

**PLANNING & ZONING COMMITTEE MINUTES
NOVEMBER 2, 2021**

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

EXCUSED ABSENT: Mike Weyh

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, Darren Schroeder – Town of
Columbus, Chair

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 November 2, 2021 Planning & Zoning Committee Regular Meeting & Public Hearing.

Seconded by Ms. Brusveen.

Motion carried unanimously.

5. Approval of Previous Meeting Minutes

Motion by Mr. Borgkvist to approve Minutes of October 5, 2021 Planning & Zoning Committee Regular Meeting.

Seconded by Mr. Richmond.

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

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

Site Visits (were not needed)

8. Public Hearing – 2:00PM

Item I Conditional Use Permit – For a Tourist Rooming House; Petitioner:
Kathleen R Gargano Revocable Living Trust – Town of Lodi

Chair Baumgartner opened Public Hearing.

Mr. Calkins presented Staff Report.

Chair Baumgartner asked if anyone has any questions.

Petitioner was not present.

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

Chair Baumgartner asked if anyone is against the petition.

Yvonne Orr was present.
N2646 Summerville Park Road
Lodi, WI

Ms. Orr was present and stated her concerns as a neighbor. These concerns include, but not limited to thus far: witnessing and experiencing loud partying until the late hours of the night, loud music, swearing, unsafe fires, animals, people urinating and trespassing on her property, among other concerns. She stated that this has continued all summer and the most recent time it was rented out was the weekend prior to this meeting. She stated she has attempted to get in contact with owner/applicant with no success, and neighbors are not ever present, only renters.

Harlan Baumgartner asked Planning & Zoning Staff about consequences of approving vs. not approving today.

Mr. Calkins explained that if there's no approval- they still cannot continue to rent. If approving, the use is legitimate, and they are testifying they will abide by the rules. From there, if they do not follow rules, he

reviews enforcement penalties, and option to revoke Conditional Use Permit at Committee level at future meeting.

Mr. Richmond stated he thinks applicants need to be present to answer questions, and plans to make motion to postpone.

Denise Brusveen asked neighbor Yvonne Orr when the last rental was that she noticed.

Ms. Orr stated this past weekend.

Chair Baumgartner asked if anyone else is against the petition.

Jeremy Ross

Mr. Ross states he went to town meeting, where they said they can't say no, and that's why they approved it. He added that he doesn't believe they'll follow any rules, as they haven't thus far.

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 postpone Decision on the Conditional Use Permit until the owner, applicant, or representative is able to appear before Committee for questions/testimony.
Seconded by Ms. Brusveen.
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 Agricultural Overlay; Petitioner: Rebecca L Breda & Timothy J Zander – Town of Columbus

Chair Baumgartner opened Public Hearing.

Mr. Calkins presented Staff Report. He reviews the Conditions recommended by town and county that Petitioner must meet prior to approval.

Chair Baumgartner asked if anyone has any questions.

Petitioner Tim Zander was present. He stated the Town Board met and approved, then changed their mind after-the-fact without a vote. He stated excavated area he is not mining, and is not on residential area and he will have buffer. He stated reasons he does not agree with town or county on Staff Report, and states he is being bullied, and can sue the county for this. He added that he will get CUP to make everyone happy, but excavated

area has been there and driveway has been there, though he doesn't know who put in the extra driveway, but he is perfectly fine to work with anyone, but won't put up with bullying, shenanigans, or bad government.

Mr. Calkins stated the mining is a nonconforming use. In 2001 it became state law that any nonmetallic mine over 1 acre, had to stay in, or get out of game. If they chose to stay in, then documents had to be submitted to the county, per the Non Metallic Mining law. He stated in 2001, the county has no record of any of the required documents being submitted. Moving forward, the area had to be left alone. Mr. Calkins stated that nonconforming illegitimate use should be taken care of, prior to allowing a rezone. He also stated that the surveyor determined that a portion of the excavated area was within the requested RR-1 lot, which is not allowed.

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 Chair Darren Schroeder present, and Approval for 10/11 on file with recommendations.

Chair Baumgartner closed the Public Hearing.

Motion by Tom Borgkvist to postpone approval of the rezone until listed criteria in the Staff Report are met.

Seconded by Denise Brusveen.

Motion carried unanimously.

Mr. Richmond asked if biggest issue is the lot line currently including the excavated area.

Mr. Zander asked why town and county even cares about this, or anyone.

Chair Baumgartner stated the public hearing is closed.

Mr. Calkins confirmed yes. He stated that having a small portion of the quarry is in the residential, even 6 feet, doesn't make sense. He said there were a few options to make this rezone happen, such as a CUP, or affidavit of non-use, but they take time, and are referenced in Staff Report.

Mr. Zander stated he will not bother and instead just buy a different place.

Item III 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: Darren W Schroeder – Town of Columbus

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 Chair (Petitioner) was present, and Approval is on file.

Chair Baumgartner closed the Public Hearing.

**Motion by Ms. Brusveen to recommend approval of 3.1 acres, more or less, from A-1 Agriculture to RR-1 Rural Residence, and 32 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 Conditional Use Permit – For a Tourist Rooming House; Petitioner: Richard Dean Meyer & Wendy L Meyer – Town of Caledonia

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 Mr. Borgkvist to approve Conditional Use Permit for a Tourist Rooming House at W11758 Thresher Road as proposed in the application and accompanying submittals and subject to the following Findings, Conclusions, and Conditions of Approval.
Seconded by Mr. Richmond.
Motion carried unanimously.**

Findings of Fact:

1. Upon review of the guidelines in Section 12.150.07(4) of the Columbia County Zoning Code, and with the explanation of the criteria in Attachment A of the Staff Report, the Committee finds the following:
 - a. Richard and Wendy Meyer 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 A-2 General Agriculture. The District uses are listed in Table 12.105.02(1).
2. A Tourist Rooming House is a conditional use within the A-2 General Agriculture zoning district.
3. The proposed use is consistent with the purpose and intent of the Columbia County Zoning Code.
4. Richard and Wendy Meyer 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 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 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.
9. Occupancy associated with the Tourist Rooming House shall be limited to six (6) persons.
10. A 24-hour contact number shall be provided to the Planning and Zoning Department and Town Clerk.
11. 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.
12. A state sales tax number shall be obtained and provided to the Planning and Zoning Department.
13. The well and sanitary system shall comply with County and State requirements.
14. The property shall remain free and clear from citation and charges for nuisance, disorderly conduct, or other illegal activity.
15. Garbage and recycled materials shall be properly stored and disposed of regularly.
16. 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.
17. The availability of the Tourist Rooming House to the public and tourists/transients shall not be advertised on site.
18. 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.
19. The owner shall comply with and obtain all necessary permits required by applicable federal, state and local regulations.

20. 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.
21. 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.
22. 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.
23. Any agreement(s) or condition(s) pertaining to this Conditional Use Permit between the Town of Caledonia and Richard and Wendy Meyer 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: 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: Trust Agreement of Dennis & Sharon Borde, and Alan R Borde & Patti Jo Borde – Town of Lowville

Chair Baumgartner opened Public Hearing.

Mr. Calkins presented Staff Report.

Chair Baumgartner asked if anyone has any questions.

Agent Jim Grothman from Grothman & Associates 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 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 Ms. Brusveen.

Motion carried unanimously.

Item VI Plan Map Amendment – Future Land Use Map: Agriculture or Open Space to Commercial; Farmland Preservation Plan Map: Farmland Preservation Area to Urban Transition Area; Petitioners: BT&T Holdings, LLC – Town of Arlington

Chair Baumgartner opened Public Hearing.

Mr. Calkins presented Staff Report.

Chair Baumgartner asked if anyone has any questions.

Petitioner was present.

Mr. Stevenson stated concerns for access, and water issues.

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 to amend 30 acres, more or less, of the Future Land Use map from Agricultural to Commercial land use designation, and 30 acres, more or less, of the Farmland Preservation Plan map from Farmland Preservation Area to Urban Transition Area, all effective upon recording of the Certified Survey Map.

Seconded by Mr. Borgkvist.

Mr. Stevenson abstained from vote.

Motion carried.

9. Adjourn

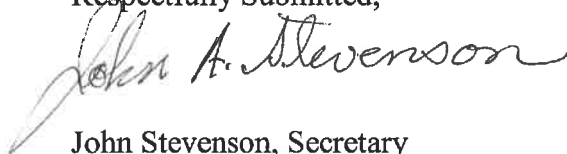
Motion by Ms. Brusveen to adjourn meeting.

Seconded by Mr. Richmond.

Motion carried unanimously.

Meeting adjourned at 2:52 PM

Respectfully Submitted,



John Stevenson, Secretary
Planning and Zoning Committee

Lauren Ramirez

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