

**PLANNING & ZONING COMMITTEE MINUTES  
JUNE 5, 2018**

PRESENT: Kevin Kessler, Harlan Baumgartner, Mike Weyh, Kirk Konkel, John Stevenson

STAFF: Kurt Calkins – Interim Director of Planning & Zoning,  
Randy Thompson – Planning & Zoning Administrator,  
Lauren Ramirez – Office Administrator

ALSO PRESENT: Chairman Gove – Columbia County Board of Supervisors,  
Susan Fisher – Corporation Counsel, Jim Grothman –  
Grothman & Associates, Bill Schroeder – Chair of Fort  
Winnebago, Pat Beghin – Supervisor of Town of Newport,  
Deb Bennet

ABSENT:

**3:00**

1. Call to order
2. Certification of Open Meeting Law
3. Roll Call was taken and a quorum declared present
4. Approval of Agenda

**Motion by Mr. Weyh to approve Agenda of June 3, 2018  
Planning & Zoning Committee Regular Meeting & Public Hearing.  
Seconded by Mr. Konkel.  
Motion carried unanimously.**

5. Approval of Minutes

**Motion by Vice Chair Baumgartner to approve Minutes of May 1, 2018  
Planning & Zoning Committee Regular Meeting & Public Hearing.  
Seconded by Mr. Weyh.  
Motion carried unanimously.**

6. Citizen Input

No citizen input.

7. Operational Overview

- a. Approve Expenditure Report

Mr. Calkins presented Expenditure Report.

**Motion by Vice Chair Baumgartner to approve Expenditure Report.  
Seconded by Mr. Stevenson.  
Motion carried unanimously.**

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

Mr. Calkins discussed potential August committee meeting to provide time for 2019 budget review. Chairman Gove and the committee agreed to do a business meeting on the regular date.

Mr. Calkins discussed office compensatory time with recent employee's approved leave of absence.

Mr. Thompson reported a training this month by Madison Septics. Andrew O'Brion will be attending.

c. Director's Staff Report/Update

Mr. Calkins reviewed and brought to the committee's attention the situation with the Town of Pacific and the Swan Lake Vista (Portage Country Club) controversy with the emergency access road and it's relationship to Town of Pacific. Meeting later on this week with Susan Fisher and Corp Counsel.

Mr. Calkins discussed future text amendments and the potential need in future to discuss Access Variance language in the ordinance.

The committee weighed in and agreed.

8. Chairman's Update

Chair Kessler reviewed current job posting for Director position.

9. Board of Adjustment – Committee Appointment

- Reappointment
  - Helen McDonald Rawson
  - Alan Kaltenberg
- New Appointment
  - Patrick Beghin – Alternate to Permanent
  - Darren Schroeder – Alternate

Mr. Calkins reviewed upcoming re-appointments/new appointments. Chairman Gove approved.

**Motion by Vice Chair Baumgartner to approve the presented Board of Adjustment re-appointments and new appointments.  
Seconded by Mr. Weyh.**

**Motion carried unanimously.**

10. Site Plan Approval

- Mad City Marine/RV Sales, Inc. – Town of Leeds

Mr. Thompson reviewed Staff Report.

**Motion by Mr. Konkell to approve the Site Plan for Mad City Marine/RV Sales, Inc. located in the Town of Leeds.  
Seconded by Vice Chair Baumgartner.  
Motion carried unanimously.**

Chair Kessler mentioned there should be another specific condition to not be able to begin construction until rezone and permits are all approved.

**Motion by Chair Kessler to amend main motion, to add condition that all required permits and rezone to be obtained and approved prior to construction of new building.  
Seconded by Mr. Weyh.  
Motion carried unanimously.**

11. Access Variance

- Udell – Town of Otsego

Mr. Thompson presented Staff Report. He reported recent changes to request to change acreage from (2) 2.2 acre residential lots and (1) 76.49 Agricultural Overlay lot, to (2) 2.3 acre residential lots and (1) 76.09 Agricultural Overlay lot.

Vice Chair Baumgartner stated there is a concerned neighbor over the location.

Mr. Thompson explained this lot is the lot with an existing house. He added the new rezone lot already has frontage, and this is for lot 2 that does not.

Chair Kessler and Vice Chair Baumgartner expressed concerns over easement lengths and requirements.

Mr. Thompson explained requirements and reasoning.

**Motion by Vice Chair Baumgartner 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 that states, “A variance to Section 16-210-040(E) was approved by the Planning and Zoning Committee on June 5, 2018 to waive road frontage requirements for Lot 2 and provide access via easement by another recorded instrument.”**

**The variance will become effective when the Certified Survey Map is recorded.**

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

12. Unlisted Use – Temporary Boat Dock Storage

Mr. Thompson reviewed situation in regulating temporary boat dock storage in terms of requiring rezoning, a Conditional Use Permit or a Temporary Use Permit. He explained these routes they could potentially require and expressed request for feedback.

Chair Kessler questioned language in ordinance and enforceability.

Mr. Thompson explained current ordinance language, options and restrictions.

It was concluded that after inquiring with different sources, a proposal and deliberation would need to happen in the future. Staff should prepare and present options for committee to review.

13. Amendments to Title 16 Chapter 100

a. Public Hearing held April 3, 2018

Chair Kessler reviewed history of last few months work on this.

b. Discussion & Deliberation

Mr. Konkel requested clarification on 16-125-280(B)(7), 16-135-040(A) and 16-150-040(F).

Mr. Thompson and Susan Fisher explained.

c. Committee Decision & Disposition of Request

**Motion by Vice Chair Baumgartner to recommend the County Board approve amendments to Title 16 Chapter 100 as presented.**

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

**Site Visits** (were not needed)

14. Public Hearing – 4:00PM

Item I- Plan Map Amendment – Single Family Residential and Commercial to Recreational; Agent: Shari Seymour, Petitioner: Kilbourn-Ableman LLC – Town of Newport

Chair Kessler opened Public Hearing.

Mr. Thompson presented Staff Report.

Agent was present.

Chair Kessler asked if anyone has any questions.

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

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

Town of Newport Pat Beghin was present.

Pat Beghin expressed concerns regarding traffic issues.

Chair Kessler asked Mr. Thompson if town minutes are on file

Mr. Thompson explained the town does not review County comp plan.

Chair Kessler asked if anyone has any comments.

Chair Kessler closed the Public Hearing.

**Motion by Vice Chair Baumgartner to approve Plan Map Amendment for 151.7 acres from Single Family Residential and Commercial to Recreational.**

**Seconded by Mr. Weyh.**

**Motion carried unanimously.**

Item II- Conditional Use Permit – For an agritainment barn; Petitioners: James & Andrea Belschner – Town of Caledonia

Chair Kessler opened Public Hearing.

Mr. Thompson presented Staff Report.

Petitioner was present.

Chair Kessler asked if anyone has any questions.

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

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

Town Board not present, but Minutes on file.

Chair Kessler closed the Public Hearing.

**Motion by Mr. Weyh to approve a Conditional Use Permit for an agritainment barn located at N4858 State Highway 78 as proposed in the application and accompanying submittals and subject to the following Findings, Conclusions and Conditions of Approval.  
Seconded by Mr. Konkel.  
Motion carried unanimously.**

**Recommended Findings of Fact:**

1. Upon review of the guidelines in Section 16-150-070(D) 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. 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.
  - b. 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. Such use will also 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.
  - c. The erosion potential of site based on topography, drainage, slope, soil type and vegetative cover is minimal.
  - d. There is no existing or anticipated water pollution including sedimentation, and no impacts on floodplain and wetlands.
  - e. The site has adequate utilities including, if necessary, acceptable disposal systems.
  - f. Access to streets and highways is suitable, and ingress and egress are designed to minimize traffic congestion and the potential effect on traffic flow.
  - g. The conditional use shall conform to the standards of the applicable district(s) in which it is located.
2. The proposed agritainment facility is consistent with the County Comprehensive Plan, Section 6.2, Goal 3, Objectives 1-3.

**Recommended Conclusions of Law:**

1. The subject property is located in the Town of Caledonia and is zoned A-1 Agriculture, which District uses are stated in Section 16-105-020.
2. James and Andrea Belschner are the owners of the property. Their request for a Conditional Use Permit followed the procedures of Section 16-150-070(C) of the Columbia County Zoning Code.
3. James and Andrea Belschner are proposing to operate an agritainment facility by utilizing an existing barn as an event rental, which is allowed as a Conditional Use Permit under Section 16-105-020 of the Columbia County Zoning Code.
4. The Caledonia Town Board has reviewed and approved the Conditional Use Permit with conditions in accordance with Section 16-150-070 of the Columbia County Zoning Code.

5. **The Columbia County Planning and Zoning Committee has the authority under Section 16-150-030(B)(3) and Section 16-150-070 of the Columbia County Zoning Code to conduct public hearings, review and decide on requests for Conditional Use Permits.**

**Recommended Conditions for the Decision:**

1. **Any agreement or conditions pertaining to this Conditional Use Permit between the Town of Caledonia and the owners are hereby incorporated by reference as part of this Conditional Use Permit; however, the County is not responsible for enforcing said agreements or conditions, unless an individual point of the agreement or condition is specifically included below as a condition of approval. In the event that the Town submits a finding of noncompliance with any item of the above referenced agreement 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. **This Conditional Use Permit shall remain in effect only as long as the operating farm described in Condition 2 produces a farm income, which income must be verified by the owners at the request of the County.**
3. **This Conditional Use Permit is associated with an operating farm per the outline provided in the "Glacier Valley Farm Business Plan". At least 50% of tax parcel 159.01 must remain an operating farm, and any transfer of land from parcel 159.01 without the approval of the County Planning and Zoning Committee will void this Conditional Use Permit.**
4. **The existing driveway on State Highway 78 should be reviewed by the State for the proposed agritainment use.**
5. **All parking for a contracted event must be located on-site.**
6. **All food for events must be catered or potluck.**
7. **Amplification devices and live music staging areas must be located within the event barn or tent. Sound from amplified music shall not exceed 65 dBA at any property line.**
8. **No overnight lodging or camping associated with contracted events is permitted.**
9. **The owner's website or other advertising shall state the approved conditions associated with this use.**
10. **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.**
11. **The owner shall comply with and obtain all necessary permits required by applicable federal, state and local regulations.**
12. **If the Planning and Zoning Committee finds that the review criteria of Section 16-150-070(D) 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.**

Item III- Conditional Use Permit – To plat a new cemetery; Petitioners: John & Carolyn Petersheim – Town of Springvale

Chair Kessler opened Public Hearing.

Mr. Thompson presented Staff Report.

Petitioner was present.

Chair Kessler asked if anyone has any questions.

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

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

Town Board not present, but Minutes on file.

Chair Kessler closed the Public Hearing.

**Motion by Chair Kessler to approve a Conditional Use Permit to plat a cemetery located on Healy Road as proposed in the application and accompanying submittals and subject to the following Findings, Conclusions and Conditions of Approval.**

**Seconded by Mr. Weyh.**

**Motion carried unanimously.**

**Recommended Findings of Fact:**

- 1. Upon review of the guidelines in Section 16-150-070(D) 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. 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.**
  - b. 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. Such use will also 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.**
  - c. The erosion potential of site based on topography, drainage, slope, soil type and vegetative cover is minimal.**
  - d. There is no existing or anticipated water pollution including sedimentation, and no impacts on floodplain and wetlands.**
  - e. The site has adequate utilities including acceptable disposal systems.**
  - f. Access to streets and highways is suitable, and ingress and egress is designed to minimize traffic congestion and the potential effect on traffic flow.**



- f. **Access to streets and highways is suitable, and ingress and egress is designed to minimize traffic congestion and the potential effect on traffic flow.**
- g. **The conditional use shall conform to the standards of the applicable district(s) in which it is located.**

**Recommended Conclusions of Law:**

1. **The subject property is located in the Town of Springvale and is zoned A-1 Agriculture which District uses are stated in Section 16-105-020.**
2. **John E. & Carolyn H. Petersheim are the owners of the property and the Kingston Old Order of the Amish Church is the applicant for a Conditional Use Permit which followed the procedures of Section 16-150-070(C) of the Columbia County Zoning Code.**
3. **The applicant, Kingston Old Order of the Amish Church is proposing to operate a cemetery which is allowed as a Conditional Use Permit under Section 16-105-020 of the Columbia County Zoning Code.**
4. **The Springvale Town Board has reviewed and approved the Conditional Use Permit with conditions in accordance with Section 16-150-070 of the Columbia County Zoning Code.**
5. **The Columbia County Planning and Zoning Committee has the authority under Section 16-150-030(B)(3) and Section 16-150-070 of the Columbia County Zoning Code to conduct public hearings, review and decide on requests for Conditional Use Permits.**

**Recommended Conditions for the Decision:**

1. **Any agreement or conditions pertaining to this Conditional Use Permit between the Town of Springvale and the owner/applicant are hereby incorporated by reference as part of this Conditional Use Permit; however, the County is not responsible for enforcing said agreement or conditions, unless an individual point of the agreement or condition is specifically included below as a condition of approval. In the event that the Town submits a finding of noncompliance with any item of the above referenced agreement for which the County has not assumed direct enforcement authority, upon written request by the Town the County reserves the right to the review the Conditional Use Permit.**
2. **The Conditional Use Permit will become effective when Plat is recorded and the Kingston Old Order of the Amish Church takes title to the property.**
3. **The Kingston Old Order of the Amish Church agree the project will be conducted professionally and in accordance with the drawing and plans submitted to Columbia County.**
4. **The Kingston Old Order of the Amish Church must obtain an Emergency Response number for the cemetery.**
5. **Any significant changes to the submitted Plat shall be reviewed and approved by the Town and County.**
6. **The Owner shall comply with and obtain all necessary permits required by applicable federal, state, and local regulations.**

Item IV      Zoning Change – A-1 Agriculture to RR-1 Rural Residence and A-1 Agriculture to A-1 Agriculture with the A-4 Agricultural Overlay; Agent: Claire Damm, Petitioner: Jamocora LLC – Town of Columbus

Chair Kessler opened Public Hearing.

Mr. Thompson presented Staff Report.

Agent was present.

Chair Kessler asked if anyone has any questions.

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

Claire Damm in favor.

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

Town Board not present, but Minutes on file.

Chair Kessler closed the Public Hearing.

**Motion by Mr. Konkel to approve rezoning of 2.18 acres from A-1 Agriculture to RR-1 Rural Residence and 32.82 acres from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay, effective upon recording of the Certified Survey Map.  
Seconded by Vice Chair Baumgartner.  
Motion carried unanimously.**

Item V-      Zoning Change – A-1 Agriculture to RR-1 Rural Residence and A-1 Agriculture to A-1 Agriculture with the A-4 Agricultural Overlay; Agent: Bruce Udell, Petitioner: Udell Properties LLC – Town of Hampden & Town of Otsego

Chair Kessler opened Public Hearing.

Mr. Thompson presented Staff Report. He reported change in acreage request from (2) 2.2 acre residential lots and (1) 76.49 agricultural overlay lot to (2) 2.3 acre residential lots and (1) 76.09 agricultural overlay lot.

Agent Jim Grothman was present.

Chair Kessler asked if anyone has any questions.

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

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

Town Board not present, but Minutes on file.

Chair Kessler closed the Public Hearing.

**Motion by Vice Chair Baumgartner to approve rezoning of 4.6 acres from A-1 Agriculture to RR-1 Rural Residence and 76.09 acres from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay, effective upon recording of the Certified Survey Map.**

**Seconded by Mr. Weyh.**

**Motion carried unanimously.**

Item VI- Zoning Change – A-1 Agriculture to RR-1 Rural Residence and A-1 Agriculture to A-1 Agriculture with the A-4 Agricultural Overlay; Petitioners: Patrick & Beverly Lochner – Town of Lodi

Chair Kessler opened Public Hearing.

Mr. Thompson presented Staff Report.

Agent Jim Grothman was present.

Chair Kessler asked if anyone has any questions.

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

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

Town Board not present, but Minutes on file.

Chair Kessler closed the Public Hearing.

**Motion by Mr. Weyh to approve rezoning of 4.33 acres from A-1 Agriculture to RR-1 Rural Residence and 30.67 acres from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay, effective upon recording of the Certified Survey Map.**

**Seconded by Mr. Konkel.**

**Motion carried unanimously.**

Item VII- Zoning Change – A-1 Agriculture to RR-1 Rural Residence and A-1 Agriculture to A-1 Agriculture with the A-4 Agricultural Overlay; Petitioners: John & Laurie Considine – Town of Lewiston

Chair Kessler opened Public Hearing.

Mr. Thompson presented Staff Report.

Agent Jim Grothman was present.

Chair Kessler asked if anyone has any questions.

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

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

Town Board not present, but Minutes on file.

Chair Kessler closed the Public Hearing.

**Motion by Mr. Stevenson to approve rezoning of 5 acres from A-1 Agriculture to RR-1 Rural Residence and 30 acres from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay, effective upon recording of the Certified Survey Map.  
Seconded by Mr. Weyh.  
Motion carried unanimously.**

Item VIII- Zoning Change – A-1 Agriculture to A-2 General Agriculture; Petitioners: John Traxler & Michael Graves, Et. Al. – Town of Lewiston

Chair Kessler opened Public Hearing.

Mr. Thompson presented Staff Report.

Agent Jim Grothman was present.

Chair Kessler asked if anyone has any questions.

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

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

Town Board not present, but Minutes on file.

Chair Kessler closed the Public Hearing.

**Motion by Mr. Weyh to approve rezoning of 25 acres from A-1 Agriculture to A-2 General Agriculture, effective upon recording of the Certified Survey Map.  
Seconded by Mr. Stevenson.  
Motion carried unanimously.**

Item IX- Zoning Change – AO-1 Agriculture and Open Space to R-1 Single Family Residence; Petitioner: David Hager – Town of Wyocena

Chair Kessler opened Public Hearing.

Mr. Thompson presented Staff Report.

Agent Grothman was present.

Chair Kessler asked if anyone has any questions.

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

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

Town Board not present, but Minutes on file.

Chair Kessler closed the Public Hearing.

**Motion by Vice Chair Baumgartner to approve rezoning of 1 acre from AO-1 Agriculture and Open Space to R-1 Single Family Residence, effective upon recording of the Certified Survey Map.**

**Seconded by Mr. Stevenson.**

**Motion carried unanimously.**

Item X- Zoning Change – A-1 Agriculture to A-1 Agriculture with the A-4 Agricultural Overlay; Petitioner: Linda Hohl – Town of Fort Winnebago

Chair Kessler opened Public Hearing.

Mr. Thompson presented Staff Report.

Petitioner was present.

Chair Kessler asked if anyone has any questions.

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

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

Town Board Chair Bill Schroeder present, Minutes also on file.

Chair Kessler closed the Public Hearing.

**Motion by Mr. Weyh to approve rezoning of 30 acres from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay, effective upon recording of the Certified Survey Map.**

**Seconded by Mr. Konkel.**

**Motion carried unanimously.**

Item XI- Zoning Change – A-1 Agriculture to RR-1 Rural Residence and A-1 Agriculture to A-1 Agriculture with the A-4 Agricultural Overlay;  
Petitioner: Linda Hohl – Town of Fort Winnebago

Chair Kessler opened Public Hearing.

Mr. Thompson presented Staff Report.

Petitioner was present.

Chair Kessler asked if anyone has any questions.

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

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

Town Board Chair Bill Schroeder present, Minutes also on file.

Chair Kessler closed the Public Hearing.

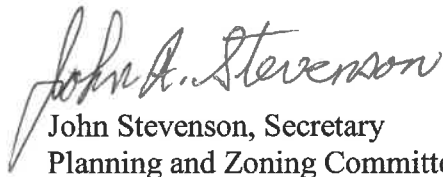
**Motion by Mr. Konkel to approve rezoning of 5 acres from A-1 Agriculture to RR-1 Rural Residence and 30 acres from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay,  
effective upon recording of the Certified Survey Map.  
Seconded by Mr. Stevenson.  
Motion carried unanimously.**

15. Adjourn

**Motion by Mr. Konkel to adjourn meeting.  
Seconded by Mr. Weyh.  
Motion carried unanimously.**

Meeting adjourned at 4:55 PM.

Respectfully Submitted,

  
John Stevenson, Secretary  
Planning and Zoning Committee

  
Recording Secretary  
Lauren Ramirez, Office Administrator

cc: Committee Members  
Vern Gove, County Board Chair  
Dan Drew, County Board Vice Chair  
James Foley, County Board Vice Chair

