

**PLANNING & ZONING COMMITTEE MINUTES
APRIL 4, 2023**

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

STAFF: Kurt Calkins – Director of Planning & Zoning, Lauren Ramirez – Office Administrator, Renee Pulver-Johnson – Principal Land Use Planner

ALSO PRESENT: Joe Ruf – Corporation Counsel

2:30 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

Chair Brusveen expressed concern regarding cell tower citing topic not being included on Agenda.

Joe Ruf clarified reasons it was not, including it being too broad of a topic, conflict with standing rules, and current pending litigation that topic could lead into. He stated final approval comes from Chair Polzer, who did approve the Agenda as presented.

**Motion by Mr. Baumgartner to approve Agenda of April 4, 2023 Planning & Zoning
Committee Regular Meeting & Public Hearing.
Seconded by Mr. Kolberg.
Motion carried unanimously.**

Mr. Richmond led a discussion on Robert's Rules of Order and expressed concerns about how Committee and County Board meetings are being ran.

5. Approval of Previous Meeting Minutes

**Motion by Mr. Richmond to approve Minutes of March 7, 2023
Planning & Zoning Committee Regular Meeting.
Seconded by Mr. Kolberg.
Motion carried unanimously.**

6. Public Input

Skyler Severson – Mr. Severson handed out documents and a petition he had citizens sign regarding cell tower placement. He is requesting a cell tower application near him be denied.

Barnaby Cook – Mr. Cook also spoke on cell tower placement and expressed concerns.

7. Chairman's Update
8. Operational Overview

- a. Approval of Expenditure Report

Mr. Calkins presented Expenditure Report.

**Motion by Mr. Richmond to approve Expenditure Report.
Seconded by Mr. Baumgartner.
Motion carried unanimously.**

- b. Department Budgets, Compensatory Time, Out of County Travel
 - c. Director's Staff Report/Update

3:00 PM

9. Public Hearings

Item I Conditional Use Permit – For a Bed & Breakfast; Applicant: Joseph Storkson – Town of Lewiston

Chair Brusveen opened Public Hearing.

Ms. Pulver-Johnson presented Staff Report.

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 in against the request.

Erica Zellmer – Adjacent property owner, was present and expressed concerns regarding listed advertisement online for rental.

A discussion was held regarding advertisements, definitions and classifications of rentals, violation/complaint/revocation of CUP process, and clarification of Conditions in Staff Report.

Chair Brusveen asked if anyone else is in against the request.

Matt Bremer – Town of Lewiston Plan Commission Chair, was present and not for or against request. He reviewed meeting with Town.

Sharon Raddatz – Ms. Raddatz, close neighbor, was present and expressed concerns.

A discussion was held regarding her concerns, and the Joseph Storkson's rebuttal.

Chair Brusveen closed the Public Hearing.

**Motion by Mr. Baumgartner to approve Conditional Use Permit for a Bed & Breakfast located at W9963 County Highway O, as proposed in the application and accompanying submittals and subject to the following Findings, Conclusions, and Conditions of Approval. Seconded by Mr. Richmond.
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. Joseph Storkson is the owner of the subject property.
 - b. Joseph Storkson is requesting a Conditional Use Permit to operate a Bed and Breakfast within the A-1 Agriculture zoning district.
 - c. The property is already developed with a single-family residence and 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 Lewiston and is zoned A-1 Agriculture.
2. A Bed and Breakfast is a conditional use within the A-1 Agriculture zoning district.
3. The proposed use is consistent with the purpose and intent of the Columbia County Zoning Code.
4. Joseph Storkson 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 petitioner is proposing to use an existing single-family residence as a Bed and Breakfast, which is allowed as a Conditional Use under Table 12.110.02(1).
6. The Lewiston 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 12.125.11(2) of the Columbia County Zoning Code as noted below are applicable:
 - a. No premises shall be utilized for a bed and breakfast unless there are at least two exits to the outdoors from such premises.
 - b. The dwelling unit in which the bed and breakfast takes place shall be the principal dwelling of the operator or owner and said operator or owner shall live on the premises when the bed and breakfast is active, as required under the Wisconsin Administrative Code
 - c. The Conditional Use Permit shall not be transferable to another owner.
 - d. The maximum stay for any occupants of a bed and breakfast establishment shall be 31 consecutive days.
 - e. All such facilities shall be required to obtain a license to serve liquor, if applicable.

- f. In addition to any state required license fee, each operator of a bed and breakfast establishment approved under this or previous County codes or ordinances 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. Within the A-1 district, such uses shall also be subject to the following additional limitations:
 - 1. Be conducted by the owners or operators of the farm, and employ no other persons.
 - 2. Require no buildings, structures, or improvements other than a preexisting farm residence, an agricultural accessory structure, or both.
 - 3. Not impair the current or future agricultural use of the farm or of other farmland that is within the A-1 district legally protected from nonagricultural development, or both.

Conditions for the Decision:

- 1. The Conditional Use Permit is not transferrable to another owner.
- 2. No accessory structure or camping unit shall be used for living or sleeping purposes.
- 3. Quiet hours shall be 10:00 pm – 8:00 am on weekdays, and 11:00 pm – 8:00 am on weekends. Noise levels at the property line shall not exceed 55 dBA during these hours.
- 4. All fires shall be in a proper fire pit structure, and shall be extinguished during established quiet hours.
- 5. The use of fireworks shall be prohibited.
- 6. The use of firearms shall be prohibited.
- 7. Special events or parties in which more than 12 people are present shall be prohibited. Gatherings that include people that are not valid guests shall only take place outside of quiet hours. During quiet hours, the only persons on site shall be registered guests, not to exceed eight (8).
- 8. Parking shall be provided on-site. All off-street parking shall be on a paved or gravel surface and shall be arranged to facilitate easy ingress/egress of all vehicles.
- 9. Occupancy associated with the Bed and Breakfast shall be limited to eight (8) persons, including the full-time residents.
- 10. A 24-hour contact number shall be provided to the Planning and Zoning Department and Town Clerk.
- 11. The use of ATVs on the property shall be prohibited.
- 12. The property shall remain free and clear from citation and charges for nuisance, disorderly conduct, or other illegal activity.
- 13. Garbage and recycled materials shall be properly stored and disposed of regularly.
- 14. The owner's website or other advertising site shall state that there are local government conditions and restrictions associated with this Bed and Breakfast in order to maintain a predominately single-family, owner-occupied character of the surrounding area.
- 15. The availability of the Bed and Breakfast to the public and tourists/transients shall not be advertised on site.
- 16. The appearance or use of the Bed and Breakfast 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.
- 17. The owner shall comply with and obtain all necessary permits required by applicable federal, state and local regulations.
- 18. 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.
- 19. If the Planning and Zoning Committee finds that the review criteria of Subsection 12.150.07(4) 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.
- 20. In addition to any State required license fee, each operator of a Bed and Breakfast shall provide the County with an annual fee and an annual report on a form furnished by the County to confirm compliance with any applicable requirements or conditions of approval.
- 21. Any agreement(s) or condition(s) pertaining to this Conditional Use Permit between the Town of Lewiston and Joseph Storkson 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 II Zoning Change – A-1 Agriculture to RR-1 Rural Residence and from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay; Petitioner: Keith Cottingham & Cindy Cottingham – Town of Leeds

Chair Brusveen opened Public Hearing.

Mr. Calkins presented Staff Report.

Petitioners were 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 else is against the petition. (no comments)

Chair Brusveen closed the Public Hearing.

Motion by Mr. Kolberg to recommend approval of 1.81 acres, more or less, from A-1 Agriculture to RR-1 Rural Residence, and 37.22 acres, more or less, from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay, effective upon recording of the Certified Survey Map.

Seconded by Mr. Hahn.

Motion carried unanimously.

Item III Zoning Change – A-1 Agriculture to RR-1 Rural Residence and from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay; Petitioner: Dean & Annette Waterworth Family Trust dated 8/2/2022 – Town of Columbus

Chair Brusveen opened Public Hearing.

Ms. Pulver-Johnson 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. Richmond to recommend approval of 1.5 acres, more or less, from A-1 Agriculture to RR-1 Rural Residence, and 33.5 acres, more or less, from A-1 Agriculture to 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 IV Zoning Change – R-1 Single-Family Residence to AO-1 Agriculture and Open Space; Petitioner:
Wisconsin Power & Light Real Estate Dept c/o John Bresnahan – Town of West Point

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.

Chris Dunn – Mr. Dunn, neighbor, was present, and stated he is in favor of request.

Chair Brusveen asked if anyone else is in favor of the petition.

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

Chair Brusveen closed the Public Hearing.

**Motion by Mr. Richmond to recommend approval of 1.14 acres, more or less, from R-1
Single-Family Residence to AO-1 Agriculture and Open Space,
all effective upon recording of the Certified Survey Map.
Seconded by Mr. Kolberg.
Motion carried unanimously.**

Item V Conditional Use Permit: For a Tourist Rooming House; Applicant: At Home Props LLC c/o Clay
Wenninger – Town of Caledonia

Chair Brusveen opened Public Hearing.

Ms. Pulver-Johnson presented Staff Report.

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 in against the request. (no comments)

Chair Brusveen closed the Public Hearing.

**Motion by Mr. Kolberg to approve Conditional Use Permit for a Tourist Rooming House
located at N3492 Koepp Road, as proposed in the application and accompanying submittals
and subject to the following Findings, Conclusions, and Conditions of Approval.**

**Seconded by Mr. Baumgartner.
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. At Home Props LLC is the owner of the subject property.
 - b. Clay Wenninger of At Home Props LLC is requesting a Conditional Use Permit to operate a Tourist Rooming House within the R-1 Single-Family Residence zoning district.
 - c. The property is already developed with a single-family residence and 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 Caledonia and is zoned R-1 Single-Family Residence.
2. A Tourist Rooming House is a conditional use within the R-1 Single-Family Residence zoning district.
3. The proposed use is consistent with the purpose and intent of the Columbia County Zoning Code.
4. Clay Wenninger of At Home Props LLC 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 petitioner is proposing to use an existing single-family residence as a Tourist Rooming House, which is allowed as a Conditional Use under Table 12.110.02(1).
6. The Caledonia 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 12.125.11(1) 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 12.125.10(1). 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 12.150.07(4) are not being met.

Conditions for the Decision:

1. The Conditional Use Permit shall not be transferable to another owner.
2. Pets shall be prohibited.
3. Accessory structures and camping units shall not be used as habitable structures.
4. Quiet hours shall be 10:00 pm – 8:00 am on weekdays, and 11:00 pm – 8:00 am on weekends. Noise levels at the property line shall not exceed 55 dBA during these hours.
5. All fires shall be in a proper fire pit structure and shall be extinguished during the established quiet hours.
6. The use of fireworks shall be prohibited.
7. The use of firearms shall be prohibited.
8. Special events or parties in which more than 12 people are present shall be prohibited. Gatherings that include people that are not valid guests shall only take place outside of quiet hours. During quiet hours, the only persons on site shall be registered guests, not to exceed eight (8).
9. Parking shall be provided on-site, with a maximum of three (3) vehicles allowed. All off-street parking shall be on a paved or gravel surface and shall be arranged to facilitate easy ingress/egress of all vehicles.
10. Occupancy associated with the Tourist Rooming House shall be limited to eight (8) persons.
11. A 24-hour contact number shall be provided to the Planning and Zoning Department and Town Clerk.
12. The 24-hour contact number shall be posted near the primary entrance door on a sign no larger than 12"x18" 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.
13. A state sales tax number shall be obtained and provided to the Planning and Zoning Department.
14. The property shall remain free and clear from citation and charges for nuisance, disorderly conduct, or other illegal activity.
15. Garbage and recycled materials shall be properly stored and disposed of regularly.
16. The owner's website or other advertising site shall state that there are local government conditions and restrictions associated with this Tourist Rooming House in order to maintain a predominately single-family, owner-occupied character of the surrounding area.
17. The availability of the Tourist Rooming House to the public and tourists/transients shall not be advertised on site.
18. 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.
19. The owner shall comply with and obtain all necessary permits required by applicable federal, state and local regulations.
20. 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.
21. If the Planning and Zoning Committee finds that the review criteria of Subsection 12.150.07(4) 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.
22. In addition to any State required license fee, each operator of a Tourist Rooming House shall provide the County with an annual fee and an annual report on a form furnished by the County to confirm compliance with any applicable requirements or conditions of approval.
23. Any agreement(s) or condition(s) pertaining to this Conditional Use Permit between the Town of Caledonia and Clay Wenninger of At Home Props LLC 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.

10. Adjourn

**Motion by Mr. Hahn to adjourn meeting.
Seconded by Mr. Kolberg.**

Meeting adjourned at 3:39.

Respectfully Submitted,



Adam Hahn, Secretary
Planning & Zoning Committee



Recording Secretary
Lauren Ramirez, Office Administrator

cc: Committee Members
 County Board Chair
 County Board Vice Chair

