

**PLANNING & ZONING COMMITTEE MINUTES
DECEMBER 1, 2020**

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

ABSENT: John Stevenson

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

ALSO PRESENT: Scott Hewitt – Grothman & Associates, Susan Fisher – Corporation, Chair Gove – Columbia County Board of Supervisors

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. Borgkvist to approve Agenda of December 1, 2020 Planning & Zoning Committee Regular Meeting & Public Hearing.

Seconded by Ms. Brusveen.

Motion carried unanimously.

5. Approval of Previous Meeting Minutes

Motion by Mr. Weyh to approve Minutes of November 3, 2020 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. Borgkvist to approve Expenditure Report.

Seconded by Mr. Weyh.

Motion carried unanimously.

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

c. Director's Staff Report/Update

Mr. Calkins reviewed budget updates.

8. Chairman's Update

9. Driveway Exception

- Reidy – Town of Lodi

Ms. Pulver-Johnson reviewed the Staff Report.

Mr. Weyh discussed issues with moving driveway in suitable location.

Motion by Mr. Richmond to approve driveway exception.

Seconded by Mr. Weyh.

Motion carried unanimously.

Site Visits (were not needed)

10. Public Hearing – 2:00PM

Item I Plan Map Amendment – Future Land Use Map: Recreational to Single-Family Residential; Petitioner: Larry L Smith – 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 else is against the petition. (no comments)

Town Board Plan Commission Chair Kevin Kessler present via Zoom, and states he would like Town and DNR to input prior to approval.

Motion by Mr. Richmond to table or postpone until Town has heard from DNR regarding ownership.

Seconded by Mr. Weyh.

Motion carried unanimously.

Item II- Zoning Change – A-1 Agriculture with A-4 Agricultural Overlay to RR-1 Rural Residence, and from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay; Petitioner: Robert R & Jane M Robbins Family Trust dated 2/8/2012 – Town of Fountain Prairie

Chair Baumgartner opened Public Hearing.

Ms. Pulver-Johnson presented Staff Report.

Chair Baumgartner asked if anyone has any questions.

Agent Scott Hewitt was present.

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

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

Town Board not present, but Approval is on file.

Chair Baumgartner closed the Public Hearing.

Motion by Mr. Borgkvist to recommend approval of rezoning 2 acres, more or less, from A-1 Agriculture with A-4 Agricultural Overlay to RR-1 Rural Residence, and 40 acres, more or less, from A-1 Agriculture to A-1 Agriculture with Agricultural Overlay, effective upon recording of the Certified Survey Map.

Seconded by Ms. Brusveen.

Motion carried unanimously.

Item III Zoning Change: AO-1 Agriculture and Open Space to R-1 Single Family Residence; Petitioner: Young Family Trust – Town of Caledonia

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 else is against the petition. (no comments)

Town Board not present, but Approval is on file.

Chair Baumgartner closed the Public Hearing.

Motion by Mr. Borgkvist to recommend approval of rezoning 5.18 acres, more or less from AO-1 Agriculture and Open Space to R-1 Single Family Residence, effective upon recording of the Certified Survey Map.

Seconded by Ms. Brusveen.

Motion carried unanimously.

Item IV Zoning Change – A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay; Petitioner: David D Bain & Virginia A Bain – Town of Lewiston

Chair Baumgartner opened Public Hearing.

Ms. Pulver-Johnson presented Staff Report.

Chair Baumgartner asked if anyone has any questions.

Agent Scott Hewitt was present.

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

Chair Baumgartner asked if anyone else 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 26 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. Borgkvist.

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: Riverside Farms LLC and John C Simonson & Jan M Simonson – Town of Lewiston

Chair Baumgartner opened Public Hearing.

Ms. Pulver-Johnson presented Staff Report.

Chair Baumgartner asked if anyone has any questions.

Petitioner was present.

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

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

Town Board not present, but Approval is on file.

Chair Baumgartner closed the Public Hearing.

Motion by Mr. Borgkvist to recommend approval of rezoning 1.41 acres, more or less, from A-1 Agriculture to RR-1 Rural Residence, and 1.41 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 VI Zoning Change – A-1 Agriculture to RR-1 Rural Residence, and from A-1 Agriculture and A-1 Agriculture with A-4 Agricultural to A-1 Agriculture with A-4 Agricultural Overlay; Petitioner: James J Paske & Sandra J Paske – Town of Leeds

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 else 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 to recommend approval of rezoning 1.8 acres, more or less, from A-1 Agriculture to RR-1 Rural Residence, and 38.98 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 Ms. Brusveen.
Motion carried unanimously.**

Item VII 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:
Mark A Reidy & Nancy L Reidy – Town of Lodi

Chair Baumgartner opened Public Hearing.

Ms. Pulver-Johnson presented Staff Report.

Chair Baumgartner asked if anyone has any questions.

Agent Scott Hewitt was present.

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

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

Town Board not present, but Approval is on file.

Chair Baumgartner closed the Public Hearing.

Motion by Mr. Borgkvist to recommend approval of rezoning 5 acres, more or less, from A-1 Agriculture to RR-1 Rural Residence, and 35 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. Richmond.
Motion carried unanimously.**

Item VIII Conditional Use Permit – For a Tourist Rooming House; Petitioner: White
Trail Ridge LLC – Town of Newport

Chair Baumgartner opened Public Hearing.

Kurt 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 else is against the petition. (no comments)

Town Board not present, but Approval is on file.

Chair Baumgartner closed the Public Hearing.

Petitioner stated he made adjustment to lot size for RR-1.

Motion by Mr. Weyh to approve a Conditional Use Permit for a Tourist Rooming House located at N8897 Winnebago Road as proposed in the application and accompanying submittals and subject to the following Findings, Conclusions and Conditions of Approval.

Seconded by Mr. Borgkvist.

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 Newport and is zoned R-1 Single-Family Residence. The District uses are listed in Table 16-110-020(1).
2. White Trail Ridge LLC 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 petitioner was notified on August 18, 2020 that using the property as a Tourist Rooming House without a valid Conditional Use Permit is a violation of the Columbia County Zoning Ordinance.
4. 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 16-110-020(1).

5. The Newport 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.
6. 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.
7. 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 shall not be transferable to another owner.
2. Accessory structures and camping units shall not be used as habitable structures.
3. Pets shall not be permitted on the premises.
4. The replacement septic system shall be installed prior to renting out the residence as a tourist rooming house.
5. Quiet hours shall be 10:00 pm – 8:00 am daily. Noise levels at the property line shall not exceed 55 dBA during these hours.
6. All fires shall be located within proper fire pit structures and shall be extinguished during established quiet hours.
7. The use of fireworks shall be prohibited.
8. The use of firearms shall be prohibited.
9. Special events or parties shall be prohibited.
10. Parking shall be provided on-site, with a maximum of 3 vehicles allowed.

11. Occupancy associated with the Tourist Rooming House shall be limited to 8 persons.
12. A 24-hour contact number shall be provided to the Planning and Zoning Department and Town Clerk. 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 person.
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 Tourist Rooming House.
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 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.
22. Any agreement(s) or condition(s) pertaining to this Conditional Use Permit between the Town of Newport and White Trail Ridge 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.
 - a. Follow the five (5) paragraphs of the right-to-rent law.
 - b. All Whitetail House Rules as submitted in the application.

Item IX Conditional Use Permit – For a Tourist Rooming House; Petitioner:
Joseph S Janas – 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.

Mr. Richmond questioned how many neighbors opposed at the Town, and expressed dislike and concerns to tourist rooming houses. He added that his family member once owned this property and he will also for that reason, be abstaining from voting on this item.

Petitioner stated that no one spoke against request.

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

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

Town Board Plan Commission Chair Kevin Kessler present via Zoom, and Approval is on file.

Chair Baumgartner closed the Public Hearing.

Kevin Kessler states that Town Board recommended Condition 25(a-c) be enforced by County directly.

**Motion by Mr. Borgkvist to approve a Conditional Use Permit for a Tourist Rooming House located at N2196 Blackhawk Drive 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 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. Joseph S Janas 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 petitioner is proposing to use an existing single-family residence 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 shall not be transferable to another owner.

2. Accessory structures and camping units shall not be used as habitable structures.
3. Pets shall remain contained on site.
4. The septic system shall be evaluated prior to renting the residence as a tourist rooming house.
5. Quiet hours shall be 10:00 pm – 8:00 am daily. Noise levels at the property line shall not exceed 55 dBA during these hours.
6. All fires shall be located within proper fire pit structures and shall be extinguished during established quiet hours.
7. The use of fireworks shall be prohibited.
8. The use of firearms shall be prohibited.
9. Special events or parties shall be prohibited.
10. Parking shall be provided on-site, with a maximum of 3 vehicles allowed.
11. Occupancy associated with the Tourist Rooming House shall be limited to 8 persons.
12. The final model rental agreement to be used for the short-term rentals shall be furnished to the County and the Town.
13. The well and sanitary system shall comply with County and State requirements.
14. A 24-hour contact number shall be provided to the Planning and Zoning Department and Town Clerk. 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 person.
15. A state sales tax number shall be obtained and provided to the Planning and Zoning Department.
16. The property must remain free and clear from citation and charges for nuisance, disorderly conduct, or other illegal activity.
17. Garbage and recycled materials shall be properly stored and disposed of regularly.
18. The owner's website or other advertising site shall state that there are conditions associated with this Tourist Rooming House.
19. The availability of the Tourist Rooming House to the public and tourists/transients shall not be advertised on site.
20. The owners shall provide Proof of Commercial Insurance for the Tourist Rooming House to the Town of West Point and the Columbia County Planning and Zoning Department.
21. The appearance or use of the Tourist Rooming House shall not be altered in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, odors, dust or vibrations that carry beyond the premises.
22. The owner shall comply with and obtain all necessary permits required by applicable federal, state and local regulations.
23. The Planning and Zoning Department shall have the right of inspection for the purpose of determining compliance with this permit during normal working hours or upon reasonable notice outside of normal hours.
24. If the Planning and Zoning Committee finds that the review criteria of 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.
25. Any agreement(s) or condition(s) pertaining to this Conditional Use Permit between the Town of West Point and Joseph S Janas 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.

- a. The rental agreement be furnished to the Town.
- b. A security deposit of at least \$500.00 be part of the rental agreement.
- c. The rental agreement shall be enforced.

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: David J Thony – Town of Dekorra

Chair Baumgartner opened Public Hearing.

Ms. Pulver-Johnson presented Staff Report.

Chair Baumgartner asked if anyone has any questions.

Petitioner was present.

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

Chair Baumgartner asked if anyone else 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 2 acres, more or less, from A-1 Agriculture to RR-1 Rural Residence, and 33 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 Bent & Dent Discount Food Store, Indoor Retail; Petitioners: D Mitchell LLC and Cherie & Daniel Sparling- Town of Pacific

Chair Baumgartner opened Public Hearing.

Mr. Calkins presented Staff Report.

Chair Baumgartner asked if anyone has any questions.

Petitioner was present, and added he was not going to agree to all of conditions.

Mr. Calkins gave options for approval and how committee could proceed.

Mr. Weyh expressed concerns for approval with intention to modify upon agreement with Town.

Mr. Mitchell stated issues with landscape plan such as not all is his property, and location of requirements.

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

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

Town Board Chair Bill Divine, and engineer Rob Roth present, and Approval is on file.

Mr. Divine reviewed Town procedure and meetings, what was approved.

Mr. Divine and Mr. Mitchell disagree on requirements, both agree they want to come to conclusion and work together.

A discussion was held between Committee, Mr. Divine, and Mr. Mitchell on agreeable timeframe and requirements to lighting and landscaping between town and county.

Motion by Ms. Brusveen to approve a Conditional Use Permit for a Bent & Dent Discount Food Store located at N6522D & N6522E as proposed in the application and accompanying submittals and subject to the following Findings, Conclusions and Conditions of Approval with modification to Condition #3: Strike “as detailed on the approved site plan, shall be installed by July 31st, 2022.”, add “as referenced on approved site plan, will be finalized by submission of a final landscaping plan.

This final landscaping plan must represent the same applicable landscaping coverage as seen on the current approved site plan. The total square footage must only include square footage that is on the D Mitchell LLC property. The final landscaping plan must be submitted by the town and county for review and approval and all landscaping approved on final landscaping plan, shall be installed by July 31st, 2022.” and should be submitted by the Town and County.

**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 Pacific and is zoned C-3 Highway Interchange. The District uses are listed in Table 16-115-020(1). The proposed use of indoor retail requires a conditional use permit.
2. D Mitchell LLC, owner, and Cherie & Daniel Sparling, applicants 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 applicants are proposing to operate Bent and Dent Discount Food Store (Indoor Retail), which is allowed as a Conditional Use under Table 16-115-020(1).
4. The Pacific Town Board has reviewed and recommended approval, with conditions, of the Conditional Use Permit 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 16-140 and 16-145 of the Columbia County Zoning Code shall apply.

Conditions for the Decision:

1. The business shall be conducted entirely within the commercial retail property as noted on the approved site plan.
2. The hours of operation for the indoor retail store shall be within the range of 8:00 a.m. to 8:00 p.m. daily. Deliveries of retail merchandise may occur after hours.

3. The installation of additional landscaping along the front of the building and south parking lot, as referenced on approved site plan, will be finalized by submission of a final landscaping plan. This final landscaping plan must represent the same applicable landscaping coverage as seen on the current approved site plan. The total square footage must only include square footage that is on the D Mitchell LLC property. The final landscaping plan must be submitted by the town and county for review and approval and all landscaping approved on final landscaping plan, shall be installed by July 31st, 2022.
4. Repairs to the parking lot to make the parking lot more suitable for retail customers, shall be made by July 31st, 2022. These repairs shall include crack filling, sealing and striping, as detailed on the approved site plan.
5. Improvements shall be made to the outside lighting of the property, namely additional wall packs and additional lights at the northwest entrance, to include light pole(s) at entrances. The proposed lighting improvements are detailed on the approved site plan. A final lighting plan shall be submitted to the Town and County for approvals. The lighting improvements shall be completed by July 31st 2022.
6. There shall be no outdoor storage or displays. Sales and storage are only to occur indoors.
7. Processing, preparing, or serving of food and/or beverages shall not be permitted on site.
8. The dumpsters shall be relocated to an area that is not visible from the road.
9. Any significant changes to the approved site plan shall be submitted to the County and the Town for review, approval, or modification.
10. Any signage placed on the property shall be done in accordance with the provisions found in 16-145 Sign Regulations, of the Columbia County Zoning Code.
11. The owner and operator 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, upon reasonable notice to the owner/operator, for the purpose of determining compliance with this permit.
13. 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.
14. Any agreement(s) or condition(s) pertaining to this Conditional Use Permit between the Town of Pacific, D Mitchell LLC. and Cherie and Daniel Sparling 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. 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. The mixed use of the various units being rented on the premises, shall be identified on the Grothman exhibit or on a separate attachment, so that the

reviewing authorities can identify if the uses are compatible and in compliance with the zoning requirements.

Item XII Conditional Use Permit – For a Concrete Batch Plant; Petitioner: Carew Concrete & Supply Co Inc. – Town of Pacific

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 else is against the petition. (no comments)

Town Board Chair Bill Divine was present, and Approval is on file. Thank you to Mr. Carew- quality business and cooperation.

Chair Baumgartner closed the Public Hearing.

Motion by Mr. Borgkvist to approve a Conditional Use Permit for a Concrete Batch Plant, located at Major Home Occupation located at N6541 US Highway 16-51 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 Pacific and is zoned I-2 General Industrial. The District uses are listed in Table 16-115-020(1). The proposed use of a Concrete Batch Plant requires a conditional use permit.
2. Carew Concrete & Supply Co Inc, is the applicant and 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 Concrete Batch Plant, which is allowed as a Conditional Use under Table 16-115-020(1).
4. The Pacific Town Board has reviewed and recommended approval, with conditions, of the Conditional Use Permit 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 16-140, 16-145 of the Columbia County Zoning Code shall apply. The standards of Section 16-500 of the Columbia County Shoreland Wetland Protection Ordinance shall apply. The standards of Section 16-400 of the Columbia County Floodplain Ordinance shall apply.

Conditions for the Decision:

1. The business shall be conducted entirely within the confines of the I-2 General Industrial zoned property as noted on the approved "Overall Zoning Site Plan".
2. The site and driveway shall be sprayed to control dust, except when the temperature is below freezing.
3. There shall be one parking stall for each employee on the largest shift.
4. The hours of operation for the Concrete Batch Plant shall be within the range of 6:00 a.m. to 6:00 p.m. daily. Hours maybe be expanded on a special need or limited project basis, with advance written notification to the Columbia County Planning & Zoning Department and the Town Clerk.
5. Erosion control measures shall be in place. They shall be installed and maintained per the approved "Erosion Control Plan".
6. All existing shoreland buffers (35 feet) shall be maintained.
7. An Endangered Resource review shall be completed prior to construction of the new plant. If endangered resources are present, the owner shall implement any recommend actions to mitigate the impacts on these resources.
8. The site shall be screened from view from Highway 16-51 utilizing the existing tree canopy. The tree canopy/screening shall be documented on the "Landscape Site

Plan” and supplemented with additional screening (plantings of at least 3” caliper) where such existing screening is deficient. No tree removal on the applicant’s property can be done without prior approval of Columbia County Planning & Zoning and the Town. If any of the current screening located within the road right-of-way is removed, it is to be replaced on the subject property with plantings of at least 3” caliper. All screening, existing and proposed, shall be maintained by the applicant for the duration of the CUP. If the Town or the County find that the screening is inadequate, the applicant shall restore screening to the satisfaction of both the Town and the County, upon written notification. The Town and County approval shall not be unreasonably withheld.

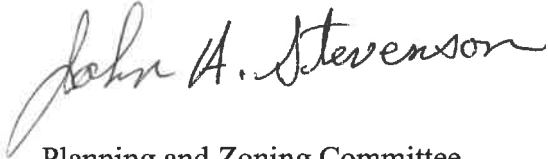
9. Improvements are to be made to the outside lighting of the property, namely to include light pole(s) at entrances. The proposed lighting improvements are to be detailed on the approved site plan. A final lighting plan shall be submitted to the Town Engineer and Columbia County Planning & Zoning Department for approval.
10. Height of the gravel storage piles shall not exceed 25 feet in height.
11. The site shall be developed in accordance with the approved site plan and any applicable ordinances, including the Columbia County Shoreland-Wetland Protection and Floodplain Ordinances.
12. Any significant changes to the approved site plan shall be submitted to the County and the Town for review, approval or modification.
13. Any signage placed on the property shall be done in accordance with the provisions found in 16-145 Sign Regulations, of the Columbia County Zoning Code.
14. The owner and operator shall comply with and obtain all necessary permits required by applicable federal, state and local regulations.
15. 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.
16. 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.
17. Any agreement(s) or condition(s) pertaining to this Conditional Use Permit between the Town of Pacific and Carew Concrete & Supply Co. Inc 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. 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. Given its height and visibility in this highly traveled highway corridor, the building exterior for the new building shall include architectural elements that will be added to the metal panels and provide aesthetic relief. Such improvements shall be added to the building plans upon confirmation by Town Engineer.

26. Adjourn

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

Meeting adjourned at 4:08 PM

Respectfully Submitted,

A handwritten signature in cursive script that reads "John A. Stevenson".

Planning and Zoning Committee

A handwritten signature in cursive script that reads "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