

**PLANNING & ZONING COMMITTEE MINUTES
DECEMBER 5, 2017**

PRESENT: Fred Teitgen, Kevin Kessler, Susanna Bradley, Harlan Baumgartner, John Stevenson

STAFF: John Bluemke – Director of Planning & Zoning, Randy Thompson – Planning & Zoning Administrator, Lauren Ramirez – Office Administrator

ALSO PRESENT: Mary Cupery – Columbia County Board of Supervisors
Jim Grothman – Grothman & Associates SC

2:30 PM

1. Call to order
2. Certification of Open Meeting Law
3. Roll Call was taken and a quorum declared present
4. Approval of Agenda

**Motion by Vice Chair Kessler to approve Agenda of December 5, 2017
Planning & Zoning Committee Regular Meeting & Public Hearing.
Seconded by Ms. Bradley.
Motion carried unanimously.**

5. Approval of Minutes

**Motion by Ms. Bradley to approve Minutes of November 7, 2017
Planning & Zoning Committee Regular Meeting & Public Hearing.
Seconded by Mr. Baumgartner.
Motion carried unanimously.**

John Stevenson was present at meeting at 2:35.

6. Site Visits (2:35 PM – 3:30 PM)
7. Department Report
 - a. Financial
 - Out of County Travel

**Motion by Mr. Baumgartner to approve Out of County Travel.
Seconded by Ms. Bradley.
Motion carried unanimously.**

- Expenditure Report

**Motion by Vice Chair Kessler to approve Expenditure Report.
Seconded by Ms. Bradley.
Motion carried unanimously.**

- Revision – Title 16-1-12 Fees

**Motion by Mr. Baumgartner to recommend Revisions to Title 9 Chapter 1
Section 12 Planning & Zoning Fees.
Seconded by Vice Chair Kessler
Motion carried unanimously.**

b. Enforcement

Mr. Thompson provided the Committee with a current enforcement report.

c. Ordinance Update

Mr. Bluemke provided the Committee with a list of potential zoning code amendments noting that Act 67, the Homeowners Bill of Rights, would impact the code specifically Conditional Use Permits.

8. Public Hearing

Item I- Zoning Change – A-1 Agriculture to AO-1 Agriculture and Open Space and A-1 Agriculture to A-1 Agriculture with the A-4 Agricultural Overlay; Wilfred & Corrine Wiedenbeck, Petitioners – Town of Leeds

Chair Teitgen opened Public Hearing.

Mr. Bluemke presented Staff Report.

Petitioners were present.

Chair Teitgen asked if anyone has any questions.

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

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

Town Board not present, but Minutes on file.

Chair Teitgen closed Public Hearing.

Motion by Ms. Bradley to approve rezoning of 8.47 acres from A-1 Agriculture to AO-1 Agriculture and Open Space and 47.71 acres 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 II- Zoning Change – R-1 Single Family Residence and A-1 Agriculture to RR-1 Rural Residence; Dean & Catherine Schommer, Petitioners – Town of Marcellon

Chair Teitgen opened Public Hearing.

Mr. Bluemke presented Staff Report.

Petitioner was present.

Chair Teitgen asked if anyone has any questions.

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

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

Town Board not present, but Minutes on file.

Chair Tietgen closed Public Hearing.

**Motion by Mr. Baumgartner to approve rezoning of 3 acres from A-1 Agriculture and R-1 Single Family Residence to RR-1 Rural Residence, effective upon recording of the Certified Survey Map.
Seconded by Mr. Stevenson.
Motion carried unanimously.**

Item III- Zoning Change – C-2 General Commercial and PD-2 Planned Commercial District to R-1 Single Family Residence and PD-1 Planned Residential District; Robert & Yoshiko Rapp, Petitioners – Town of Lodi

Chair Teitgen opened Public Hearing.

Mr. Bluemke presented Staff Report.

Petitioner was present.

Chair Teitgen asked if anyone has any questions.

Chair Teitgen asked if anyone has any questions.

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

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

Town Board not present, but Minutes on file.

Chair Tietgen closed Public Hearing.

**Motion by Vice Chair Kessler to approve rezoning of .3 acres from C-2 General Commercial and PD-2 Planned Commercial District to R-1 Single Family Residence and PD-1 Planned Residential District.
Seconded by Ms. Bradley.
Motion carried unanimously.**

Item IV- Zoning Change – A-1 Agriculture to RR-1 Rural Residence and from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay; Vladimir Shuliga, Petitioner – Town of Lewiston

Chair Teitgen opened Public Hearing.

Mr. Bluemke presented Staff Report.

Petitioner was present.

Chair Teitgen asked if anyone has any questions.

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

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

Town not present, but Minutes on file.

Chair Tietgen closed Public Hearing.

**Motion by Mr. Baumgartner to approve rezoning 5 acres from A-1 Agriculture to RR-1 Rural Residence and 30.82 acres 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- Major Home Occupation to operate a dog kennel, dog grooming and training center; Ann Deich, Owner & Anne's Gone to the Dogs, LLC, Petitioner – Town of Fort Winnebago

Chair Teitgen opened Public Hearing.

Mr. Bluemke presented Staff Report.

Petitioner was present.

Chair Teitgen asked if anyone has any questions.

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

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

Town Board William Schroeder present, and Minutes on file.

Chair Teitgen closed Public Hearing

Motion by Ms. Bradley to approve a Major Home Occupation to operate a dog kennel, dog grooming and training center located at W9688 Hogan Road 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. Ms. Ann Deich doing business as **Annie's Gone to the Dogs, LLC**, is the owner of the kennel, training and grooming facility.
2. Ms. Deich is proposing to continue to operate a dog kennel, training and grooming facility under Sec. 16-125-280(B) & 16-150-070(D) of the Columbia County Zoning Ordinance.
3. The kennel and training facility have operated under a Conditional Use Permit since 1999 and no complaints have been filed with the Town of Fort Winnebago or the County.
4. Ms. Deich is looking to add dog grooming to the business.
5. There are substantial wooded areas surrounding most of the site that mitigate the potential for noise associated with barking dogs.
6. Ms. Deich is willing to obtain a Covenant from the Cuffs to provide for safe and adequate disposal of waste from the kennel as required by the existing Conditional Use Permit.
7. Title 16 Chapter 100 of Columbia County Code of Ordinance is applicable to this site.
8. 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. Also, 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 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 application qualifies for a Home Occupation Use Permit**
2. **The proposed use is a home occupation that is consistent with the purpose and intent of the ordinance.**
3. **The dog kennel, training and grooming facility is compatible with the agricultural and rural character of the general vicinity and will not change the character of the area as to substantially impact current or future permitted uses in the vicinity.**

Conditions for the Decision:

1. **The Home Occupation Permit is not transferable pursuant to Sec. 16-125-280(B)(9).**
2. **All signage shall comply with Sec. 16-145 of the Columbia County Zoning Ordinance.**
3. **Boarding shall be limited to 40 dogs.**
4. **All dogs on the premises must have current licenses.**
5. **All new lighting for the facility shall comply with Sec. 16-140-070 of the Columbia County Zoning Ordinance.**
6. **Excessive barking, cries, howling or other noise will result in the permit being reviewed and subject to revision or revocation. The term excessive barking, cries, howling or other noise includes, but is not limited to, the creation of any noise by a dog, dogs or puppies which can be heard at a property line by any person, including an enforcement officer, which noise occurs continuously or incessantly for a period of 10 minutes, or intermittently for 30 minutes or more, at any time, day or night. A dog or dogs shall not be deemed to be barking if at the time a dog is barking or making other noise, a person is trespassing or threatening to trespass upon the private property upon where the kennel is situated or when the dog or dogs are being teased or provoked.**
7. **Ms. Deich must record a covenant, approved by the Planning and Zoning Department which stipulates that the owners of parcel 11012-365.02 will allow for the disposal of waste to continue on the parcel and that if disposal is no longer permitted the Home Occupation shall be terminated unless a new permit is reviewed by the Town and approved by the County.**
8. **There shall be a POWTS that meets the standards of Title 16-300, SPS 383 and ss. 14.245.**

9. **There shall be strict observance of all sanitation and animal cruelty rules, regulations or laws of the Town, County or State of Wisconsin.**
10. **There shall be no employees outside of family members who reside on the subject property.**
11. **Outside storage of any materials or equipment associated with the kennel is not permitted.**
12. **The applicant and owner shall comply with and obtain all necessary permits required by applicable federal, state and local regulations.**
13. **If the Planning and Zoning Committee finds that the review criteria of the Section 16-1-18(e) of the Columbia County Zoning Ordinance or the conditions stipulated by the Home Occupation Permit approved by the Committee Decision are not being complied with, the Planning and Zoning Committee, after a public hearing, may revoke the Home Occupation Permit.**

Item VI- Conditional Use Permit to use 4.67 acres of property for indoor and outdoor retail sales, service and storage; Deano Dock & Lift, LLC, Applicant and Harmony Grove Trucking & Repair, Owner – Town of Dekorra

Chair Teitgen opened Public Hearing.

Mr. Thompson presented Staff Report.

Petitioner and Agent Attorney Jeff Clark from Boardman & Clark were present.

Atty Jeff Clark presented letter expressing approval of proposal, to have on record from adjacent property owners:

Alex & Marilyn Sopha
W8416 Bilkie Road
Poynette, WI

Attorney Jeff Clark summarized Town of Dekorra proposals and passed out site map. He noted that Dekorra has interstate area design guidelines that are more extensive than the County has for a C-3 district. He reviewed the wood processing and treating process, and explained with handouts showing a machine, how it worked. He also reviewed the requirements, guidelines and process for making and maintaining certified wood according to the State of Wisconsin. He read through the hours he would be using this, and the area on the site map where the wood during this process would be stored and moved to once processed.

Dean Tydrich presented to the Committee the decibel measurement readings he measured on his phone from the machine just turned on, not

processing which would include saws, splitting and conveyors sounds, at different lengths from machine at property.

Chair Tietgen asked if anyone has any questions.

Vice Chair Kessler questioned state of wood prior to treating, being brought to property.

Attorney Jeff Clark explained State's requirements and tracking of wood.

Chair Tietgen questioned if he was planning on purchasing property to the north, and what his plans are for fencing around that as well.

Attorney Jeff Clark stated Dean Tydrich is considering expanding property, and a fence has been considered for that part as well. He explained the access to Deano Docks would be relocated to the north property if he does purchase.

Vice Chair Kessler questioned ownership of property.

Attorney Jeff Clark explained hasn't concluded, as it is contingent on CUP approval.

Vice Chair Kessler commented on how this property is already being used for this purpose, and questioned if Staff has comments on this.

Mr. Bluemke explained communication between Staff and Dean Tydrich since violation began.

Chair Tietgen asked if anyone has any more questions.

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

Jeff Wendt (present owner of property)
N3427 County Highway J
Poynette, WI

Jeff Wendt explained history of property/CUPs he has. He commented that Dean's offer for property was best. He stated that Dean's was the best fit, best in appearance, and better than he's had it in 40 years.

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

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

Town present and Minutes on file.

Chair Tietgen closed public hearing.

Motion by Mr. Baumgartner to approve a Conditional Use Permit to use 4.67 acres of property for marine indoor and outdoor retail sales, service and storage located at N3427 County Highway J as proposed in the application and accompanying submittals and subject to following Findings, Conclusions and Conditions of Approval.

Seconded by Mr. Stevenson.

Mr. Thompson stated the Site Plan needs to be reviewed in terms of location, fencing, etc. He clarified that in way current motion is laid out, this does not include wood processing.

Attorney Jeff Clark stated that no uses in C-3 state wood processing, and 16-155-050 states that administration with approval from committee, can decide if use is incidental or not. He pointed out the definition of Outdoor Sales includes lumber yards, which are a bigger use than firewood processing. Also mentioned Act 67 that was just signed.

Chair Tietgen stated he thought this use, given the information provided, is incidental.

Vice Chair Kessler pointed out that wood processing is not mentioned at all in current conditions. He stated that whether or not allowed, should be mentioned in conditions.

Mr. Thompson stated that this originally started out as just retail sales, indoor and outdoor. From there, it went to firewood sales, then firewood processing. He stated that in C-3 zoning, processing firewood is not allowed, unless indoor. He expressed he was uncomfortable with allowing this use, without getting all information and knowledge on this machine. He questioned the trucks coming in and out with the trailers of wood, and other situations with the machine that were not addressed. He explained that is where the current conditions came from.

Mr. Stevenson questioned how much wood that can be stored prior to it being processed.

Attorney Jeff Clark answered and added that the storing of this has been told by Dekorra, has to be stored in screened area.

Vice Chair Kessler agreed with Chair Tietgen that this use is ancillary and acceptable. He mentioned however, that he was skeptical on ability to put together in conditions tonight with such CUP.

Chair Tietgen stated that the hours of operation are all stated currently in the conditions.

Mr. Bluemke stated the processing can be limited on the site plan in the conditions.

Mr. Thompson stated that the decibels allowed should be stated/added in conditions.

Ms. Bradley questioned if approved, would this set precedent for future CUPs.

Mr. Bluemke answered no, that this is considered an incidental use.

Motion by Vice Chair Kessler to amend motion on table to strike proposed Condition 4f, and to add a condition to allow incidental certified firewood storage and processing, subject to the hours proposed by the Town of Dekorra, and provided that the certified firewood storage and processing are limited to the Site Plan.

Seconded by Chair Tietgen.

Motion carried unanimously.

Motion by Vice Chair Kessler to amend motion on table to add to Condition 4g "All existing fences will be maintained according to the Site Plan.

Seconded by Chair Tietgen.

Motion carried unanimously.

Motion by Vice Chair Kessler to approve the motion on table to as amended.

Seconded by Chair Tietgen.

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 Exhibit 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. Also, 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 site based on topography, drainage, slope, soil type and vegetative cover is minimal.

- d. **The prevention and control of water pollution, including sedimentation, and the potential impacts on floodplain and wetlands, will not be an issue. Drainage appears to flow towards a self-created drainage pond on the western edge of the property, which is also mapped as floodplain.**
- e. **The site has adequate utilities including, if necessary, several laterals for Town sewer service.**
- 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 Dekorra and is zoned C-3 Highway Interchange District, which District uses are stated in Section 16-115-020(1).**
2. **Deano Dock & Lift, LLC is requesting a Conditional Use Permit on lands he wishes to purchase from Harmony Grove Trucking & Repair, Inc., which petition followed the procedures of Section 16-150-070(C). of the Columbia County Zoning Code.**
3. **Deano Dock & Lift, LLC is to operate a marine contracting business for indoor and outdoor display and sales and storage which is allowed as a Conditional Use Permit under Section 16-115-020(1) of the Columbia County Zoning Code.**
4. **The Dekorra Town Board has reviewed and approved 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 Section 16-150-030(B)(3) and Section 16-150-070 of the Columbia County Zoning Code to conduct public hearings, review and decide on requests for conditional use permits.**

Conditions for the Decision:

1. **Any agreement between the Town of Dekorra and Deano Dock & Lift, LLC is hereby incorporated by reference as part of this Conditional Use Permit; however, the County is not responsible for enforcing said agreement, unless an individual point of agreement 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. **This Conditional Use Permit shall become effective upon the acquisition of the property by Deano Dock & Lift, LLC, and the Department approval of a revised detailed site and landscape plan.**
3. **Business operations on the property shall be limited to sales, service and storage of new/used, repairable and consigned boat lifts, docks, pier accessories, finished hunting shacks and related outdoor recreational equipment and the processing of logs for DATCP certified firewood. The**

- location of parking, storage of materials, machinery and equipment, and the location of business operations including retail display, sales, service, and any future buildings, will be in the areas delineated on the approved Site Plan. All equipment and accessories to be displayed or kept in the display areas along the Interstate as shown on the approved Site Plan, shall be available for purchase.
4. The location of screening to include existing and new fencing and landscaping to limit visibility from the Interstate and CTH J, shall as delineated on the approved Site Plan, accompanying the Application, and as further supplemented as follows:
 - a. Existing berm to be re-contoured to an average height of 10-12 ft. with a 4-5 ft. mowable area on top, and be maintained in grass or other mowable ground cover.
 - b. Solid wooden fences of approximately 8 ft. with an additional 2 ft. of lattice shall be constructed as shown in the areas of such "fences" on the Site Plan, and shall include a small opening for customer access to retail displays located on the west side of the fence.
 - c. The southern entrance to the property shall be redesigned to minimize views into the storage and parking area with the use of solid fences. The southern entrance shall be used primarily as an employee and work entrance, and the north entrance being for the general public and utility district.
 - d. Replacement of the dead screening pines along CTH J, and planting of additional pines north and south of the berm shall be shown on the Site Plan.
 - e. Existing Trees are to remain on the property
 - f. Incidental certified firewood storage and processing is allowed, subject to the hours proposed by the Town of Dekorra, and provided that the certified firewood storage and processing are limited to the Site Plan.
 - g. All fences, berms and landscaping will be installed per the approved Site Plan by 5/31/18. All existing fences will be maintained according to the Site Plan.
 5. The equipment or materials to be stored outdoors shall be stored in the locations indicated on the approved Site Plan to limit visibility from the Interstate and CTH J. At no time can equipment, materials or product exceed the height of the berm along the interstate or the fence along CTH J. If any such equipment or materials do exceed those heights, they shall be stored in a location to restrict their visibility from the highways. Inventory and Materials must maintain a 10 ft. setback from all property lines, except on CTH J if located behind the solid fence. Dumpsters shall be hidden from view.
 6. The owner shall remove all remaining equipment (scale), junk, stumps, debris, concrete and other materials that were associated with previous use by May 31, 2018.
 7. Hours of operation are recognized to be seasonal but shall not exceed the following:

- a. **Retail Sales and Indoor Servicing of Equipment**: Monday through Friday from 6:00 a.m. to 9:00 p.m., Saturday from 7:00 a.m. to 6:00 p.m., and Sunday from 8:00 a.m. to 5:00 p.m.
 - b. **Outdoor Servicing of Equipment**: Monday through Friday from 7:00 a.m. to 7:00 p.m. and Saturday and Sunday from 8:00 a.m. to 5:00 p.m.
 - c. **Outdoor Wood Processing**: Monday through Friday from 8:00 a.m. to 5 p.m
 - d. **Incidental equipment repair, pickup and return of work vehicles and equipment, and responding to emergency situations, such as, but limited to: responding to requests from law enforcement, fire or EMS or other governmental agencies for water related emergency assistance, shall be allowed outside the hours of operation listed above.**
8. **All new lighting shall be oriented so that the lighting elements (or transparent shield) are not visible from an adjacent property or right-of-way. The use of shielded luminaries and careful placement of fixtures is encouraged to facilitate compliance with this requirement.**
 9. **Significant modifications to the approved site plan must be reviewed and approved by the Town and the County.**
 10. **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.**
 11. **The owner shall comply with, and obtain all necessary permits required by applicable federal, state and local regulations.**
 12. **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.**

9. Adjourn

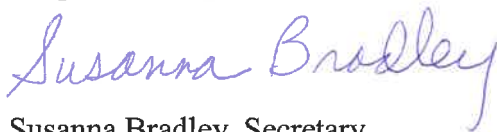
Motion by Vice Chair Kessler to adjourn meeting.

Seconded by Mr. Baumgartner.

Motion carried unanimously.

Meeting adjourned at 5:39 PM

Respectfully Submitted,



Susanna Bradley, Secretary
Planning and Zoning Committee

Recording Secretary

December 5, 2017


Lauren Ramirez, Office Administrator

cc: Committee Members
Vern Gove, County Board Chair
Mary Cupery, County Board Vice Chair