

**MINUTES OF THE
JEFFERSON COUNTY PLANNING AND ZONING COMMITTEE
DECISION MEETING**

Steve Nass, Chair; Greg David, Vice-Chair; Don Reese, Secretary; Amy Rinard; George Jaeckel

**ROOM 203, COUNTY COURTHOUSE
320 S. MAIN ST., JEFFERSON, WI 53549
8:30 A.M. ON MONDAY, JANUARY 28, 2013**

1. Call to Order

The meeting was called to order by Chairperson Nass at 8:30 a.m.

2. Roll Call

Committee members present included Nass, Reese, David and Jaeckel. Guests in attendance were John Molinaro, County Board Chair; Phil Ristow, Corporation Counsel; Staci Hoffman, Register of Deeds; Andy Erdman, Director, Land Information Department; and Patricia Cicero, Land and Water Conservation Department. Zoning Department staff members present were Rob Klotz, Michelle Staff and Deb Magritz.

3. Certification of Compliance with Open Meetings Law Requirements

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

4. Review of Agenda

No changes were proposed to the agenda.

5. Public Comment (Not to Exceed 15 Minutes and Not to Include Petitions Slated for Decision)

There was no public comment.

6. Approval of November 26 and December 17, 2012 Meeting Minutes and January 14 and January 17, 2013 Meeting Minutes

Motion by Reese, seconded by Jaeckel to approve the November 26 meeting minutes; motion carried on a voice vote with no objection. Motion by David, seconded by Reese to approve the December 17 meeting minutes; motion carried on a voice vote with no objection. Motion by Reese, seconded by David to approve the January 14 meeting minutes; motion carried on a voice vote with no objection. Motion by Reese, seconded by David to approve the January 17 meeting minutes; motion carried on a voice vote with no objection.

Amy Rinard arrived at 8:02 a.m.

7. Proposed Resolution Language Supporting Legislation to Eliminate the December 31, 2014 Sunset of the Register of Deeds \$5 per Document Redaction Fee and Designate the Funds for County Land Information Program Improvements

Hoffman, Erdman and Ristow explained the proposed resolution. Motion by Reese, seconded by Jaeckel to forward the resolution to the Administration and Rules Committee; motion carried on a voice vote with no objection.

- 8. Discussion and Update on Complaints at Creekwood Farms, Inc. and Unlimited Renewables, LLC**
Klotz explained the situation to date. Both the dog food operation and the chicken operation are under permit and it doesn't appear that the manure handling allowed by the conditional uses has changed. Ristow stated that he's not sure that there's a regulatory agency that has authority to do anything about this problem. Discussion ensued about nuisance laws and Sheriff's Office citations. Cicero spoke regarding industrial waste storage pits, Unlimited Renewables and composting. Klotz suggested that Zoning continue to keep the door open, and will keep an eye on things, though Ristow reminded those present that it may be found that there is nothing that can be done under County regulations. Klotz suggested that this issue could be referred to state legislators as a state law problem rather than an enforcement problem. David further suggested that a complaint could be referred to the Better Business Bureau or a similar organization.
- 9. Possible Future Funding of Legal Assistance for Zoning Violations**
Ristow explained that an opportunity to utilize a Child Support attorney ended the previous week when that attorney left the Child Support office. Funding for the position is still available for this year.
- 10. Discussion and Possible Decision on Time Limits for Approved Conditional Uses and Revocation Process for Conditional Use Permits**
 - a. As a Condition of a CUP**
 - b. As an Ordinance Amendment**Ristow suggested that a conditional use could run with the land, not with the property owner. Klotz recommended that a time limit be implemented as an ordinance amendment. There was discussion about having the petitioner notify Zoning upon the initiation of the business, about licensing and about retroactive revocation. Klotz will write something up and will bring it back to the Committee as a proposed ordinance amendment.
- 11. Review and Comment by Legal Staff on CU1488-07, Donald Kerzner, W2768 CTH B, Town of Farmington**
Klotz reminded the Committee that the property was in violation when the conditional use was issued. He noted that some outside storage was allowed with the conditional use, but more area is sometimes being used. Citations have already been issued to the property owner. Reese suggested that until the Town wants to do something about the violation, the Zoning Department should take no further action. Klotz suggested that Reese keep in contact with the Highway Department about improper use of the road right-of-way.
- 12. Committee Review and Approval of Petition to Amend Zoning Ordinance Application and Instructions, Conditional Use Application and Instructions, and Decision Forms**
Klotz explained slight changes in the forms and reasons for the changes. Motion by Nass, seconded by Reese to approve the changes in the Zoning forms; motion carried on a voice vote with no objection.

PLEASE SEE INDIVIDUAL FILES FOR A COMPLETE RECORD OF THE FOLLOWING DECISIONS:

- 13. Decisions on Petitions Presented in Public Hearing on January 17, 2013**

APPROVE WITH CONDITIONS R3620A-12 on a motion by Jaeckel, seconded by Nass & CU1720-12 on a motion by Jaeckel, seconded by Reese – Vicki & Bill Millis, Town of Jefferson. Both motions carried on voice votes with no objection.

POSTPONE R3622A-13 & CU1722-13 – Aztalan Cemetery Association, Town of Aztalan on a motion by Nass, seconded by Reese. Motion carried on a voice vote with no objection.

APPROVE WITH CONDITIONS R3621A-12 – Earl & Linda Jolliffe, Town of Palmyra on a motion by Nass, seconded by Jaeckel. Motion carried on a voice vote with no objection.

APPROVE WITH CONDITIONS R3623A-13 – Dennis Kutz, Town of Koshkonong on a motion by Reese, seconded by Nass. Motion carried on a voice vote with no objection but with Jaeckel abstaining.

APPROVE WITH CONDITIONS R3624A-13 – James Brey, Town of Aztalan on a motion by Nass, seconded by Jaeckel. Motion carried on a voice vote with no objection.

APPROVE WITH CONDITIONS CU1721-12 – Diana McClain, Town of Koshkonong on a motion by Jaeckel, seconded by Nass. Motion carried on a voice vote with no objection.

APPROVE WITH CONDITIONS CU1723-13 – Richard & Kelli Rowley, Town of Hebron on a motion by Jaeckel, seconded by Reese. Motion carried on a voice vote with no objection.

APPROVE WITH CONDITIONS CU1725-13 – Steven Homann/Marvin & Marion Homann Property, Town of Lake Mills on a motion by Reese, seconded by Jaeckel. Motion carried on a voice vote with no objection.

APPROVE WITH CONDITIONS CU1726-13 – John Laabs, Town of Lake Mills on a motion by Nass, seconded by Jaeckel. Motion carried on a voice vote with no objection.

APPROVE WITH CONDITIONS CU1727-13 – Edward Spiegelhoff, Town of Waterloo on a motion by Nass, seconded by Jaeckel. Motion carried on a voice vote with no objection.

APPROVE WITH CONDITIONS CU1728-13 – Steven Sterwald & Glenn Wolff/SJS Land Holdings LLC Property, Town of Waterloo on a motion by Reese, seconded by Jaeckel. Motion carried on a voice vote with no objection.

14. Request by Roy Nosek for Consideration of Expansion of Use of the Property at N851 Cold Spring Road, Town of Cold Spring, Currently Zoned A-1 Exclusive Agricultural

Discussion centered on the need to rezone to A-2, Agricultural and Rural Business with conditional use for such a proposal. Motion by Nass, seconded by Rinard to have staff come up with ordinance language for a potential amendment. Motion carried on a voice vote with no objection.

- 15. Zoning Department Permitting Process and Ordinance Enforcement Following a Large Scale Disaster**
Klotz explained that he is working on a plan for operation in the event of a disaster and asked for guidance regarding permitting under such conditions. The Committee directed Klotz to issue permits and charge fees as usual.
- 16. Kennel Definitions Alternative (if Any) for High Density R-1, R-2 and Community Zones**
Klotz explained; Jaeckel spoke about the Town of Koshkonong's meeting regarding Diana McClain's kennel proposal and asked for Committee members' thoughts. Discussion ensued. Klotz asked whether he could grant McClain an extension beyond July 1, 2013 because the policy was under review, and the Committee had no problems with that. Motion by Nass, seconded by Rinard to poll the Towns for their opinions. Motion carried on a voice vote with no objection. Klotz will draft a letter with the current kennel definition and proposed changes and send it the Towns. He will also attend a Towns' Association Meeting in April in part to explain the issue.
- 17. Alternative Use of Barns List**
Klotz has spoken to Professor Steve Grabow of University of Wisconsin Extension-Jefferson County, who contacted a colleague who's a barn expert. Klotz and Grabow will brainstorm at a later date.
- 18. Budget Information**
Klotz updated the Committee on the budget.
- 19. Future Agenda Items**
We will put items #9, #10, #16 and #17 on future agendas.
- 20. Upcoming Meeting Dates**
February 18, 8:00 a.m. – Site inspections beginning in Courthouse Room 203; **Jaeckel will be absent**
February 21, 7:00 p.m. – Public hearing in Courthouse Room 205; **Jaeckel, Reese and David will be absent**
February 28, 8:30 a.m. – Decision Meeting in Courthouse Room 203
March 18, 8:00 a.m. – Site inspections beginning in Courthouse Room 203
March 21, 7:00 p.m. – Public hearing in Courthouse Room 205
March 25, 8:30 a.m. – Decision Meeting in Courthouse Room 203
- 21. Adjourn**
Motion by Reese, seconded by Jaeckel to adjourn at 11:50 a.m. Motion carried on a voice vote with no objection.

Don Reese, Secretary