

NOTICE 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: Thursday, February 16, 2017

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 Chairman Nass at 7:00 p.m..
2. **Roll Call:** Members present included Chairman Nass, Greg David, Amy Rinard, George Jaeckel and Don Reese who arrived at 7:03 p.m. Also present was Rob Klotz and Matt Zangl from the Planning and Zoning Department.
3. **Certification of Compliance with Open Meetings Law Requirements:** Klotz confirmed that the meeting was being held in compliance with Open Meetings Law Requirements.
4. **Approval of Agenda:** Motion to David, seconded by Jaeckel to approve the agenda. The motion carried on a voice vote with no objection.
5. **Explanation of Public Hearing Process by Committee Chair:** Chairman Nass explained the public hearing process. Nass noted the decision meeting will be on February 27 and County Board action will be on March 14.
6. **Public Hearing:** The following was read by Klotz:

NOTICE IS HEREBY GIVEN that the Jefferson County Planning and Zoning Committee will conduct a public hearing at 7 p.m. on Thursday, February 16, 2017, 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

R3956A-17 – Charles & Christine Teich: Create a 2.6-acre farm consolidation lot around the home and buildings at **N8825 Willow Road** from part of PIN 032-0814-1421-000 (31.133 Acres) in the Town of Watertown in accordance with Sec. 11.04(e) and 11.04(f)6 & 8 of the Jefferson County Zoning Ordinance.

Petitioner: Christine Teich (N8825 Willow Road): Christine explained they would like to sell the land around the house and keep the house and buildings for themselves.

Response to Klotz: Currently there is not access to the remaining A-1 land.

Comments in Favor: None

Comments Opposed: None

Questions from the Committee: None

Town Response: Dated 1-9-2017 and in the file, the town was in favor of this petition.

Staff Report: Given by Klotz and in the file. Klotz questioned if there was access to the remaining A-1 land? Klotz asked the petitioner to receive access approval to the A-1 by the decision meeting on February 27 from the Town. This request is for a 2.6 acre farm consolidation. There is a small piece of wetland on the property.

FROM A-1, EXCLUSIVE AGRICULTURAL TO N, NATURAL RESOURCES

R3957A-17 – Viola Behm: Create a 9-acre Natural Resource zone near **County Highway A** in the Town of Oakland from part of PIN 022-0613-2831-002 (50.65 Acres) in accordance with Sec. 11.04(e) and 11.04(f)12 of the Jefferson County Zoning Ordinance.

Petitioner: Viola Behm (1817 Stacy Lane): Viola explained she would like to rezone 9 acres and add it to the existing 17 acre existing Natural Resource zone. A farmer would like to purchase the tillable land and does not want the NR land. The Town of Oakland would like a deed restriction on the parcel and we are ok with the request for the deed restriction.

Response to Klotz: Yes, it will be about a 26 acre Natural Resource zone. We will own it.

Comments in Favor: None

Comments Opposed: None

Questions from the Committee: None

Town Response: Dated 12-21-2016 and in the file, the town was in favor of this petition with a deed restriction.

Staff Report: Given by Klotz and in the file. A variance for the property has been granted for the access to the proposed NR. Klotz questioned if this rezone will be added to the existing NR zone?

CONDITIONAL USE PERMIT APPLICATIONS

CU1909-17 – Boyd Rasmussen: Conditional use under Sec. 11.04(f)2 Conditional uses.j. of the Jefferson County Zoning Ordinance to sanction an extensive on-site storage structure totaling 1,800 square feet, 18 feet in height at **W3410 Crestwood Drive** in the Town of Cold Spring. The site is on PIN 004-0515-3413-001 (1.79 Acres) and is zoned Residential R-2.

Petitioner: Boyd Rasmussen (W3410 Crestwood Dr): Boyd explained he would like a Conditional Use Permit to have for his camper storage.

Response to Klotz: Storage would be of tools, lawn mower. All residential items.

Comments in Favor: None

Comments Opposed: None

Questions from the Committee: None

Town Response: Dated 1-12-207 and in the file, the town was in favor of this petition.

Staff Report: Given by Klotz and in the file. There will be no business use? No habitable use? Only personal use? All residential?

CU1910-17 – Donald Schneider: Conditional use under Sec. 11.05(c)8. Of the Jefferson County Zoning Ordinance to extend approval for mineral extraction at **W393 Woodward Road** granted by CU231-87 and updated with CU1550-09, CU1569-09, CU1616-10 and CU1814-15. The site is in the Town of Cold Spring on PIN 004-0515-3621-000 (36.261 Acres) and is zoned A-1, Exclusive Agricultural. This conditional use also falls under the standards and requirements of NR135.

Petitioner: Donald Schneider (N393 Woodward Rd): Donald thought the pit would be done by now, but he needs an extension.

Response to Nass: It was 2 years, but we would like 10 years.

Response to Klotz: Yes, yes and yes.

Comments in Favor: Dave Hill (N205 County Road H): Dave is in favor of this petition.

Comments Opposed: None

Questions from the Committee: Nass: How long are you looking for?

Town Response: Dated 1-12-2017 and in the file, the town was in favor of this petition.

Staff Report: Given by Klotz and in the file. This will be for 10 years? With the same conditions? Is Land and Water Conservation Division up to date?

CU1911-17 – Scott Whiting/WZ LLC: Conditional use under Sec. 11.04(f)1 of the Jefferson County Zoning Ordinance to allow an extensive on-site storage structure of 1,904 square feet, 20 feet in height adjacent to **W9421 Porter Drive** in the Town of Oakland. The site is PIN 022-0613-0743-049 (0.269 Acre) and is zoned Residential R-1.

Petitioner: Scott Whiting (W9431 Porter Dr): Scott would like this for personal shed and personal storage.

Response to Opposition: Scott bought this neighboring land to his house. The shed will be down in the hollow and near the woods.

Response to Reese: There will be no outside storage.

Response to Klotz: There will be no business use, no habitable use, no water. It will be all personal accessory storage.

Comments in Favor: None

Comments Opposed: Dave Ring (N3045 County Road J and N4162 Sleepy Hollow Rd): Dave is opposed to the petition because it is in a fairly dense neighborhood and he is concerned about the size of the structure. Dave is also concerned about the Zoning Process.

Response to Nass: It is too big for the area. Zoning approval, C.U.P's, variances are easily gained ignoring the way it was originally zoned. Dave is losing respect for the system. It is easier to do it first and then ask for forgiveness.

Questions from the Committee: Nass: What are your concerns about the size and with the zoning process?

Town Response: Dated 1-18-2017 and in the file, the town was in favor of this petition.

Staff Report: Given by Klotz and in the file. Will there be business use? No habitable use?

CU1912-17 – Cold Spring Egg Farm Inc: Conditional use under Sec. 11.04(f)6 and Conditional Uses a.3. of the Jefferson County Zoning Ordinance to allow expansion of the intensive agricultural poultry operation at multiple sites including **W2022, W2024, W2026, W2408 and W2410 State Road 59**. This proposal is to allow 50,000 animal units, up from the 27,275 animal units currently allowed. The sites are made up of PINs 024-0516-2032-000 (39.79 Acres), 024-0516-1941-000 (40 Acres), 024-0516-1942-001 (5 Acres), 024-0516-1912-000 (53.8 Acres) and 024-0516-1911-000 (105.146 Acres), 024-0516-3031-000 (31.274 Acres) and 024-0516-3031-001 (13 Acres) in the Town of Palmyra. This conditional use permit also falls under the standards and requirements of ATCP51 in the A-1, Exclusive Agricultural zone.

The committee performed a Roll Call of members present.

Petitioner: Dave Hill (N205 County H): Dave presented that they have worked out the State Citing Rule. They will be expanding the numbers of birds and storage and fertilizer storage. No manure has been spread in 2016 on the properties. They have not received odor issues since the pelletizing plant has been in operation. They have not received any noise complaints. The reason for the expansion is because retailers are demanding cage free eggs and they need more room for cage free eggs.

Rebuttal to opposition: Dave Hill: Tyler Dix is not our reviewer, Aaron is our WDNR reviewer for the Nutrient Management and has all of the information. The WDPS Permit is never one time and the old permit is valid until the new permit is issued. Dave explained the CAFO number through the WDNR and how the WDNR uses them. We are the only ones in Wisconsin who have applied for an Air Permit. The WDNR does not know what to do with it. The studies that were done, do not match our conditions and operation. The numbers are not accurate for what we do. We are a minor pollutant and not a major at this time. The WDNR will tell us when we need to change. As for the Avian Influence, we are a strict protocol. We are sterile and venders are sterilized and we have bio security protocols. We have plans that meet state requirements. We do the best we can for our birds and we are audited by other states.

The LWCD has a review deadline of September 30, but when I do an update I do it for a full to crop years for any spreading. I would like you to consider that to be changed to January 31. The plan is basically for a breakdown of extended time.

Response to Klotz: In 2016 we did not spread at all. All was sold or pelletized. NMP is in place for emergency situation like a fire or break down. We plan ahead so it doesn't happen. 85-90% of dust and ammonia is trapped and stopped in the buildings. Dave explained the new procedure for drying the manure and dust collection.

Response to Klotz: Yes, EPA wants CAFO's to have air permit for monitoring purposes. Threshold numbers are not represented of our farm. WPDS is the NMP but also takes into account the storm water and water quality activities. WDNR Air Permits is up in the air

and WDNR does not know what to do. Egg wash water has an industrial waste water permit.

Comments in Favor: Joe Strupp (Land and Water Conservation Department): Cold Spring Eggs have meet the requirements and reviewed by LWCD and has been recommended to the committee.

Don Schnieder (N393 Woodward Rd): Don is in favor. They have been good neighbors and Don does not have any complaints.

Comments Opposed: Anita Martin (261 Pinnacle Dr, Lake Mills): Anita was opposed to the petition. Anita read a letter of concern from Larry and Sabina Sullivan (W960 Cooper Rd.). There concerns were with the large amount of birds in one area, health of people surrounding the farm and health of the environment. Anita was concerned with their WDPES Wastewater permit being out of date and not current. There are concerns with the Nutrient Management Plan for the State. The WDNR Air Pollution permit is current but for a half of the number of birds and for a minor pollutant instead of a major pollutant. Anita is concerned with the air pollutants. Anita asks that the petition is delayed until the permits are obtained by Cold Spring Eggs. Anita also produced a copy of her presentation to the County Board on Tuesday night.

Ronalee Monroe (N6081 Ziebel Rd): Ronalee is concerned with the petition and its risk to people and diseases associated with it. Ronalee has a immune disease that suppresses her immune system and can be effected by petitions like this. This is too many chickens to co-exist with. Air emissions are over the limit and have been for years. Ronalee explained the exact emissions associated with the farm and concerns for each emission. These emissions at the local level can affect the global levels. Ronalee is concerned with the human health impact including viruses and pathogenic spreading from chickens to humans. Ronalee is also concerned about the avian flu epidemic potential.

Franky Fuller (N3063 Buena Vista Rd) : Franky is also opposed to the petition for the same reasons as described by the previous two.

Carrie Thurin (W3388 Lower Hebron Rd): Carry is opposed to the petition for concerns with air pollution, health for everyone and ground water and would like to delay the petition.

Questions from the Committee: None

Town Response: Dated 2nd Monday of January and in the file, the town was in favor of this petition. They are also in compliance with WDNR regulations and we expect they will.

Staff Report: Given by Klotz and in the file.

Question to Strupp: Is there a reason for the September 30 deadline? Will changing it be a problem?

Strupp: The deadline is based on normal farming operations in the County. We would be ok with the January 31 deadline.

Question to Dave: Currently no manure is spread? Will you be spreading?

Question to Dave: Not only does ATCP 51 apply, but you are also under 3 other permits?

Klotz explained what is in the file including, but not limited to:

- Application
- Narrative
- Worksheets
- Livestock siting application
- Environmental Response Plan
- Odor Management Plan
- Employee Training Plan
- Zoning Finding of Fact
- Completeness Review by LWCD Memo
- Town Decision
- Copy of ATCP 51 Law
 - Klotz explained law and local abilities
- Ordinance sections
- Overview presentation of Livestock siting and County responsibilities

A quorum of any Jefferson County Committee, Board, Commission or other body, including the Jefferson County Board of Supervisors, may be present at this meeting.

Individuals requiring special accommodations for attendance at the meeting should contact the County Administrator at 920-674-7101 24 hours prior to the meeting so that appropriate arrangements can be made.

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

Further information about Zoning can be found at www.jeffersoncountywi.gov

Motion to adjourn by Reese, second by Jaeckel at 8:05 p.m. The motion carried on a voice vote with no objection.



Don Reese, Secretary

