

**PLANNING & ZONING COMMITTEE MINUTES
NOVEMBER 5, 2019**

PRESENT: Kevin Kessler, Harlan Baumgartner, Mike Weyh, Tom Borgkvist

ABSENT: John Stevenson

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

ALSO PRESENT: Jim Grothman – Grothman & Associates, Vern Gove – Columbia County Chairman, Joe Ruf – Corporation Counsel, Jessica Hale – Corporation Counsel

3:30 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 November 5, 2019 Planning & Zoning Committee Regular Meeting & Public Hearing.

Seconded by Mr. Stevenson.

Motion carried unanimously.

5. Approval of Previous Meeting Minutes

Motion by Vice Chair Baumgartner to approve Minutes of October 1, 2019 Planning & Zoning Committee Regular Meeting.

Seconded by Mr. Borgkvist.

Motion carried unanimously.

6. Citizen Input

No citizen input.

7. Operational Overview

- a. Approve Expenditure Report

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

Motion by Mr. Weyh to approve Expenditure Report.

Seconded by Mr. Borgkvist.

Motion carried unanimously.

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

c. Director's Staff Report/Update

8. Chairman's Update

9. Final Plat

- Shire Wood – Town of Caledonia

Ms. Pulver-Johnson reviewed the Staff Report.

Motion by Vice Chair Baumgartner to recommend approval of a Final Plat of Shire Wood subject to the recommended conditions:

1. **Dedication of land within the Plat used as County Highway U shall be approved by the County Board prior to recording of the Final Plat.**
2. **Lodi**
3. **Dedication of land within the Plat to be used as Gold Bluff Court and Crane Hollow Court shall be approved by the Town Board.**
4. **All necessary driveway permits shall be obtained and submitted to the Planning and Zoning Department prior to the approval of the Final Plat, and must be installed within 1 year of permit issuance.**
5. **Separate stormwater easement documents shall be recorded prior to or concurrent with the Final Plat.**
6. **All required actions of the completed Endangered Resource Review shall be complied with.**
7. **A deed restriction shall be recorded on Lots 1-4, 6-11, and Outlot 1 stating that all existing violations within the boundary of the Plat shall be resolved prior to issuance of a zoning permit for development on any referenced lot. The deed restriction shall be recorded concurrent with the Final Plat.**
8. **A note shall be added to the face of the Plat stating that no cutting shall be permitted within 35' of the ordinary high-water mark, unless in compliance with Title 16 Chapter 500.**

Seconded by Mr. Borgkvist.

Motion carried unanimously.

10. Highway Dedication

- Shire Wood – Town of Caledonia

Ms. Pulver-Johnson reviewed the Staff Report.

Motion by Mr. Borgkvist to recommend adoption of the Resolution for the Dedication of County Highway U in the Town of Caledonia.

Seconded by Mr. Weyh.

Motion carried unanimously.

- Eckstein – Town of Dekorra

Ms. Pulver-Johnson reviewed the Staff Report.

Chair Kessler stated he is good friends with applicant, with no financial investment in this proposal, but will be abstaining from voting.

Motion by Mr. Weyh to recommend adoption of the Resolution for the Dedication of County Highway V in the Town of Dekorra.

Seconded by Vice Chair Baumgartner.

Motion carried unanimously.

- Cupola – Town of Lodi

Ms. Pulver-Johnson reviewed the Staff Report.

Motion by Vice Chair Baumgartner to recommend adoption of the Resolution for the Dedication of County Highway K in the Town of Lodi.

Seconded by Mr. Borgkvist.

Motion carried unanimously.

Site Visits (were not needed)

11. Public Hearing – 4:00PM

Item I 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: Loken Family LLC c/o Brian Loken – Town of Dekorra

Chair Kessler opened Public Hearing.

Ms. Pulver-Johnson presented Staff Report.

Chair Kessler asked if anyone has any questions.

Agent Jim Grothman was present.

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

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

Town Approval is on file.

Chair Kessler closed the Public Hearing.

**Motion by Mr. Borgkvist to approve rezoning 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, effective upon recording of the Certified Survey Map.
Seconded by Mr. Weyh.
Motion carried unanimously.**

Item II- Plan Map Amendment: Agricultural or Open Space and Single-Family Residential to Single-Family Residential; Petitioners: David M Ford & Diane M Ford – Town of Dekorra

Chair Kessler opened Public Hearing.

Ms. Pulver-Johnson presented Staff Report.

Chair Kessler asked if anyone has any questions.

Petitioner was present.

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

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

Town Board Approval is on file.

Chair Kessler closed the Public Hearing.

**Motion by Vice Chair Baumgartner to recommend approval to County Board to amend .34 acres, more or less, of the Future Land Use map from Agricultural or Open Space and Single-Family Residential to Single-Family Residential, all effective upon recording of the Certified Survey Map.
Seconded by Mr. Weyh.
Motion carried unanimously.**

Item III Zoning Change – R-1 Single Family Residence and RC-1 Recreation to R-1 Single-Family Residence; Petitioner: David M Ford & Diane M Ford – Town of Dekorra

Chair Kessler opened Public Hearing.

Ms. Pulver-Johnson presented Staff Report.

Chair Kessler asked if anyone has any questions.

Petitioner was present.

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

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

Town Board Approval is on file.

Chair Kessler closed the Public Hearing.

Motion by Mr. Weyh to approve rezoning of .34 acres, more or less, from R-1 Single-Family Residence and RC-1 Recreation to R-1 Single Family Residence, effective upon recording of the Certified Survey Map.

Seconded by Vice Chair Baumgartner.

Motion carried unanimously.

Item VI Zoning Change – A-1 Agriculture to RR-1 Rural Residence and A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay; Petitioner: Trust Agreement of Steven & Inez Greiber – Town of Dekorra

Chair Kessler opened Public Hearing.

Ms. Pulver-Johnson presented Staff Report.

Chair Kessler asked if anyone has any questions.

Petitioner was present.

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

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

Town Board Approval is on file.

Chair Kessler closed the Public Hearing.

Motion by Mr. Weyh to approve rezoning of 5 acres, more or less, from A-1 Agriculture to RR-1 Rural Residence and 30.78 acres, more or less, from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay, effective upon recording of the Certified Survey Map.

Seconded by Vice Chair Baumgartner.

Motion carried unanimously.

Item V Plan Map Amendment – Recreational to Agricultural or Open Space and from Developed/Infill Area to Farmland Preservation Area; Petitioner: Nathan L Griepentrog – Town of Caledonia

Chair Kessler opened Public Hearing.

Ms. Pulver-Johnson presented Staff Report.

Chair Kessler asked if anyone has any questions.

Petitioner was not present.

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

Chair Kessler asked if anyone is against the petition.

Mr. Borgkvist asked if Town has scheduled their meeting.

Liz Miller
N4771 STH 78
Merrimac, WI

Ms. Miller was present and stated she is member of Town Plan Commission, and they are hearing it November 6.

Chair Kessler questioned if problem would arise if Town denies, as he would not be in favor of town conflict.

Ms. Pulver-Johnson further explained County Plan Amendment requests are for County, town is separate and town decision does not have weight on County map. She also explained this would not be in effect until after CSM is recorded, after rezone, which town does hear prior to our approval for rezone.

Ms. Miller stated she is not speaking for all Plan Commission or Town, but she is not in favor of this request.

Jim Grothman explained house has been on property, and changing approving this would fix current issue.

Chair Kessler closed the Public Hearing.

Motion by Vice Chair Baumgartner to recommend approval to County Board to amend 41.71 acres, more or less, of the Future Land Use map from Recreational to Agricultural or Open Space land use and to amend the same area on the Farmland Preservation Plan map from Developed/Infill Area to Farmland Preservation Area, all effective upon recording of the Certified Survey Map.

Seconded by Mr. Weyh.

Motion carried unanimously.

Item VI Conditional Use Permit: For Non-Metallic Mineral Extraction –
Expansion of Existing Mine; Petitioner: Duane Hohl and The Kraemer
Company LLC – Town of Caledonia

Chair Kessler opened Public Hearing.

Ms. Pulver-Johnson presented Staff Report.

Chair Kessler asked if anyone has any questions.

Petitioner was present.

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

Chair Kessler asked if anyone is against the petition.

Susanna Bradley
W11551 State Hwy 33
Portage, WI

Ms. Bradley was present and spoke against petitioner's proposed acreage, and damage to area's land.

Charles Bradley
W11551 State Hwy 33
Portage, WI

Mr. Bradley was present and spoke against petitioner's proposed acreage, and damage to area's land.

Ms. Miller spoke against petitioner's proposed acreage, as well as disturbance to surrounding farms, forests.

Attorney for The Kraemer Co. explained acreage expansion is not for immediate use, this is proposed now to offer future intent/plan/notice.

Mr. Weyh clarified Reclamation Plan revision/changes which would be updated as needed when expanding into these acres proposing now.

Town Board Approval is on file.

Chair Kessler closed the Public Hearing.

Motion by Vice Chair Baumgartner to approve a Conditional Use Permit Non-Metallic Mineral Extraction – Expansion of Existing Mine located at W11941 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. Weyh.

Motion carried unanimously.

Findings of Fact:

1. Upon review of the guidelines in Section 16-150-070(D) of the Columbia County Zoning Code, and with the explanation of the criteria in Attachment A of the Staff Report, the Committee finds the following:
 - a. The establishment, maintenance, or operation of the proposed use will not be detrimental to or endanger the public health, safety, or general welfare of the occupants of surrounding lands.
 - b. The use will be designed, constructed, operated, and maintained so as to be compatible, and be appropriate in appearance with the existing or intended character of the general vicinity, 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.
 - c. The erosion potential of the site, based on topography, drainage, slope, soil type, and vegetative cover is minimal.
 - d. There is no existing or anticipated water pollution including sedimentation, and no impacts on floodplain and wetlands.
 - e. The site has adequate utilities, including acceptable disposal systems.
 - f. Access to streets and highways is suitable, and ingress and egress is designed to minimize traffic congestion and the potential effect on traffic flow.
 - g. 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-1 Agriculture. The District uses are listed in Table 16-105-020(1).
2. Duane Hohl and The Kraemer Company LLC are the petitioners for a Conditional Use Permit. The petition followed the procedures of Section 16-150-070(C) of the Columbia County Zoning Code.
3. The petitioners are proposing to operate a Non-Metallic Mine on the site, which is allowed as a Conditional Use under Table 16-105-020(1).
4. The Caledonia Town Board has reviewed and recommended approval of the Conditional Use Permit, with conditions, in accordance with Section 16-150-070 of the Columbia County Zoning Code.
5. The Columbia County Planning and Zoning Committee has the authority under Sections 16-150-030(B)(2) and 16-150-070 of the Columbia County Zoning Code to conduct public hearings, review, and decide on requests for Conditional Use Permits.
6. The standards of Section 16-125-250 of the Columbia County Zoning Code as noted below are applicable:
 - A. In addition to the information normally required for conditional use permit applications, the application shall include the following information:
 1. A written description of the proposed operation, including the types and quantities of the materials that would be extracted; proposed dates to begin extraction, end extraction, and complete reclamation; geologic composition and depth and thickness of the mineral deposit; existing use of the land and proposed use after reclamation; existing natural and

archaeological features on and adjacent to the site; where extracted materials would be hauled and over what roads; types, quantities, and frequency of use of equipment to extract, process, and haul; whether and how frequently blasting, drilling, mining, crushing, screening, washing, refueling, fuel storage, asphalt batching, or concrete mixing would be performed on site; whether excavation will occur below the water table and, if so, how ground water quality will be protected; description and elevations of all temporary or permanent structures; proposed hours and days of operation; any special measures that will be used for spill prevention and control, dust control, or environmental protection; if within the A-1 district, justification that the use meets all standards associated with such district; and assurances that the site will be developed, operated, and reclaimed in accordance with all approved plans and all county, state, and federal regulations, including a listing of all applicable regulations.

2. A site or operations plan map, drawn to scale by a qualified professional, and including site boundaries; existing contour lines; existing roads, driveways, and utilities; existing natural features including lakes, streams, floodplains, wetlands, and shoreland areas; all dwellings and private and municipal wells within 1,000 feet; location of the proposed extraction, staging areas, fueling, fuel storage, and equipment storage areas; proposed location and surfacing of roads, driveways, and site access points; proposed phasing plan, if any; proposed fencing of property and gating of access points; proposed locations of stockpiles; proposed location and types of screening berms and landscaping; and proposed temporary and permanent structures, including scales and offices.
 3. An erosion control plan, drawn to scale by a professional engineer, meeting all applicable state and county requirements.
 4. A reclamation plan prepared in accordance with the Wisconsin Administrative Code and the Columbia County non-metallic mining reclamation ordinance.
- B. The appropriate County approval authority may require a landscaped transitional yard, in accordance with the standards in Section 16-140-060(B)(4).
- C. The appropriate County approval authority may place limits on the amount of time the non-metallic mineral extraction use shall remain in operation.
- D. The nearest edge of all buildings, structures, and surface activity areas, including pit edges, shall be located a minimum of 200 feet from all dwellings on adjacent properties, and no less than 50 feet from any lot line.
- E. To prevent tracking of mud onto public roads, access driveways shall be paved within one 100 feet of public roads, unless the adjacent road is unpaved.
- F. All public roads shall be kept free of all mud, debris, and dust by sweeping or other means as necessary, or as requested by the applicable town.
- G. Access to the site shall only be through points designated as entrances on the site or operations plan; such access points shall be secured when the site is not in operation.

- H. Provisions for the upgrade, repair, and maintenance of town and county roads shall depend on the intensity of the operation and the existing condition and capacity of such roads. A bond or other performance guarantee for such work may be required provided that a clear relationship is established between the operation and the need for road upgrades, repair, and maintenance. If any town or county road is damaged or destroyed as a result of owners operations, the owner shall restore or pay for the restoration of the same to an acceptable condition and value. The owner shall have the right to show and bear the burden of proof in showing that the indicated damage was not the result of its operations.
- I. The site and driveway shall be sprayed to control dust, except when the temperature is below freezing. Spraying may also be required in and around the excavation pit to further reduce dust.
- J. On-site bulk fuel storage areas and areas for fueling of equipment (e.g., above the water table) shall be located to minimize the potential for groundwater contamination and in accordance with the Wisconsin Administrative Code and State Statutes.
- K. Hours or days of operation may be limited.
- L. Hours for blasting, drilling, screening, and asphalt batching shall be established. The conditional use permit may restrict such activities from occurring if the conditional use permit standards cannot be met.
- M. If blasting or drilling is requested, additional standards or conditions may be applied with relation to frequency, noise and vibration levels, notice to neighbors, pre-inspection of neighboring basements and wells, and claims procedures in accordance with the Wisconsin Administrative Code.
- N. All trucks, excavation, and processing equipment shall have exhaust systems that meet or exceed current industry standards to ensure that noise levels are kept at or below allowable limits. The level of noise generated by the facility or equipment shall not exceed 65 decibels at the property line.
- O. Unless the extraction site is inaccessible, the area of extraction shall be completely enclosed by a safety fence or maintained at a slope not to exceed 3:1.
- P. The applicant shall furnish a certificate of insurance before operations commence.
- Q. Approval shall be subject to amendment or revocation if non-compliance with approved plans, this section, or approval conditions is identified.
- R. Approval shall be subject to periodic review of the operation to ensure compliance with the conditional use permit, and to specific limitations over the portion of the lot or parcel where extraction may occur.
- S. Within the A-1 district, such use shall also be subject to the following additional limitations:
 - 1. The operation complies with subchapter I of Wisconsin Statutes Chapter 295 and rules promulgated under that subchapter, with applicable provisions of the local ordinance under Section 295.13 or 295.14 and with any applicable requirements of the Wisconsin Department of Transportation concerning the restoration of nonmetallic mining sites.
 - 2. The operation and its location in the A-1 district are consistent with the purposes of that district in Section 16-105-010(A).

3. The operation and its location in the A-1 district are reasonable and appropriate, considering alternative locations outside the A-1 district, or are specifically approved under state or federal law.
4. The operation is reasonable designed to minimize the conversion of land around the extraction site from agricultural use or open space use.
5. The operation does not substantially impair or limit the current or future agricultural use or surrounding parcels of land that are zoned for or legally restricted to agricultural use.
6. The owner shall be required to restore the land to agricultural use, consistent with the County approved reclamation plan, when extraction is completed.

Conditions for the Decision:

1. Any agreement or conditions pertaining to this Conditional Use Permit between the Town of Caledonia and Duane Hohl and The Kraemer Company are hereby incorporated by reference as part of this Conditional Use Permit; however, the County is not responsible for enforcing said agreement or conditions, unless an individual point of the agreement or condition is specifically included below as a condition of approval. In the event that the Town submits a finding of noncompliance with any item of the above referenced agreement for which the County has not assumed direct enforcement authority, upon written request by the Town, the County reserves the right to review the Conditional Use Permit.
2. The Conditional Use Permit shall expire 5 years from the date of issuance.
3. Warning signs shall be posted around the perimeter of the site.
4. Trees and shrubbery shall remain undisturbed in the area between the stockpile and the highway right-of-way for the purpose of screening the site from public view. No cutting, clearing, grading, or other disturbance of this area is permitted without Department approval.
5. The pit area shall not be used for parking, refueling, servicing, or repair of vehicles and equipment other than equipment required for excavation and loading in the pit area. No fuel shall be stored in the mine site area, as delineated on the approved plan.
6. The owner and operator shall require all trucks, excavation, and processing equipment to have exhaust systems that meet or exceed current industry standards to ensure that noise levels are kept at or below allowable limits. The level of noise or sound generated by the facility or equipment shall not exceed 65 decibels at the property line.
7. The owner and operator shall minimize the generation of airborne dust resulting from excavating, screening, processing, and hauling operations within the mine site and on the driveway as needed, or upon request of the Town or County.
8. The County shall have the right to order the installation of erosion control barriers on site where, due to unforeseen circumstances, such barriers are deemed necessary to prevent unacceptable off-site erosion and sedimentation that might impact surface waters.
9. Hours of operation, including, but not limited to, excavating, stockpiling, loading, and hauling, are limited to the following: Monday through Friday 6:00 am to 6:00

- pm, and Saturdays from 6:00 am to 2:00 pm. In the event a State or municipal contract is awarded to The Kraemer Company and requires night quarry operations, The Kraemer Company shall provide three (3) days' notice to the County, Town, and any surrounding neighbors that have requested said notice. Said notice shall identify the job and the number of nights required for after-hours operation. Notice shall be in writing unless the individuals, County, or Town consent to an email notification.
10. The owner shall record with the Register of Deeds, a Notice of Conditional Use Permit and Reclamation Plan serving to notify future owners, heirs, assignees, and site operators of the existence of the CUP and Reclamation Plan, that both contain restrictions and specifications as to the use and reclamation of the mine site, and that provisions of both are binding on future owners, heirs, assignees, and site operators. Said document shall be drafted or approved by the Planning and Zoning Department.
 11. An Emergency Response Number shall be obtained for the quarry operations.
 12. Necessary maintenance, such as welding, tire repair, or changing of engine fluids may be conducted at other times provided such activities do not constitute a nuisance.
 13. There shall be no changes to the proposed mine operation as described in the Reclamation Plan regarding the depth, extent, proposed final grades, or phasing sequence without the prior written approval of the Planning and Zoning Department, which shall have the right to determine whether such changes require further review by the Planning and Zoning Committee or revisions to the Reclamation Plan.
 14. No ground signs, except for directional or informational, shall be allowed unless they are reviewed by the Town and approved by the Planning and Zoning Department.
 15. The provisions of Section 16-125-250 of the Columbia County Zoning Code are hereby incorporated as part of this Conditional use Permit, unless otherwise authorized by variance.
 16. The owner and operator shall comply with and obtain all necessary permits required by applicable federal, state, and local regulations.
 17. The Planning and Zoning Department shall have the right of inspection, upon reasonable notice to the owner/operator, for the purpose of determining compliance with this permit and the approved Reclamation Plan.
 18. If the Planning and Zoning Committee finds that the review criteria of Section 16-150-070(D) of the Columbia County Zoning Code, or the conditions stipulated in the Committee Decision are not being complied with, the Planning and Zoning Committee, after a public hearing, may revoke the Conditional Use Permit.

Item VII Zoning Change – A-1 Agriculture to RR-1 Rural Residence and A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay; Petitioner: Benjamin F Weber – Town of Caledonia

Chair Kessler opened Public Hearing.

Ms. Pulver-Johnson presented Staff Report.

Chair Kessler asked if anyone has any questions.

Agent Jim Grothman was present.

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

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

Town Board Approval is on file.

Chair Kessler closed the Public Hearing.

**Motion by Mr. Borgkvist to approve rezoning of 3.32 acres, more or less, from A-1 Agriculture to RR-1 Rural Residence and 31.68 acres, more or less, from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay, effective upon recording of the Certified Survey Map.
Seconded by Vice Chair Baumgartner.
Motion carried unanimously.**

Item VIII Zoning Change – A-1 Agriculture to RR-1 Rural Residence and A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay; Petitioner: Columbia Caledonia Properties LLC and William & Laurie Ryan Revocable Trust created 1/12/2018 – Town of Caledonia

Chair Kessler opened Public Hearing.

Ms. Pulver-Johnson presented Staff Report.

Chair Kessler asked if anyone has any questions.

Petitioner was present.

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

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

Town Board Approval is on file.

Chair Kessler closed the Public Hearing.

**Motion by Mr. Weyh to approve rezoning of 0.73 acres, more or less, from AO-1 Agriculture and Open Space and R-1 Single Family Residence to R-1 Single Family Residence, effective upon recording of the Certified Survey Map.
Seconded by Vice Chair Baumgartner.
Motion carried unanimously.**

Item IX Zoning Change – A-1 Agriculture to RR-1 Rural Residence and A-1
Agriculture to A-1 Agriculture with A-4 Agricultural Overlay; Petitioner:
Erin N Powell & Brian J Stoltenberg – Town of Caledonia

Chair Kessler opened Public Hearing.

Ms. Pulver-Johnson presented Staff Report.

Chair Kessler asked if anyone has any questions.

Petitioner was present.

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

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

Town Board Approval is on file.

Chair Kessler closed the Public Hearing.

**Motion by Vice Chair Baumgartner to approve rezoning 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, effective upon
recording of the Certified Survey Map.**

Seconded by Mr. Weyh.

Motion carried unanimously.

Item X Zoning Change – A-1 Agriculture to A-1 Agriculture with A-4
Agricultural Overlay; Petitioner: Timothy J Zander & Rebecca L Breda –
Town of Columbus

Chair Kessler opened Public Hearing.

Ms. Pulver-Johnson presented Staff Report.

Chair Kessler asked if anyone has any questions.

Petitioner was present. Noted he is on County Board.

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

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

Town Board Approval is on file.

Chair Kessler closed the Public Hearing.

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

Seconded by Mr. Weyh.

Motion carried unanimously.

Item XI Conditional Use Permit- For a Waste Disposal Operation; Petitioner: Village of Pardeeville – Town of Wyocena

Chair Kessler opened Public Hearing.

Ms. Pulver-Johnson presented Staff Report.

Chair Kessler asked if anyone has any questions.

Petitioner was present.

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

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

Town Board Approval is on file.

Chair Kessler closed the Public Hearing.

Motion by Mr. Borgkvist to approve Conditional Use Permit for a Waste Disposal Operation located on Schwantz Road as proposed in the application and accompanying submittals and subject to the adoption of the following recommended Findings, Conclusions, and Conditions of Approval.

Seconded by Vice Chair Baumgartner.

Motion carried unanimously.

Findings of Fact:

1. Upon review of the guidelines in Section 16-150-070(D) of the Columbia County Zoning Code, and with the explanation of the criteria in Attachment A of the Staff Report, the Committee finds the following:
 - a. The establishment, maintenance, or operation of the proposed use will not be detrimental to or endanger the public health, safety, or general welfare of the occupants of surrounding lands.
 - b. The use will be designed, constructed, operated, and maintained so as to be compatible, and be appropriate in appearance with the existing or intended character of the general vicinity, 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.
 - c. The erosion potential of the site, based on topography, drainage, slope, soil type, and vegetative cover is minimal.

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

Conclusions of Law:

- 1. The subject property is located in the Town of Wyocena and is zoned A-1 Agriculture. The District uses are listed in Table 16-105-020(1).
- 2. The Village of Pardeeville is the petitioner for a Conditional Use Permit. The petition followed the procedures of Section 16-150-070(C) of the Columbia County Zoning Code.
- 3. The petitioners are proposing to operate a Waste Disposal Operation on the site, which is allowed as a Conditional Use under Table 16-105-020(1).
- 4. The Wyocena Town Board has reviewed and recommended approval of the Conditional Use Permit, with conditions, in accordance with Section 16-150-070 of the Columbia County Zoning Code.
- 5. The Columbia County Planning and Zoning Committee has the authority under Sections 16-150-030(B)(2) and 16-150-070 of the Columbia County Zoning Code to conduct public hearings, review, and decide on requests for Conditional Use Permits.
- 6. The standards of Section 16-125-200 of the Columbia County Zoning Code as noted below are applicable:
 - A. Shall comply with all county, state and federal regulations, including the issuance of a Department of Natural Resources permit under State Statutes.
 - B. The appropriate County approval authority may require a landscaped transitional yard, in accordance with the standards in Section 16-140-060(B)(4).
 - C. All buildings, structures, and activity areas on waste disposal sites shall be located a minimum of 100 feet from all pre-existing dwellings on adjoining properties.
 - D. Within the A-1 district, such use shall also be subject to the limitations in Section 16-125-090(B).

Conditions for the Decision:

- 1. Any agreement or conditions pertaining to this Conditional Use Permit between the Town of Wyocena and the Village of Pardeeville are hereby incorporated by reference as part of this Conditional Use Permit; however, the County is not responsible for enforcing said agreement or conditions, unless an individual point of the agreement or condition is specifically included below as a condition of approval. In the event that the Town submits a finding of noncompliance with any item of the above referenced agreement for which the County has not assumed direct enforcement authority, upon written request by the Town, the County reserves the right to review the Conditional Use Permit.
- 2. The Conditional Use Permit is not transferrable to another owner.
- 3. The existing vegetation outside of the storage area, as shown on the site plan, shall remain as a landscaped transitional yard.

4. Hauling shall be limited to Monday through Friday, 7:00 am to 7:00 pm.
5. Storage of materials shall be limited to the designated storage area.
6. Storage shall be limited to materials obtained from the 2020 WisDOT Highway 22 project.
7. If any town road is damaged or destroyed as a result of the operations, the owner shall restore or pay for the restoration of the same to an acceptable condition and value. The owner shall have the right to show and bear the burden of proof in showing that the indicated damage was not the result of its operations. If the town chooses, a bond or other performance guarantee may be required for such work.
8. All public roads shall be kept free of mud, debris, and dust by sweeping or other means as necessary, or as requested by the Town of Wyocena.
9. Access to the site shall only be through points designated on the approved site plan. All access points shall be secured.
10. An Emergency Response Number shall be obtained for the site.
11. A silt fence shall be maintained around the storage area throughout the duration of this Conditional Use Permit.
12. When all stored materials are removed, the property shall be restored to open space use.
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. The owner shall comply with and obtain all necessary permits required by applicable federal, state and local regulations.
15. If the Planning and Zoning Committee finds that the review criteria of Section 16-150-070(D) of the Columbia County Zoning Code, or the conditions stipulated in the Committee Decision are not being complied with, the Planning and Zoning Committee, after a public hearing, may revoke the Conditional Use Permit.

Item XII Zoning Change – A-1 Agriculture to RR-1 Rural Residence and A-1
Agriculture to A-1 Agriculture with A-4 Agricultural Overlay; Petitioner:
Nels W Midthun & Beth M Midthun, and Charles D Burmania & Jill M
Burmania – Town of Lowville

Chair Kessler opened Public Hearing.

Ms. Pulver-Johnson presented Staff Report.

Chair Kessler asked if anyone has any questions.

Petitioner was present.

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

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

Town Board Approval is on file.

Chair Kessler closed the Public Hearing.

**Motion by Mr. Weyh to approve rezoning of .18 acres, more or less, from A-1 Agriculture to RR-1 Rural Residence and .18 acres, more or less, from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay, effective upon recording of the Certified Survey Map.
Seconded by Vice Chair Baumgartner.
Motion carried unanimously.**

Item XII Zoning Change – A-1 Agriculture to RR-1 Rural Residence and A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay; Petitioner: Charles D Burmania & Jill M Burmania and Norman A Taylor & Beverly K Taylor – Town of Lowville

Chair Kessler opened Public Hearing.

Ms. Pulver-Johnson presented Staff Report.

Chair Kessler asked if anyone has any questions.

Petitioner was present.

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

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

Town Board Approval is on file.

Chair Kessler closed the Public Hearing.

**Motion by Vice Chair Baumgartner to approve rezoning of 5 acres, more or less, from A-1 Agriculture to RR-1 Rural Residence and 61.57 acres, more or less, from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay, effective upon recording of the Certified Survey Map.
Seconded by Vice Chair Baumgartner.
Motion carried unanimously.**

Item XIV Conditional Use Permit- For a Tourist Rooming House; Petitioner: John B Ferris & James R Litton – Town of West Point

Chair Kessler opened Public Hearing.

Ms. Pulver-Johnson presented Staff Report.

Chair Kessler asked if anyone has any questions.

Petitioner was present.

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

Chair Kessler asked if anyone is against the petition.

Edward Ferris
N1986 Falk Drive
Adell, WI

David Ferris
W241 Oosty Avenue
Oconomowoc, WI

Edward Ferris & David Ferris were present and stated they are relatives with Petitioner. They both spoke against petition. They read letter of opposition, and spoke regarding issues with "Tourist Rooming Houses".

Town Board Approval is on file.

Chair Kessler closed the Public Hearing.

**Motion by Mr. Weyh to approve a Conditional Use Permit for a Tourist Rooming House located at N2226 Rausch Road subject to the following recommended Findings, Conclusions, and Conditions of Approval.
Seconded by Vice Chair Baumgartner.
Motion carried unanimously.**

Findings of Fact:

1. Upon review of the guidelines in Section 16-150-070(D) of the Columbia County Zoning Code, and with the explanation of the criteria in Attachment A of the Staff Report, the Committee finds the following:
 - a. The establishment, maintenance, or operation of the proposed use will not be detrimental to or endanger the public health, safety, or general welfare of the occupants of surrounding lands.
 - b. The use will be designed, constructed, operated, and maintained so as to be compatible, and be appropriate in appearance with the existing or intended character of the general vicinity, 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.
 - c. The erosion potential of the site, based on topography, drainage, slope, soil type, and vegetative cover is minimal.
 - d. There is no existing or anticipated water pollution including sedimentation, and no impacts on floodplain and wetlands.
 - e. The site has adequate utilities, including acceptable disposal systems.
 - f. Access to streets and highways is suitable, and ingress and egress is designed to minimize traffic congestion and the potential effect on traffic flow.
 - g. 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 West Point and is zoned R-1 Single-Family Residence. The District uses are listed in Table 16-110-020(1).
2. John B and Natalie Ferris and James Robert Litton are the petitioners for a Conditional Use Permit. The petition followed the procedures of Section 16-150-070(C) of the Columbia County Zoning Code.
3. The petitioners are proposing to use an existing single-family residence within the R-1 Single-Family Residence zoning district as a Tourist Rooming House, which is allowed as a Conditional Use under Table 16-110-020(1).
4. The West Point Town Board has reviewed and recommended approval of the Conditional Use Permit, with conditions, in accordance with Section 16-150-070 of the Columbia County Zoning Code.
5. The Columbia County Planning and Zoning Committee has the authority under Sections 16-150-030(B)(2) and 16-150-070 of the Columbia County Zoning Code to conduct public hearings, review, and decide on requests for Conditional Use Permits.
6. The standards of Section 16-125-010(A) 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 16-125-090(A). 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 16-150-070(D) are not being met.

Conditions for the Decision:

1. The Conditional Use Permit is not transferable to another owner.
2. Accessory structures shall not be used as habitable structures.

3. Pets are prohibited.
4. Quiet hours shall be 10:00 pm – 8:00 am on weekdays, and 11:00 pm – 8:00 am on weekends and holidays.
5. All fires shall be located within proper fire pit structures and shall be extinguished during established quiet hours.
6. The use of fireworks shall be prohibited.
7. The use of firearms shall be prohibited.
8. Special events or parties shall be prohibited.
9. Parking shall be provided on-site, with a maximum of 2 vehicles allowed, unless the sanitary system is upgraded to allow for the Tourist Rooming House to be treated as a 3 bedroom residence, at which time a maximum of 3 vehicles shall be allowed. All vehicles shall have designated parking areas that do not obstruct emergency vehicles.
10. The rental shall comply with the Condominium's Bylaws.
11. Occupancy associated with the Tourist Rooming House shall be limited to 6 persons, unless the sanitary system is upgraded to allow for the Tourist Rooming House to be treated as a 3 bedroom residence, at which time a maximum of 8 persons shall be allowed.
12. A 24-hour contact number shall be provided to the Planning and Zoning Department, Town Clerk, and adjacent property owners. This number shall be posted near the primary entrance door on a sign no larger than 12"x18". If the owner does not live within one hour's drive of the tourist rooming house, there shall be a local contact.
13. A state sales tax number shall be obtained and provided to the Planning and Zoning Department.
14. The property must 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 conditions associated with this use.
17. 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.
18. The owner shall comply with and obtain all necessary permits required by applicable federal, state and local regulations.
19. If the Planning and Zoning Committee finds that the review criteria of Section 16-150-070(D) of the Columbia County Zoning Code, or the conditions stipulated in the Committee Decision are not being complied with, the Planning and Zoning Committee, after a public hearing, may revoke the Conditional Use Permit.
20. Any agreement(s) or condition(s) pertaining to this Conditional Use Permit between the Town of West Point and John and Natalie Ferris and James Litton are hereby incorporated below 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. 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.

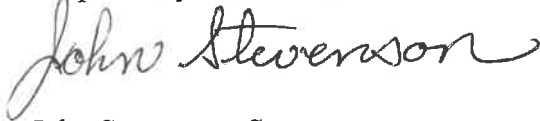
- a. A security deposit of \$500.00 or more shall be required.
- b. The owner or agent shall be available on-site within 30 minutes of complaints.

12. Adjourn

Motion by Mr. Borgkvist to adjourn meeting.
Seconded by Mr. Weyh.
Motion carried unanimously.

Meeting adjourned at 5:57 PM

Respectfully Submitted,



John Stevenson, Secretary
Planning and Zoning Committee



Recording Secretary
Lauren Ramirez, Office Administrator

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