

**PLANNING & ZONING COMMITTEE MINUTES  
DECEMBER 6, 2022**

**PRESENT:** Denise Brusveen, Doug Richmond, Adam Hahn, Harlan Baumgartner, Andrew Kolberg

**STAFF:** Kurt Calkins – Director of Planning & Zoning, Lauren Ramirez – Office Administrator

**ALSO PRESENT:** Susan Fisher – Corporation Counsel

**2:00 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. Kolberg to approve Agenda of December 6, 2022 Planning & Zoning  
Committee Regular Meeting & Public Hearing.  
Seconded by Mr. Baumgartner.  
Motion carried unanimously.**

5. Approval of Previous Meeting Minutes

**Motion by Mr. Richmond to approve Minutes of November 1, 2022  
Planning & Zoning Committee Regular Meeting.  
Seconded by Mr. Kolberg.  
Motion carried unanimously.**

6. Citizen Input

Melissa Bruner – Ms. Bruner was present and voiced support for the Resolution written by Supervisor Groves in regards to solar energy. She stated she also has gone to recycling center and gotten almost 100 signatures from those who support as well.

Margo Miller – Ms. Miller was present and voiced opposition for the Resolution written by Supervisor Groves in regards to solar energy. She voiced concern over county's authority over solar, and presents benefits to different energy sources, such as maintaining crop land, and benefits of pollinators for ag purposes. She added that neighbors cannot tell you what to do with your own land.

Doug Smedema – Mr. Smedema was present and voiced opposition to solar farms in area. He stated concerns regarding hunting land, property value, and land rights referencing when state took away property owner rights in 2009, and gave it to 3 people at the PSC.

Liam Groves – Mr. Groves was present and voiced support regarding Supervisor Groves' Resolution regarding solar panels. He voiced concern over the crime solar panels, and the future of county fairs and farmland.

Marianne Flynn Statz – Ms. Flynn Statz was present and spoke in opposition of solar farms. She stated she believes that the decision before us is life and death, it violates comp land use plan, safety, and groundwater contamination. She believes Supervisor Baumgartner's position on this is incorrect.

Janeen Reid – Ms. Reid was present and has a farm in Lowville. She stated she is a steward of land, and she believes we have the best land in the world. She believes we need support to keep ag community and ag land producing what the world needs, which is critical to well-being. We need to protect land for protection of next generation.

Becky Santowski – Ms. Santowski was present and voiced support to protecting prime ag land. She stated that our foods are grown from this ag land, and preservation is needed. She voiced concern over solar panels destroying soil, and is in support of Supervisor Groves' Resolution.

At 2:27 Citizen Input was suspended at this time. Chair Brusveen clarified we have 2 more citizens who turned in registration slips to speak, and it was determined that they would get a chance to speak after Agenda Item 12.

It was agreed upon that Agenda Item 7 "Chairman's Update", and Agenda Item 8 "Operational Overview" could be saved until later. No objections.

#### 9. Approval of Line Item Transfer

- Training/Convention to Copy Machine

**Motion by Mr. Baumgartner to approve Line Item Transfer as presented.**

**Seconded by Mr. Hahn.**

**Motion carried unanimously.**

#### 10. Action on Access Variance Request

- Paske – Town of Caledonia

Mr. Calkins presented Staff Report.

**Motion by Mr. Richmond to approve an Access Variance for Lot 2 to have no frontage on a public road subject to the following conditions: A note be placed on the Certified Survey Map stating, "A variance to Section 12.210.04(5) was approved by the Planning and Zoning Committee on December 6, 2022 to waive road frontage requirements for Lot 2 with access provided via other instrument." The variance will become effective upon recording of the**

**Certified Survey Map.**

**Seconded by Mr. Kolberg.**

**Motion carried unanimously.**

- Smith/Boeck – Town of Lewiston

Mr. Calkins presented Staff Report.

**Motion by Mr. Baumgartner to approve an Access Variance for Lot 2 to have no frontage on a public road subject to the following conditions: A note be placed on the Certified Survey Map stating, "A variance to Section 12.210.04(5) was approved by the Planning and Zoning Committee on December 6, 2022 to waive road frontage requirements for Lot 2 with access provided via other instrument." The variance will become effective upon recording of the Certified Survey Map.**  
**Seconded by Mr. Richmond.**  
**Motion carried unanimously.**

- Cleary – Town of Lodi

Mr. Calkins presented Staff Report.

**Motion by Mr. Richmond to approve an Access Variance for Lots 1 and 2 to have no frontage on a public road subject to the following conditions: A note be placed on the Certified Survey Map stating, "A variance to Section 12.210.04(5) was approved by the Planning and Zoning Committee on December 6, 2022 to waive road frontage requirements for Lots 1 and 2 with access provided via other instrument." The variance will become effective upon recording of the Certified Survey Map.**  
**Seconded by Mr. Hahn.**  
**Motion carried unanimously.**

#### 11. Action on Driveway Exception

- Tank – Town of Caledonia

Mr. Calkins present Staff Report.

**Motion by Mr. Hahn to approve Driveway Exception.**  
**Seconded by Mr. Baumgartner.**  
**Motion carried unanimously.**

#### 12. Update on Solar Project Review as Directed on November 15, 2022, by County Board\*

Chair Brusveen stated that some people reached out to her, and she asked if this needed to be closed session.

Susan Fisher answered yes, as we are conferring with legal counsel, in respect to litigation. She explained that if there's a need for legal advice, it needs to be in closed session. No action can be taken in closed session, and they will come back to open session prior to Agenda Item #13. County Board Supervisors attending in meeting can stay, as they are in the bounds of confidentiality.

**Motion by Mr. Richmond to go into closed session.**  
**Seconded by Mr. Baumgartner.**  
**Mr. Hahn – Yes, Mr. Baumgartner – Yes, Chair Brusveen – Yes, Mr. Kolberg – Yes,**  
**Mr. Richmond – Yes.**  
**Motion carried unanimously.**

Elizabeth Groves asks how this closed session will affect Citizen Input, as she would like to speak.

Chair Brusveen explained that they will resume Citizen Input after closed session, before any action taken.

2:40 PM: The Planning & Zoning Committee went into closed session.

3:22 PM:

**Motion by Mr. Richmond to go out of closed session.  
Seconded by Mr. Baumgartner.  
Motion carried unanimously.**

3:26 PM: Back to Order

**3:26 PM**

**14. Public Hearings**

Item I      Zoning Change – A-1 Agriculture to RR-1 Rural Residence, and from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay; Petitioners: Thomas J Cleary & Carol L Cleary – Town of Lodi

Chair Brusveen opened Public Hearing.

Mr. Calkins presented Staff Report.

Chair Brusveen asked if anyone has any questions.

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

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

Chair Brusveen closed the Public Hearing.

**Motion by Mr. Kolberg to recommend approval of 2.5 acres, more or less, from A-1 Agriculture, and 32.52 acres from A-1 Agriculture with A-4 Agricultural Overlay, all effective upon recording of the Certified Survey Map.**

**Seconded by Mr. Baumgartner.**

**Motion carried unanimously.**

Item II      Conditional Use Permit – For a Tourist Rooming House; Applicants: Dale A Emerson & Patty L Emberson – Town of Lodi

Chair Brusveen opened Public Hearing.

Mr. Calkins presented Staff Report.

Applicant was present.

Chair Brusveen asked if anyone has any questions.

Chair Brusveen asked if anyone is in favor of the request. (no comments)

Chair Brusveen asked if anyone is against the request.

Dan George – Mr. George was present and stated he lives about 4 or 5 lots away. He voiced concern regarding turnover of people coming in and out, the use of residentially zoned land, people being there that aren't invested in the property, partying, boating responsibility, pier use, dock use, boat use, and safety.

Chair Brusveen asked if anyone else is against the request. (no comments)

Applicant states that they have strict partying guidelines, owns the house next door and will be living there, and take care of their homes.

Chair Brusveen closed the Public Hearing.

**Motion by Mr. Richmond approve Conditional Use Permit for a Tourist Rooming House located at N2363 Rapp Road, as proposed in the application and accompanying submittals and subject to the following Findings, Conclusions, and Conditions of Approval.**

**Seconded by Mr. Hahn.**

**Motion carried unanimously.**

**Findings of Fact:**

1. Upon review of the guidelines in Section 12.150.07(4) of the Columbia County Zoning Code, and with the explanation of the criteria in Attachment A of the Staff Report, the Committee finds the following:
  - a. Dale A and Patty L Emberson are the owners of the subject property.
  - b. Dale A and Patty L Emberson are requesting a Conditional Use Permit to operate a Tourist Rooming House within the R-1 Single-Family Residence zoning district.
  - c. The property is already developed with a single-family residence and driveway on site.
  - d. 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.
  - e. 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.
  - f. The erosion potential of the site, based on topography, drainage, slope, soil type, and vegetative cover is minimal.
  - g. There is no existing or anticipated water pollution including sedimentation, and no impacts on floodplain and wetlands.
  - h. The site has adequate utilities, including acceptable disposal systems.
  - i. Access to streets and highways is suitable, and ingress and egress is designed to minimize traffic congestion and the potential effect on traffic flow.
  - j. 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 Lodi and is zoned R-1 Single-Family Residence.
2. A Tourist Rooming House is a conditional use within the R-1 Single-Family Residence zoning district.
3. The proposed use is consistent with the purpose and intent of the Columbia County Zoning Code.
4. Dale A and Patty L Emberson are the petitioners for a Conditional Use Permit. The petition followed the procedures of Section 12.150.07(3) of the Columbia County Zoning Code.
5. The petitioner is proposing to use an existing single-family residence as a Tourist Rooming House, which is allowed as a Conditional Use under Table 12.110.02(1).
6. The Lodi Town Board has reviewed and recommended approval of the Conditional Use Permit, with conditions, in accordance with Section 12.150.07 of the Columbia County Zoning Code.

7. The Columbia County Planning and Zoning Committee has the authority under Sections 12.150.03(2)b. and 12.150.07 of the Columbia County Zoning Code to conduct public hearings, review, and decide on requests for Conditional Use Permits.
8. The standards of Section 12.125.11(1) of the Columbia County Zoning Code as noted below are applicable:
  - (a) Occupancy shall be limited to two persons per bedroom, plus an additional two persons. At no time may the number of guests exceed eight regardless of the number of bedrooms in the unit. Two exits are required for each bedroom.
  - (b) The number of guest vehicles allowed on site is limited to the number of bedrooms in the tourist rooming house. On-street parking is prohibited. No recreational vehicle or tent may be used for living or sleeping purposes.
  - (c) Must meet all requirements associated with a single-family dwelling in Section 12.125.10(1). The appearance or use of the tourist rooming house shall not be altered in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, odors, dust or vibrations that carry beyond the premises.
  - (d) The availability of the tourist rooming house to the public shall not be advertised on site.
  - (e) Must be licensed by the State of Wisconsin.
  - (f) In addition to any state required license fee, each operator of a tourist rooming house shall provide Columbia County with an annual fee to enable the County to confirm compliance with the standards of this chapter and fulfill state reporting requirements.
  - (g) Conditional use permit may be subject to revocation or alteration if the Planning and Zoning Committee finds that these standards, the recommended Conditions adopted by the Planning and Zoning Committee, or the standards for all conditional use permits in Section 12.150.07(4) are not being met.

**Conditions for the Decision:**

1. The Conditional Use Permit shall not be transferable to another owner.
2. Accessory structures and camping units shall not be used as habitable structures.
3. Quiet hours shall be 10:00 pm – 8:00 am on weekdays, and 11:00 pm – 8:00 am on weekends. Noise levels at the property line shall not exceed 55 dBA during these hours.
4. Pets shall be contained on the rental property at all times, and must be tied up, leashed, or in a fenced enclosure when outside.
5. All fires shall be in a proper fire pit structure, and shall be extinguished during the established quiet hours.
6. The use of fireworks shall be prohibited.
7. The use of firearms shall be prohibited.
8. Special events or parties in which more than 12 people are present shall be prohibited. Gatherings that include people that are not valid guests shall only take place outside of quiet hours. During quiet hours, the only persons on site shall be registered guests, not to exceed eight (8).
9. Parking shall be provided on-site, with a maximum of three (3) vehicles allowed. All off-street parking shall be on a paved or gravel surface and shall be arranged to facilitate easy ingress/egress of all vehicles.
10. Occupancy associated with the Tourist Rooming House shall be limited to eight (8) persons.
11. A 24-hour contact number shall be provided to the Planning and Zoning Department and Town Clerk.
12. The 24-hour contact number shall be posted near the primary entrance door on a sign no larger than 12"x18" in case of a complaint or emergency. If the owner does not live within one hour's drive of the tourist rooming house, there shall be a local contact person.
13. A state sales tax number shall be obtained and provided to the Planning and Zoning Department.
14. The property shall remain free and clear from citation and charges for nuisance, disorderly conduct, or other illegal activity.
15. Garbage and recycled materials shall be properly stored and disposed of regularly.
16. The owner's website or other advertising site shall state that there are local government conditions and restrictions associated with this Tourist Rooming House in order to maintain a predominately single-family, owner-occupied character of the surrounding area.
17. The availability of the Tourist Rooming House to the public and tourists/transients shall not be advertised on site.
18. The appearance or use of the Tourist Rooming House shall not be altered in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, odors, dust or vibrations that carry beyond the premises.

19. The owner shall comply with and obtain all necessary permits required by applicable federal, state and local regulations.
20. The Planning and Zoning Department shall have the right of inspection for the purpose of determining compliance with this permit during normal working hours or upon reasonable notice outside of normal hours.
21. If the Planning and Zoning Committee finds that the review criteria of Subsection 12.150.07(4) of the Columbia County Zoning Code, or the conditions stipulated in the Committee Decision are not being complied with, the Planning and Zoning Committee, after a public hearing, may revoke the Conditional Use Permit.
22. In addition to any State required license fee, each operator of a Tourist Rooming House shall provide the County with an annual fee and an annual report on a form furnished by the County to confirm compliance with any applicable requirements or conditions of approval.
23. Any agreement(s) or condition(s) pertaining to this Conditional Use Permit between the Town of Lodi and Dale A and Patty L Emberson are hereby incorporated as part of this Conditional Use Permit; however, the County is not responsible for enforcing said agreement(s) or condition(s), unless an individual point of the agreement(s) or condition(s) is specifically included above as a condition of approval. Any additional Town agreements or conditions are listed below. In the event that the Town submits a finding of noncompliance with any of the item(s) listed below, for which the County has not assumed direct enforcement authority, upon written request by the Town, the County reserves the right to review the Conditional Use Permit.

Item III      Zoning Change – RC-1 Recreation to A-2 General Agriculture; Petitioner: Diana M Reinen,  
Applicants: Jan Clingman & James Hellenbrand – Town of Lodi

Chair Brusveen opened Public Hearing.

Mr. Calkins presented Staff Report.

Petitioner was present.

Chair Brusveen asked if anyone has any questions.

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

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

Chair Brusveen closed the Public Hearing.

**Motion by Mr. Richmond to recommend approval of 12.52 acres, more or less, from RC-1  
Recreation to A-2 General Agriculture, effective upon the recording of the  
Certified Survey Map.**

**Seconded by Mr. Baumgartner.**

**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; Petitioner: Paul Tank, Applicants: Paul Tank &  
Debbie Tank – Town of Caledonia

Chair Brusveen opened Public Hearing.

Mr. Calkins presented Staff Report.

Petitioner was present.

Chair Brusveen asked if anyone has any questions.

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

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

Chair Brusveen closed the Public Hearing.

**Motion by Mr. Baumgartner to recommend approval of 4.02 acres, more or less, from A-1 Agriculture to RR-1 Rural Residence, and 30.98 acres, more or less, from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay, effective upon the recording of the Certified Survey Map.**

**Seconded by Mr. Kolberg.**

**Motion carried unanimously.**

Item V      Conditional Use Permit – For a Tourist Rooming House; Applicant: Natallia Razanskaya – Town of Caledonia

Chair Brusveen opened Public Hearing.

Mr. Calkins presented Staff Report.

Applicant was not present.

Chair Brusveen asked if anyone has any questions.

Chair Brusveen asked if anyone is in favor of the request. (no comments)

Chair Brusveen asked if anyone is against the request. (no comments)

Chair Brusveen closed the Public Hearing.

**Motion by Mr. Richmond approve Conditional Use Permit for a Tourist Rooming House located at N5630 Thunderbird Road, as proposed in the application and accompanying submittals and subject to the following Findings, Conclusions, and Conditions of Approval.**

**Seconded by Mr. Hahn.**

**Motion carried unanimously.**

**Findings of Fact:**

1. Upon review of the guidelines in Section 12.150.07(4) of the Columbia County Zoning Code, and with the explanation of the criteria in Attachment A of the Staff Report, the Committee finds the following:
  - a. Natallia Razanskaya is the owner of the subject property.
  - b. Natallia Razanskaya and Pavlo Bilous are requesting a Conditional Use Permit to operate a Tourist Rooming House within the R-1 Single-Family Residence zoning district.
  - c. The property is already developed with a single-family residence and driveway on site.
  - d. 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.
  - e. 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.

- f. The erosion potential of the site, based on topography, drainage, slope, soil type, and vegetative cover is minimal.
- g. There is no existing or anticipated water pollution including sedimentation, and no impacts on floodplain and wetlands.
- h. The site has adequate utilities, including acceptable disposal systems.
- i. Access to streets and highways is suitable, and ingress and egress is designed to minimize traffic congestion and the potential effect on traffic flow.
- j. The Conditional Use shall conform to the standards of the applicable district(s) in which it is located.

#### **Conclusions of Law:**

- 1. The subject property is located in the Town of Caledonia and is zoned R-1 Single-Family Residence.
- 2. A Tourist Rooming House is a conditional use within the R-1 Single-Family Residence zoning district.
- 3. The proposed use is consistent with the purpose and intent of the Columbia County Zoning Code.
- 4. Natalia Razanskaya is the petitioner for a Conditional Use Permit. The petition followed the procedures of Section 12.150.07(3) of the Columbia County Zoning Code.
- 5. The petitioner is proposing to use an existing single-family residence as a Tourist Rooming House, which is allowed as a Conditional Use under Table 12.110.02(1).
- 6. The Caledonia Town Board has reviewed and recommended approval of the Conditional Use Permit, with conditions, in accordance with Section 12.150.07 of the Columbia County Zoning Code.
- 7. The Columbia County Planning and Zoning Committee has the authority under Sections 12.150.03(2)b. and 12.150.07 of the Columbia County Zoning Code to conduct public hearings, review, and decide on requests for Conditional Use Permits.
- 8. The standards of Section 12.125.11(1) of the Columbia County Zoning Code as noted below are applicable:
  - (a) Occupancy shall be limited to two persons per bedroom, plus an additional two persons. At no time may the number of guests exceed eight regardless of the number of bedrooms in the unit. Two exits are required for each bedroom.
  - (b) The number of guest vehicles allowed on site is limited to the number of bedrooms in the tourist rooming house. On-street parking is prohibited. No recreational vehicle or tent may be used for living or sleeping purposes.
  - (c) Must meet all requirements associated with a single-family dwelling in Section 12.125.10(1). The appearance or use of the tourist rooming house shall not be altered in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, odors, dust or vibrations that carry beyond the premises.
  - (d) The availability of the tourist rooming house to the public shall not be advertised on site.
  - (e) Must be licensed by the State of Wisconsin.
  - (f) In addition to any state required license fee, each operator of a tourist rooming house shall provide Columbia County with an annual fee to enable the County to confirm compliance with the standards of this chapter and fulfill state reporting requirements.
  - (g) Conditional use permit may be subject to revocation or alteration if the Planning and Zoning Committee finds that these standards, the recommended Conditions adopted by the Planning and Zoning Committee, or the standards for all conditional use permits in Section 12.150.07(4) are not being met.

#### **Conditions for the Decision:**

- 1. The Conditional Use Permit shall not be transferable to another owner.
- 2. Accessory structures and camping units shall not be used as habitable structures.
- 3. Quiet hours shall be 10:00 pm – 8:00 am on weekdays, and 11:00 pm – 8:00 am on weekends. Noise levels at the property line shall not exceed 55 dBA during these hours.
- 4. Pets shall be prohibited.
- 5. All fires shall be in a proper fire pit structure, and shall be extinguished during the established quiet hours.
- 6. The use of fireworks shall be prohibited.
- 7. The use of firearms shall be prohibited.
- 8. Special events or gatherings in which more than 12 people are present shall be prohibited. Gatherings that include

people that are not valid guests shall only take place outside of quiet hours. During quiet hours, the only persons on site shall be registered guests, not to exceed eight (8).

9. Parking shall be provided on-site, with a maximum of three (3) vehicles allowed. All off-street parking shall be on a paved or gravel surface and shall be arranged to facilitate easy ingress/egress of all vehicles.
10. Occupancy associated with the Tourist Rooming House shall be limited to eight (8) persons.
11. A 24-hour contact number shall be provided to the Planning and Zoning Department and Town Clerk.
12. The 24-hour contact number shall be posted near the primary entrance door on a sign no larger than 12"x18" in case of a complaint or emergency. If the owner does not live within one hour's drive of the tourist rooming house, there shall be a local contact person.
13. A sign shall be placed near the door stating the hazards of swimming in the river.
14. A state sales tax number shall be obtained and provided to the Planning and Zoning Department.
15. The property shall remain free and clear from citation and charges for nuisance, disorderly conduct, or other illegal activity.
16. Garbage and recycled materials shall be properly stored and disposed of regularly.
17. The owner's website or other advertising site shall state that there are local government conditions and restrictions associated with this Tourist Rooming House in order to maintain a predominately single-family, owner-occupied character of the surrounding area.
18. The availability of the Tourist Rooming House to the public and tourists/transients shall not be advertised on site.
19. 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.
20. The owner shall comply with and obtain all necessary permits required by applicable federal, state and local regulations.
21. 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.
22. If the Planning and Zoning Committee finds that the review criteria of Subsection 12.150.07(4) of the Columbia County Zoning Code, or the conditions stipulated in the Committee Decision are not being complied with, the Planning and Zoning Committee, after a public hearing, may revoke the Conditional Use Permit.
23. In addition to any State required license fee, each operator of a Tourist Rooming House shall provide the County with an annual fee and an annual report on a form furnished by the County to confirm compliance with any applicable requirements or conditions of approval.
24. Any agreement(s) or condition(s) pertaining to this Conditional Use Permit between the Town of Caledonia and Natallia Razanskaya are hereby incorporated as part of this Conditional Use Permit; however, the County is not responsible for enforcing said agreement(s) or condition(s), unless an individual point of the agreement(s) or condition(s) is specifically included above as a condition of approval. Any additional Town agreements or conditions are listed below. In the event that the Town submits a finding of noncompliance with any of the item(s) listed below, for which the County has not assumed direct enforcement authority, upon written request by the Town, the County reserves the right to review the Conditional Use Permit.

Item VI      Zoning Change – AO-1 Agriculture and Open Space to R-1 Single-Family Residence;  
Petitioners: James D Stevenson , Jane L Stevenson, & Suzanna Stevenson. Applicants: Ian B  
Chalgren & Colleen S Chalgren – Town of Dekorra

Chair Brusveen opened Public Hearing.

Mr. Calkins presented Staff Report.

Petitioner was present.

Chair Brusveen asked if anyone has any questions.

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

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

Chair Brusveen closed the Public Hearing.

**Motion by Mr. Kolberg to recommend approval of 13.42 acres, more or less, from AO-1 Agriculture and Open Space to R-1 Single-Family Residence, effective upon the recording of the Certified Survey Map.  
Seconded by Mr. Richmond.  
Motion carried unanimously.**

Item VII      Zoning Change – A-1 Agriculture to A-3 Agriculture Business; Petitioner: Vine Street Rentals LLC c/o Kevin Diemart – Town of Newport

Chair Brusveen opened Public Hearing.

Mr. Calkins presented Staff Report.

Petitioner was present.

Chair Brusveen asked if anyone has any questions.

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

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

Chair Brusveen closed the Public Hearing.

**Motion by Mr. Richmond to recommend approval of 3.53 acres, more or less, from A-1 Agriculture to A-3 Agriculture Business, effective upon the recording of the Certified Survey Map.  
Seconded by Mr. Kolberg.  
Motion carried unanimously.**

Item VIII      Conditional Use Permit – For a Contractor Shop; Applicant: Vine Street Rentals LLC c/o Kevin Diemert – Town of Newport

Chair Brusveen opened Public Hearing.

Mr. Calkins presented Staff Report.

Applicant was present.

Chair Brusveen asked if anyone has any questions.

Chair Brusveen asked if anyone is in favor of the request. (no comments)

Chair Brusveen asked if anyone is against the request. (no comments)

Chair Brusveen closed the Public Hearing.

**Motion by Mr. Baumgartner approve Conditional Use Permit for a Contractor Shop located at County Highway WD, as proposed in the application and accompanying submittals and subject to the following Findings, Conclusions, and Conditions of Approval.**

**Seconded by Mr. Hahn.**

**Motion carried unanimously.**

**Findings of Fact:**

1. Upon review of the guidelines in Section 12.150.07(4) of the Columbia County Zoning Code, and with the explanation of the criteria in Attachment A of the Staff Report, the Committee finds the following:
  - a. Vine Street Rentals LLC, c/o Kevin Diemert is the owner of the subject property.
  - b. Vine Street Rentals LLC, c/o Kevin Diemert is requesting a Conditional Use Permit to operate a Contractor Shop within the A-3 Agriculture zoning district.
  - c. The property is currently vacant.
  - d. The property fronts on County Highway WD, and there is an existing driveway on site.
  - e. 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.
  - f. 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.
  - g. The erosion potential of the site, based on topography, drainage, slope, soil type, and vegetative cover is minimal.
  - h. There is no existing or anticipated water pollution including sedimentation, and no impacts on floodplain and wetlands.
  - i. The site has adequate utilities, including acceptable disposal systems.
  - j. Access to streets and highways is suitable, and ingress and egress is designed to minimize traffic congestion and the potential effect on traffic flow.
  - k. 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 A-1 Agriculture.
2. The property owner is also petitioning to rezone the property to the A-3 Agriculture Business district.
3. A Contractor Shop is a conditional use within the A-3 Agriculture Business zoning district.
4. The proposed use is consistent with the purpose and intent of the Columbia County Zoning Code.
5. Kevin Diemert of Vine Street Rentals LLC is the petitioner for a Conditional Use Permit. The petition followed the procedures of Section 12.150.07(3) of the Columbia County Zoning Code.
6. The petitioner is proposing to construct a Contractor Shop, which is allowed as a Conditional Use within the A-3 Agriculture Business district under Table 12.105.02(1).
7. The Newport Town Board has reviewed and recommended approval of the Conditional Use Permit, with conditions, in accordance with Section 12.150.07 of the Columbia County Zoning Code.
8. The Columbia County Planning and Zoning Committee has the authority under Sections 12.150.03(2)b. and 12.150.07 of the Columbia County Zoning Code to conduct public hearings, review, and decide on requests for Conditional Use Permits.

**Conditions for the Decision:**

1. Hours of operation shall be limited to 6:00 am to 8:00 pm Monday through Friday, and 6:00 am to 12:00 pm on Saturdays.
2. Garbage and recycling waste services shall be maintained.
3. Access, driveway, and parking surfaces shall be asphalt or concrete.
4. There shall be no outdoor storage of materials. The addition of outdoor storage shall require a site plan modification, as noted in Condition 9 below.
5. The existing vegetation, as shown on the approved site plan, shall be maintained as a vegetative screen.
6. Site shall be developed in accordance with approved site plans and all applicable ordinances.

7. Signage shall comply with Section 12.145 of the Columbia County Zoning Code.
8. 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.
9. Any significant changes to the approved site plan shall be reviewed and approved by the Town and County.
10. The property owners shall comply with and obtain all necessary permits as required by applicable federal, state, and local regulations.
11. If the Planning and Zoning Committee finds that the review criteria of Section 12.150.07(4) and 12.125.18 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.
12. Any agreement(s) or condition(s) pertaining to this Conditional Use Permit between the Town of Newport and Vine Street Rentals LLC, c/o Kevin Diemert are hereby incorporated as part of this Conditional Use Permit; however, the County is not responsible for enforcing said agreement(s) or condition(s), unless an individual point of the agreement(s) or condition(s) is specifically included above as a condition of approval. Any additional Town agreements or conditions are listed below. In the event that the Town submits a finding of noncompliance with any of the item(s) listed below, for which the County has not assumed direct enforcement authority, upon written request by the Town, the County reserves the right to review the Conditional Use Permit.

Item IX      Conditional Use Permit – For a Tourist Rooming House; Applicants: Jason L Guckeen & Cheryl R Hoffman – Town of Newport

Chair Brusveen opened Public Hearing.

Mr. Calkins presented Staff Report.

Applicant was present.

Chair Brusveen asked if anyone has any questions.

Chair Brusveen asked if anyone is in favor of the request. (no comments)

Chair Brusveen asked if anyone is against the request. (no comments)

Chair Brusveen closed the Public Hearing.

**Motion by Mr. Kolberg approve Conditional Use Permit for a Tourist Rooming House located at N8993 Riverview Court, as proposed in the application and accompanying submittals and subject to the following Findings, Conclusions, and Conditions of Approval.**

**Seconded by Mr. Baumgartner.**

**Motion carried unanimously.**

**Findings of Fact:**

1. Upon review of the guidelines in Section 12.150.07(4) of the Columbia County Zoning Code, and with the explanation of the criteria in Attachment A of the Staff Report, the Committee finds the following:
  - a. Jason L Guckeen and Cheryl R Hoffman are the owners of the subject property.
  - b. Jason L Guckeen and Cheryl R Hoffmann are requesting a Conditional Use Permit to operate a Tourist Rooming House within the R-1 Single-Family Residence zoning district.
  - c. The property is already developed with a single-family residence and driveway on site.
  - d. 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.
  - e. 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.

- f. The erosion potential of the site, based on topography, drainage, slope, soil type, and vegetative cover is minimal.
- g. There is no existing or anticipated water pollution including sedimentation, and no impacts on floodplain and wetlands.
- h. The site has adequate utilities, including acceptable disposal systems.
- i. Access to streets and highways is suitable, and ingress and egress is designed to minimize traffic congestion and the potential effect on traffic flow.
- j. 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.
2. A Tourist Rooming House is a conditional use within the R-1 Single-Family Residence zoning district.
3. The proposed use is consistent with the purpose and intent of the Columbia County Zoning Code.
4. Jason L Guckeen and Cheryl R Hoffman are the petitioners for a Conditional Use Permit. The petition followed the procedures of Section 12.150.07(3) of the Columbia County Zoning Code.
5. The petitioners are proposing to use an existing single-family residence as a Tourist Rooming House, which is allowed as a Conditional Use under Table 12.110.02(1).
6. The Newport Town Board has reviewed and recommended approval of the Conditional Use Permit, with conditions, in accordance with Section 12.150.07 of the Columbia County Zoning Code.
7. The Columbia County Planning and Zoning Committee has the authority under Sections 12.150.03(2)b. and 12.150.07 of the Columbia County Zoning Code to conduct public hearings, review, and decide on requests for Conditional Use Permits.
8. The standards of Section 12.125.11(1) of the Columbia County Zoning Code as noted below are applicable:
  - (a) Occupancy shall be limited to two persons per bedroom, plus an additional two persons. At no time may the number of guests exceed eight regardless of the number of bedrooms in the unit. Two exits are required for each bedroom.
  - (b) The number of guest vehicles allowed on site is limited to the number of bedrooms in the tourist rooming house. On-street parking is prohibited. No recreational vehicle or tent may be used for living or sleeping purposes.
  - (c) Must meet all requirements associated with a single-family dwelling in Section 12.125.10(1). The appearance or use of the tourist rooming house shall not be altered in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, odors, dust or vibrations that carry beyond the premises.
  - (d) The availability of the tourist rooming house to the public shall not be advertised on site.
  - (e) Must be licensed by the State of Wisconsin.
  - (f) In addition to any state required license fee, each operator of a tourist rooming house shall provide Columbia County with an annual fee to enable the County to confirm compliance with the standards of this chapter and fulfill state reporting requirements.
  - (g) Conditional use permit may be subject to revocation or alteration if the Planning and Zoning Committee finds that these standards, the recommended Conditions adopted by the Planning and Zoning Committee, or the standards for all conditional use permits in Section 12.150.07(4) are not being met.

#### **Conditions for the Decision:**

1. The Conditional Use Permit shall not be transferable to another owner.
2. There shall be no more than one rental agreement within a 7-day period.
3. Accessory structures and camping units shall not be used as habitable structures.
4. Quiet hours shall be 9:00 pm – 8:00 am Sunday through Thursday, and 11:00 pm – 8:00 am Friday and Saturday. Noise levels at the property line shall not exceed 55 dBA during these hours.
5. Pets shall be prohibited.
6. All fires shall be in a proper fire pit structure, and shall be extinguished during the established quiet hours.
7. The use of fireworks shall be prohibited.

8. The use of firearms shall be prohibited.
9. Special events or gatherings in which more than 12 people are present shall be prohibited. Gatherings that include people that are not valid guests shall only take place outside of quiet hours. During quiet hours, the only persons on site shall be registered guests, not to exceed six (6).
10. Parking shall be provided on-site, with a maximum of three (3) vehicles allowed. All off-street parking shall be on a paved or gravel surface and shall be arranged to facilitate easy ingress/egress of all vehicles.
11. Occupancy associated with the Tourist Rooming House shall be limited to six (6) persons.
12. A 24-hour contact number shall be provided to the Planning and Zoning Department and Town Clerk.
13. The 24-hour contact number shall be posted near the primary entrance door on a sign no larger than 12"x18" in case of a complaint or emergency. If the owner does not live within one hour's drive of the tourist rooming house, there shall be a local contact person.
14. A state sales tax number shall be obtained and provided to the Planning and Zoning Department.
15. The property shall remain free and clear from citation and charges for nuisance, disorderly conduct, or other illegal activity.
16. Garbage and recycled materials shall be properly stored and disposed of regularly.
17. The owner's website or other advertising site shall state that there are local government conditions and restrictions associated with this Tourist Rooming House in order to maintain a predominately single-family, owner-occupied character of the surrounding area.
18. The availability of the Tourist Rooming House to the public and tourists/transients shall not be advertised on site.
19. 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.
20. The owner shall comply with and obtain all necessary permits required by applicable federal, state and local regulations.
21. 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.
22. If the Planning and Zoning Committee finds that the review criteria of Subsection 12.150.07(4) of the Columbia County Zoning Code, or the conditions stipulated in the Committee Decision are not being complied with, the Planning and Zoning Committee, after a public hearing, may revoke the Conditional Use Permit.
23. In addition to any State required license fee, each operator of a Tourist Rooming House shall provide the County with an annual fee and an annual report on a form furnished by the County to confirm compliance with any applicable requirements or conditions of approval.
24. Any agreement(s) or condition(s) pertaining to this Conditional Use Permit between the Town of Newport and Jason L Guckeen and Cheryl R Hoffmann 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.

4:02 PM: Resume with Citizen Input

Chair Brusveen called upon Elizabeth Groves' Registration Slip

Elizabeth Groves stated she'd like to wait until after everyone speaks.

Chair Brusveen accepted.

Kelly Tomko Ewing – Ms. Ewing was present and voice support to Supervisor Groves' Resolution. She stated concerns regarding sweeping aside the Resolution, safety, loss of prime ag land that is ideal for food and fiber and cost efficiency of the land, the county not adhering to comprehensive plan, rural development, the heavily subsidized companies that put in solar, bullying from them, lack of clarity of long-term costs,

loss of school taxes, future costs will be pushed onto residents, lack of clarity and the shielding of contract specifics, contracts missing full costs, and the future of small communities.

Ken Kehlenbrink – Mr. Kehlenbrink (Courtland) was present and voiced concern regarding ability to pass stricter laws than what the state says we can. He states that regarding bees, the contracts being signed state that they will be mowing between the panels. There's noise, air pollution, and he's heard all negatives, so why consider commercial solar fields?

Joe McIlrath – Mr. McIlrath was present and stated he's been on school boards and as a fire department volunteer. He voiced his opposition to solar, and he was at last shaming county board meeting. He's been an FFA member, and he believes they need some parliamentary. He states with only 3-5 minutes, with ag land being taken over by solar panels, research and development, no way that this ground will be replanted. He stated his view to use taxing to make some money on the deals. He stated he knows that Adam Hahn has personal property invested in this.

Dietrich Vedder – Mr. Vedder was present and stated he is against this proposal. He voiced thoughts on putting up solar, but also doing it a way to preserve the land as well.

Elizabeth Groves – Ms. Groves was present. She voiced opposition to solar farms, and stated Supervisor Hahn has a solar contract, and raised concern regarding Code of Ethics.

Mr. Hahn asked to respond, and Susan Fisher advised not to at this time.

Ms. Groves stated that Mr. Hahn is violating Code of Ethics and State Statutes.

Susan Fisher responded saying that is a serious, weighted statement that has consequences.

Ms. Groves reiterated he has a legal duty to report that he has a solar contract.

Susan Fisher stated that this is not the appropriate forum for this discussion. There is no complaint submitted.

Ms. Groves began to cite County Ordinance Code of Ethics.

Susan Fisher stated there's no signed contract in front of us today, so not applicable.

Ms. Groves voiced opinions on how solar would violate the Code of Ordinances, Comprehensive Plan, and how the County has more power than what we believe, with the proposed Resolution.

Lloyd Simpson – Mr. Simpson stated he's been on town boards and has lived in Columbia County. He voiced opinions on property values, taxes, and money people are and are not getting from solar panels.

A citizen from the audience stated that she is offended Elizabeth Groves had over 20 minutes to speak, when everyone else was respectful and spoke with the 5 minutes allowed.

Ms. Groves responded with opinion against what previous citizen said.

13. Resolution on Prime Agricultural Land – as proposed by Supervisor Groves



Chair Brusveen stated that this cannot be a back and forth dialogue. She questioned if this was going to be voted on tonight- or postponed. She stated regarding the resolution on prime ag land topic, before discussion of it, she commented on code of ethics and stated if anyone has a financial interest desire, she is asking to abstain from vote, and this is your opportunity to disclose that information.

Mr. Hahn questioned ethics of how this meeting was being ran.

Chair Brusveen responded that she places high value on transparency and integrity.

Mr. Hahn asked if Ms. Groves would like to divulge claims.

Susan Fisher stated that if there's a complaint, a process is followed. At this time, we have nothing on file and it's inappropriate to bring up without anything filed.

Mr. Richmond stated that he understands where everyone is coming from and would like to see changes in state law that regulates PSC, that would give local municipalities a bigger voice in conditions to solar. He pointed out someone said these would be tax free and that's not true.

Mr. Hahn stated that's how it is, there's a direct conflict with state law and this would open us up to litigation, and that's not in the best interest of Columbia County citizens.

Mr. Baumgartner stated that litigation would open up with this resolution. He would like to see state make changes and it's tough to say no to Conditional Use Permits; however, saying yes allows us to put conditions. We all don't want it in our backyard. If there was some way to work with state to put conditions on if there's going to be a solar farm, conditions neighbors would like them to follow.

Mr. Hahn states that we open ourselves up to litigation with this resolution. He states that he himself is a 6th generation farmer and likes land owner rights- and that means negotiations.

Mr. Kolberg states that from what he's seen, is most people are for solar, but just not for solar in these areas of Columbia County. He likes that this resolution is bringing dialogue and input. He would like to see us work with state, but it's hard to see them stomp all over Columbia County for solar and alternative energy. He said putting it on prime farmland is not a good idea, and there's plenty of crappy land to put it on. He said Courtland has a lot of sand and no matter what, you need fertilizer. He said he would like to work with Supervisor Groves on this, but he can't vote for this particular resolution due to legal troubles.

Chair Brusveen states that she would like clarification- can have resolution and this is stating how we feel and can't change ordinance? Speaking with the supervisors, they are confused, so clarification would be helpful to change Resolution to change Ordinances, or Resolution to say how they feel, such as on topics like health impacts. The aluminum, iron, lithium, etc. in regards to kids, can they require groundwater testing for toxins in water?

Mr. Richmond questioned state's stance on groundwater, if there's any way to enforce groundwater runoff with impervious surface regulations.

Ms. Groves spoke on battery storage, groundwater contamination, etc.

Mr. Calkins clarifies authority on that with DNR.

**Motion by Mr. Richmond to deny Resolution, and for Corporation Counsel**

**to draft language to legislature and stat's association.**

**Seconded by Mr. Baumgartner.**

**Mr. Baumgartner – Yes, Mr. Hahn – Yes, Chair Brusveen – No,**

**Mr. Kolberg – No, Mr. Richmond – Yes**

**Motion passes, not unanimously.**

**Motion by Chair Brusveen to investigate and take every avenue possible to provide comments whether written or oral to PSC.**

**Seconded by Mr. Kolberg.**

There was discussion led by Chair Brusveen on what we can do at County level in regards to potentially going through rezones, and to change ordinance for what's allowed and buildable.

Mr. Calkins states he's not sure that's legal.

Susan Fisher states that we need categories of concern for what we can/cannot regulate.

There was a discussion led by Chair Brusveen on where solar panels turning land into wetlands.

At 5:44 Mr. Richmond had to dismiss himself.

Supervisor Carr spoke on including neighbors in on conversations with solar companies, due to the footprint of the projects not being complete.

There was loud interruption and outbursts from crowd at this time.

Ms. Groves states that she has copies of contracts.

#### 7. Chairman's Update

#### 8. Operational Overview

##### b. Approval of Expenditure Report

Mr. Calkins presented Expenditure Report and reviewed out of ordinary expenses.

**Motion by Mr. Baumgartner to approve Expenditure Report.**

**Seconded by Mr. Kohlberg.**

**Motion carried unanimously.**

##### c. Department Budgets, Compensatory Time, Out of County Travel

##### d. Director's Staff Report/Update

#### 15. Adjourn

**Motion by Mr. Baumgartner to adjourn meeting.**

**Seconded by Mr. Hahn.**

**Motion carried unanimously.**

Meeting adjourned at 5:50 PM

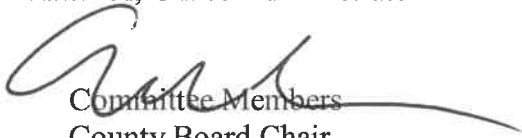
Respectfully Submitted,

Adam Hahn, Secretary  
Planning & Zoning Committee

*Lauren Ramirez*

Recording Secretary  
Lauren Ramirez, Office Administrator

cc:

  
Committee Members  
County Board Chair  
County Board Vice Chair

