

**MINUTES OF PUBLIC HEARING
JEFFERSON COUNTY PLANNING AND ZONING COMMITTEE
OCTOBER 20, 2011**

Steve Nass, Chair; Greg David, Vice-Chair; Don Reese, Secretary; Amy Rinard; Jan Rouu

1. Call to Order

The public hearing was called to order by Chairperson Nass at 7 p.m.

2. Roll Call

Committee members present were Nass, Reese, Rinard and Rouu. David was absent. Robert Klotz and Michelle Staff from the Zoning Department were in attendance.

3. Certification of Compliance With Open Meetings Law Requirements

Klotz verified that the meeting was being held in compliance with open meetings law requirements.

4. Review of Agenda

Klotz announced that petition CU1675-11 – Dennis & Christine Sukow/Gladys Vogel Property, was withdrawn from tonight's meeting. Klotz indicated that the same people will be noticed when the petitioner requests to be placed on another public hearing. Several people left following that announcement.

5. Public Hearing

Nass explained the proceedings to follow. Klotz read aloud:

NOTICE IS HEREBY GIVEN that the Jefferson County Planning and Zoning Committee will conduct a public hearing at 7 p.m. on Thursday, October 20, 2011, in Room 205 of the Jefferson County Courthouse, Jefferson, Wisconsin. A hearing will be given to anyone interested in the proposals. **PETITIONERS, OR THEIR REPRESENTATIVES, SHALL BE PRESENT.** Matters to be heard are petitions to amend the zoning ordinance of Jefferson County and applications for conditional use permits. A map of the properties affected may be obtained from the Zoning Department. If you have questions regarding these matters, please contact Zoning at 920-674-7131.

FROM AGRICULTURAL A-1 TO A-3, RURAL RESIDENTIAL

3544A-11 – Kevin Hildebrandt: Rezone to create a 1-acre lot on **Allen Drive** in the Town of Concord from part of PIN 006-0716-1112-000 (40 Acres).

Petitioner: Hildebrandt, W698 East River Dr. – Mr. Hildebrandt is seeking to create a one-acre A-3 lot. Hildebrandt indicated this would be the best location to sell a lot with acreage.

Favor: None

Opposed: None

Town: Yellow sheet is in the file with no objection from the Town.

Committee: Nass asked the petitioner why he chose this location for the lot.

Staff Report: Klotz gave staff report. Variance was granted to create an A-1 lot less than 35 acres.

3545A-11 – Carole Lucht: Create a two-acre vacant lot and a 2-acre lot around the home at **W2169 Hanson Road** from part of PIN 026-0616-3041-000 (37.698 Acres) in the Town of Sullivan.

Petitioner: Carole Lucht, W2169 Hanson Road - Ms. Lucht would like to create 2, two-acre lots, one with the existing house and one new vacant lot. Ms. Lucht stated that the surveyor did inform her that there were steep slopes but the surveyor indicated there was room to build a home.

Favor: None

Opposed: None

Town: Yellow sheet is in the file with no objection from the Town.

Committee: Nass asked, has your surveyor alerted you to the slopes on the parcel?

Staff Report: Klotz gave staff report. Klotz asked the petitioner to contact the surveyor to show 20% slopes and to submit it to the Zoning Department before October 31, 2011.

3546A-11 – Sam Meyers/Mark Skau Property: Create a 1.5-acre lot around the home at **W9241 STH 106** in the Town of Sumner from part of PIN 028-0513-1732-000 (38.378 Acres).

Petitioner: Mark Skau, W9241 STH 106 - Skau would like to create a lot around the existing residence. Skau stated that there was an agricultural access on the remaining A-1 lot.

Favor: None

Opposed: None

Town: Yellow sheet is in the file with no objection from the Town.

Committee: None

Staff Report: Klotz gave staff report. Klotz asked the petitioner if there is another access on the reminding A-1 acreage?

A-2 MODIFICATION

3547A-11 – Timberlane Excavating/Bryce Knox: Modify the existing A-2 zone to allow 0.9 acre of it to be transferred to the adjoining property owner. The site is at **N3540 CTH G** in the Town of Jefferson, on PIN 014-0614-1923-000 (29.1 Acre).

Petitioner: Bryce Knox, N3540 CTH G - Mr. Knox would like to add buildings to the existing residence lot. He uses the building for the storage of gravel pit equipment.

Favor: None

Opposed: None

Town: Yellow sheet is in the file with no objection from the Town.

Committee: None

Staff Report: Klotz gave staff report. Klotz explained that the buildings would be used for storage of non-farm equipment but the petitioner is also repairing equipment which was not previously listed in the conditional use. Klotz explained that the Committee will have the discussed at the decision meeting on this issue. Klotz stated that Jeff Woods indicated that the City of Fort Atkinson has no comment on this petition.

CONDITIONAL USE PERMIT APPLICATIONS

CU1674-11 – Scott Schneider/Dean’s Eggs, Inc: Conditional use to allow an intensive agricultural operation for up to 290,000 laying hens at **N5358 STH 89** in the Town of Aztalan, with buildings on PINs 002-0714-3043-000 (15 Acres) and 002-0714-3043-001 (6 Acres), zoned A-1 Agricultural.

Petitioner: Scott Schneider, N5485 Harvey Rd. He owns and operates the farm currently. He is asking for an expansion of the existing operation. Mr. Schneider stated that the DNR has already reviewed the plans and has approved the request. He has met all requirements of ATP 51. He will address the concerns of the neighbors which mostly were related to odor. Schneider stated that he already has planted some trees along STH 89.

Schneider explained that he built his home on the farm four years ago and plans to operate the farm for many years. Schneider stated that he first planted the maple trees in the fall but will be planting evergreens in the spring. Schneider explained that he contacts

a company to haul deceased chickens weekly and they are not spread on the land with the manure. Schneider stated that his nutrient management plan covers over 2,000 acres and with expansion, will cover over 6,000 acres. Schneider explained the process and procedures on how they spread manure, and offered tours of his operation to any of the neighbors. Schneider read the Town decision with the recommend conditions. Currently, he is under WPDS permit. Mr. Schneider stated that he is not expanding his manure storage.

Phillip Laatsch: He wrote the nutrient management plan for Dean's Eggs. He commented that it is a good thing to have two agencies (DNR and County) reviewing the nutrient management plan.

Favor: None

Opposed: Terry Bruesewitz, N5357 STH 89 - Mr. Bruesewitz read his letter into the record which is in the file. Bruesewitz stated he is aware that local governmental units can't block the expansion but he would like to see additional standards for approval. He stated that Dean's Eggs does not incorporate the manure within 72 hours. Bruesewitz stated he has made the DNR aware of the operation and DNR won't enforce their regulations.

Dave Heuss, N5207 STH 89 - Mr. Heuss wrote a 6-page letter which is in the file. Heuss stated that the Schneiders have not been good stewards of the land. He stated that manure has been spread on the surrounding fields and it smells. Heuss is concerned about pesticides and nitrates in the wells.

Dennis Stilling, Harvey Rd - Stilling also had complaints about the odor of the operation. Stilling indicated that trees have been planted but he would like to see evergreens. The manure is spread on the surrounding fields which drain into a small drainage ditch on the property. He is aware of the DNR odor standards but they are so high, no operations have been shut down because of them. Stilling stated he is only 2,000 feet from the operation. In addition, Stilling stated that there are three vacant residential lots within 2,000 feet and is considered about the resale of them.

Steve Zimmerman, N5845 Harvey Rd - Zimmerman's concern is for run-off of the manure into the water. These people were here before the chicken farm.

Town: Gene Olson, the Town of Aztalan Chairman stated that the Town did approve the petition with the conditions listed by the petitioner.

Committee: Roou asked Mr. Schneider how far his house is from the operation.

Rinard asked Mr. Schneider how he was addressing the town's concerns.

Reese asked Patricia Cicero from Land and Water Conservation if her department had any complaints on manure for this property.

Nass asked Cicero to please forward complaints to the Committee by October 31, 2011. if any were found.

Staff Report: Klotz gave staff report. Klotz asked Schneider if he is currently under a WPDS permit. Klotz asked the petitioner if he is expanding his manure storage. Klotz listed all materials in the file and read the Land and Water Conservation letter recommending conditions to the proposed conditional use permit.

Cicero explained all the worksheets and noted that the applicant meets all requirements. Cicero stated that the Land and Water Conservation Department does respond to manure complaints. Nutrient management plans do not require that every area be incorporated every 72 hours. Cicero stated that Mr. Schneider cannot spread manure on frozen ground. WPDS facilities do have stricter nutrient management plans than smaller farms.

CU1675-11 – Dennis & Christine Sukow/Gladys Vogel Property: Conditional use to allow a go-kart track in an A-2 zone at **W5003 Hwy 18**, Town of Jefferson, on PIN 014-0614-1212-000 (37.826 Acres).

Ms. Sukow withdrew her petition from public hearing.

6. Adjourn

Motion made by Reese, seconded by Rouo to adjourn. Motion passed on a voice vote with no objections.

Don Reese, Secretary