MINUTES OF PUBLIC HEARING
JEFFERSON COUNTY PLANNING AND ZONING COMMITTEE

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

SUBJECT: Map Amendments to the Jefferson County Zoning Ordinance and Requests for Conditional Use Permits
DATE: October 16, 2014
TIME: 7:00 p.m. *(Courthouse doors will open at 6:30)*
PLACE: Room 205, Jefferson County Courthouse, 311 S. Center Ave., Jefferson, WI

1. **Call to Order**
   The meeting was called to order by Vice-Chairman David at 7:00 pm.

2. **Roll Call**
   Committee members in attendance at 7:00 were Jaeckel, David and Rinard. Zoning staff present included Michelle Staff and Rob Klotz. Nass arrived later.

3. **Certification of Compliance with Open Meetings Law Requirements**
   Reese verified that the meeting was being held in compliance with the open meetings law requirements.

4. **Review of Agenda**
   There were no changes proposed to the agenda.

5. **Explanation of Process by Committee Chair**
   Vice-Chairman David explained the process of the public hearing.

6. **Public Hearing**
   Klotz read aloud the following:

NOTICE IS HEREBY GIVEN that the Jefferson County Planning and Zoning Committee will conduct a public hearing at 7 p.m. on Thursday, October 16, 2014, 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 official zoning map of Jefferson County and applications for conditional use permits. A map of the properties affected may be obtained from the Zoning Department. Individual files are available for viewing between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, excepting holidays. If you have questions regarding these matters, please contact Zoning at 920-674-7131.

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

R3753A-14 – Dean & Susan Anderson: Rezone to create a 2.2935-acre farm consolidation lot around the home at **N6534 CTH N.** The site is on PIN 002-0714-1143-000 (30 Acres) in the Town of Aztalan.

Petitioner: Sue Anderson, N6534 CTH N - They would like to split off the existing homestead and retain the surrounding acreage with their new residence. The petitioners stated the house is older than 1975.

Comments in Favor: None

Comments Opposed: None

Questions from the Committee: None

Town Response: Klotz read Town response into the record and it is in the file.

Staff Report: Staff report given by Robert Klotz and now on file in the Zoning Department. Klotz stated that DNR had no comment on this petition. Klotz explained that the new house on the remaining A-1 lands cannot use the southern driveway on this new lot. A driveway access must be provided on the north of the proposed lot.

R3754A-14 – Kurt Reed: Create a 2-acre farm consolidation lot around the home at **W6904 Schwemmer Lane** in the Town of Koshkonong from part of PIN 016-0514-1844-000 (49.166 Acres).

Petitioner: Kurt Reed, W6225 Apple Ln. Fort Atkinson - They purchased this acreage which has a 1900s home on it and they would like to sell the existing homestead. The petitioner explained the location of the existing driveway and explained the remaining A-1 lands will have access from a public road.

Comments in Favor: None

Comments Opposed: None

Questions from the Committee: None

Town Response: Klotz read Town response into the record and it is in the file.

Staff Report: Staff report given by Robert Klotz and now on file in the Zoning Department.

R3755A-14 – David Messmer/Edwin & Kathleen Messmer Trust Property: Rezone 0.26 acre of PIN 020-0714-0712-000 (19.485 Acres) at **N6877 Hoopers Mill Lane** to add it to the A-3 zoned lot at N6885 Hoopers Mill Lane. This is requested for a new shed site in the Town of Milford.

Petitioner: David Messmer, N6885 Hoopers Mill Lane - The peititioner explained that he would like to put a shed on their property and would add land from their parents' land. Messmer explained that he would like this area because it is level and he would like to build a 42 x 52 shed for machinery. Messmer asked the Committee to please not take an available lot from his parent's farm. Messmer asked if he had to do a final survey for this transfer and Klotz explained the transfer between adjacent land owners.

Comments in Favor: None

Comments Opposed: None

Questions from the Committee: None

Town Response: Klotz read Town response into the record and it is in the file.

Staff Report: Staff report given by Robert Klotz and now on file in the Zoning Department.

R3756A-14 – Dennis Riedl: Create a 2-acre building site **near N7274 Faville Road** in the Town of Milford from part of PIN 020-0714-0622-000 (28.17 Acres).

Petitioner: Dennis Riedl, 621 Mulberry Street, Lake Mills, WI - He would like to create this lot for a new residence.

Comments in Favor: None

Comments Opposed: None

Questions from the Committee: None

own Response: Klotz read Town response into the record and it is in the file.

Staff Report: Staff report given by Robert Klotz and now on file in the Zoning Department. Klotz noted that the junk was removed from this area.

R3757A-14 – Joshua Davis: Rezone 4 acres from PINs 030-0813-1412-002 (37.233 Acres) and 030-0813-1413-002 (37.921 Acres) to add it to an adjoining A-3 lot at **W7877 Kowski Lane** in the Town of Waterloo.

Petitioner: Joshua Davis, W7877 Kowski Lane, Waterloo – Davis explained that he would like to buy four acres from the neighbor. As a rebuttal from the neighbor's e-mail, Davis explained that he doesn't have any cattle and would like to use the buildings. He stated all buildings are 20 feet from lot line.

Comments in Favor: Chet Dolph, N7830 CTH G, Lake Mills – He is cropping the surrounding land and he is in favor.

Comments Opposed: Klotz read an e-mail into the record that was submitted by Dean and Chris Zimmerman.

Questions from the Committee: None

Town Response: Klotz read Town response into the record and it is in the file.

taff Report: Staff report given by Robert Klotz and now on file in the Zoning Department.

R3758A-14 – Burkhard Laas Trust & Jens Laas: Rezone part of PINs 030-0813-2642-000 (33.867 Acres) and 030-0813-2643-001 (2.698 Acres) to create a 5-acre farm consolidation lot around the home at **N7728 STH 89**, to add approximately 1.2 acre to enlarge an existing A-3 zone at **N7726 STH 89,** and to create a 2-acre vacant lot, also on **STH 89.** The sites are in the Town of Waterloo.

Petitioner: Jens Laas, N7726 STH 89, Lake Mills, WI 53551 – Laas stated that he would like to create a 5-acre lot around a 1857 residence. He would also like to add additional lands to his existing lot. Then Lass explained that he would like to create a vacant lot. He stated that all driveways have been approved, even one for the remaining A-1 acreage. Lass stated that a new septic was installed in 1993 and would be about 20 feet off the proposed lot line for the farm consolidation.

Comments in Favor: None

Comments Opposed: None

Questions from the Committee: None

Town Response: Klotz read Town response into the record and it is in the file.

Staff Report: Staff report given by Robert Klotz and now on file in the Zoning Department. Klotz asked the petitioner why he is asking for 5 acres for the farm consolidation when much of the lot is cropland.

R3759A-14 – Mark Robidoux/Mark & Donna Robidoux Trust & Maynard Pribbenow Trust Properties: Rezone PIN 030-0813-0311-002 (1 Acre) owned by Robidoux and 0.35 acre of PIN 030-0813-0311-000 (41 Acres) owned by Pribbenow to enlarge the lot at **N9634 Peschel Road** in the Town of Waterloo.

Petitioner: Mark Robidoux, N9634 Peschel Road, Waterloo – Robidoux is buying the backyard he has been mowing for the last 19 years. He stated that the septic is in the front of the existing house.

Comments in Favor: None

Comments Opposed: None

Questions from the Committee: None

Town Response: Klotz read Town response into the record and it is in the file.

Staff Report: Staff report given by Robert Klotz and now on file in the Zoning Department.

FROM A-1, EXCLUSIVE AGRICULTURAL TO A-3, AGRICULTURAL/RURAL RESIDENTIAL AND N, NATURAL RESOURCE

R3760A-14 & R3761A-14 – Dennis & Patti Loppnow Trust: Create a 4.3-acre A-3 lot around the home at **W1555 Northside Drive** and a 5.1 Natural Resource zone adjacent to it. The property is in the Town of Concord, part of PIN 006-0716-0421-000 (46.94 Acres).

Petitioner: Dennis Loppnow, W1555 Northside Drive - They would like to create a 4.3 lot and the wooded area. They would like to sell off the agricultural lands to the farmer and do not want any additional lots available for this land. They understand that this would be the last land split for this farm. The house was built in 2000.

Comments in Favor: None

Comments Opposed: None

Questions from the Committee: None

Town Response: Klotz read Town response into the record and it is in the file.

Staff Report: Staff report given by Robert Klotz and now on file in the Zoning Department.

R3762A-14 & R3763A-14 – John & Dee Winkelman: Rezone to create a 1.6-acre vacant building site and a 20.1-acre Natural Resource zone from part of PIN 006-0716-0822-000 (40 Acres) in the Town of Concord on **Hillside Drive.**

Petitioner: Tom Stade of 623 Dewey Ave, Jefferson, WI spoke for the Winkelmans - Stade explained that the Winklemans would like to split off the wooded area because it doesn't fit within their farming operation. In addition, they would like to split off a 1.6-acre vacant building site for a new residence.

Comments in Favor: None

Comments Opposed: None

Questions from the Committee: None

Town Response: Klotz read Town response into the record and it is in the file.

Staff Report: Staff report given by Robert Klotz and now on file in the Zoning Department.

FROM EXCLUSIVE AGRICULTURAL A-1 TO N, NATURAL RESOURCES

R3764A-14 - Cheryl Bott/Stanley & Carol Beranek Trusts Property; Rezone to create a 7-acre and a 29-acre Natural Resource zone to be attached to two adjoining properties on **CTH X**. The zones are part of PIN 032-0815-3423-000 (33.744 Acres) in the Town of Watertown.

Petitioner: Cheryl Bott, N7572 CTH X – They are requesting the lots to settle the estate. Currently it is rented to the neighboring farmer and they still will be cropping it. They just want to transfer the land to settle the family estate.

Comments in Favor: The family members were present in favor of the petitioner but did not speak.

Comments Opposed: None

Questions from the Committee: None

Town Response: Klotz read Town response into the record and it is in the file.

Staff Report: Staff report given by Robert Klotz and now on file in the Zoning Department.

R3765A-14 – Cambridge State Bank: Create a 24.1-acre Natural Resource zone with access over an easement near **N5556 Christberg Road** in the Town of Farmington. The site is on PIN 008-0715-2924-000 (24.146 Acres).

Petitioner: Michael Rumpf represented Cambridge State Bank – Rumpf explained that the land is under a conservation easement (NRCS Wetland Reserve Program). He also explained that he received a variance and all parties have agreed upon an easement to access the property.

Comments in Favor: Joe Sikora - He is in favor of this rezoning.

Comments Opposed: None

Questions from the Committee: None

Town Response: Klotz read Town response into the record and it is in the file.

Staff Report: Staff report given by Robert Klotz and now on file in the Zoning Department.

CONDITIONAL USE PERMIT APPLICATIONS

CU1797-14 – Craig Tennies/Hookstead Property: Conditional use to allow up to 13 dogs at **W5140 Gillis Road** in the Town of Koshkonong, on PIN 016-0154-1324-000 (40 Acres). The property is zoned A-1, Exclusive Agricultural.

Petitioner: Craig Tennies, W5140 Gillis Road - Tennies would like to build some kennels for hunting dogs for his property. Tennies stated that he is only going to have 13 dogs.

Comments in Favor: None

Comments Opposed: None

Questions from the Committee: Rinard stated that when on site there were more than 13 dogs on the property. She asked him if he plans to have more than 13 dogs.

Town Response: Klotz read Town response into the record and it is in the file.

Staff Report: Staff report given by Robert Klotz and now on file in the Zoning Department. Klotz stressed the importance of only having the number of dogs as petitioned.

CU1798-14 – KatzmanFarms Inc.: Conditional use to allow an intensive agricultural beef cattle operation for 2,630 animal units at **W3223 Hoffman Road** in the Town of Hebron. The site is on PIN 010-0515-1122-000 (47.52 Acres) in an A-1 Exclusive Agricultural zone.

Petitioner: Naomi Bernstein – Bernstein is the engineer working for Katzman Farms. She stated that the Katzmans are proposing a 2,000 dairy steer expansion. She explained that the Hebron community is over ½ mile away from the farm. The farm is currently in the process of their WPDS permit with the DNR. Bernstein explained the manure management for the farm and the types of standards they are required to meet. She stated that the farm is inspected every 5 years as part of their WPDS permit. She explained that steers create less manure than dairy cattle. Bernstein reported that there are currently 750 animals on the farm. She explained the odor score process and all of the other sheets that are needed to comply with the state law. She also stated that this is Phase 1 of the series of expansions.

Klotz asked the consultant to explain the process the farm needs to complete to get permits with the DNR for the CAFO. Klotz informed the public that there will be another public hearing on this expansion with the DNR. Klotz explained that the entire record of these proceedings will be forwarded to DATCP. Klotz explained ATCP 51 standards and explained to the public that unless they have scientific evidence to refute the application it must be approved.

Joe Strupp from the Jefferson County Land and Water Conservation Department was present. He explained that soil samples are taken every 4 years to make sure the fields are not over applied with manure. He explained the plans for the farm. Strupp stated that plans are not water quality based but there are setbacks from river and streams. Strupp also stated that nothing guarantees there won't be any environmental impacts but the plans are within state standards. Strupp asked that if there were any more questions or concerns about this expansion, people should please contact him at the office.

Comments in Favor: Matthew Foelker, W3467 Lower Hebron Road - He is in favor of the proposal.

Comments Opposed: Melanie Russo, N2145 Ehlert Rd. – She had several concerns about the proximity of the farm to the Bark River, the Hebron Community Center, etc. She explained statistics on the methane emissions from the dairy cattle. She had many concerns about water quality. She asked about the setbacks for manure from waterways.

Klotz explains the ATCP 51 and WPDS permit process. Klotz noted that these permits would cover her concerns.

Carrie Thurin, W3388 Lower Hebron Rd – She would like to have more information on exactly what they are going to be doing because she only had the notice. She explained all of her questions.

Klotz again explained the process of ATCP 51 Livestock Siting. Klotz stated that the files are in the Zoning Office and that during business hours the public can review the files.

Bill Powell, N2508 Frommader Rd. – Powell had more concerns about manure and how close the wetlands are to the Bark River. He explained the slope from the farm where the cattle are housed to the lower land towards the Bark River. He is concerned about water quality. He spoke about animal cruelty laws. He further explained how the animals will be kept and is upset about that.

Nina at N2145 Elhert Rd, Hebron – She was concerned about Koch Rd and the slopes that go down into the Bark River. She explained that the cropland is planted in corn and she is concerned with the manure spreading contaminants. She asked how often the operation would get inspected and by whom. She asked about the animal units. Klotz explained the animal unit for more than 35 acres.

Diane Burkhoff at N2343 - Hebron - She is against this petition. She does not want this to come into the water system.

Matthew Kinsman, W3355 Lower Hebron Rd. – Not against the dairy farms but they can store up to a year of manure on the farm and after the manure is more toxic. He stated this is not good for the environment and he is not happy that his taxes are going to subsidize it.

Questions from the Committee: None

Town Response: Klotz read Town response into the record and it is in the file.

Staff Report: Staff report given by Robert Klotz and now on file in the Zoning Department.

CU1799-14 – Daniel Koplinski & Laura Kulick: Conditional use to allow a home occupation/auto repair shop at **N359 Tamarack Road** in the Town of Palmyra. The site is on PIN 024-0516-3523-002 (2.87 Acres) in an A-1, Exclusive Agricultural zone.

Petitioner: Daniel Koplinski, N359 Tamarack Rd. - He would like a CU for an automobile repair shop. There is no water service to the building. He stores oil, and Advantage takes it or he gives it to Clean Sweep. He explained that he has no battery storage.

Comments in Favor: Barry Blaskowski, N335 Tamarack Rd – They have no issues with the use.

Comments Opposed: None

Questions from the Committee: None

Town Response: Larry Kau from the Town of Palmyra stated that the Town of Palmyra did pass the petition.

Staff Report: Staff report given by Robert Klotz and now on file in the Zoning Department.

CU1800-14 – Randall & Susan Veenhuis: Conditional use for an extensive on-site storage structure at **N2413 Kunz Road** on PIN 028-0513-0111-004 (1.74 Acres), for use also with the residence at N2407 Kunz Road on PIN 028-0513-0111-005 (1.486 Acres). The site is in the Town of Sumner in a Residential R-2 zone .

Petitioner: Randy Veenhuis, N2407 Kunz Road – Stated that he would like to build a new garage. He stated that there is a current septic system to this building. There would be water and septic to the building.

Comments in Favor: None

Comments Opposed: None

Questions from the Committee: None

Town Response: Klotz read Town response into the record and it is in the file.

Staff Report: Staff report given by Robert Klotz and now on file in the Zoning Department. Klotz explained the petitioner's intent for this garage.

Motion by Nass, seconded by Jaeckel to adjourn the meeting at 8:25 pm. Motion carried on a voice vote with no objection.

Don Reese

Don Reese, Secretary

A recording of the meeting will be available from the Zoning Department upon request.