

**PLANNING & ZONING COMMITTEE MINUTES
MAY 3, 2022**

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

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

ALSO PRESENT: Susan Fischer – Corporation Counsel

1:30 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

Motion by Mr. Richmond to approve Agenda of May 3, 2022 Planning & Zoning Committee Regular Meeting & Public Hearing.

Seconded by Mr. Baumgartner.

Motion carried unanimously.

5. Approval of Previous Meeting Minutes

Motion by Mr. Baumgartner to approve Minutes of April 5, 2022 Planning & Zoning Committee Regular Meeting.

Seconded by Mr. Richmond.

Motion carried, unanimously.

Motion by Mr. Richmond to approve Minutes of April 19, 2022 Planning & Zoning Committee Special Meeting.

Seconded by Mr. Kolberg

6. Citizen Input
7. Operational Overview
 - a. Approval of Expenditure Report

Mr. Calkins presented Expenditure Report. Reviewed out of ordinary expenses.

Motion by Mr. Baumgartner to approve Expenditure Report.

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

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

Mr. Calkins reviewed Zoning 101 Informational packet, including the Departmental structure and role, Committee role, applicable law to each, Conditional Use Permits, and Board of Adjustment. This discussion ended at 1:55, but was resumed following Public Hearings at 2:47.

Approval of Access Variance

- PL Smith Trust – Town of Lewiston & Fort Winnebago

Ms. Pulver-Johnson presented Staff Report.

Motion by Mr. Baumgartner to recommend approval of an Access Variance for Lots 1 - 3 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 May 3, 2022 to waive road frontage requirements for Lots 1 - 3 with access provided via other instrument.” The variance will become effective upon recording of the Certified Survey Map.

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

- Udell – Town of Otsego

Ms. Pulver-Johnson presented Staff Report.

Motion by Mr. Baumgartner to recommend approval of an Access Variance for Lot 1 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 May 3, 2022 to waive road frontage requirements for Lot 1 with access provided via other instrument.” The variance will become effective upon recording of the Certified Survey Map.

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

Site Visits (were not needed)

8. Public Hearing – 2:00 PM

Item I Zoning Change – A-1 Agriculture to A-1 Agriculture with A-4
Agricultural Overlay; Petitioner: Pomplun Farms LLC c/o David Pomplun
– Town of Marcellon

Chair Brusveen opened Public Hearing.

Ms. Pulver-Johnson presented Staff Report.

Chair Brusveen asked if anyone has any questions.

Agent Scott Hewitt – Grothman & Associates was present.

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

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

Town Board not present, but Approval is on file.

Chair Brusveen closed the Public Hearing.

Motion by Mr. Richmond to recommend approval of 33.41 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 II Zoning Change – A-1 Agriculture and A-1 Agriculture with A-4 Agricultural Overlay to RR-1 Rural Residence; Petitioner: Udell Properties, LLC – Town of Otsego

Chair Brusveen opened Public Hearing.

Ms. Pulver-Johnson presented Staff Report.

Chair Brusveen asked if anyone has any questions.

Petitioner was present.

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

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

Town Board present (Mr. Baumgartner), and Approval is on file.

Chair Brusveen closed the Public Hearing.

Motion by Mr. Baumgartner to recommend approval of 2.7 acres, more or less, from A-1 Agriculture and A-1 Agriculture with A-4 Agricultural Overlay to RR-1 Rural Residence, all effective upon recording of the Certified Survey Map.

Seconded by Mr. Richmond.

Motion carried unanimously.

Item III Conditional Use Permit: For a Tourist Rooming House; Applicants: Pavlo Bilous & Natallia Razanskaya – Town of Caledonia

Chair Brusveen opened Public Hearing.

Ms. Pulver-Johnson presented Staff Report.

Chair Brusveen asked if anyone has any questions.

Representative Jacob Malter – Property Manager, was present.

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

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

Town Board not present, but Approval is on file.

Chair Brusveen closed the Public Hearing.

Motion by Mr. Baumgartner to approve Conditional Use Permit for a Tourist Rooming House at N5620 Thunderbird Road as proposed in the application and accompanying submittals and subject to the following Findings, Conclusions, and Conditions of Approval with additional Condition to add hours of operation from 8am to 6pm.

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. Pavlo Bilous and Natallia Rzanskaya are the owners of the subject property.
 - b. Pavlo Bilous and Natallia Rzanskaya are 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 property is located within Thunder Bird Estates, as Lot 4 and part of Lot 5.
 - e. 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.
 - f. 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.

- g. The erosion potential of the site, based on topography, drainage, slope, soil type, and vegetative cover is minimal.
- h. There is no existing or anticipated water pollution including sedimentation, and no impacts on floodplain and wetlands.
- i. The site has adequate utilities, including acceptable disposal systems.
- j. Access to streets and highways is suitable, and ingress and egress is designed to minimize traffic congestion and the potential effect on traffic flow.
- k. 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. Pavlo Bilous and Natallia Rzanskaya are the petitioners 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. Accessory structures and camping units shall not be used as habitable structures.
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. Pets shall be prohibited.
5. All fires shall be located within proper fire pit structures and shall be extinguished during 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 15 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 must be provided on-site, with a maximum of four (4) 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 sign shall be placed near the door stating the hazards of swimming in the river.
14. A state sales tax number shall be obtained and provided to the Planning and Zoning Department.
15. The property shall remain free and clear from citation and charges for nuisance, disorderly conduct, or other illegal activity.
16. Garbage and recycled materials shall be properly stored and disposed of regularly.
17. 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.
18. The availability of the Tourist Rooming House to the public and tourists/transients shall not be advertised on site.

19. 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.
20. The owner shall comply with and obtain all necessary permits required by applicable federal, state and local regulations.
21. 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.
22. 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.
23. 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.
24. Any agreement(s) or condition(s) pertaining to this Conditional Use Permit between the Town of Caledoni and Pavlo Bilous and Natallia Rzanskaya 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 Filling & Grading Permit under § 12.530.06 of Columbia County
Shoreland Wetland Protection Ordinance for Parcel 723.A & Promenade;
Applicants: Town of West Point & Midwest Property Management of
Southern WI LLC c/o Roger Lippitt – Town of West Point

Chair Brusveen opened Public Hearing.

Mr. Calkins presented Staff Report.

Chair Brusveen asked if anyone has any questions.

Petitioner was present.

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

Richard Hellenbrand was present.
239 W Cook Street
Portage, WI

Mr. Hellenbrand gave statement in favor of request.

Kevin Kessler was present.

Mr. Kessler states he is the Town of West Point Plan Commission Chair, Town Board member, and West Point resident. Mr. Kessler gave statement in favor of request.

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

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

Town Board was present (Mr. Kessler), and Approval is on file.

Chair Brusveen closed the Public Hearing.

**Motion by Mr. Richmond to recommend County issue the Filling & Grading Zoning Permit, upon issuance of the DNR permit.
Seconded by Mr. Kolberg.
Motion carried unanimously.**

At 2:47, the Public Hearing was closed, and the Business portion of the meeting resumed.

13. Adjourn

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

Meeting adjourned at 3:05 PM

Respectfully Submitted,



Adam Hahn, Secretary
Planning and Zoning Committee



Recording Secretary
Lauren Ramirez, Office Administrator

cc: Committee Members
County Board Chair
County Board Vice Chair