

**PLANNING & ZONING COMMITTEE MINUTES
AUGUST 2, 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, Chris Polzer – Chair 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 August 2, 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 July 5, 2022 Planning & Zoning Committee Regular Meeting.

Seconded by Mr. Hahn.

Motion carried unanimously.

Motion by Mr. Richmond to approve Minutes of July 20, 2022 Joint Planning & Zoning Committee Special Meeting.

Seconded by Mr. Baumgartner.

Motion carried unanimously.

6. Citizen Input

Steve Bodenshatz was present and made ordinance change suggestion regarding mobile home permit fees.

7. Chairman's Update

Chair Brusveen explained revised public hearing procedure to adhere to rules of order.

8. Operational Overview

a. Approval of Expenditure Report

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

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

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

Budget will be discussed during Agenda Item #16.

c. Director's Staff Report/Update

9. Action on Access Variance Request

- Briggs – 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 August 2, 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. Hahn.
Motion carried unanimously.**

10. Action on Driveway Exception

- Briggs – Town of Otsego

Ms. Pulver-Johnson presented Staff Report

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

11. Action on Preliminary Plat

- Bourbon Ridge Development LLC c/o Blake Young – Town of Dekorra

Ms. Pulver-Johnson presented Staff Report. Reviewed amended Condition.

Motion by Mr. Richmond to recommend approval of a Preliminary Plat of Bourbon Ridge Development with revision to Condition #7, as noted in and subject to the recommended Conditions:

1. Final declarations, covenants and shared driveway agreements shall be submitted with the Final Plat.
2. A habitat assessment shall be completed by a qualified professional, as required by the DNR Endangered Resource Review.
3. References to the Comprehensive Plan Maps shall be removed, including environmental corridor and soil notations.
4. All zoning district notations shall be removed from the Final Plat.
5. The Wetland note shall state the location is based on the Wisconsin Wetland Inventory Map, not the Columbia County Interactive Mapper on the Final Plat.
6. All setback notations shall be removed from the Final Plat.
7. A note shall be added to the face of the plat that Lots 9 - 11 shall not be further subdivided. Lots 12-15 may be further subdivided, provided that the division does not result in any additional residential lots east of Smith Road.
8. Approval of any associated Plan Amendments and Rezoning shall be obtained prior to recording of the Final Plat.
9. The Developer shall obtain all necessary approvals from the Town and State per any applicable ordinances, agreements, and plans.
10. Any changes to the layout of the Preliminary Plat that are the result of Town and/or State agreements must be submitted to the County prior to the filing of the Final Plat.
11. Minutes of the Town Board approval of the Final Plat and copies of all signed agreements approved by the Town must be filed with the County. The Final Plat must be signed by the Town before submitting to the County for signatures.
12. A copy of the Wisconsin Department of Administration’s approval of the Final Plat must be submitted to the Planning and Zoning Department prior to County approval of the Final Plat.

Motion seconded by Mr. Kolberg.

Motion carried unanimously.

12. Town of Courtland Rezone

- Lynn D Wingers Living Trust Dated 4/9/2019

Ms. Pulver-Johnson reviewed the Staff Report.

Motion by Mr. Baumgartner to recommend adoption of the Resolution to rezone 2 acres, more or less, from A-1 Agricultural and Farmland Preservation to R-1 Rural Residential.

Seconded by Mr. Kolberg.

Motion carried unanimously.

13. Action to Authorize to Public Hearing: Proposed Ordinance Revision

- Chapter 7 – Fees of the Columbia County Code of Ordinances

Mr. Calkins reviewed draft amending ordinance for Section 7.13 Fees of the Columbia County Code of Ordinances.

Motion by Mr. Richmond move draft amending ordinance for Section 7.13 Fees of the Columbia County Code of Ordinance forward to next month's Public Hearing.

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

14. Revision of Job Description

- Zoning & Sanitary Specialist

Mr. Calkins reviewed the proposed revision.

Motion by Mr. Baumgartner to approve revision of Zoning & Sanitary Specialist job description.

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

15. Replacement Position Request

- Zoning & Sanitary Specialist

Mr. Calkins reviewed the proposed replacement position request.

Motion by Mr. Hahn to approve the replacement position request for Zoning & Sanitary Specialist.

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

16. Review and Approval of 2023 P&Z Budget

Mr. Calkins reviewed the proposed 2023 P&Z Budget request.

Motion by Mr. Hahn to approve the 2023 Planning & Zoning Committee Budget Request.

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

17. Discuss/Review any Possible Action on Resolution for Assessor's Plats for Pleasant View Park and Weast Park – Town of West Point

Chair Brusveen called for a 2-minute recess at 2:29.

Mr. Richmond reviewed history of item.

Motion to send proposed Resolution for Assessor's Plat to Finance Committee.

**Seconded by Mr. Baumgartner.
Motion carried not unanimously.**

**Mr. Hahn – Yes, Mr. Baumgartner – Yes, Ms. Brusveen – No, Mr. Kolberg – No,
Mr. Richmond – Yes**

Site Visits (were not needed)

18. Public Hearing – 3:00 PM

Item I Zoning Change – A-1 Agriculture to A-1 Agriculture with A-4
Agricultural Overlay; Petitioner: Joan C McCormick, and Applicant:
Andrew McCormick – Town of Springvale

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. Kolberg to recommend approval of 19.23 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. Baumgartner.

Motion carried unanimously.

Item II Zoning Change – A-1 Agriculture to RR-1 Rural Residence, and from A-1
A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay;
Petitioner: Steven R Genrich, and Applicant: Sandra Solterman – Town of
Fort Winnebago

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.

Kelly Trimble
N7661 County Road EE

Portage, WI

Kelly Trimble was present and said that she has an issue with existing easement.

It was concluded the easement was transactional, not person-specific, and existing/active.

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

Chair Brusveen asked if the applicant had a rebuttal. (no comments)

Chair Brusveen closed the Public Hearing.

Motion by Mr. Kolberg to recommend approval of 4.95 acres, more or less, from A-1 Agriculture to RR-1 Rural Residence, and 40.19 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. Hahn.

Motion carried unanimously.

Item III Zoning Change – A-1 Agriculture to RR-1 Rural Residence, and from A-1 A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay; Petitioners: Gerald M Briggs & Jeanne S Briggs – Town of Otsego

Chair Brusveen opened Public Hearing.

Ms. Pulver-Johnson 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 is against the petition. (no comments)

Chair Brusveen closed the Public Hearing.

Motion by Mr. Baumgartner to recommend approval of 5 acres, more or less, from A-1 Agriculture to RR-1 Rural Residence, and 30 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. Hahn.

Motion carried unanimously.

Item IV Zoning Change – A-1 Agriculture to RR-1 Rural Residence, and from A-1 A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay;

Petitioner: Robert W Fallon Revocable Living Trust of 2018 – Town of Wycena

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. Kolberg to recommend approval of 4 acres, more or less, from A-1 Agriculture to RR-1 Rural Residence, and 31 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. Baumgartner.

Motion carried unanimously.

Item V Conditional Use Permit – For a Tourist Rooming House; Applicant: Robert W Fallon Revocable Living Trust of 2018 – Town of Wycena

Chair Brusveen opened Public Hearing.

Mr. Calkins 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 against the resquest.

Duane Mickelson
316 N Main Street
Pardeeville, WI

Duane Mickelson stated he is against request for reasons such as safety on his property, and conditions of road.

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

Chair Brusveen asked if the applicant has a rebuttal.

Applicant reassured there won't be more traffic, and they only rent in winter. He stated that they do thorough background checks on renters, and have turned down people in past.

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 N6397 Nehring Road as proposed in the application and accompanying submittals and subject to the following Findings, Conclusions, and Conditions of Approval.
Seconded by Mr. Hahn.**

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. The Robert W Fallon Revocable Trust of 2018 is the owner of the subject property.
 - b. Robert W Fallon of the Robert W Fallon Revocable Trust of 2018 is requesting a Conditional Use Permit to operate a Tourist Rooming House within the RR-1 Rural Residence zoning district.
 - c. The property is already developed with a single-family residence and driveway on site.
 - d. The property owner is also requesting a rezoning of 4.0 (four) acres around the residence to the RR-1 Rural Residence district.
 - 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 Wyocena and is zoned A-1 Agriculture.
2. Tourist Rooming Houses are prohibited within the A-1 Agriculture zoning district; therefore, the property owner is requesting a rezone to the RR-1 Rural Residence district.
3. A Tourist Rooming House is a conditional use within the RR-1 Rural Residence Residence zoning district.

4. The proposed use is consistent with the purpose and intent of the Columbia County Zoning Code.
5. Robert W Fallon 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.
6. 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).
7. The Wyocena 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.
8. 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.
9. 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 become effective upon recording of the Certified Survey Map associated with the rezoning of this property.
2. The Conditional Use Permit shall not be transferable to another owner.
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. Pets shall be prohibited.
6. All fires shall be in a proper fire pit structure, and shall be extinguished during the established quiet hours.
7. The use of fireworks shall be prohibited.
8. The use of firearms shall be prohibited.
9. The use of ATVs, UTVs, 4-wheelers, and/or snowmobiles shall be prohibited.
10. Rentals shall be limited to 26 weeks per year.
11. 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 six (6).
12. Parking shall be provided on-site, with a maximum of two (2) 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.
 13. Occupancy associated with the Tourist Rooming House shall be limited to six (6) persons.
 14. A 24-hour contact number shall be provided to the Planning and Zoning Department and Town Clerk.
 15. 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.
 16. A state sales tax number shall be obtained and provided to the Planning and Zoning Department.
 17. The property shall remain free and clear from citation and charges for nuisance, disorderly conduct, or other illegal activity.
 18. Garbage and recycled materials shall be properly stored and disposed of regularly.
 19. 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.
 20. The availability of the Tourist Rooming House to the public and tourists/transients shall not be advertised on site.
 21. 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.
 22. The owner shall comply with and obtain all necessary permits required by applicable federal, state and local regulations.
 23. 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.
 24. 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.
 25. 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.
 26. Any agreement(s) or condition(s) pertaining to this Conditional Use Permit between the Town of Wyocena and Robert W Fallon of the Robert W Fallon Revocable Trust of 2018 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 VI Zoning Change – A-1 Agriculture to RR-1 Rural Residence, and from A-1 A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay;
Petitioners: Michael Duesing & Jonathan J Duesing – Town of Columbus

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. Kolberg to recommend approval of 5 acres, more or less, from A-1 Agriculture to RR-1 Rural Residence, and 30 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. Richmond.

Motion carried unanimously.

19. Adjourn

Motion by Mr. Hahn to adjourn meeting.

Seconded by Mr. Kolberg.

Motion carried unanimously.

Meeting adjourned at 3:46 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

