

**PLANNING & ZONING COMMITTEE MINUTES  
OCTOBER 5, 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: Susan Fischer – Corporation Counsel, Jim Grothman – Grothman & Associates

**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. Weyh to approve Agenda of October 5, 2021 Planning & Zoning Committee Regular Meeting & Public Hearing.  
Seconded by Mr. Borgkvist.  
Motion carried unanimously.**

5. Approval of Previous Meeting Minutes

**Motion by Mr. Weyh to approve Minutes of September 7, 2021 Planning & Zoning Committee Regular Meeting.  
Seconded by Mr. Stevenson.  
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 Ms. Brusveen.**

**Motion carried unanimously.**

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

Mr. Calkins presented the 3<sup>rd</sup> Quarter Vehicle Mileage Form.

**Motion by Mr. Borgkvist to approve Vehicle Mileage Form.  
Seconded by Mr. Stevenson.  
Motion carried unanimously.**

8. Courtland Rezone

- Jung

Mr. Calkins presented Staff Report.

**Motion by Ms. Brusveen to recommend adoption of the Resolution to rezone  
2.48 acres from A-1 Agricultural and Farmland Preservation to R-1 Rural  
Residential.  
Seconded by Mr. Stevenson.  
Motion carried unanimously.**

- Woudstra

Mr. Calkins presented Staff Report.

**Motion by Mr. Weyh to recommend adoption of the Resolution to rezone  
2 acres from A-1 Agricultural and Farmland Preservation to R-1 Rural  
Residential.  
Seconded by Mr. Borgkvist.  
Motion carried unanimously.**

- Marshall/Hanson

Mr. Calkins presented Staff Report.

**Motion by Mr. Borgkvist to recommend adoption of the Resolution to rezone  
2 acres from A-1 Agricultural and Farmland Preservation to R-1 Rural  
Residential.  
Seconded by Mr. Stevenson.  
Motion carried unanimously.**

Site Visits (were not needed)

9. Public Hearing – 2:00PM

Item I Conditional Use Permit – For Retail Sales – Indoor; Petitioner: Millpond Investments, LLC, c/o Sumanpreet Ghuman, and Applicant: KLM Management Group, c/o John Burchert – Town of Caledonia

Chair Baumgartner opened Public Hearing.

Ms. Pulver-Johnson presented Staff Report.

Chair Baumgartner asked if anyone has any questions.

Petitioner John Burchert of KLM Management Group was present and stated that he understands the depth of the conditions, will abide by them, and looks forward to doing business here.

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 Retail Sales – Indoor at N5767 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. 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. Millpond Investments LLC is the owner of the subject property.
  - b. KLM Management Group is the operator of the proposed Conditional Use Permit.
  - c. The property is already developed with a commercial structure, driveway, and parking lot on site.
  - d. The establishment, maintenance, or operation of the proposed use will not be detrimental to or endanger the public health, safety, or general welfare of the occupants of surrounding lands.
  - e. The use will be designed, constructed, operated, and maintained so as to be compatible, and be appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area such that the use will substantially impair or diminish the use, value, or enjoyment of existing or future permitted uses in the area.
  - f. The erosion potential of the site, based on topography, drainage, slope, soil type, and vegetative cover is minimal.

- g. There is no existing or anticipated water pollution including sedimentation, and no impacts on floodplain and wetlands.
- h. The site has adequate utilities, including acceptable disposal systems.
- i. Access to streets and highways is suitable, and ingress and egress is designed to minimize traffic congestion and the potential effect on traffic flow.
- j. The Conditional Use shall conform to the standards of the applicable district(s) in which it is located.

**Conclusions of Law:**

1. The subject property is located in the Town of Caledonia and is zoned C-3 Highway Interchange. The District uses are listed in Table 12.115.02(1).
2. Retail Sales, Indoor is a conditional use within the C-3 Highway Interchange zoning district.
3. The proposed use is consistent with the purpose and intent of the Columbia County Zoning Code.
4. John Burchert of KLM Management Group, and Sumanpreet Ghuman of Millpond Investments, 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 building for Retail Sales, Indoor, which is allowed as a Conditional Use under Table 12.115.02(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.

**Conditions for the Decision:**

1. The site shall be developed in accordance with the approved site plan. Any amendments to the approved site plan shall be reviewed and approved by the Planning and Zoning Department, with significant changes (as defined by a building modification equal to or greater than 25 percent of the existing square footage) shall be reviewed and approved by the Town and Planning and Zoning Committee.
2. There shall be no sale of adult products. These products are more specifically defined as follows under the Columbia County Zoning Code:
  - a. Subsection 12.160.02(8), "Adult Bookstore: A type of adult use having as a substantial or significant portion of its stock in trade, for sale, rent lease, inspection or viewing, books films, video cassettes, magazines, or other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing, or related to specific sexual activities or specified anatomical areas, or an establishment with a segment or subsection devoted to the sale, rent, or display of such material."
  - b. Subsection 12.160.02(9), "Adult Entertainment Establishment: A type of adult use and business having as its substantial or significant business purpose the offering to the public or to its members of a product or service, including, but not limited to, entertainment, intended to provide sexual stimulation or sexual gratification, and which product or service is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas."
  - c. Subsection 12.155.01(1), "Adult Use: Includes, but is not limited to, adult entertainment establishments, adult bookstores, adult motion picture theaters, adult cabarets, "strip clubs", "gentleman's clubs", or related establishments, as some such terms are defined in Section 12.160.02. It further means any premises

to which public patrons or members are invited or admitted and which are so physically arranged so as to provide booths, cubicles, rooms, compartments, or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron, or a member, whether or not such adult entertainment is held, conducted, operated, or maintained for a profit, direct or indirect...”

3. The sale of hemp-based products with a THC level greater than 1% shall be prohibited.
4. Cracks in the parking lot shall be filled, and the parking spaces shall be striped. Filling and striping shall be completed no later than 12 months from the date of approval of this Conditional Use Permit. The parking lot shall be maintained as necessary.
5. Garbage and recycled materials shall be properly stored and disposed of regularly. This area shall be enclosed with a fence no later than 12 months from the date of approval.
6. All exterior lighting shall be oriented so that the lighting elements (or transparent shield) are not visible from adjacent property or right-of-way. The use of shielded luminaries and careful placement of fixtures is encouraged to facilitate compliance with this requirement. All lighting shall comply with Subsection 12.140.07 of the Columbia County Zoning Code.
7. Signage shall comply with Section 12.145 of the Columbia County Zoning Ordinance.
8. The well and sanitary system shall comply with County and State requirements.
9. The property shall remain free and clear from citation and charges for nuisance, disorderly conduct, or other illegal activity.
10. The owner shall comply with and obtain all necessary permits required by applicable federal, state and local regulations.
11. 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.
12. 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.
13. Any agreement(s) or condition(s) pertaining to this Conditional Use Permit between the Town of Caledonia and KLM Management Group and Millpond Investments 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 II            Conditional Use Permit – For a Tourist Rooming House; Petitioner: David Olson & Bobbi J Olson – Town of Caledonia

Chair Baumgartner opened Public Hearing.

Ms. Pulver-Johnson presented Staff Report.

Chair Baumgartner asked if anyone has any questions.

Petitioner Bobbi Olson was present via Zoom.

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. Stevenson to approve Conditional Use Permit for a Tourist Rooming House at N4221 Gold Bluff Court 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. David and Bobbi J Olson are the owners 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 Caledonia and is zoned R-1 Single-Family Residence. The District uses are listed in Table 12.110.02(1).
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. David and Bobbi J Olson 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. All fires shall be located within proper fire pit structures and shall be extinguished during established quiet hours.
5. The use of fireworks shall be prohibited.
6. The use of firearms shall be prohibited.
7. Special events or parties in which more than one and one-half the permitted number of occupants are temporarily present on the premises shall be prohibited.
8. 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.
9. Occupancy associated with the Tourist Rooming House shall be limited to eight (8) persons.
10. A sign shall be placed inside, near the door, stating the hazards of swimming in the river.
11. A 24-hour contact number shall be provided to the Planning and Zoning Department and Town Clerk.

12. The 24-hour contact number shall be posted near the primary entrance door on a sign no larger than 12"x18" in case of a complaint or emergency. If the owner does not live within one hour's drive of the tourist rooming house, there shall be a local contact person.
13. A state sales tax number shall be obtained and provided to the Planning and Zoning Department.
14. The well and sanitary system shall comply with County and State requirements.
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 Caledonia and David and Bobbi Olson 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 III      Zoning Change – A-1 Agriculture to A-1 Agriculture with A-4  
Agricultural Overlay; Petitioner: Lawrence L Sr & Deborah C Neuman  
Living Trust – Town of Fort Winnebago

Chair Baumgartner opened Public Hearing.

Mr. Calkins presented Staff Report.

Chair Baumgartner asked if anyone has any questions.



Agent Jim Grothman 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 not present, but Approval is on file.

Chair Baumgartner closed the Public Hearing.

**Motion by Mr. Stevenson to recommend approval of 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 IV      Zoning Change – A-1 Agriculture to A-2 General Agriculture; Petitioners: Lawrence J Meinholz & Megan C Meinholz – Town of Fort Winnebago

Chair Baumgartner opened Public Hearing.

Mr. Calkins presented Staff Report.

Chair Baumgartner asked if anyone has any questions.

Petitioner was present via Zoom.

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 not present, but Approval is on file.

Chair Baumgartner closed the Public Hearing.

**Motion by Mr. Borgkvist to recommend approval of 19.81 acres, more or less, from A-1 Agriculture to A-2 General Agriculture, all effective upon recording of the Certified Survey Map.**

**Seconded by Mr. Stevenson.**

**Motion carried unanimously.**

Item V      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: Matthew W Johnson – Town of Fort Winnebago

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. (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 5 acres, more or less, from A-1 Agriculture to RR-1 Rural Residence, and 30.01 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 VI      Zoning Change – AO-1 Agriculture and Open Space to C-1 Light Commercial; Petitioners: Tim and Sara Brandsma Living Trust dated 1/27/2014, and Engineered Storage, LLC – 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. Richmond to recommend approval of rezoning 2.19 acres, more or less, from AO-1 Agriculture and Open Space to C-1 Light Commercial, all effective upon recording of the Certified Survey Map.  
Seconded by Mr. Weyh.  
Motion carried unanimously.**

Item VII Conditional Use Permit – For a Mini-Warehouse; Petitioners: Tim and Sara Brandsma Living Trust dated 1/27/2014, and Engineered Storage LLC – 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 approve Conditional Use Permit for a Mini-Warehouse at W8342 State Highway 33 as proposed in the application and accompanying submittals and subject to the following Findings, Conclusions, and Conditions of Approval.**

**Seconded by Mr. Stevenson.  
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. Engineered Storage LLC and Tim and Sara Brandsma Living Trust are the owners of the subject property.
  - b. The property is already developed with a mini-warehouse facility 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 Fort Winnebago and is zoned C-1 Light Commercial and AO-1 Agriculture and Open Space. The District uses are listed in Tables 12.105.02(1) and 12.115.02(1).
2. Mini-warehouses are a conditional use within the C-1 Light Commercial zoning district.
3. Engineered Storage LLC and Tim and Sara Brandsma Living Trust 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.
4. The petitioners are also requesting a rezoning of 2.19 acres from AO-1 Agriculture and Open Space to C-1 Light Commercial to accommodate the proposed expansion.
5. The proposed use is consistent with the purpose and intent of the Columbia County Zoning Code.
6. The petitioner is proposing to expand an existing mini-warehouse facility, which is allowed as a Conditional Use under Table 12.115.02(1).
7. The Fort Winnebago Town Board has reviewed and recommended approval of the Conditional Use Permit, 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.

**Conditions for the Decision:**

1. A landscaped transitional yard, in accordance with the standards in Section 12.140.06(2)d and the approved site plan, shall be installed and maintained.
2. Any amendments to the site plan shall be reviewed and approved by the Planning and Zoning Department, with significant changes (as defined by a building modification equal to or greater than 25 percent of the existing square footage) shall be reviewed and approved by the Town and Planning and Zoning Committee.
3. Signage must comply with Section 12.145 of the Columbia County Zoning Ordinance.
4. The property shall not involve the on-site holding, storage, or disposal of hazardous wastes as defined by State Statutes.
5. No business activity shall be operated from or outside of any portioned area within a mini-warehouse.
6. Outside storage shall be prohibited.
7. A chain link fence shall be constructed along the western boundary of the property within 12 months of the date of approval.
8. 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 luminaries and careful placement of fixtures is encouraged to facilitate compliance with this requirement.
9. Prior to issuance of a Zoning Permit associated with land disturbing and development activities, the applicant shall submit a stormwater management plan and erosion control plan, prepared and stamped by a licensed engineer qualified in stormwater management planning.
10. The owner shall comply with and obtain all necessary permits required by applicable federal, state, and local regulations.

11. 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.
12. The property shall remain free and clear from citation and charges for nuisance, disorderly conduct, or other illegal activity.
13. 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.
14. Any agreement(s) or condition(s) pertaining to this Conditional Use Permit between the Town of Fort Winnebago and Engineered Storage LLC and Tim and Sara Brandsma Living Trust 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 VIII      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: Judith E Bartnick, and Gasser Ventures Inc., c/o Brian Gasser – Town of West Point

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. Stevenson to recommend approval of rezoning 5 acres, more or less, from A-1 Agriculture to RR-1 Rural Residence, and 40 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.**

Item IX      Zoning Change – A-2 General Agriculture to RR-1 Rural Residence, A-1 Agriculture, and A-1 Agriculture with A-4 Agricultural Overlay; Petitioners: George Judith E Bartnick, and Gasser Ventures Inc., c/o Brian Gasser – Town of West Point

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 Ms. Brusveen to recommend approval of rezoning 5 acres, more or less, from A-2 General Agriculture to RR-1 Rural Residence, 4.65 acres, more or less, from A-2 General Agriculture to A-1 Agriculture, and 30 acres, more or less, from A-2 General 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.**

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: Matthew F & Dawn M Faust Revocable Trust – Town of Fountain Prairie

Chair Baumgartner opened Public Hearing.

Mr. Calkins presented Staff Report.

Chair Baumgartner asked if anyone has any questions.

Agent Jim Grothman 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. Weyh Brusveen to recommend approval of rezoning 2 acres, more or less, from A-1 Agriculture to RR-1 Rural Residence, and 41.52 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: Recording Studio; Petitioners: Melissa Lynn Flores & Terrance M Barrett – Town of Springvale

Chair Baumgartner opened Public Hearing.

Ms. Pulver-Johnson presented Staff Report.

Chair Baumgartner asked if anyone has any questions.

Petitioner was present via Zoom.

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

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

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

Town Board not present, but Approval is on file.

Chair Baumgartner closed the Public Hearing.

**Motion by Mr. Borgkvist to approve Conditional Use Permit for a Major Home Occupation: Recording Studio at N3696 County Highway B, as proposed in the application and accompanying submittals and subject to the following Findings, Conclusions, and Conditions of Approval.**

**Seconded by Mr. Stevenson.**

**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. Terrance M Barrett and Melissa L Flores are the owners of the subject property.
  - b. The property is already developed with a single-family residence, driveway, and several accessory structures 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 Springvale and is zoned A-1 Agriculture. The District uses are listed in Table 12.105.02(1).
- 2. A Major Home Occupation is a conditional use within the A-1 Agriculture zoning district.
- 3. The proposed use is consistent with the purpose and intent of the Columbia County Zoning Code.
- 4. Terrance M Barrett and Melissa L Flores 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 accessory structure as a Major Home Occupation: Recording Studio, which is allowed as a Conditional Use under Table 12.110.02(1).
- 6. The Springvale 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. Major Home Occupations are subject to the standards of Section 12.125.28(2) of the Columbia County Zoning Code.
  - (a) Major Home Occupations within the A-1 District are subject to the additional standards of Section 12.125.28(2)(k).

**Conditions for the Decision:**

- 1. The Conditional Use Permit is not transferable pursuant to Subsection 12.125.28(2)(i).
- 2. There shall be no more than 4 (four) employees of the Major Home Occupation, in accordance with Farmland Preservation requirements.
- 3. The use shall be conducted entirely within the confines of the accessory structure.
- 4. All new lighting for the facility shall comply with Subsection 12.140.07 of the Columbia County Zoning Ordinance.
- 5. Sound associated with the Major Home Occupation shall not exceed 65dBA at any property line.
- 6. Outside storage of any materials or equipment associated with the Major Home Occupation shall be prohibited.
- 7. Signage shall comply with Section 12.145 of the Columbia County Zoning Ordinance.
- 8. The appearance of the structures shall not be altered or the occupation be conducted 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, or vibrations that carry beyond the premises.



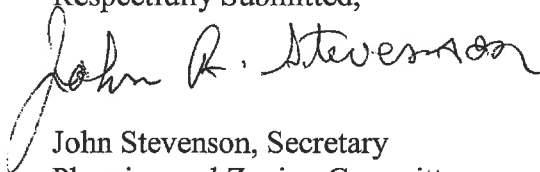
9. The well and sanitary system shall comply with County and State requirements.
10. The property shall remain free and clear from citation and charges for nuisance, disorderly conduct, or other illegal activity.
11. The owner shall comply with and obtain all necessary permits required by applicable federal, state and local regulations.
12. 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.
13. 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.
14. Any agreement(s) or condition(s) pertaining to this Conditional Use Permit between the Town of Springvale and Terrance M Barrett and Melissa L Flores 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.

9. Adjourn

**Motion by Mr. Richmond to adjourn meeting.  
Seconded by Mr. Stevenson.  
Motion carried unanimously.**

Meeting adjourned at 2:52 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

