

**PLANNING & ZONING COMMITTEE MINUTES  
DECEMBER 3, 2019**

PRESENT: Kevin Kessler, John Stevenson, Tom Borgkvist, Mike Weyh

ABSENT: Harlan Baumgartner

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

ALSO PRESENT: Scott Hewitt – Grothman & Associates

**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. Borgkvist to approve Agenda of December 3, 2019 Planning & Zoning Committee Regular Meeting & Public Hearing.**

**Seconded by Mr. Stevenson.  
Motion carried unanimously.**

5. Approval of Previous Meeting Minutes

**Motion by Mr. Weyh to approve Minutes of November 5, 2019 Planning & Zoning Committee Regular Meeting.**

**Seconded by Mr. Stevenson.  
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

Item for future agenda item topics in Standing Rules.

9. Access Variance

- Schroeder – Town of Fort Winnebago

Ms. Pulver-Johnson reviewed the Staff Report.

Chair Kessler questioned statement in Staff Report regarding staff noted the request doesn't appear to be consistent with Columbia County Land Division & Subdivision Ordinance.

Ms. Pulver-Johnson reviewed reasons why, as there are different alternatives that would meet ordinance requirements.

A discussion was held with Mr. Schroeder regarding alternatives.

**Motion by Mr. Weyh to recommend approval of an Access Variance for Lot 1 have no frontage on a public road subject to the following conditions:**

**A note being placed on the CSM that states, "A variance to Section 16-210-040(E) was approved by the Planning and Zoning Committee on September 3, 2019 to waive road frontage requirements for Lot 1 with access provided via other instrument." The Variance will become effective upon recording of the Certified Survey Map.**

**Seconded by Mr. Stevenson.  
Motion carried unanimously.**

Site Visits (were not needed)

10. Public Hearing – 4:02PM

Item I Major Home Occupation – For a Commercial Service; Petitioners: Jessica Dredske & Kyle Herbert – 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 Chairman is present and Approval is on file.

Chair Kessler closed the Public Hearing.

**Motion by Mr. Borgkvist to approve a Conditional Use Permit for a Major Home Occupation located at W5602 County Highway P as proposed in the application and accompanying submittals and subject to the following Findings, Conclusions and Conditions of Approval.  
Seconded by Mr. Stevenson  
Motion carried unanimously.**

**Findings of Fact:**

1. Upon review of the guidelines in Section 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. Kyle D Herbert and Jessica R Dredske 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 A-1 Agriculture zoning district for a Major Home Occupation, 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 16-125-280(B) of the Columbia County Zoning Code as noted below are applicable:

**B. Major home occupation.** To be classified as a legal major home occupation, such uses shall be subject to the following performance standards.

1. The use shall be conducted entirely within the confines of the principal residential structure or accessory structure.
2. The use shall occupy no more than 50 percent of the gross floor area on the floor(s) of the principal structure where the use takes place, not more than one accessory structure if located therein, or a combination of these two locations.
3. The appearance of the structures shall not be altered or the occupation be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, or vibrations that carry beyond the premises.
4. A total of no more than four persons shall be employed by the major home occupation. This total excludes those members of the family that are permanent residents of the premises shall be employed by the major home occupation, aside from in the A-1 District where the limitations under Subsection 11 shall apply.
5. There shall not be conducted on the premises the selling of stocks of merchandise, supplies, or products other than those produced by the major home occupation to fill customer orders placed via mail, telephone, or internet. That is, the direct retail sale of products is not allowed, but a customer may pick up an order that had been placed. Other types of wholesale or retail sales from within the dwelling or accessory structure as the primary activity or function of the major home occupation are prohibited.
6. The display, storage, or parking of materials, goods, supplies, or equipment outside of the dwelling is permitted in an enclosed accessory building. Within the A-1 Agriculture, AO-1 Agriculture and Open Space, A-2 General Agriculture, RR-1 Rural Residence, and C-1 Light Commercial districts, the display, storage, or parking of materials, goods, supplies, or equipment is also allowed in a yard of the subject property provided the yard area used for such display, storage, or parking is completely screened from view from all public streets and adjacent property through a landscaped transitional yard as specified in Section 16-140-060(B)(4) and such activity does not occur within a minimum

required setback area. The total outdoor storage area shall not exceed one-half acre in size.

- a. Within the R-1 Single-Family Residence, R-2 Multiple-Family Residence, and R-3 Mobile or Manufactured Home Park zoning districts, only one commercial vehicle may be associated with the major home occupation. The commercial vehicle must meet the following conditions:
  1. Current on registration and license;
  2. The gross vehicle weight rating shall not exceed seventeen thousand five hundred (17,500) pounds, including load;
  3. The height shall not exceed nine feet as measured from the ground level, excluding antennas, air vents, and roof-mounted air conditioning units, but including any load, bed or box;
  4. The total vehicle length shall not exceed twenty-six feet, including attachments thereto, such as plows, trailers, etc.
7. There shall be no advertising, display, or other indications of a home occupation on the premises other than as specified by the terms of this Chapter
8. No major home occupation may involve the on-site sale, resale, repair, including body repair, salvage or wrecking of automobiles, trucks, boats, trailers, recreational vehicles, or other motorized vehicles.
9. Conditional use permits granted for major home occupations shall be assigned only to a designated person who, at the time of conditional use permit issuance, resided at the residential address. Such permits do not run with the land, are not transferable from person to person, or from address to address.
10. The Planning and Zoning Committee may restrict the number and types of machinery and equipment, limit hours of operation, or establish other conditions on the approval to meet the standards for granting a conditional use permit in Section 16-150-070D.
11. Within the A-1 district, such uses shall also be subject to the following additional limitations:
  - a. Be conducted by the owner or operator of the farm.
  - b. In the A-1 district, all owners and operators of the farm that are engaged in the major home occupation shall be included among the maximum of four employees engaged in the major home occupation, unless otherwise allowed through changes to the Wisconsin administrative rules or statute adopted after January 1, 2014.
  - c. Require no buildings, structures, or improvements other than a preexisting farm residence, an agricultural accessory structure, or both.
  - d. Not impair the current or future agricultural use of the farm or of other farmland that is within the A-1 district, legally protected from nonagricultural development, or both.

**Conditions for the Decision:**

1. The Conditional Use Permit is not transferrable to another owner.

2. Hours of operation shall be Monday through Friday, 8:00 am to 6:00 pm.
3. The home occupation shall employ no more than 2 individuals that are not permanent residents of the household.
4. A sign, no larger than 20 square feet, shall be permitted.
5. The owners shall comply with and obtain all necessary permits required by applicable federal, state, and local regulations.
6. 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.
7. 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.
8. Any agreement(s) or condition(s) pertaining to this Conditional Use Permit between the Town of Wyocena and Kyle D Herbert and Jessica R Dredske 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 these item(s), for which the County has not assumed direct enforcement authority, upon written request by the Town, the County reserves the right to review the Conditional Use Permit.

Item II- Zoning Change: A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay; Petitioner: Darlene Hartmann, Applicants: Linda Bable & Shirley Raisbeck – Town of Lodi

Chair Kessler opened Public Hearing.

Ms. Pulver-Johnson presented Staff Report.

Chair Kessler asked if anyone has any questions.

Representative Scott Hewitt 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 not present, but Approval is on file.

Chair Kessler closed the Public Hearing.

**Motion by Mr. Stevenson to recommend approval of 31 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 III Zoning Change – A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay; Petitioners: William Schroeder & Jane Schroeder – Town of Fort Winnebago

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 Chairman is present and Approval is on file.

Chair Kessler closed the Public Hearing.

**Motion by Mr. Borgkvist to approve rezoning of 33.5 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. Stevenson.**

**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: Gary Holland & Cynthia Holland – Town of Marcellon

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 Chairman is present and Approval is on file.

Chair Kessler closed the Public Hearing.

**Motion by Mr. Weyh to approve rezoning of 3.5 acres, more or less, from A-1 Agriculture to RR-1 Rural Residence and 31.5 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. Stevenson.  
Motion carried unanimously.**

Item V            Zoning Change – A-1 Agriculture to RR-1 Rural Residence; Petitioner: TLJ Properties LLC c/o Jeff Konkel – 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 Chairman is present and Approval is on file.

Chair Kessler closed the Public Hearing.

**Motion by Mr. Borgkvist to approve rezoning of 4.69 acres, more or less, from A-1 Agriculture to RR-1 Rural Residence, effective upon recording of the Certified Survey Map.**

**Seconded by Mr. Weyh.  
Motion carried unanimously.**

Item VI            Conditional Use Permit- For a Tourist Rooming House; Petitioner: TLJ Properties LLC c/o Jeff Konkel – 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 Approval is on file.



Chair Kessler closed the Public Hearing.

**Motion by Mr. Weyh to approve Conditional Use Permit for a Tourist Rooming House, subject to the adoption of the following recommended Findings, Conclusions, and Conditions of Approval with modification to Condition of Approval #5 to add: "If the system is not found to be suitable, it shall be upgraded prior to occupancy of the residence."**

**Seconded by Mr. Stevenson.  
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 proposed to be rezoned to the RR-1 Rural Residence district. The District uses are listed in Table 16-110-020(1).
2. TLJ Properties LLC, c/o Jeff Konkel, 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 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 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 16-125-010(A) of the Columbia County Zoning Code as noted below are applicable:
  1. 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.
  2. 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.
  3. 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.
  4. The availability of the tourist rooming house to the public shall not be advertised on site.
  5. Must be licensed by the State of Wisconsin.
  6. 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.
  7. 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 shall not be used as habitable structures.
3. Pets shall remain contained on site.
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. The septic system shall be pumped and a sanitary evaluation shall be completed and submitted to the Planning and Zoning Department prior to occupancy of the residence as a Tourist Rooming House. If the system is not found to be suitable, it shall be upgraded prior to occupancy of the residence.
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 4 vehicles allowed.
11. Occupancy associated with the Tourist Rooming House shall be limited to 8 people.
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.
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 Caledonia and TLJ Properties LLC are hereby incorporated as part of this Conditional Use Permit; however, the County is not responsible for enforcing said agreement(s) or condition(s), unless an individual point of the agreement(s) or condition(s) is specifically included above as a condition of approval. In the event that the Town submits a finding of noncompliance with any of the item(s) listed below, for which the County has not assumed direct enforcement authority, upon written request by the Town, the County reserves the right to review the Conditional Use Permit.

Item XII      Zoning Change – RC-1 Recreation to RR-1 Rural Residence, RC-1 Recreation to A-1 Agriculture and RC-1 Recreation to A-1 Agriculture with A-4 Agricultural Overlay – 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 Chairman is present and Approval is on file.

Chair Kessler closed the Public Hearing.

**Motion by Mr. Weyh to approve rezoning of 5 acres, more or less, from RC-1 Recreation to RR-1 Rural Residence, 9.68 acres, more or less, from RC-1 Recreation to A-1 Agriculture, and 30 acres, more or less, from RC-1 Recreation to A-1 Agriculture with A-4 Agricultural Overlay, effective upon recording of the Certified Survey Map.**

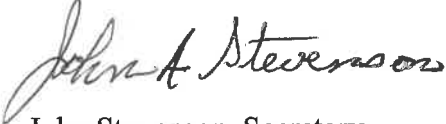
**Seconded by Mr. Borgkvist.  
Motion carried unanimously.**

11. Adjourn

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

Meeting adjourned at 4:40 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