

**PLANNING & ZONING COMMITTEE MINUTES
SEPTEMBER 7, 2021**

PRESENT: Harlan Baumgartner, John Stevenson, Mike Weyh, Tom Borgkvist, Doug Richmond, Denise Brusveen

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

ALSO PRESENT: Joe Ruf – Corporation Counsel

1:45 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 September 7, 2021 Planning & Zoning Committee Regular Meeting & Public Hearing.
Seconded by Mr. Weyh.
Motion carried unanimously.**

5. Approval of Previous Meeting Minutes

**Motion by Mr. Weyh to approve Minutes of August 3, 2021 Planning & Zoning Committee Regular Meeting.
Seconded by Mr. Borgkvist.
Motion carried unanimously.**

6. Citizen Input

No citizen input.

7. Operational Overview

- a. Approval of Expenditure Report

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

**Motion by Mr. Weyh to approve Expenditure Report.
Seconded by Mr. Stevenson.**

Motion carried unanimously.

- b. Department Budgets, Compensatory Time, Out of County Travel
 - c. Director's Staff Report/Update
8. 2022 Retirement and Replacement of Comptroller and Assistant Comptroller

Joe Ruf spoke on upcoming changes to the Comptroller and Assistant Comptroller positions.

9. Access Variance

- Pickhardt – Town of Randolph

Ms. Pulver-Johnson presented Staff Report.

Motion by Mr. Weyh 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 September 7, 2021 to waive road frontage requirements for Lot 2 with access provided via other instrument." The variance will become effective upon recording of the Certified Survey Map.

Seconded by Mr. Stevenson.

Motion carried unanimously.

10. Approval of CUP Site Plan

- Landmark – Town of Fountain Prairie

Mr. Calkins presented Staff Report. He explained the Staff Report had incorrect title, but Agenda was correct.

Motion by Mr. Borgkvist to approve CUP Site Plan Approval.

Seconded by Mr. Weyh.

Motion carried unanimously.

Site Visits (were not needed)

11. Public Hearing – 2:00PM

Item I Zoning Change – A-1 Agriculture to A-2 General Agriculture; Petitioner: Wendt Trust dated 12/9/14, c/o Elaine Wendt – Town of Columbus

Chair Baumgartner opened Public Hearing.

Ms. Pulver-Johnson presented Staff Report.

Chair Baumgartner asked if anyone has any questions.

Petitioner was present.

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

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

Town Board not present, but Approval is on file.

Chair Baumgartner closed the Public Hearing.

Motion by Ms. Brusveen to recommend approval to amend 1 acre, more or less, from A-1 Agriculture to A-2 General Agriculture.

Seconded by Mr. Richmond.

Motion carried unanimously.

Item II Zoning Change – A-1 Agriculture to RR-1 Rural Residence and from A-1 Agriculture to A-1 Agriculture with A-4 Agriculture Overlay; Petitioners: Reana M Kosmatka & John D Kosmatka – Town of Dekorra

Chair Baumgartner opened Public Hearing.

Ms. Pulver-Johnson presented Staff Report.

Chair Baumgartner asked if anyone has any questions.

Petitioner was present.

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

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

Town Board present, and Approval is on file.

Chair Baumgartner closed the Public Hearing.

Motion by Mr. Stevenson to recommend approval to amend 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 approval of the rezoning.

Seconded by Ms. Brusveen.

Motion carried unanimously.

Item III Zoning Change – AO-1 Agriculture and Open Space to C-2 General Commercial; Petitioners: C&B Properties LLC, c/o Melanie & Jesse Weaver – Town of Newport

Chair Baumgartner opened Public Hearing.

Mr. Calkins presented Staff Report.

Chair Baumgartner asked if anyone has any questions.

Petitioner was present.

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

Chair Baumgartner asked if anyone is against the petition.

Cecil E Pittack
W14542 Fairway Lane
Wisconsin Dells, WI

Mr. Pittack expressed his opposition to petition for reasons regarding noise, the property owner's dogs, and stating other reasons he doesn't believe petitioner is a good neighbor.

Chair Baumgartner asked if property owner would like a rebuttal.

Jesse Weaver states that he has no response to the personal attacks unrelated to this request. He states that all construction and operations he conducts are approved and on file.

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

Town Board present, and Approval is on file.

Chair Baumgartner closed the Public Hearing.

Motion by Mr. Weyh to recommend approval of 3.14 acres, more or less, from AO-1 Agriculture and Open Space to C-2 General Commercial.

Seconded by Mr. Borgkvist.

Motion carried unanimously.

Item IV Conditional Use Permit – For a Contractor's Shop; Petitioners: C&B Properties LLC, c/o Melanie & Jesse Weaver, and Applicant: The Lawn Barber Inc. c/o Melanie & Jesse Weaver – Town of Newport

Chair Baumgartner opened Public Hearing.

Mr. Calkins presented Staff Report.

Chair Baumgartner asked if anyone has any questions.

Petitioner was present.

Chair Baumgartner asked property owner what his hours of operations are.

Petitioner states that he could adhere to any proposed hours, except snowplowing hours are generally earlier. He states his business does not have public coming in and out. He states he loads up his equipment and leaves in the morning, and generally done by 6 or 7 PM.

Chair Baumgartner and Mr. Weyh state that hours could be between 6 AM and 7 PM, with exception for seasonal ingress/egress of snow plow equipment.

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

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

Town Board present, and Approval is on file.

Chair Baumgartner closed the Public Hearing.

Motion by Mr. Weyh to approve Conditional Use Permit for a Contractor’s Shop at N9845 State Highway 23, as proposed in the application and accompanying submittals and subject to the following Findings, Conclusions, and Conditions of Approval with amendment to add a Condition stating: “Hours of operation shall be 6:00 am – 7:00 pm, except for seasonal ingress/egress of snow plow and lawn mowing equipment.”

**Seconded by Mr. Borgkvist.
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. C&B Dells Properties, LLC is the owner of the subject property.
 - b. A single-family residence was previously present on site, but now the property sits vacant.
 - c. Adjacent properties are planned and/or zoned for commercial land use.
 - 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 Newport and is zoned AO-1 Agriculture and Open Space. The property owners are also petitioning a rezoning of the property to the C-2 General Commercial zoning district. The District uses are listed in Table 12.115.02(1).
2. A Contractor's Shop is a conditional use within the C-2 General Commercial zoning district.
3. The proposed use is consistent with the purpose and intent of the Columbia County Zoning Code.
4. Jesse and Melanie Weaver of C&B Dells Properties LLC 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 operate a Contractor's Shop on site, which is allowed as a Conditional Use under Table 12.115.02(1).
6. The Newport 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.

Conditions for the Decision:

1. The Conditional Use Permit shall be effective upon the rezoning of parcel 2.1 to the C-2 General Commercial district, and approval of landscaping, lighting, and stormwater management plans by the Planning and Zoning Department.
2. Hours of operation shall be 6:00 am – 7:00 pm, except for seasonal ingress/egress of snow plow equipment and lawn mowing equipment.
3. Landscaping plans shall be submitted to the Planning and Zoning Department that include a combination of landscaping, berming, or opaque fencing to provide an all-season screen within five years of planting. Landscaping shall be maintained, and any dead, diseased, or dying plants shall be replaced with identical, mature species.
4. Outdoor storage areas shall comply with the standards of Section 12.140.06(2)d.
5. Any amendments to the site plan shall be reviewed and approved by the Planning and Zoning Department, with significant changes being referred to the Town and Committee for action.
6. Signage must comply with Section 12.145 of the Columbia County Zoning Ordinance.
7. The property shall not involve the on-site holding, storage, or disposal of hazardous wastes as defined by State Statutes.
8. There shall be no more than five (5) employees working on any given shift, unless the delineated parking is increased to accommodate additional employees in accordance with Table 12.140.05(1).

9. Lighting for the facility shall be oriented so that the lighting element (or transparent shield) is not visible from the adjacent residential properties or State Highway 33. The use of shielded luminaires and careful placement of fixtures is encouraged to facilitate compliance with this requirement.
10. Lighting plans shall be submitted to the Planning and Zoning Department.
11. Stormwater management plans shall be submitted to the Planning and Zoning Department proving that proper controls will be installed to store a 100-year event on site.
12. The owner shall comply with and obtain all necessary permits required by applicable federal, state, and local regulations.
13. 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.
14. 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.
15. Any agreement(s) or condition(s) pertaining to this Conditional Use Permit between the Town of Newport and C&B Dells Properties, 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.

Item V Conditional Use Permit – For a Tourist Rooming House; Petitioners:
Patrick F Sweeney & Mary A Sweeney – Town of Newport

Chair Baumgartner opened Public Hearing.

Ms. Pulver-Johnson presented Staff Report.

Chair Baumgartner asked if anyone has any questions.

Petitioner was present.

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

Chair Baumgartner asked if anyone is against the petition.

Mrs. Peter Helland
 816 Meadow Ln.
 Wisconsin Dells, WI

Mrs. Peter Helland states opposition to request for reasons of unknown people showing up, and doesn't like what is happening.

It was clarified with property owner and staff that 1 group is only to be renting at a time, with 8 individuals maximum.

Chair Baumgartner asked if property owner would like to rebuttal.

Mr. Sweeney states that they have been good neighbors, and have connections through his son.

Chair Baumgartner asked if anyone else is against the petition.

Eric Helland
205 Windy Hill Road
Wisconsin Dells, WI

Mr. Helland states opposition to request for reasons and concerns of noise. He has concerns of owner not being on-site, and who answers to issues that have arisen. He also brings up water issue- if the City is aware of water use that will be happening from this.

Mr. Sweeney states the City is aware, and also he is available as a person 1 mile away to contact, available 24 hours.

Mr. Baumgartner asked if there are any other questions.

Ms. Brusveen asked if there are violations, if the County is able to revoke CUP.

Mr. Calkins stated that the CUP can be revoked, and citations can be issued in the meantime if necessary.

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

Town Board present, and Approval is on file.

Chair Baumgartner closed the Public Hearing.

Motion by Mr. Stevenson to approve Conditional Use Permit for a Tourist Rooming House at 106 Bowman Road, as proposed in the application and accompanying submittals and subject to the following Findings, Conclusions, and Conditions of

Approval.

Seconded by Ms. Brusveen.

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. Patrick F and Mary A Sweeney are the owners of the subject property.
 - b. The property is already developed with a single-family residence, accessory structure, and driveway on site.
 - c. 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.
 - d. 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.
 - e. The erosion potential of the site, based on topography, drainage, slope, soil type, and vegetative cover is minimal.
 - f. There is no existing or anticipated water pollution including sedimentation, and no impacts on floodplain and wetlands.
 - g. The site has adequate utilities, including acceptable disposal systems.
 - h. Access to streets and highways is suitable, and ingress and egress is designed to minimize traffic congestion and the potential effect on traffic flow.
 - i. 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 Newport and is zoned AO-1 Agriculture and Open Space. The District uses are listed in Table 12.105.02(1).
2. A Tourist Rooming House is a conditional use within the AO-1 Agriculture and Open Space zoning district.
3. The proposed use is consistent with the purpose and intent of the Columbia County Zoning Code.
4. Patrick F and Mary A Sweeney 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 12.105.02(1).
6. The Newport 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. The Tourist Rooming House shall be limited to one (1) rental per seven (7) calendar days.
3. Accessory structures and camping units shall not be used as habitable structures.
4. Pets associated with the short-term rental are prohibited.
5. 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.
6. All fires shall be located within proper fire pit structures and shall be extinguished during established quiet hours.
7. The use of fireworks shall be prohibited.
8. The use of firearms shall be prohibited.
9. Special events or parties in which more than one and one-half the permitted number of occupants are temporarily present on the premises shall be prohibited.
10. A fence five (5) to (6) six feet in height shall be installed along the railway prior to renting the property as a tourist rooming house.
11. Parking must be provided on-site, with a maximum of eight (8) 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.
12. Occupancy associated with the Tourist Rooming House shall be limited to eight (8) persons.
13. A 24-hour contact number shall be provided to the Planning and Zoning Department and Town Clerk.
14. 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.
15. A sign shall be placed inside, near the door, stating the hazards of playing near the railway.
16. A state sales tax number shall be obtained and provided to the Planning and Zoning Department.
17. The well and sanitary system shall comply with County and State requirements.
18. The property shall remain free and clear from citation and charges for nuisance, disorderly conduct, or other illegal activity.
19. Garbage and recycled materials shall be properly stored and disposed of regularly.
20. 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
21. The availability of the Tourist Rooming House to the public and tourists/transients shall not be advertised on site.

22. 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.
23. The owner shall comply with and obtain all necessary permits required by applicable federal, state and local regulations.
24. 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.
25. 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.
26. 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.
27. Any agreement(s) or condition(s) pertaining to this Conditional Use Permit between the Town of Newport and Patrick F and Mary A Sweeney 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 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay; Petitioners: Casey Curtin & Lisa Chapman, and Applicant: Tricia Denman – Town of Lewiston

Chair Baumgartner opened Public Hearing.

Ms. Pulver-Johnson presented Staff Report.

Chair Baumgartner asked if anyone has any questions.

Petitioner was present.

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

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

Town Board not present, but Approval is on file.

Chair Baumgartner closed the Public Hearing.

Motion by Ms. Brusveen to recommend approval of rezoning 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. Borgkvist.
Motion carried unanimously.**

Item VII Zoning Change – A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay; Petitioners: Gregory A Miller & Rodnie A Miller – Town of Lewiston

Chair Baumgartner opened Public Hearing.

Mr. Calkins presented Staff Report.

Chair Baumgartner asked if anyone has any questions.

Agent Scott Hewitt was present.

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

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

Town Board not present, but Approval is on file.

Chair Baumgartner closed the Public Hearing.

**Motion by Mr. Borgkvist to recommend approval of rezoning 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. Stevenson.
Motion carried unanimously.**

Item VIII Conditional Use Permit – For a Tourist Rooming House; Petitioner: Harvest Moon Pond III, LLC c/o Brian & Stephanie Showers. – Town of Lowville

Chair Baumgartner opened Public Hearing.

Mr. Calkins presented Staff Report.

Chair Baumgartner asked if anyone has any questions.

Petitioner was present.

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

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

Town Board not present, but Approval is on file.

Chair Baumgartner closed the Public Hearing.

**Motion by Mr. Richmond to approve Conditional Use Permit for Tourist Rooming House at N3594 State Highway 22, 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.**

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. Harvest Moon Pond III, LLC is the owner of the subject property.
 - b. The property is already developed with a single-family residence and driveway on site.
 - c. 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.
 - d. 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.
 - e. The erosion potential of the site, based on topography, drainage, slope, soil type, and vegetative cover is minimal.
 - f. There is no existing or anticipated water pollution including sedimentation, and no impacts on floodplain and wetlands.
 - g. The site has adequate utilities, including acceptable disposal systems.
 - h. Access to streets and highways is suitable, and ingress and egress is designed to minimize traffic congestion and the potential effect on traffic flow.
 - i. 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 Lowville and is zoned RR-1 Rural Residence. The District uses are listed in Table 12.110.02(1).
2. A Tourist Rooming House is a conditional use within the RR-1 Rural Residence zoning district.
3. The proposed use is consistent with the purpose and intent of the Columbia County Zoning Code.
4. Brian and Stephanie Showers of Harvest Moon Pond III, LLC 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 Lowville 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. The Tourist Rooming House shall be limited to 180 rental days per calendar year.
3. Accessory structures and camping units shall not be used as habitable structures.
4. Pets associated with the short-term rental are prohibited.
5. 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.
6. All fires shall be located within proper fire pit structures and shall be extinguished during established quiet hours.
7. The use of fireworks shall be prohibited.
8. The use of firearms shall be prohibited.
9. Larger meals and/or gatherings shall be permitted provided there is no more than 20 guests, six (6) vehicles, and the gathering lasts no more than two (2) hours.
10. Parking must 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.
11. Occupancy associated with the Tourist Rooming House shall be limited to eight (8) persons.
12. A 24-hour contact number shall be provided to the Planning and Zoning Department and Town Clerk.
13. 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.
14. A state sales tax number shall be obtained and provided to the Planning and Zoning Department.
15. The well and sanitary system shall comply with County and State requirements.

16. The property shall remain free and clear from citation and charges for nuisance, disorderly conduct, or other illegal activity.
17. Garbage and recycled materials shall be properly stored and disposed of regularly.
18. 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
19. The availability of the Tourist Rooming House to the public and tourists/transients shall not be advertised on site.
20. 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.
21. The owner shall comply with and obtain all necessary permits required by applicable federal, state and local regulations.
22. 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.
23. 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.
24. 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.
25. Any agreement(s) or condition(s) pertaining to this Conditional Use Permit between the Town of Lowville and Harvest Moon Pond III, 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.

Item IX 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: Diana R Greiner – Town of Fort Winnebago

Chair Baumgartner opened Public Hearing.

Ms. Pulver-Johnson presented Staff Report.

Chair Baumgartner asked if anyone has any questions.

Petitioner was present.

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

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

Town Board not present, but Approval is on file.

Chair Baumgartner closed the Public Hearing.

Motion by Mr. Borgkvist to recommend approval of rezoning 1.08 acres, more or less, from A-1 Agriculture to RR-1 Rural Residence, and 33.92 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. Stevenson.

Motion carried unanimously.

Item X 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: Nathan F Schwoerer – Town of Fountain Prairie

Chair Baumgartner opened Public Hearing.

Ms. Pulver-Johnson presented Staff Report.

Chair Baumgartner asked if anyone has any questions.

Petitioner was present.

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

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

Town Board present, and Approval is on file.

Chair Baumgartner closed the Public Hearing.

Motion by Ms. Brusveen to recommend approval of rezoning 2 acres, more or less, from A-1 Agriculture to RR-1 Rural Residence, and 50.84 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. Stevenson.

Motion carried unanimously.

Item XI Conditional Use Permit – For a Major Home Occupation: Contractor’s Shop; Petitioner: Hutchinson Farms LLC c/o Susan Froehle – Town of Leeds

Chair Baumgartner opened Public Hearing.

Mr. Calkins presented Staff Report.

Chair Baumgartner asked if anyone has any questions.

Petitioner was present.

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

Chair Baumgartner asked if anyone is against the petition.

Chair Baumgartner asked if there are any other questions or comments.

Town Board present, and Approval is on file.

Chair Baumgartner closed the Public Hearing.

Motion by Mr. Stevenson to approve Conditional Use Permit for a Major Home Occupation: Contractor's Shop (Landscaping) at N1024 US Highway, 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.

12. Adjourn

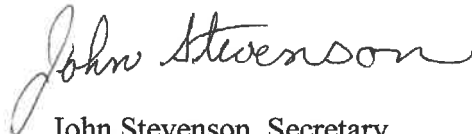
Motion by Mr. Richmond to adjourn meeting.

Seconded by Mr. Stevenson.

Motion carried unanimously.

Meeting adjourned at 3:24 PM

Respectfully Submitted,



John Stevenson, Secretary
Planning and Zoning Committee



Recording Secretary
Lauren Ramirez, Office Administrator

cc: Committee Members
Vern Gove, County Board Chair
Bob Koch, County Board Vice Chair
James Foley, County Board Vice Chair

