



# Jefferson County

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**PLANNING AND ZONING DEPARTMENT**  
COURTHOUSE, 311 S. MAIN ST., JEFFERSON, WI 53549  
ROOM C1040 PHONE 920-674-7130 FAX 920-674-7525

## **NOTICE OF PUBLIC HEARING**

### **Jefferson County Comprehensive Plan and Farmland Preservation Plan Amendment**

Please be advised that Jefferson County will be convening a public hearing on a proposed amendment to the County Comprehensive Plan and Farmland Preservation Plan (Agricultural Preservation and Land Use Plan). The public hearing will be held at the Jefferson County Courthouse Room C2063, 311 S. Center Ave, Jefferson WI 53549.

Jefferson County Board of Supervisors Public Hearing

**March 12, 2024 – 7:00 p.m.** – at the Jefferson County Courthouse, Room C2063, 311 S. Center Ave., Jefferson WI 53549

The purpose of this hearing is pursuant to Wisconsin Statutes 66.1001 and Chapter 91, to receive comments regarding a proposed amendment to the County Comprehensive Plan and Farmland Preservation Plan. The proposed map amendment is to allow the limited redivision of existing A-3 Agricultural and Rural Residential zoned lots. The proposed amendment and corresponding zoning ordinance text amendment can be found by contacting the Planning and Zoning Department. The Planning and Zoning Committee will also hold a public hearing on December 21, 2023 and provide a recommendation on the amendment to the County Board of Supervisors. The Jefferson County Board of Supervisors will hold a public hearing and may act on the proposed amendment on February 13<sup>th</sup>.

Information on this application and amendment, as well as the current plans, are available for review at the Jefferson County Planning and Zoning Department, Room C1040 in the Jefferson County Courthouse, during normal business hours. Written comments will be accepted and can be submitted to the Planning and Zoning Department. For more information regarding this public hearing or amendment please contact the Planning and Zoning Department at 920-974-7131.

A copy of the Plans can also be found at:

[https://www.jeffersoncountywi.gov/departments/planning\\_and\\_zoning/ordinances\\_plans\\_and\\_reports.php](https://www.jeffersoncountywi.gov/departments/planning_and_zoning/ordinances_plans_and_reports.php)

All interested parties will be heard.

Matt Zangl  
Director of Planning and Zoning  
Jefferson County Planning and Zoning Department

**DECISION OF THE JEFFERSON COUNTY  
PLANNING & ZONING COMMITTEE/COUNTY BOARD  
ZONING AMENDMENTS**

**I. FINDINGS OF FACT:**

Petition #: R4509T-23 Township: N/A  
Site Inspection Date: 12/15/2023 Hearing Date: 12/21/2023  
Petitioner Name: Jefferson County  
Property Owner(s): Jefferson County  
Property Location: N/A

**REZONING REQUEST:**

Proposed amendment to the County Comprehensive Plan and Farmland Preservation Plan.

**PARCEL(S) (PIN#):** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PARENT PARCEL(S):**(See attached map) **PARCEL OF RECORD:**(See attached map)

**TOTAL CONTIGUOUS A-1 ACRES** \_\_\_\_\_  Less than 50  More than 50

**PREVIOUS A-3 LOTS CREATED FROM PARENT PARCEL:** \_\_\_\_\_

**LOTS AVAILABLE:** Non Prime \_\_\_\_\_ **OR** Prime \_\_\_\_\_

**LOTS REQUESTED:** \_\_\_\_\_

AGRICULTURAL PRESERVATION  LIMITED SERVICE AREA  LONG RANGE URBAN SERVICE AREA  
 ENVIRONMENTAL CORRIDOR  15 YEAR GROWTH AREA  RURAL HAMLET

**SOIL TYPES:** \_\_\_\_\_

Class I \_\_\_\_\_ % Class II \_\_\_\_\_ % Class III \_\_\_\_\_ % Class III Non-Prime \_\_\_\_\_ %

Class IV \_\_\_\_\_ % Class V-VII \_\_\_\_\_ %

Cropland \_\_\_\_\_ % Woods \_\_\_\_\_ % Fallow/Pasture \_\_\_\_\_ % Existing Yard \_\_\_\_\_ % Slope \_\_\_\_\_ %

FLOODPLAIN  WETLANDS  SHORELAND

**ADJACENT LAND USE:** \_\_\_\_\_  
\_\_\_\_\_

**COMMENTS/ADDITIONAL INFORMATION RECEIVED AT PUBLIC HEARING:**

-11 town approvals.

- 3 town denials.

- 2 town answers not received (Waterloo & Concord)

**TOWN BOARD RECOMMENDATION** \_\_\_\_\_ *Date*  Granted  Denied  Tabled  Not Received

**Note:** Town Board recommendation does not constitute final county action. See Sec. III Order & Determination (pg. 2)

**II. CONCLUSIONS**

BASED UPON THE FINDINGS OF FACT, THE AMENDMENT FILE, SITE INSPECTION, PUBLIC HEARING, ZONING ORDINANCE, AND THE AGRICULTURAL PRESERVATION AND LAND USE PLAN, THE PLANNING & ZONING COMMITTEE CONCLUDES THAT THE PROPOSED ZONING AMENDMENT  **Complies**  **Does Not Comply**

AS A PRIME LOT \_\_\_\_\_ NONPRIME LOT \_\_\_\_\_ LOT COMBINATION \_\_\_\_\_

FOR THE FOLLOWING REASONS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The Jefferson County Planning and Zoning Committee finds this amendment meets the standards of 91.48 Wisconsin State Statutes and 11.11(e)6 of the Jefferson County Zoning Ordinance.

**DECISION III. ORDER & DETERMINATION DECISION**

Based on the findings of fact conclusions and the record herein, the committee recommends to the Jefferson County Board of Supervisors that the amendment be:  **Granted**  **Denied**  **Postponed**

Motioned by: \_\_\_\_\_ 2<sup>nd</sup> by: \_\_\_\_\_ Abstained \_\_\_\_\_

Vote: \_\_\_\_\_ Date: \_\_\_\_\_

**Note:** If postponed, this amendment is not forwarded to the Jefferson County Board of Supervisors for action and may be required to go back to a public hearing.

Based on the Planning and Zoning Committee recommendation the Jefferson County Board of Supervisors:

**Granted**  **Denied**  **Postponed** Date: \_\_\_\_\_

If the requested amendment was granted, it is subject to the following: *(Check all that apply)*

- ACCESS APPROVAL BY MAINTAINING AUTHORITY
- RECEIPT OF SUITABLE SOIL TEST
- RECEIPT OF AND RECORDING OF THE FINAL CSM
- EXTRATERRITORIAL PLAT REVIEW
- REZONING SHALL BE NULL & VOID & OF NO EFFECT ONE YEAR FROM THE DATE OF COUNTY BOARD APPROVAL UNLESS ALL APPLICABLE CONDITIONS HAVE BEEN COMPLETED BY THAT DATE
- OTHER \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**FILING OF AFFIDAVIT OF ZONING STATUS ON REMAINING LANDS**  
*(SEE ATTACHED INSTRUCTION SHEET)*

DATE: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

## Matt Zangl

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**From:** Jackson, Timothy R - DATCP <timothy.jackson@wisconsin.gov>  
**Sent:** Monday, November 20, 2023 1:21 PM  
**To:** Matt Zangl  
**Subject:** RE: Farmland Preservation Plan Amendment

Hi Matt,

Since you are amending the text of the FP Plan, it will require a certified text amendment. Similar to a map amendment, we would just need the new text and an application, and it shouldn't take very long to certify. Beyond that, I don't see any issue with the proposed change. Just to clarify, will A-3 lots created after 2000 still be prohibited from further subdivision?

Thanks,

Tim Jackson  
Agricultural Land Use, Planning and Ordinance Specialist  
Bureau of Land and Water Resources/Division of Agricultural Resource Management  
Wisconsin Department of Agriculture, Trade and Consumer Protection  
608-224-4630  
[timothy.jackson@wisconsin.gov](mailto:timothy.jackson@wisconsin.gov)

**From:** Matt Zangl <mattz@jeffersoncountywi.gov>  
**Sent:** Monday, November 20, 2023 10:42 AM  
**To:** Jackson, Timothy R - DATCP <timothy.jackson@wisconsin.gov>  
**Subject:** Farmland Preservation Plan Amendment

**CAUTION: This email originated from outside the organization.  
Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Good Morning Tim,

I don't foresee any concerns from DATCP about a proposed amendment to the County Plan, but I wanted to reach out and see your thoughts. The County is reviewing amending the FPP to allow for the limited redivision of existing A-3 zones. I have included the current plan with the language striked and the proposed language shown in red text on page 36 of the word document.

Do you see any concerns? Would this require a recertification?

Thanks,  
Matt

*Matt Zangl*  
Director of Planning and Zoning/Land Information  
Jefferson County Planning and Zoning Department/Land Information Office

hospital or in its operation, under this section, may enter into lease agreements leasing the hospital and its equipment and furnishings to a nonprofit corporation.

**History:** 1977 c. 29; 1983 a. 189; 1983 a. 192 s. 303 (1); 1993 a. 246; 1999 a. 150 ss. 262, 480 to 483; Stats. 1999 s. 66.0927.

## SUBCHAPTER X

### PLANNING, HOUSING AND TRANSPORTATION

**66.1001 Comprehensive planning. (1) DEFINITIONS.** In this section:

(a) "Comprehensive plan" means a guide to the physical, social, and economic development of a local governmental unit that is one of the following:

1. For a county, a development plan that is prepared or amended under s. 59.69 (2) or (3).

2. For a city, village, or town, a master plan that is adopted or amended under s. 62.23 (2) or (3).

3. For a regional planning commission, a master plan that is adopted or amended under s. 66.0309 (8), (9) or (10).

(am) "Consistent with" means furthers or does not contradict the objectives, goals, and policies contained in the comprehensive plan.

(b) "Local governmental unit" means a city, village, town, county or regional planning commission that may adopt, prepare or amend a comprehensive plan.

(c) "Political subdivision" means a city, village, town, or county that may adopt, prepare, or amend a comprehensive plan.

**(2) CONTENTS OF A COMPREHENSIVE PLAN.** A comprehensive plan shall contain all of the following elements:

(a) *Issues and opportunities element.* Background information on the local governmental unit and a statement of overall objectives, policies, goals and programs of the local governmental unit to guide the future development and redevelopment of the local governmental unit over a 20-year planning period. Background information shall include population, household and employment forecasts that the local governmental unit uses in developing its comprehensive plan, and demographic trends, age distribution, educational levels, income levels and employment characteristics that exist within the local governmental unit.

(b) *Housing element.* A compilation of objectives, policies, goals, maps and programs of the local governmental unit to provide an adequate housing supply that meets existing and forecasted housing demand in the local governmental unit. The element shall assess the age, structural, value and occupancy characteristics of the local governmental unit's housing stock. The element shall also identify specific policies and programs that promote the development of housing for residents of the local governmental unit and provide a range of housing choices that meet the needs of persons of all income levels and of all age groups and persons with special needs, policies and programs that promote the availability of land for the development or redevelopment of low-income and moderate-income housing, and policies and programs to maintain or rehabilitate the local governmental unit's existing housing stock.

(c) *Transportation element.* A compilation of objectives, policies, goals, maps and programs to guide the future development of the various modes of transportation, including highways, transit, transportation systems for persons with disabilities, bicycles, electric scooters, electric personal assistive mobility devices, walking, railroads, air transportation, trucking and water transportation. The element shall compare the local governmental unit's objectives, policies, goals and programs to state and regional transportation plans. The element shall also identify highways within the local governmental unit by function and incorporate state, regional and other applicable transportation plans, including transportation corridor plans, county highway functional and jurisdictional studies, urban area and rural area

transportation plans, airport master plans and rail plans that apply in the local governmental unit.

(d) *Utilities and community facilities element.* A compilation of objectives, policies, goals, maps and programs to guide the future development of utilities and community facilities in the local governmental unit such as sanitary sewer service, storm water management, water supply, solid waste disposal, on-site wastewater treatment technologies, recycling facilities, parks, telecommunications facilities, power-generating plants and transmission lines, cemeteries, health care facilities, child care facilities and other public facilities, such as police, fire and rescue facilities, libraries, schools and other governmental facilities. The element shall describe the location, use and capacity of existing public utilities and community facilities that serve the local governmental unit, shall include an approximate timetable that forecasts the need in the local governmental unit to expand or rehabilitate existing utilities and facilities or to create new utilities and facilities and shall assess future needs for government services in the local governmental unit that are related to such utilities and facilities.

(e) *Agricultural, natural and cultural resources element.* A compilation of objectives, policies, goals, maps and programs for the conservation, and promotion of the effective management, of natural resources such as groundwater, forests, productive agricultural areas, environmentally sensitive areas, threatened and endangered species, stream corridors, surface water, floodplains, wetlands, wildlife habitat, metallic and nonmetallic mineral resources consistent with zoning limitations under s. 295.20 (2), parks, open spaces, historical and cultural resources, community design, recreational resources and other natural resources.

(f) *Economic development element.* A compilation of objectives, policies, goals, maps and programs to promote the stabilization, retention or expansion, of the economic base and quality employment opportunities in the local governmental unit, including an analysis of the labor force and economic base of the local governmental unit. The element shall assess categories or particular types of new businesses and industries that are desired by the local governmental unit. The element shall assess the local governmental unit's strengths and weaknesses with respect to attracting and retaining businesses and industries, and shall designate an adequate number of sites for such businesses and industries. The element shall also evaluate and promote the use of environmentally contaminated sites for commercial or industrial uses. The element shall also identify county, regional and state economic development programs that apply to the local governmental unit.

(g) *Intergovernmental cooperation element.* A compilation of objectives, policies, goals, maps, and programs for joint planning and decision making with other jurisdictions, including school districts, drainage districts, and adjacent local governmental units, for siting and building public facilities and sharing public services. The element shall analyze the relationship of the local governmental unit to school districts, drainage districts, and adjacent local governmental units, and to the region, the state and other governmental units. The element shall consider, to the greatest extent possible, the maps and plans of any military base or installation, with at least 200 assigned military personnel or that contains at least 2,000 acres, with which the local governmental unit shares common territory. The element shall incorporate any plans or agreements to which the local governmental unit is a party under s. 66.0301, 66.0307 or 66.0309. The element shall identify existing or potential conflicts between the local governmental unit and other governmental units that are specified in this paragraph and describe processes to resolve such conflicts.

(h) *Land-use element.* A compilation of objectives, policies, goals, maps and programs to guide the future development and redevelopment of public and private property. The element shall contain a listing of the amount, type, intensity and net density of existing uses of land in the local governmental unit, such as agricultural, residential, commercial, industrial and other public and

private uses. The element shall analyze trends in the supply, demand and price of land, opportunities for redevelopment and existing and potential land-use conflicts. The element shall contain projections, based on the background information specified in par. (a), for 20 years, in 5-year increments, of future residential, agricultural, commercial and industrial land uses including the assumptions of net densities or other spatial assumptions upon which the projections are based. The element shall also include a series of maps that shows current land uses and future land uses that indicate productive agricultural soils, natural limitations for building site development, floodplains, wetlands and other environmentally sensitive lands, the boundaries of areas to which services of public utilities and community facilities, as those terms are used in par. (d), will be provided in the future, consistent with the timetable described in par. (d), and the general location of future land uses by net density or other classifications.

(i) **Implementation element.** A compilation of programs and specific actions to be completed in a stated sequence, including proposed changes to any applicable zoning ordinances, official maps, or subdivision ordinances, to implement the objectives, policies, plans and programs contained in pars. (a) to (h). The element shall describe how each of the elements of the comprehensive plan will be integrated and made consistent with the other elements of the comprehensive plan, and shall include a mechanism to measure the local governmental unit's progress toward achieving all aspects of the comprehensive plan. The element shall include a process for updating the comprehensive plan. A comprehensive plan under this subsection shall be updated no less than once every 10 years.

(2m) **EFFECT OF ENACTMENT OF A COMPREHENSIVE PLAN, CONSISTENCY REQUIREMENTS.** (a) The enactment of a comprehensive plan by ordinance does not make the comprehensive plan by itself a regulation.

(b) A conditional use permit that may be issued by a political subdivision does not need to be consistent with the political subdivision's comprehensive plan.

(3) **ORDINANCES THAT MUST BE CONSISTENT WITH COMPREHENSIVE PLANS.** Except as provided in sub. (3m), beginning on January 1, 2010, if a local governmental unit enacts or amends any of the following ordinances, the ordinance shall be consistent with that local governmental unit's comprehensive plan:

(g) Official mapping ordinances enacted or amended under s. 62.23 (6).

(h) Local subdivision ordinances enacted or amended under s. 236.45 or 236.46.

(j) County zoning ordinances enacted or amended under s. 59.69.

(k) City or village zoning ordinances enacted or amended under s. 62.23 (7).

(L) Town zoning ordinances enacted or amended under s. 60.61 or 60.62.

(q) Shorelands or wetlands in shorelands zoning ordinances enacted or amended under s. 59.692, 61.351, 61.353, 62.231, or 62.233.

(3m) **DELAY OF CONSISTENCY REQUIREMENT.** (a) If a local governmental unit has not adopted a comprehensive plan before January 1, 2010, the local governmental unit is exempt from the requirement under sub. (3) if any of the following applies:

1. The local governmental unit has applied for but has not received a comprehensive planning grant under s. 16.965 (2), and the local governmental unit adopts a resolution stating that the local governmental unit will adopt a comprehensive plan that will take effect no later than January 1, 2012.

2. The local governmental unit has received a comprehensive planning grant under s. 16.965 (2) and has been granted an extension of time under s. 16.965 (5) to complete comprehensive planning.

(b) The exemption under par. (a) shall continue until the following dates:

1. For a local governmental unit exempt under par. (a) 1., January 1, 2012.

2. For a local governmental unit exempt under par. (a) 2., the date on which the extension of time granted under s. 16.965 (5) expires.

(4) **PROCEDURES FOR ADOPTING COMPREHENSIVE PLANS.** A local governmental unit shall comply with all of the following before its comprehensive plan may take effect:

(a) The governing body of a local governmental unit shall adopt written procedures that are designed to foster public participation, including open discussion, communication programs, information services, and public meetings for which advance notice has been provided, in every stage of the preparation of a comprehensive plan. The written procedures shall provide for wide distribution of proposed, alternative, or amended elements of a comprehensive plan and shall provide an opportunity for written comments on the plan to be submitted by members of the public to the governing body and for the governing body to respond to such written comments. The written procedures shall describe the methods the governing body of a local governmental unit will use to distribute proposed, alternative, or amended elements of a comprehensive plan to owners of property, or to persons who have a leasehold interest in property pursuant to which the persons may extract nonmetallic mineral resources in or on property, in which the allowable use or intensity of use of the property is changed by the comprehensive plan.

(b) The plan commission or other body of a local governmental unit that is authorized to prepare or amend a comprehensive plan may recommend the adoption or amendment of a comprehensive plan only by adopting a resolution by a majority vote of the entire commission. The vote shall be recorded in the official minutes of the plan commission or other body. The resolution shall refer to maps and other descriptive materials that relate to one or more elements of a comprehensive plan. One copy of an adopted comprehensive plan, or of an amendment to such a plan, shall be sent to all of the following:

1. Every governmental body that is located in whole or in part within the boundaries of the local governmental unit.

2. The clerk of every local governmental unit that is adjacent to the local governmental unit that is the subject of the plan that is adopted or amended as described in par. (b) (intro.).

4. After September 1, 2005, the department of administration.

5. The regional planning commission in which the local governmental unit is located.

6. The public library that serves the area in which the local governmental unit is located.

(c) No comprehensive plan that is recommended for adoption or amendment under par. (b) may take effect until the political subdivision enacts an ordinance or the regional planning commission adopts a resolution that adopts the plan or amendment. The political subdivision may not enact an ordinance or the regional planning commission may not adopt a resolution under this paragraph unless the comprehensive plan contains all of the elements specified in sub. (2). An ordinance may be enacted or a resolution may be adopted under this paragraph only by a majority vote of the members-elect, as defined in s. 59.001 (2m), of the governing body. One copy of a comprehensive plan enacted or adopted under this paragraph shall be sent to all of the entities specified under par. (b).

(d) No political subdivision may enact an ordinance or no regional planning commission may adopt a resolution under par. (c) unless the political subdivision or regional planning commission holds at least one public hearing at which the proposed ordinance or resolution is discussed. That hearing must be preceded

Approved

by a class 1 notice under ch. 985 that is published at least 30 days before the hearing is held. The political subdivision or regional planning commission may also provide notice of the hearing by any other means it considers appropriate. The class 1 notice shall contain at least the following information:

1. The date, time and place of the hearing.
2. A summary, which may include a map, of the proposed comprehensive plan or amendment to such a plan.
3. The name of an individual employed by the local governmental unit who may provide additional information regarding the proposed ordinance.
4. Information relating to where and when the proposed comprehensive plan or amendment to such a plan may be inspected before the hearing, and how a copy of the plan or amendment may be obtained.

(e) At least 30 days before the hearing described in par. (d) is held, a local governmental unit shall provide written notice to all of the following:

1. An operator who has obtained, or made application for, a permit that is described under s. 295.12 (3) (d).
2. A person who has registered a marketable nonmetallic mineral deposit under s. 295.20.
3. Any other property owner or leaseholder who has an interest in property pursuant to which the person may extract nonmetallic mineral resources, if the property owner or leaseholder requests in writing that the local governmental unit provide the property owner or leaseholder notice of the hearing described in par. (d).

(f) A political subdivision shall maintain a list of persons who submit a written or electronic request to receive notice of any proposed ordinance, described under par. (c), that affects the allowable use of the property owned by the person. Annually, the political subdivision shall inform residents of the political subdivision that they may add their names to the list. The political subdivision may satisfy this requirement to provide such information by any of the following means: publishing a 1st class notice under ch. 985; publishing on the political subdivision's Internet site; 1st class mail; or including the information in a mailing that is sent to all property owners. At least 30 days before the hearing described in par. (d) is held a political subdivision shall provide written notice, including a copy or summary of the proposed ordinance, to all such persons whose property, the allowable use of which, may be affected by the proposed ordinance. The notice shall be by mail or in any reasonable form that is agreed to by the person and the political subdivision, including electronic mail, voice mail, or text message. The political subdivision may charge each person on the list who receives a notice by 1st class mail a fee that does not exceed the approximate cost of providing the notice to the person.

(5) **APPLICABILITY OF A REGIONAL PLANNING COMMISSION'S PLAN.** A regional planning commission's comprehensive plan is only advisory in its applicability to a political subdivision and a political subdivision's comprehensive plan.

(6) **COMPREHENSIVE PLAN MAY TAKE EFFECT.** Notwithstanding sub. (4), a comprehensive plan, or an amendment of a comprehensive plan, may take effect even if a local governmental unit fails to provide the notice that is required under sub. (4) (e) or (f), unless the local governmental unit intentionally fails to provide the notice.

**History:** 1999 a. 9, 148; 1999 a. 150 s. 74; Stats. 1999 s. 66.1001; 1999 a. 185 s. 57; 1999 a. 186 s. 42; 2001 a. 30, 90; 2003 a. 33, 93, 233, 307, 327; 2005 a. 26, 208; 2007 a. 121; 2009 a. 372; 2011 a. 257; 2013 a. 80; 2015 a. 391; 2019 a. 11.

A municipality has the authority under s. 236.45 (2) to impose a temporary town-wide prohibition on land division while developing a comprehensive plan under this section. *Wisconsin Realtors Ass'n v. Town of West Point*, 2008 WI App 40, 309 Wis. 2d 199, 747 N.W.2d 681, 06–2761.

Sub. (2) (h) expressly requires a comprehensive plan to include a land-use element, which must include a compilation of objectives, policies, goals, maps, and programs. Given that the statute requires a comprehensive plan to include land use maps, it would be unreasonable to conclude that a decision maker may not consider those maps when determining whether a proposed change is consistent with the plan. *Lake-*

*land Area Property Owners Ass'n, U.A. v. Oneida County*, 2021 WI App 19, 396 Wis. 2d 622, 957 N.W.2d 605, 20–0858.

Sub. (3) (j) merely states that a county zoning ordinance "shall be consistent with" the applicable comprehensive plan. It does not expressly require a county to perform a "consistency analysis" before enacting a zoning ordinance. *Lakeland Area Property Owners Ass'n, U.A. v. Oneida County*, 2021 WI App 19, 396 Wis. 2d 622, 957 N.W.2d 605, 20–0858.

The use of the word "coordination" in various statutes dealing with municipal planning does not by itself authorize towns to invoke a power of "coordination" that would impose affirmative duties upon certain municipalities that are in addition to any other obligations that are imposed under those statutes. With respect to the development of and amendment of comprehensive plans, s. 66.1001 is to be followed by the local governmental units and political subdivisions identified in that section. OAG 3–10.

**66.10013 Housing affordability report.** (1) In this section, "municipality" means a city or village with a population of 10,000 or more.

(2) Not later than January 1, 2020, a municipality shall prepare a report of the municipality's implementation of the housing element of the municipality's comprehensive plan under s. 66.1001. The municipality shall update the report annually, not later than January 31. The report shall contain all of the following:

(a) The number of subdivision plats, certified survey maps, condominium plats, and building permit applications approved in the prior year.

(b) The total number of new residential dwelling units proposed in all subdivision plats, certified survey maps, condominium plats, and building permit applications that were approved by the municipality in the prior year.

(c) A list and map of undeveloped parcels in the municipality that are zoned for residential development.

(d) A list of all undeveloped parcels in the municipality that are suitable for, but not zoned for, residential development, including vacant sites and sites that have potential for redevelopment, and a description of the zoning requirements and availability of public facilities and services for each property.

(e) An analysis of the municipality's residential development regulations, such as land use controls, site improvement requirements, fees and land dedication requirements, and permit procedures. The analysis shall calculate the financial impact that each regulation has on the cost of each new subdivision. The analysis shall identify ways in which the municipality can modify its construction and development regulations, lot sizes, approval processes, and related fees to do each of the following:

1. Meet existing and forecasted housing demand.
2. Reduce the time and cost necessary to approve and develop a new residential subdivision in the municipality by 20 percent.

(3) A municipality shall post the report under sub. (2) on the municipality's Internet site on a web page dedicated solely to the report and titled "Housing Affordability Analysis."

**History:** 2017 a. 243.

**66.10014 New housing fee report.** (1) In this section, "municipality" means a city or village with a population of 10,000 or more.

(2) Not later than January 1, 2020, a municipality shall prepare a report of the municipality's residential development fees. The report shall contain all of the following:

(a) Whether the municipality imposes any of the following fees or other requirements for purposes related to residential construction, remodeling, or development and, if so, the amount of each fee:

1. Building permit fee.
2. Impact fee.
3. Park fee.
4. Land dedication or fee in lieu of land dedication requirement.
5. Plat approval fee.
6. Storm water management fee.
7. Water or sewer hook-up fee.

# PETITION TO AMEND ZONING ORDINANCE

TO: JEFFERSON COUNTY CLERK  
JEFFERSON COUNTY BOARD OF SUPERVISORS

*Text Amendment*

PETITION NO. \_\_\_\_\_

THIS PETITION, MADE UNDER AND PURSUANT TO PROVISIONS OF §59.97(5)(e)1, WISCONSIN STATS., REQUESTS THE JEFFERSON COUNTY BOARD OF SUPERVISORS TO AMEND THE ZONING ORDINANCE OF JEFFERSON COUNTY.

*Jefferson Co. Zoning Commission* REQUEST THAT THE ZONING *Map* OF THE TOWN OF *Jeff Co.*  
(Petitioner's Name-Please Print)

BE AMENDED TO CHANGE THE ZONING CLASSIFICATION OF THE PROPERTY DESCRIBED

FROM *TEXT Amendment* DISTRICT TO \_\_\_\_\_

## PROPERTY DESCRIPTION

Tax Parcel/  
PIN Number \_\_\_\_\_ Property Address \_\_\_\_\_

Subdivision \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_ CSM \_\_\_\_\_ Vol. \_\_\_\_\_ Page \_\_\_\_\_

Parent Parcel Size \_\_\_\_\_ Present Use \_\_\_\_\_

## PROPERTY OWNER(S)

Name \_\_\_\_\_ Mailing Address \_\_\_\_\_  
Street City State Zip

Phone Number \_\_\_\_\_ E-Mail Address \_\_\_\_\_

**PLEASE ATTACH THE FOLLOWING WITH YOUR COMPLETED APPLICATION FORM. *Failure to submit a completed application that includes the below-mentioned items could delay scheduling your petition for the next public hearing.*** All pages including plot plan to be no larger than 11" X 17".

1. Preliminary Certified Survey delineating proposed land division.
2. Reasons for rezoning, evidence that the rezoning meets the Jefferson County Agricultural Preservation and Land Use Plan and Jefferson County Ordinances.
3. Type of use proposed and structures needed.
4. Land modifications necessary.
5. If rezoning from A-1 or N, please refer to the standards for approval on the reverse side of this application.
6. Town Board decision.
7. Other pertinent information such as proposed road access, extraterritorial plat review, etc.

**REZONING HEARING FEE IS \$300, PRELIMINARY CSM REVIEW FEE IS \$50, and ADMINISTRATIVE FEE FOR REZONING OUT OF THE A-1 DISTRICT IS \$100. Jefferson County Planning and Zoning, 311 S Center Ave. Room 201, Jefferson, WI 53549. Soils Report by Certified Soil Tester and a Final Certified Survey Map May Be Required Following Approval. Keep a copy of the application and attachments to give to the Town.**

PETITIONERS/OWNERS UNDERSTAND THAT NOTICE OF PUBLIC HEARING WILL BE SENT TO THEM, TO TOWNSHIP OFFICIALS, COUNTY BOARD SUPERVISOR FOR THE AREA OF REZONING, AND PROPERTY OWNERS ACCORDING TO SEC. 11.15 OF THE ZONING ORDINANCE.

**AS PETITIONER/OWNER, I UNDERSTAND THAT I MUST CONTACT TOWNSHIP OFFICIALS AND ATTEND A TOWN BOARD/TOWN PLAN COMMISSION MEETING(S) ON THIS MATTER PRIOR TO THE COUNTY'S PUBLIC HEARING; I UNDERSTAND THAT I MUST ALSO ATTEND THE COUNTY'S PUBLIC HEARING OR SEND AN AGENT TO REPRESENT ME.**

\_\_\_\_\_  
(Signature of **OWNER**) (Date)

\_\_\_\_\_  
(Address, if Different From Above)

*[Signature]* *8/10/2003*  
(Signature of **PETITIONER**) (Date)

*311 S. Center Ave Jefferson*  
(Address, if Different From Above)

Extraterritorial \_\_\_\_\_  
County Board Supervisor \_\_\_\_\_  
Decision Sheet sent to Town on \_\_\_\_\_



# Jefferson County

**PLANNING AND ZONING DEPARTMENT**  
COURTHOUSE, 311 S CENTER ST., JEFFERSON, WI 53549  
ROOM 201 PHONE 920-674-7130 FAX 920-674-7525

TO: Town Clerks  
Town Planning Commission Members  
Town Board Members

DATE: August 10, 2023

RE: Amending Section 11.04(f)8 (A-3 Agricultural/Rural Residential) of the Jefferson County Zoning Ordinance and an Amendment to the County Comprehensive Plan and Farmland Preservation Plan

The Planning and Zoning Committee recently reviewed section 11.04(f)8 of the Jefferson County Zoning Ordinance (A-3 Agricultural/Rural Residential Zone). The Committee recommended further reviewing section 11.04(f)8.xiii Maximum Number of Lots as it relates to dividing existing A-3 zoned lots. The Committee recommends amending this section of the ordinance to allow some A-3 lots to be redivided.

Attached is proposed language to allow existing A-3 lots to be redivided to create additional lots.

- Only lots zoned or created prior to February 8, 2000 are eligible
  - February 8, 2000 is the date of which the County adopted the first Comprehensive Plan which included the current A-3 zoning provisions.
- A maximum of two (2) additional lots may be created
- New and remaining lots will need to meet the current size standards (minimum of 1.00 acre, 66 feet of frontage and access along a public road, pass for a septic system, etc.)
- The division process will follow the same procedure as a rezone. The County will receive the application and forward to the Town for your recommendation. The County will hold a public hearing on the proposed land division.

A copy of section 11.04(f)8 is included, as well as a short version indicating the proposed amendment.

Along with an amendment to the zoning ordinance, the County will need to amend the County Comprehensive Plan and Farmland Preservation Plan.

Please review the changes at the Town level, complete the Town Decision Sheet, and return it to our Department. Please return the decision sheet as soon as possible. Our goal is to have this ordinance amendment approved by the County Board in early 2024.

If you have any questions, please feel free to reach out.

Thank you,

A handwritten signature in black ink, appearing to read "Matt Zangl". The signature is written in a cursive, flowing style.

Matt Zangl  
Director of Planning and Zoning  
Jefferson County Planning and Zoning Department  
[mattz@jeffersoncountywi.gov](mailto:mattz@jeffersoncountywi.gov)  
920-674-8638

- vii. **Minimum Yards.** Same as A-3-yard requirements, with the option for greater setbacks set by the Planning and Zoning Committee, dependent upon use. [2/8/00, Ord. No. 99-28]
- 8. **A-3 Agricultural/Rural Residential** [title – 2/8/00, Ord. No. 99-28; renumbered 3/13/12, Ord. 2011-28]
  - i. **Purpose.** The purpose of the A-3 Agricultural/Rural Residential District is to allow limited rural residential development on lands in predominantly agricultural areas that are not suited for agricultural production or, due to the proposed location, would have limited impact on agricultural production. Lots are limited in number, size and location to minimize the impacts associated with rural residential development. Residents of this district may experience conditions associated with farming that are not necessarily compatible with rural residential use. This district may be considered within the Agricultural Preservation Areas, Rural Hamlet areas, Environmental Corridor overlay, Urban Services Areas, and Limited-Service Areas, as described in the Jefferson County Agricultural Preservation and Land Use Plan. Within planned Agricultural Preservation Areas, the number of A-3 lots created from a parcel of record shall be limited per the associated policies within that Plan. [Amended 2/8/00, Ord. 99-28; 3/13/12, Ord. 2011-28]
  - ii. **Principal Uses.** [12/21/82, Ord. No. 11]
    - a. Single family dwelling.
    - b. Mobile homes on foundation.
    - c. Community Living Arrangements and Similar Facilities in single family dwelling, 8 or fewer occupants. [am. 01/11/22, Ord No. 2021-16]
  - iii. **Accessory Uses.** [12/21/82, Ord. No. 11]
    - a. Garage, residential.
    - b. On-site parking and storage.
    - c. Residential accessory uses.
    - d. Home occupation, accessory. [4/16/85, Ord. No. 85-4; am. 3/13/12, Ord. 2011-28]
    - e. Professional home office. [cr. 3/13/12, Ord. 2011-28]
    - f. Home childcare.
    - g. Household pets.
    - h. Raising/keeping of farm animals provided that parcel is 2.0 acres or larger and number of animals will not exceed one animal unit per 1.0 acre. [am. 2/8/00, Ord. No. 99-28]
    - i. Growing of field crops.
    - j. Roadside stands.
    - k. Local utilities.  
[re-lettered 3/13/12, Ord. 2011-28]
    - l. stable, agricultural [am. 01/11/22, Ord No. 2021-16]
  - iv. **Conditional Uses.** [12/21/82, Ord. No. 11]
    - a. Duplex.
    - b. Non-local utilities.
    - c. Kennel.
    - d. Home occupations, conditional.
    - e. Public and semi-public uses.
    - f. Bed and breakfast (as defined in Chapter DHS 197 in the Wisconsin Administrative Code) [11/10/09, Ord. 2009-19]
    - g. Tourist rooming house (as defined in Chapter DHS 195 in the Wisconsin Administrative Code) [11/10/09, Ord. 2009-19]
    - h. Stable, commercial. [cr. 3/13/12, Ord. 2011-28]
  - vi. **Minimum Lot Area.** One (1) acre. [Amended 2/8/00, Ord. No. 99-28]

- vii. **Minimum Width.** One hundred fifty (150) feet.
- viii. **Minimum Depth.** Two hundred (200) feet.
- ix. **Minimum Yards.** Front - Section 11.07(d)2. Rear - 20 feet. Side - 20 feet each. [am. 4/21/87, Ord. No. 87-03]
- x. **Maximum Building Height.** Thirty-five (35) feet, except see Section 11.07(a)2 for height standards for agricultural structures. [cr. 3/13/12, Ord. 2011-28]
- xi. **Maximum Lot Area.** Two (2) acres, with the following possible exceptions and qualifiers:
  - a. Possible lot combinations under the policies for creation of A-3 lots within this Ordinance and the Agricultural Preservation and Land Use Plan, which may allow for larger area in non-prime and prime agricultural land lots (i.e., e.g., one six-acre lot may be substituted for three two-acre lots in non-prime agricultural land or one four-acre lot may be substituted for two two-acre lots in prime agricultural land upon Planning and Zoning Committee and County Board approval). A lot combination may be considered by the Committee in an environmental corridor if enough non-prime agricultural land is available, even though the maximum number of lots may have been reduced due to environmental corridor density provisions described in A-3 Maximum Number of Lots section. [am. 3/13/12, Ord. 2011-28] [am. 01/11/22, Ord No. 2021-16]
  - b. A lot of greater than two (2) acres in area shall be considered by the Planning and Zoning Committee if necessary to accommodate a dwelling built before February 8, 2000, and its driveway and accessory structures, if the town board first approves the preliminary certified survey map. In such cases, lot area around the dwelling and accessory structures shall not exceed the maximum acreage allowed by this section. [am. 3/13/12, Ord. 2011-28] A lot of up to five (5) acres in area may be considered by the Planning and Zoning Committee in association with a farm consolidation for an existing residence and associated accessory structures, if the residence in question was constructed prior to January 15, 1975 (or was subsequently replaced with a newer home) and the parcel continues to be zoned A-1. [cr. 3/13/12, Ord. 2011-28] [2/8/00, Ord. No. 99-28; lettered 3/13/12, Ord. 2011-28]
- xii. **Maximum Lot Coverage by Buildings.** Maximum lot coverage by principal and accessory structures not to exceed thirty (30) percent of existing lot area. [4/16/85, Ord. No. 85-4]
- xiii. **Maximum Number of Lots.** Three (3) non-prime agricultural land A-3 lots or one (1) or two (2) prime agricultural land A-3 lot(s) with clustering recommended. The number of possible prime agricultural land lots is based on the amount and configuration of land owned (see the lot chart below). With less than fifty (50) acres, one (1) prime agricultural land lot is possible. With fifty (50) acres or more, two (2) prime agricultural land lots are possible. The minimum amount of prime agricultural land shall be utilized when approving the prime lot option. If an option is utilized to mix non-prime and prime agricultural land lots, the prime agricultural land maximum lot numbers shall apply. A-3 lots created since the 1977 adoption of the A-3 zoning district shall also be taken into account when determining how many A-3 lots may be available. All parcels of record may propose the maximum number of lots described in this section unless the number of lots has been reduced due to A-3 lots being created from the parent parcel predating the parcel of record. Each parcel of record would have the possibility of at least one A-3 lot upon Committee review and County Board approval. Existing A-3 lots created since 1977 shall not be further redivided so as to create additional lots. A-3 lots proposed for dwellings constructed prior to December 13, 1977, do not count as having utilized an A-3 lot division. [2/8/00, Ord. No. 99-28]

Environmental corridor overlays described in the plan may also impact the maximum number of possible A-3 lots available as described in the following lot chart by utilizing the development

density of no greater than one dwelling unit per 10 acres. Clear cutting upland wooded environmental corridor areas in existence at the time of the enactment of this ordinance provision shall not increase the number of A-3 lots available (see the environmental corridor detailed policies in the Jefferson County Agricultural Preservation and Land Use Plan). Also, A-2 lots for an agricultural residence shall reduce the number of lots available. [2/8/00, Ord. No. 99-28]

**A-3  
AGRICULTURAL/RURAL RESIDENTIAL DISTRICT  
LOT CHART**

PARCEL OF RECORD SIZE AT TIME OF ORDINANCE AMENDMENT	PRIOR A-3 SPLITS FROM PARENT PARCEL	MAY USE ONE OR THE OTHER	
		NON-PRIME LOTS LOTS AVAILABLE (May Use One Or The Other)	PRIME AVAILABLE
Less Than 50	3	1	1
	2	1	1
	1	2	1
	0	3	1
50 or Greater	3	1	1
	2	1	1
	1	2	1
	0	3	2

[2/8/00, Ord. No. 99-28]

In order to achieve safer access, more effective clustering or protection of land resources, the Committee may consider the consolidation of multiple parcels of record that are contiguous or divided only by a public road and under the same ownership. In reviewing the consolidation for the purpose of a proposed A-3 lot(s) relocation, the Committee must determine that they would have otherwise approved the number of lots on each separate parcel of record. Any proposed lots relocated in this manner would constitute use of all the lots from that separate parcel of record regardless of the number actually relocated. Proposed lots that would have been approved in a non-prime agricultural soil location cannot be relocated into prime agricultural soils unless the number of proposed lots is reduced to the prime soil numbers as described in the "Maximum Number of Lots" section. Conversely, the number of lots would not be increased if relocated from a prime soil location on the separate parcel of record to a non-prime agricultural soil location on the consolidated parcel of record. Town approval is required for any request for consolidation of parcels of record. [Created 09/11/06, Ord. 2006-15]

- xiii. **Maximum Number of Lots.** Three (3) non-prime agricultural land A-3 lots or one (1) or two (2) prime agricultural land A-3 lot(s) with clustering recommended. The number of possible prime agricultural land lots is based on the amount and configuration of land owned (see the lot chart below). With less than fifty (50) acres, one (1) prime agricultural land lot is possible. With fifty (50) acres or more, two (2) prime agricultural land lots are possible. The minimum amount of prime agricultural land shall be utilized when approving the prime lot option. If an option is utilized to mix non-prime and prime agricultural land lots, the prime agricultural land maximum lot numbers shall apply. A-3 lots created since the 1977 adoption of the A-3 zoning district shall also be taken into account when determining how many A-3 lots may be available. All parcels of record may propose the maximum number of lots described in this section unless the number of lots has been reduced due to A-3 lots being created from the parent parcel predating the parcel of record. Each parcel of record would have the possibility of at least one A-3 lot upon Committee review and County Board approval. Existing A-3 lots created since 1977 shall not be further redivided so as to create additional lots. A-3 lots proposed for dwellings constructed prior to December 13, 1977, do not count as having utilized an A-3 lot division. [2/8/00, Ord. No. 99-28]

Environmental corridor overlays described in the plan may also impact the maximum number of possible A-3 lots available as described in the following lot chart by utilizing the development density of no greater than one dwelling unit per 10 acres. Clear cutting upland wooded environmental corridor areas in existence at the time of the enactment of this ordinance provision shall not increase the number of A-3 lots available (see the environmental corridor detailed policies in the Jefferson County Agricultural Preservation and Land Use Plan). Also, A-2 lots for an agricultural residence shall reduce the number of lots available. [2/8/00, Ord. No. 99-28]

Proposed Language:

Existing A-3 lots created on or after ~~1977~~ February 8, 2000 shall not be further divided so as to create additional lots. A-3 zoned lots created prior to February 8, 2000 may be further divided to create a maximum of two (2) additional lots. The Planning and Zoning Committee shall review and make a decision on the proposed A-3 division. Application for the redivision of an existing A-3 zoned lot shall be made to the Zoning Administrator who shall refer it to the Committee. The Committee shall request an opinion and recommendation from the Town prior to scheduling a public hearing on the application. The Committee shall also request an opinion from the road maintenance authority relating to driveway and access considerations. The Committee shall schedule a public hearing on the application, publish a Class 2 Notice according to Chapter 985, Wisconsin Statutes, and notify, by certified mail, the clerk of the town for which the proposed A-3 division is located and all persons listed in the Jefferson County Land Information Office as owning property within 500 feet of the exterior boundary of the proposed A-3 division at least ten (10) days prior to the hearing date. The Committee shall review the application, site, public hearing testimony, effect on farmland and prime agricultural soil, section 11.11(e)6 of this ordinance, and consistency with the Jefferson County Comprehensive Plan and Agricultural Preservation and Land Use Plan before making a decision.

# AGRICULTURAL PRESERVATION AND LAND USE PLAN

## **A-3 Agricultural/Rural Residential Zoning District Policies**

1. Minimize the conversion of prime farmland for residences and other nonfarm development. Creation of new residential lots on prime farmland will be considered by the Planning and Zoning Committee only if the Committee determines that no available non-prime farmland exists on the parcel of record, or that placement of lots on prime farmland provides better protection of land resources than a non-prime location. In addition, per Section. 91.46(2), Wis. Stats., new development may not:
  - a. Convert prime farmland from agricultural use or convert land previously used as cropland, other than a woodlot, from agricultural use if on the farm there is a reasonable alternative location or size for a nonfarm residential parcel or nonfarm residence.
  - b. Significantly impair or limit the current or future agricultural use of other protected farmland.
2. Allow the development of limited new housing within Farmland Preservation Areas following rezoning of the affected lands to the A-3 Agricultural/Rural Residential zoning district, and otherwise in accordance with the following policies:
  - a. From each "parcel of record" as it existed on February 8, 2000, permit no more than 3 new single-family residences to be built on non-prime farmland, and no more than 2 new single-family residences on prime farmland (on parcels 50 acres or less, no more than 1 new single-family residence on prime farmland), subtracting any previous divisions for residences from the "parent parcel" as it existed on December 13, 1977. Such new residences shall be allowed following the creation of new rural residential lots in conjunction with a rezoning process.
  - b. Treat parcels under common ownership divided only by a road as separate "parcels of record" for the purpose of determining the number of allowable A-3 residential lots.

The total number of allowable lots may be shifted between the two "parcels of record" with approval of the County and affected town.

- c. Encourage the clustering of new residential lots adjacent to one another, and to already-created residential lots and dwellings on the same "parcel of record" and on adjacent and across-the-street lands, unless another non-clustered configuration provides for better protection of land resources and rural character.
  - d. Require that each new A-3 lot have a minimum area of 1 acre and a maximum area of 2 acres, except that lots up to 6 acres in area may be created on non-prime farmland provided that the total number of lots is reduced by one for every 2 acres used. For example, a maximum of one 6-acre lot may be created on non-prime farmland, instead of the three 2 acre lots normally allowed.
  - e. ~~Following its creation, do not permit any A-3 lot to be subsequently divided further to create one or more additional lots.~~
  - f. Allow the limited redivision of A-3 zoned lots created prior to February 8, 2000.
3. Maintain detailed tracking of "parent parcels", "parcels of record" and subsequent A-3 divisions via the County Zoning and Planning Department through its computerized Geographic Information System (GIS) tracking capabilities. The County shall require a recorded affidavit as part of the rezoning and land division process to track and limit those "parent parcels" that no longer have the potential for additional rural residential lots under the policies in this Plan.
  4. Where policies for A-3 Agricultural/Rural Residential lots within the adopted town comprehensive plan are stricter than County policies for lands within a designated Farmland Preservation Area, review the rezoning request. If appropriate, support the town in its denial of rezoning requests, so that the stricter policy based on the town's comprehensive plan may be applied.
  5. When the owner of a pre-existing residence legally established before January 15, 1975 desires to divide the land occupied by such residence and accessory buildings from the "parent parcel", in conjunction with a farm consolidation, require the resulting residential lot to be as small as practical, in consideration of a one acre minimum lot size, the desire to keep accessory buildings with the residence, and the future likelihood that farm animals will be kept on the lot. All future farm consolidations lots should be rezoned to the A-3 district, with such lots not counting against the maximum number of new residences allowed for that "parcel of record" as indicated above.

TOWN OF Aztalan

DATE: November 13, 2023

TO: **Jefferson County Planning and Zoning Committee**

RE: **Jefferson County Zoning Petition No.** \_\_\_\_\_

Filed by Jefferson County Planning and Zoning for an  
amendment to section 11.04(f)8 of the Jefferson County Zoning  
Ordinance to allow for redivision of existing A-3 lots.

The Town of Aztalan, having considered the above described petition

for which a Town meeting was held on November 9, 2023,  
this  
finds an amendment request to allow for  
redivision of existing A-3 lots not conducive  
to the Town of Aztalan current comprehensive Plan  
and therefore recommends that this request be denied.

When the Town submits this form to the Zoning Department, the petition can be scheduled for the next available Jefferson County Planning and Zoning Committee public hearing.

Signed [Signature], Town Chair

Attest Kathleen A. Pityner, Town Clerk

This document complies with Chapter 59.69, Wisconsin Statutes

TOWN OF Cold Spring

DATE: 9-7-23

TO: **Jefferson County Planning and Zoning Committee**

RE: **Jefferson County Zoning Petition No.** \_\_\_\_\_

Filed by Jefferson County Planning and Zoning for an  
amendment to section 11.04(f)8 of the Jefferson County Zoning  
Ordinance to allow for redivision of existing A-3 lots.

The Town of Cold Spring having considered the above described  
petition

for which a Town meeting was held on 9-7-23,

finds in favor - approves  
of above named petition

When the Town submits this form to the Zoning Department, the petition can  
be scheduled for the next available Jefferson County Planning and Zoning  
Committee public hearing.

Signed [Signature], Town Chair

Attest [Signature], Town Clerk

This document complies with Chapter 59.69, Wisconsin Statutes

SEP 11 2023

TOWN OF CONCORD

DATE: 11-27-2023

TO: Jefferson County Planning and Zoning Committee

RE: Jefferson County Zoning Petition No. \_\_\_\_\_

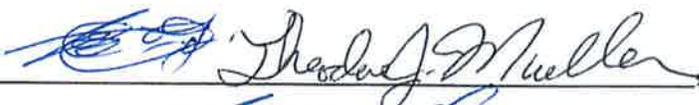
Filed by Jefferson County Planning and Zoning for an  
amendment to section 11.04(f)8 of the Jefferson County Zoning  
Ordinance to allow for redivision of existing A-3 lots.  
\_\_\_\_\_

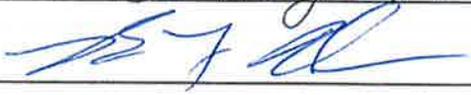
The Town of CONCORD, having considered the above described  
petition

for which a Town meeting was held on Nov 13, 2023,

finds Against the proposed  
amendment.  
\_\_\_\_\_  
\_\_\_\_\_

When the Town submits this form to the Zoning Department, the petition can  
be scheduled for the next available Jefferson County Planning and Zoning  
Committee public hearing.

Signed , Town Chair

Attest , Town Clerk

This document complies with Chapter 59.69, Wisconsin Statutes

TOWN OF FARMINGTON

DATE: OCTOBER 10, 2023

TO: Jefferson County Planning and Zoning Committee

RE: Jefferson County Zoning Petition No. \_\_\_\_\_

Filed by Jefferson County Planning and Zoning for an  
amendment to section 11.04(f)8 of the Jefferson County Zoning  
Ordinance to allow for redivision of existing A-3 lots.

The Town of FARMINGTON, having considered the above described  
petition

for which a Town meeting was held on OCTOBER 10, 2023,  
finds approval to allow for redivision  
of existing A-3 lots.

When the Town submits this form to the Zoning Department, the petition can  
be scheduled for the next available Jefferson County Planning and Zoning  
Committee public hearing.

Signed [Signature], Town Chair

Attest Jami Latsch, Town Clerk

This document complies with Chapter 59.69, Wisconsin Statutes

TOWN OF Hebron

DATE: Sept. 11, 2023

TO: Jefferson County Planning and Zoning Committee

RE: Jefferson County Zoning Petition No. \_\_\_\_\_

Filed by Jefferson County Planning and Zoning for an  
amendment to section 11.04(f)8 of the Jefferson County Zoning  
Ordinance to allow for redivision of existing A-3 lots.

The Town of Hebron, having considered the above described  
petition

for which a Town meeting was held on Sept. 11, 2023,

finds approve

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

When the Town submits this form to the Zoning Department, the petition can  
be scheduled for the next available Jefferson County Planning and Zoning  
Committee public hearing.

Signed James P. Rutz, Town Chair

Attest Kathleen A. Gross, Town Clerk

This document complies with Chapter 59.69, Wisconsin Statutes

TOWN OF Ixonia

DATE: October 9, 2023

TO: **Jefferson County Planning and Zoning Committee**

RE: **Jefferson County Zoning Petition No.** \_\_\_\_\_

Filed by Jefferson County Planning and Zoning for an  
amendment to section 11.04(f)8 of the Jefferson County Zoning  
Ordinance to allow for redivision of existing A-3 lots.

The Town of Ixonia, having considered the above described  
petition

for which a Town meeting was held on October 9, 2023,

finds not in favor of amendment.

When the Town submits this form to the Zoning Department, the petition can  
be scheduled for the next available Jefferson County Planning and Zoning  
Committee public hearing.

Signed [Signature], Town Chair

Attest [Signature], Town Clerk

This document complies with Chapter 59.69, Wisconsin Statutes



TOWN OF Koshkonong

DATE: 9/13/2023

TO: **Jefferson County Planning and Zoning Committee**

RE: **Jefferson County Zoning Petition No.** \_\_\_\_\_

**Filed by** Jefferson County Planning and Zoning for an  
amendment to section 11.04(f)8 of the Jefferson County Zoning  
Ordinance to allow for redivision of existing A-3 lots.

The Town of Koshkonong, having considered the above described  
petition

for which a Town meeting was held on 9/13/2023,

finds recommend approval

When the Town submits this form to the Zoning Department, the petition can  
be scheduled for the next available Jefferson County Planning and Zoning  
Committee public hearing.

Signed Kim Chung, Town Chair

Attest Caitie K, Town Clerk

This document complies with Chapter 59.69, Wisconsin Statutes

TOWN OF Lake Mills

DATE: Sept 12, 2023

TO: Jefferson County Planning and Zoning Committee

RE: Jefferson County Zoning Petition No. \_\_\_\_\_

Filed by Jefferson County Planning and Zoning for an amendment to section 11.04(f)8 of the Jefferson County Zoning Ordinance to allow for redivision of existing A-3 lots.

The Town of Lake Mills, having considered the above described petition

for which a Town meeting was held on Sept 12, 2023,

finds motion failed to approve amendment.

3-0 by Town Board.

Plan Commission Recommendation to approve

also failed 4-1

When the Town submits this form to the Zoning Department, the petition can be scheduled for the next available Jefferson County Planning and Zoning Committee public hearing.

Signed \_\_\_\_\_, Town Chair

Attest [Signature], Town Clerk

This document complies with Chapter 59.69, Wisconsin Statutes

TOWN OF Milford

DATE: September 14, 2023

TO: **Jefferson County Planning and Zoning Committee**

RE: **Jefferson County Zoning Petition No.** \_\_\_\_\_

Filed by Jefferson County Planning and Zoning for an  
amendment to section 11.04(f)8 of the Jefferson County Zoning  
Ordinance to allow for redivision of existing A-3 lots.  
\_\_\_\_\_  
\_\_\_\_\_

The Town of Milford, having considered the above described  
petition

for which a Town meeting was held on September 14, 2023,

finds Approved proposed zoning amendment  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

When the Town submits this form to the Zoning Department, the petition can  
be scheduled for the next available Jefferson County Planning and Zoning  
Committee public hearing.

Signed [Signature], Town Chair

Attest [Signature], Town Clerk

This document complies with Chapter 59.69, Wisconsin Statutes

TOWN OF Oakland

DATE: September 19, 2023

TO: **Jefferson County Planning and Zoning Committee**

RE: **Jefferson County Zoning Petition No.** \_\_\_\_\_

Filed by Jefferson County Planning and Zoning for an  
amendment to section 11.04(f)8 of the Jefferson County Zoning  
Ordinance to allow for redivision of existing A-3 lots.

The Town of Oakland, having considered the above described  
petition

for which a Town meeting was held on September 19, 2023,  
finds approval of an amendment to section  
11.04(F)8 of the Jefferson County Zoning  
Ordinance to allow for redivision of  
existing A-3 lots

When the Town submits this form to the Zoning Department, the petition can  
be scheduled for the next available Jefferson County Planning and Zoning  
Committee public hearing.

Signed [Signature], Town Chair

Attest Susan M. Dascenzo, Town Clerk

This document complies with Chapter 59.69, Wisconsin Statutes

TOWN OF Palmyra

DATE: 10/9/2023

TO: **Jefferson County Planning and Zoning Committee**

RE: **Jefferson County Zoning Petition No.** \_\_\_\_\_

**Filed by** Jefferson County Planning and Zoning for an  
amendment to section 11.04(f)8 of the Jefferson County Zoning  
Ordinance to allow for redivision of existing A-3 lots.

The Town of Palmyra, having considered the above described  
petition

for which a Town meeting was held on 10/9/2023,

finds it fits the Jefferson County  
Zoning Requirements

When the Town submits this form to the Zoning Department, the petition can  
be scheduled for the next available Jefferson County Planning and Zoning  
Committee public hearing.

Signed [Signature], Town Chair

Attest [Signature], Town Clerk

**This document complies with Chapter 59.69, Wisconsin Statutes**

TOWN OF Sullivan

DATE: September 5, 2023

TO: Jefferson County Planning and Zoning Committee

RE: Jefferson County Zoning Petition No. \_\_\_\_\_

Filed by Jefferson County Planning and Zoning for an  
amendment to section 11.04(f)8 of the Jefferson County Zoning  
Ordinance to allow for redivision of existing A-3 lots.

The Town of Sullivan, having considered the above described  
petition

for which a Town meeting was held on 9/5/2023,

finds No objections

When the Town submits this form to the Zoning Department, the petition can  
be scheduled for the next available Jefferson County Planning and Zoning  
Committee public hearing.

Signed [Signature], Town Chair

Attest [Signature], Town Clerk

This document complies with Chapter 59.69, Wisconsin Statutes

TOWN OF Sumner

DATE: \_\_\_\_\_

TO: **Jefferson County Planning and Zoning Committee**

RE: **Jefferson County Zoning Petition No.** \_\_\_\_\_

**Filed by** Jefferson County Planning and Zoning for an  
amendment to section 11.04(f)8 of the Jefferson County Zoning  
Ordinance to allow for redivision of existing A-3 lots.

The Town of Sumner, having considered the above described  
petition

for which a Town meeting was held on November 13, 2023

finds Request acceptable

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**When the Town submits this form to the Zoning Department, the petition can  
be scheduled for the next available Jefferson County Planning and Zoning  
Committee public hearing.**

Signed , Town Chair

Attest , Town Clerk

**This document complies with Chapter 59.69, Wisconsin Statutes**

TOWN OF Watertown

DATE: September 11, 2023

TO: **Jefferson County Planning and Zoning Committee**

RE: **Jefferson County Zoning Petition No.** \_\_\_\_\_

Filed by Jefferson County Planning and Zoning for an  
amendment to section 11.04(f)8 of the Jefferson County Zoning  
Ordinance to allow for redivision of existing A-3 lots.  
\_\_\_\_\_  
\_\_\_\_\_

The Town of Watertown, having considered the above described  
petition

for which a Town meeting was held on September 11, 2023,

finds approval and acceptance of changes  
made by Jefferson County Zoning  
amending section 11.04(f)8.

When the Town submits this form to the Zoning Department, the petition can  
be scheduled for the next available Jefferson County Planning and Zoning  
Committee public hearing.

Signed John Thoma, Town Chair

Attest James Stewart, Town Clerk

This document complies with Chapter 59.69, Wisconsin Statutes

## 11.05(h) Solar Energy Systems (SES)

### 1. PURPOSE

The purpose of this Chapter is to adopt and incorporate the requirements and standards of Wis. Stats., 66.0401 and 66.0403 to regulate Solar Energy Systems (hereinafter referred to as “SES”) for the production of electricity and/or conversion of energy for uses on-site as well as those systems which produce electricity for off-site use and distribution. The regulations of this chapter have been established to ensure an SES is sited, constructed, maintained, operated, and decommissioned in a manner that maximizes utilization of Jefferson County’s solar energy resources, while also balancing the need for clean renewable energy and protecting the public health, safety and welfare of the community.

### 2. DEFINITIONS

- a. Individual Use Solar Energy System – a solar energy system 10 MW or less on-grid or off-grid, that generates electricity for the individual property owner with either building mounted or ground mounted solar collectors that are an accessory use for consumption to the principal use of the property.
- b. Reflector or Reflector System – a device used with an SES to concentrate sunlight onto the solar structure.
- c. Solar Collector – as defined in State Statute s. 66.0403(j): a device, structure or part of a structure whose substantial purpose is to transform solar energy into thermal, mechanical, chemical or electrical energy.
- d. Solar Development – a solar energy system that has the capacity to generate electricity equal to or in excess of 10 MW or utilizes more than 1.00 acre of land (including all area utilized for the development), ~~in whole or in part, to serve customers by wholesale or retail sale. The main land use of the property is for operation of a solar energy system, requiring conditional use approval.~~
- e. Solar Energy Systems (SES) – equipment that directly converts and then transfers solar energy into usable forms of thermal or electrical energy. A solar energy system may be for individual users or commercial users who develop a Solar Development. A solar energy system includes solar collectors, frames, supports and any mounting hardware, battery storage equipment, converters or invertors.

### 3. Zoning and Land Use Permit and Conditional Use Permit

- a. A Zoning and Land Use Permit, and if required, a Conditional Use Permit, shall be obtained prior to constructing, expanding, enlarging or structurally altering a SES, and no SES may be installed, constructed, or expanded without the required permits issued by the Planning and Zoning Department (hereinafter referred to as the “Department”) or Planning and Zoning Committee.
- b. No SES or related structure shall be located in the 100-year floodplain.

c. No SES or related structure shall be located in a designated wetland.

**4. General Requirements:**

- a. A Solar Development shall obtain approvals or permits from the Public Service Commission, Wisconsin Department of Natural Resource and any other permitting authority. Copies of such approvals or permits shall be submitted to the County prior to any permit being issued.
- b. A Solar Development shall follow the requirements of this ordinance and the developer shall enter into a Joint Development Agreement with the County and Town where the development will occur, unless a Joint Development Agreement is waived by all parties.
- c. Jefferson County is not responsible to remove or force the removal of any structures or vegetation on adjacent properties that may exist at the time of installation or may be constructed/installed in the future to block any portion of the SES.

**5. Districts**

- a. An Individual Use SES may be located, as an accessory use and structure, in all zoning districts subject to the requirements and standards set forth in Section 6 of this Ordinance.
- b. A Solar Farm may be located in the A-1, A-2, and I Districts as a conditional use, subject to the requirements set forth in Section 12.40 of this Ordinance and this SES Ordinance.

**6. Individual Use Solar Energy System**

- a. An Individual SES does not count in the calculation of accessory structures as it relates to R-1, R-2 or C zones and the definition of Residential Accessory structures.
- b. Height: An Individual SES must meet the following height requirements:
  - i. Roof mounted SES shall not exceed the maximum allowed height in any zoning district and shall not extend more than three feet above the surface of the roof.
  - ii. Ground or pole mounted SES shall not exceed 18 feet in height when oriented at its maximum tilt.
- c. Setback(s):
  - i. Roof mounted SES: In addition to the structure setback, the collector surface and mounting devices shall not extend more than three feet beyond the exterior perimeter of the building on which the system is mounted or built.
  - ii. Ground or pole mounted SES: Ground or pole mounted SES may not extend into the required yard setbacks for the zoning district at any point.
- d. Grades: The SES shall utilize existing grades and the area of the SES shall not be artificially elevated higher than the existing grades of the property.
- e. Visibility: SES shall be designed to blend into the architecture of the building to the extent such provisions do not diminish solar production or increase costs.
- f. Reflectors and Glare: Any owner or installer of an individual SES shall reduce the amount of glare directed towards surrounding properties and residential homes. The use of reflectors or solar enhancer shall be limited. In cases where reflectors or solar enhancers are required to enhance solar production, the owner shall minimize reflected light from affecting adjacent or nearby properties. Measures to minimize reflected light include selective placement of the system, screening the solar collector, modifying the

orientation of the system, reducing use of the reflector system, or other remedies that limit reflected light.

- g. Good Repair: An owner shall construct, operate, repair, maintain and replace solar energy system facilities as needed to keep the solar energy system in good repair and operating condition in a manner that protects the public health, safety, and welfare of the community.

## 7. Solar Developments

- a. All Solar Developments shall apply for a Conditional Use Permit if located in the A-1, A-2 and I zoning districts.

- b. General Requirements for Solar Developments:

- i. Setbacks: Highway – A solar development shall meet the required setbacks in 11.07(d) for the underlying zoning district.
- ii. Side yard – A solar development shall meet the required setbacks in 11.04 for the underlying zoning district.
- iii. Ordinary Highwater Mark – A solar development shall meet the 75 feet from the OHWM as expressed in section 11.10
- iv. Residential Homes – 250 feet from non-participating residential homes. Should a setback be included?

v. For adjoining participating landowners, the setback requirement may be established pursuant to mutual agreement between Solar Farm ~~Owner~~ and participating property owners and expressed in the Joint Development Agreement.

- vi. Property Line Setbacks:

v.1. 20 feet setback from non-participating landowner property lines.

- c. Height:

- i. The maximum height for solar collectors is up to 18 feet when oriented at maximum tilt.
- ii. The maximum height for structures follows the height limitation in the underlying zoning district.

- d. Reporting Requirements:

- i. All Solar Developments shall provide a yearly report by March 1<sup>st</sup> of each year to the Planning and Zoning Committee. The report, at minimum, shall include the following for the previous year:

1. Report on power generation
2. Estimate timeline for solar development (construction commencement, operational date and life expectancy dates)
3. Planned, proposed or completed construction projects or updates to the Solar Development
4. Decommissioning Plan update
  - a. Yearly, the Decommission Plan shall be reviewed and updated based on current conditions including any financial assurances.
5. Any other information requested by the Planning and Zoning

Committee or Department

- ii. The Planning and Zoning Committee shall review the report and may review, modify or place conditions on the Conditional Use Permit for the Solar Development.

d.e. Conditional Use Permit Application Requirements: The following documents shall be submitted along with the application for a Solar Development:

- i. Site Plan: A site plan shall be submitted including, but not limited to, the following:
  - 1. Existing and proposed improvements
  - 2. Existing and proposed structures
  - 3. Existing and proposed topography
  - 4. Existing and proposed fencing
  - 5. Utilities
  - 6. All above ground and underground components
  - 7. Wetlands – a wetland delineation may be required as part of the Conditional Use Permit
  - 8. Waterways (navigable and non-navigable), drainage ditches, underground drain tiles, etc.
  - 9. Floodplain
  - 10. Public roads, access roads and internal roadways
  - 11. Access locations and driveways
  - 12. Setbacks shall be identified in the site plan
  - 13. Any other information required by the department
- ii. Proposed Transportation Routes: A plan identifying the proposed construction transportation routes including the type and quantity of equipment being transported.
- iii. Drainage Plan: A plan identifying the existing drainage features and proposed drainage features including the drainage patterns, drain tiles, ditches and any proposed modifications. The plan should include how drainage will be maintained and how damage or problems will be resolved.
- iv. Construction Schedule: A plan documenting the major milestones throughout the construction process including the start and end of construction.
- v. Vegetation Management Plan: A plan documenting the following shall be submitted:
  - 1. Existing conditions
  - 2. Proposed planting map with species and densities
  - 3. Proposed management of vegetation plan
- vi. Grading Plan: A plan identifying the existing grading and topography and the proposed grading.
- vii. Decommissioning Plan: A decommissioning plan shall be submitted that includes how the project area will be decommissioning and returned to its pre-solar development state. The plan shall include how decommissioning will occur, timeline and method for financial compensation or assurance. The plan shall also address how materials will be recycled or disposed of.

**Commented [MZ1]:** Should we include language about revoking the CUP or reference the revoking section? Should we add a time limit for approvals or does this section allow the Committee to review and take action annually?

- viii. Lighting Plan: A plan documenting the proposed lighting at the project site.
- ix. Storm Water Management Plan
- x. Erosion Control Plan
- xi. SES Specifications: The design specifications of the proposed equipment shall be included.
- xii. Operations and Maintenance (O&M) Plan
- xiii. Other documents or plans requested by the Planning and Zoning Department
- xiv. Archeology Site Assessment: An Archeological Site Assessment shall be completed for the project location.
- xv. Airport Notification: For Solar Farms located within 5 miles of an airport or within approach zones of an airport or landing strip, the applicant must provide notice to airports of the proposed Solar Development. The applicant shall provide an affidavit stating which airports were provided notice of the proposed project.
- xvi. Fencing Plan: A plan shall be submitted identifying the type of fencing utilized for the project.

xvii. Financial Assurance:

1. Construction

~~xvi.2.~~ Decommissioning

e-f. Sign Requirements: The Solar Farm shall not be used for any type of advertising. The Solar Farm may erect and maintain a Solar Farm identification sign subject to sign requirements of section 12.14.

- 8. Review of Decisions: Planning and Zoning Department and/or Planning and Zoning Committee review and action in all matters subject to this Ordinance shall be subject to the limitations imposed by 66.0401, Wis. Stats. In the event the applicant believes the County has exceeded its authority in this regard, misapplied the law, or failed to consider necessary evidence, the applicant or any aggrieved party as defined in xxxxxxxx Wis. Stats. shall notify the County, and the Town to request reconsideration of any decision before pursuing any appeal thereof. In that event, the applicable permit authority of the County may modify the requirements of this section as applied to that application, on a case-by-case basis if, and only to the extent, such modification is necessary to ensure that applicable laws are followed. This section is intended to allow case-by-case consideration of the standards of § 66.0401(1m), Wis. Stats., as needed.

Commented [MZ2]: In zoning ordinance or leave for JDA?