. Statz was present and spoke on PSC and High Noon project.

Dietrich Vedder – Mr. Vedder was present and spoke on and urged citizens to talk with legislature regarding land use.

Citizen Input was done at 1:27.

12. Discussion on County Input to Public Service Commission Regarding Solar Projects

Susan Fisher – Corporation Counsel, spoke on what County can regulate according to Wis. State. Statutes §66.04.01.

Chair Brusveen asked if anyone had questions.

Chair Polzer made statement that he's comfortable moving forward with Resolution if processes are being followed.

A discussion was held regarding the comprehensive plan, farmland preservation plan, and the ordinance. Mr. Calkins reviewed purpose and authority of it, explaining how Wis. State Statutes §91 and the certification of the farmland preservation plan and our zoning ordinance specifies actions.

Ms. Brusveen disagreed with part of information.

11. Discussion on Concerns Regarding Solar Regulation

- Water/runoff + during construction
- Cleanup/decommission
- Require bonds
- Emergency management
- Hazardous/containment for materials
- Storm damage/cleanup for panels
- Aesthetics
- Wildlife/corridors
- Snowmobile routes
- A-4 Overlay
- Groundwater testing
- Loss of species/endangered plants and animals
- Dust
- Road maintenance
- Setback for participating and nonparticipating
- Economic impact on farmland
- Loss for farm related businesses
- Public safety
- Farm animal safety
- Notice earlier
- Pollinators
- Stray voltage
- Heat island
- Contract transparency
- Land productivity at decommission
- Alternate batteries
- Education – PSC/legislatures

Items continued after Public Hearing:

11. Discussion on Concerns Regarding Solar Regulation (continued)

13. Resolution to Request State to Revise Solar Farm Law

3:15 PM

14. Public Hearings

Item I Zoning Change – A-1 Agriculture to RR-1 Rural Residence, and from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay; Petitioners: Eric W Seiler & Courtney L Seiler – Town of Lewiston

Chair Brusveen opened Public Hearing.

Mr. Calkins presented Staff Report.

Chair Brusveen asked if anyone has any questions.

Chair Brusveen asked if anyone is in favor of the petition. (no comments)

Chair Brusveen asked if anyone is against the petition. (no comments)

Chair Brusveen closed the Public Hearing.

Motion by Mr. Richmond to recommend approval of 4.07 acres, more or less, from A-1 Agriculture, and 30.93 acres from A-1 Agriculture with A-4 Agricultural Overlay, all effective upon recording of the Certified Survey Map.

Seconded by Mr. Kolberg.

Motion carried unanimously.

Item II Zoning Change – AO-1 Agriculture and Open Space to R-1 Single-Family Residence; Petitioner: Howard H Hill – Town of Caledonia

Chair Brusveen opened Public Hearing.

Mr. Calkins presented Staff Report.

Petitioner was present.

Chair Brusveen asked if anyone has any questions.

Chair Brusveen asked if anyone is in favor of the request. (no comments)

Chair Brusveen asked if anyone else is against the request. (no comments)

Chair Brusveen closed the Public Hearing.

Motion by Mr. Kolberg to recommend approval of 16.8 acres, more or less, from AO-1 Agriculture and Open Space to R-1 Single-Family Residence, all effective upon recording of the Certified Survey Map.

Seconded by Mr. Baumgartner.

Motion carried unanimously.

Item III Conditional Use Permit – For a Temporary Use – Annual Deer Processing; Applicant: Shedz Storage LLC c/o Stuart Rostad – Town of Marcellon

Chair Brusveen opened Public Hearing.

Mr. Calkins presented Staff Report.

Chair Brusveen asked if anyone has any questions.

Chair Brusveen asked if anyone is in favor of the request. (no comments)

Chair Brusveen asked if anyone is against the request. (no comments)

Chair Brusveen closed the Public Hearing.

**Motion by Mr. Hahn approve Conditional Use Permit for a Temporary Use – Annual Deer Processing located at W5305 State Highway 33, as proposed in the application and accompanying submittals and subject to the following Findings, Conclusions, and Conditions of Approval.
Seconded by Mr. Kolberg.
Motion carried unanimously.**

Findings of Fact:

1. Upon review of the guidelines in Section 12.150.07(4) of the Columbia County Zoning Code, and with the explanation of the criteria in Attachment A of the Staff Report, the Committee finds the following:
 - a. Shedz Storage LLC, c/o Stuart Rostad, is the owner of the subject property.
 - b. Shedz Storage LLC, c/o Stuart Rostad are requesting a Conditional Use Permit to operate a within the zoning district.
 - c. The property is already developed with buildings and a driveway on site.
 - d. 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.
 - e. 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.
 - f. The erosion potential of the site, based on topography, drainage, slope, soil type, and vegetative cover is minimal.
 - g. There is no existing or anticipated water pollution including sedimentation, and no impacts on floodplain and wetlands.
 - h. The site has adequate utilities, including acceptable disposal systems.
 - i. Access to streets and highways is suitable, and ingress and egress is designed to minimize traffic congestion and the potential effect on traffic flow.
 - j. 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 Marcellon and is zoned C-1 Light Commercial
2. Temporary Use-Annual Deer Processing Facility is a conditional use within the zoning district.
3. The proposed use is consistent with the purpose and intent of the Columbia County Zoning Code.
4. Shedz Storage LLC, c/o Stuart Rostad is the petitioner for a Conditional Use Permit. The petition followed the procedures of Section 12.150.07(3) of the Columbia County Zoning Code.

5. The petitioners are proposing to use an existing developed commercial property, which is allowed as a Conditional Use under Table 12.115.02(1).
6. The Town Board has reviewed and recommended approval of the Conditional Use Permit, with conditions, in accordance with Section 12.150.07 of the Columbia County Zoning Code.
7. The Columbia County Planning and Zoning Committee has the authority under Sections 12.150.03(2)b. and 12.150.07 of the Columbia County Zoning Code to conduct public hearings, review, and decide on requests for Conditional Use Permits.
8. The standards of Section 12.130.05 & 12.125.24 of the Columbia County Zoning Code as noted below are applicable:

Conditions for the Decision:

1. Hours of operation. Proposed hours of operation are Monday – Sunday from 10:00 am to 6:00 pm, from September 15 – January 1.
2. On-site slaughter shall be prohibited.
3. All carcass dumpster locations shall be screened from public view.
4. A Temporary Use Permit shall be obtained annually prior to opening operations for the season.
5. All processing and hanging of carcasses shall be located within an enclosed building and clearly screened from view.
6. Signage shall comply with Section 12.145 of the Columbia County Zoning Code.
7. 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.
8. Any significant changes to the approved site plan shall be reviewed and approved by the Town and County.
9. The property owners shall comply with and obtain all necessary permits as required by applicable federal, state, and local regulations.
10. If the Planning and Zoning Committee finds that the review criteria of Section 12.150.07(4) and 12.125.24 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.
11. Any agreement(s) or condition(s) pertaining to this Conditional Use Permit between the Town of Marcellon and Shedz Storage LLC c/o Stuart Rostad are hereby incorporated as part of this Conditional Use Permit; however, the County is not responsible for enforcing said agreement(s) or condition(s), unless an individual point of the agreement(s) or condition(s) is specifically included above as a condition of approval. Any additional Town agreements or conditions are listed below. In the event that the Town submits a finding of noncompliance with any of the item(s) listed below, 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.

Item IV Conditional Use Permit – For a Religious Assembly; Applicant: D Mitchell LLC & John Morauski – Town of Pacific

Chair Brusveen opened Public Hearing.

Mr. Calkins presented Staff Report, and reviewed ongoing violations regarding renting for residential purposes, and conversations and violations with fire chief.

Applicant was present.

Mr. Calkins stated he spoke with Ms. Fisher, who has recommended to lay on the table, and bring back due to ongoing violations.

Mr. Mitchell stated he got residential renters out, and there’s only 1 apartment there that a maintenance man stays in.

Chair Brusveen asked if anyone has any questions.

Chair Brusveen asked if anyone is in favor of the request. (no comments)

Chair Brusveen asked if anyone is against the request. (no comments)

Chair Brusveen closed the Public Hearing.

Motion by Mr. Hahn to lay on table Conditional Use Permit for a Religious Assembly located at N6522 Highway 51 Suite B1 & B2, until notification of compliance, site plan, etc. showing rules of county are being followed.

Seconded by Mr. Richmond.

Motion carried unanimously.

Item V Conditional Use Permit – For an Artisan Workshop; Applicant: D Mitchell LLC & John Morauski – Town of Pacific

Chair Brusveen opened Public Hearing.

Mr. Calkins presented Staff Report, and reviewed ongoing violations regarding renting for residential purposes, and conversations and violations with fire chief.
Applicant was present.

Chair Brusveen asked if anyone has any questions.

Chair Brusveen asked if anyone is in favor of the request. (no comments)

Chair Brusveen asked if anyone is against the request. (no comments)

Chair Brusveen closed the Public Hearing.

Motion by Mr. Baumgartner to lay on table Conditional Use Permit for an Artisan Workshop located at N6522 Highway 51 Suite D, until notification of compliance, site plan, etc. showing rules of county are being followed.

Seconded by Mr. Richmond.

Motion carried unanimously.

Item VI Conditional Use Permit – For a Nonprofit Community Use; Applicant: D Mitchell LLC & John Morauski – Town of Pacific

Chair Brusveen opened Public Hearing.

Mr. Calkins presented Staff Report, and reviewed ongoing violations regarding renting for residential purposes, and conversations and violations with fire chief.

Applicant was present.

Chair Brusveen asked if anyone has any questions.

Chair Brusveen asked if anyone is in favor of the request. (no comments)

Chair Brusveen asked if anyone is against the request. (no comments)

Chair Brusveen closed the Public Hearing.

Motion by Mr. Kolberg to lay on table Conditional Use Permit for a Nonprofit Community Use located at N6522 Highway 51 Suite A4, until notification of compliance, site plan, etc. showing rules of county are being followed.

Seconded by Mr. Hahn.

Motion carried unanimously.

Item VII Conditional Use Permit – For a Contractor Shop; Applicant: D Mitchell LLC & John Morauski – Town of Pacific

Chair Brusveen opened Public Hearing.

Mr. Calkins presented Staff Report, and reviewed ongoing violations regarding renting for residential purposes, and conversations and violations with fire chief.

Applicant was present.

Chair Brusveen asked if anyone has any questions.

Chair Brusveen asked if anyone is in favor of the request. (no comments)

Chair Brusveen asked if anyone is against the request. (no comments)

Chair Brusveen closed the Public Hearing.

Motion by Mr. Baumgartner to lay on table Conditional Use Permit for a Contractor Shop located at N6522 Highway 51 Suite E, until notification of compliance, site plan, etc. showing rules of county are being followed.

Seconded by Mr. Richmond.

Motion carried unanimously.

Item VIII Zoning Change – A-1 Agriculture to RR-1 Rural Residence, and from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay; Petitioners: Gerald P Traut & Jeanne Waelchli-Traut – Town of Otsego

Chair Brusveen opened Public Hearing.

Mr. Calkins presented Staff Report.

Petitioner was present.

Chair Brusveen asked if anyone has any questions.

Chair Brusveen asked if anyone is in favor of the petition. (no comments)

Chair Brusveen asked if anyone is against the petition. (no comments)

Chair Brusveen closed the Public Hearing.

Motion by Mr. Baumgartner to recommend approval of 3.60 acres, more or less, from A-1 Agriculture, and 31.4 acres, more or less, from A-1 Agriculture with A-4 Agricultural Overlay, all effective upon recording of the Certified Survey Map.

**Seconded by Mr. Kolberg.
Motion carried unanimously.**

4:09 PM

7. Chairman’s Update

8. Operational Overview

a. Expenditure Report

Mr. Calkins presented Expenditure Report and reviewed out of ordinary expenses.

Motion by Mr. Richmond to approve Expenditure Report.

**Seconded by Mr. Hahn.
Motion carried unanimously.**

b. Department Budgets, Compensatory Time, Out of County Travel

c. Director’s Staff Report/Update

9. Action on Access Variance Request

- Hill – Town of Caledonia

Mr. Calkins presented Staff Report, and noted the property owner needs Emergency Response Number, and department will follow up with owner for that.

Motion by Mr. Richmond to recommend approval of an Access Variance for Lot 2 to have no frontage on a public road subject to the following conditions: A note being placed on the CSM stating: “A variance to Section 12.210.04(5) was approved by the Planning and Zoning Committee on January 3, 2023 to waive road frontage requirements for Lot 2 noting private platted road.”

The variance will become effective upon recording of the Certified Survey Map.

**Seconded by Mr. Kolberg.
Motion carried unanimously.**

- Hilmers Storage & Rentals LLC – Town of Otsego

Mr. Calkins presented Staff Report.

Motion by Mr. Richmond to recommend approval of an Access Variance for Lot 2 to have no frontage on a public road subject to the following conditions: A note being placed on the CSM stating: “A variance to Section 12.210.04(5) was approved by the Planning and Zoning Committee

**on January 3, 2023 to waive road frontage requirements for Lot 2 noting access if provided through common recorded easement.” The variance will become effective upon recording of the Certified Survey Map.
Seconded by Mr. Kolberg.
Motion carried unanimously.**

10. Action on Driveway Exception

- Cleary – Town of Lodi

Mr. Calkins present Staff Report.

**Motion by Mr. Kolberg to approve Driveway Exception.
Seconded by Mr. Baumgartner.
Motion carried unanimously.**

11. Discussion on Concerns Regarding Solar Regulation (continued)

It was discussed and concluded that the list created will be reviewed by Planning & Zoning Staff and Corporation Counsel and brought back addressing each in either discussion or Resolution based on what we can do regarding each point.

13. Resolution to Request to Revise Solar Farm Law

A discussion was held regarding Resolution to State Legislature to request solar farm law revision and Resolution to PSC. It was determined that Planning & Zoning staff, along with Chair Brusveen, would work on drafting this.

15. Adjourn

**Motion by Mr. Richmond to adjourn meeting.
Seconded by Mr. Kolberg.
Motion carried unanimously.**

Meeting adjourned at 4:42 PM

Respectfully Submitted,



Adam Hahn, Secretary
Planning & Zoning Committee



Recording Secretary
Lauren Ramirez, Office Administrator

cc: Committee Members
 County Board Chair
 County Board Vice Chair