

**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: Thursday, March 15, 2018

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

All Committee members were present at 7:00 p.m. Also present were Matt Zangl, Sarah Higgins and Deb Magritz from the Zoning Department.

3. Certification of Compliance with Open Meetings Law

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

4. Approval of Agenda

Motion by Reese, seconded by Jaeckel to approve the agenda as presented.

5. Explanation of Public Hearing Process by Committee Chair

Nass explained the public hearing process, and noted that a meeting for decisions on the conditional uses and recommendations on the rezonings would be held on March 26. Decisions on rezonings would be made by the County Board on April 17 at 5:00 p.m.

6. Public Hearing

Zangl 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, March 15, 2018, 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, applications for conditional use permits and Zoning Ordinance No. 11 Text Amendment. A map of the properties affected may be obtained from the Zoning Department. Individual files, which include staff finding of fact, 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

R4045A-18 – Kevin Gordon/Nancy Gordon Trust Property: Rezone PIN 002-0714-1621-004 (4.761 Acres) for a new building site on **Ziebell Road** in the Town of Aztalan. This is being done in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

Petitioner: Michael Hahn spoke representing the Nancy Gordon Trust. He explained that the site is entirely wooded 4.76-acre parcel next to three, approximately 5-acre A-3 lots. It's currently unusable as A-1, the wooded area is not suitable for timber. It is best suited to be rural residential. It has direct access to Ziebell Road, and would have little impact on Town or County utilities. A building site would have no impact on surrounding ag land and no significant impact on natural resource areas because of its size. The underlying soils are Class II, but it is not in agricultural use now. It was created as left over acreage when the last of three lots were created and rezoned to A-3 in 1998, a parcel of record created prior to adoption of the current zoning ordinance and entitled to one more A-3 rezone. The petitioner is asking for the entire 4.761 acres to be rezoned to A-3.

Comments in Favor: None

Comments Opposed: None

Questions from the Committee: Nass asked if the petitioner would have an issue with rezoning 2 acres to A-3 and rezoning the rest to Natural Resource. The petitioner's representative responded that if that's what the Committee recommends, he wouldn't any issue with that at all.

Town Response: Mike Burow, W6064 Riess Road spoke for the Town. He introduced Scott Masche and Larry Christianson from the Town Board who were also present. The Town Board and Town Plan Commission voted unanimously to deny this petition. This is about the third time in three years that this petition has gone through the Town. Even through turnover in both the Town Board and Plan Commission, each of three requests to rezone this piece over the past years has been denied. Also two attorneys representing the Town came to the same conclusion, based upon the Town's comprehensive plan passed in 2009 and based upon the 1999 County plan. The Town residents said they wanted to keep the Township rural and restrict building. The State requires that the Town abide by their comprehensive plan, which only allows three splits off of the parent parcel. The Gordons have already received their three splits, so the remainder should stay A-1. The Township requests that the petition be denied.

Staff Report: Given by Zangl and in the file. Zangl gave some history of the property. Three A-3 lots were requested and approved in the 1990s for the Gordons. In 1999 the County's Agricultural Preservation Plan was adopted, establishing parcels of record and allowing for one more lot to be created for each parcel of record. If this were to be approved, Zangl asked the petitioner's agent again if they would entertain the possibility of decreasing the A-3 lot size and leaving either A-1 remnant or Natural Resource zone remnant. The agent responded that yes, they would be open to that, especially if the remnant were rezoned to Natural Resource.

R4046A-18 – Tamie Roberts: Create a 1-acre building site from part of PIN 006-0716-1731-000 (16.757 Acres) near **W1928 County Road B**, Town of Concord. This is being done in accordance with Sec. 11.04(f) 8 of the Jefferson County Zoning Ordinance.

Petitioner: Tamie Roberts (1058 Keyward Street, Watertown) spoke. She's asking to split off one acre from family land inherited from parents. The original farmhouse has been torn down; she wants to move the new building site just over from the original site into pasture land vacant for many years, not being farmed.

Comments in Favor: None

Comments Opposed: None

Questions from the Committee: Reese asked if there would be any problem moving the site to High Mound Road, clustering with existing development, around the corner and to the north. His concern is that County Road B is very highly travelled.

Town Response: Approved on 2/12/18 and in the file.

Staff Report: Given by Zangl and in the file. If found to be prime at the proposed location, an affidavit may be required.

R4047A-18 – Erik & Jennifer Stafford: Rezone to create a 1.4-acre and a 1.7-acre building site on **County Road Y** in the Town of Jefferson from part of PIN 014-0615-1733-000 (25.271 Acres). This is being done in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

Petitioner: Erik Stafford (N3917 County Road N) spoke. Their plan is to build a home on the 1.7-acre lot with exposed basement. Driveway access is good, and leaves access to the ag fields.

Comments in Favor: None

Comments Opposed: None

Questions from the Committee: None

Town Response: Approved on 2/5/18 and in the file.

Staff Report: Given by Zangl and in the file. Highway access approval also in the file.

R4048A-18 –James McManama/Blessed Acres LLC Property: Rezone a part of PIN 032-0814-0123-001 (50.12 Acres) to reconfigure an existing 6-acre A-3 zoned lot without affecting that lot's net acreage. The site is on **County Road T** in the Town of Watertown. This is being done in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

Petitioner: Mark Tomashek, New Frontier Land Surveying explained that a 6-acre A-3 zone and a 6-acre Natural Resource zone were created previously. They now want to enlarge the N zone to include the woods and delineated wetland area.

Comments in Favor: Aari Roberts, Watertown Plan Commission, stated that both the Plan Commission are in favor.

Comments Opposed: None

Questions from the Committee: None

Town Response: Approved and in the file.

Staff Report: Given by Zangl and in the file.

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

R4049A-18 – James McManama/Blessed Acres LLC Property: Rezone parts of PINs 032-0814-0123-001 (50.12 Acres) zoned A-1 and 032-0814-0123-002 (6 Acres) zoned A-3 to enlarge an existing N zone to 10 acres. The site is in the Town of Watertown on **County Road T**. This is being done in accordance with Sec. 11.04(f) 12 of the Jefferson County Zoning Ordinance.

Petitioner: Mark Tomashek, New Frontier Land Surveying noted that the petitioner is adding 3 ½ acres to take in the entire woods for the Natural resource zone.

Comments in Favor: Aari Roberts responded that the Town approved with no conditions

Comments Opposed: None

Questions from the Committee: None

Town Response: Approved and in the file.

Staff Report: Given by Zangl and in the file.

CONDITIONAL USE PERMIT APPLICATIONS

CU1940 -18 – Faith Community Church: Modify the existing conditional use to allow expansion of the facility with a 7,585 square foot building addition, an addition to the existing entrance canopy and a new 1,200 square foot detached garage on PIN 016-0514-1521-001 (24.4 Acres). The property is at **W5949 Hackbarth Road**, Town of Koshkonong in a Residential R-2 zone. This is being done in accordance with Sec. 11.04(f)2 of the Jefferson County Zoning Ordinance.

Petitioner: Dean Schultz, Excel Engineering from Fond du Lac enlarging their facility to better serve their existing members. They propose to enlarge their narthex, create adult classrooms and a youth room.

Comments in Favor: None

Comments Opposed: None

Questions from the Committee: None

Town Response: Approved 2/14/18 and in the file.

Staff Report: Given by Zangl and in the file. He noted the need for a septic evaluation.

CU1941-18 – Solid Investments Inc: Conditional use to allow an extensive on-site storage structure in a Residential R-2 zone near **County Road H and Blue Spring Lake Drive**, Town of Palmyra. This is on PIN 024-0516-2723-000 (38.04 Acres). This is being done in accordance with Sec. 11.04(f)2 of the Jefferson County Zoning Ordinance.

Petitioner: Derek Luszc (W1325 Blue Spring Lake Drive, Palmyra) spoke, asking for accessory use of a storage facility. The land around it is currently being farmed, and will continue to be farmed. They are asking for a structure to store trailers, boats, etc.

Comments in Favor: Dick Lathrop from the Blue Spring Lake Management District commends the petitioner for water management practices. There is no objection to the proposed building, directing water to the tamarack swamp.

Comments Opposed: Storm Jernigan (W1340 North Blue Spring Lake Drive) asked if this would be storage for their use only, or storage for people around the lake, and how they would be accessing the property. The petitioner responded that it would be for their personal use only, and that they would access from the R-1 lots on Blue Spring Lake Dr.

Resident of W1312 Blue Spring Lake Drive is 39 steps away from 13 or 14 beehives. She asked the type and size of the building and whether it will be served by water and electricity. She wondered what type and number of animals will be there. Her backyard has been flooded over the last four years after the addition of gravel on this property.

Judy Gafalana (W1264 West Blue Spring Lake Drive) is below this property-water will be coming down on her property. She has erosion because of all the water from this property. Last year they worked to have the property drained to the wetland, but this didn't happen. This is not good for people below them as well as the people next to them.

Patricia L Smith (W1280 Blue Spring Lake Drive). Has concerns. Never been told what's going on with this property. It started with them stripping hundreds of trees from the property. Now have fencing across their lot line, suppose it could be for electric fencing. Many truckloads of fill have been brought in, displacing groundwater and running onto their property. What type of animals? Will this be a pig farm? Cattle, horses? Storage is way above the natural level of the land and their water is going onto Smith's.

Previous objector: Will any precautions be taken to filter water from the property into drinking water and the lake?

Pam Gorecki (W1273 North Blue Spring Lake Drive) asked what types of studies have been done on how this will impact Blue Spring Lake-with animals, with this amount of water going in, what does the DNR have to say about how this will impact the lake? There is a pipe that goes underground and into the lake and it has changed substantially since work has been done on this property. She wants to see why that's happening and wants it stopped.

Gay Semanko (917 East Chestnut Street, Bloomington, IL) Very much opposed. Taking away from the property, devaluing and getting away from the original notion of Blue Spring Lake.

Previous objector: Never animals on the property-always cropped.

Eileen Elke (W1286 South Shore Drive) had questions about the animals proposed-Nass reminded all present that that issue would be addressed in the next petition.

Rebuttal: Luszc replied that it is farmland, and continues to be farmland for crops. Drainage work was done in conjunction with DNR and the village because a pipe going through the road collapsed and had to be repaired to properly drain the farm land. Conditional use allows one animal unit/acre. There will be no pigs, maybe 4-5 horses. The renter uses the land for corn and soybeans, working with the USDA, got rid of overgrowth. There will be water service. The fence going around the property is not electrified. No issues with past, present or future lake studies are known by the petitioner.

Questions from the Committee: Reese asked whether outside storage would be necessary, and the petitioner answered no.

Town Response: Approved 2/12/18 and in the file.

Staff Report: Given by Zangl and in the file. Variance to allow R-2 without the principal use will be heard in April.

CU1942-18 – Solid Investments Inc: Conditional use to allow farm-type animals in a Residential R-2 zone on PIN 024-0516-2723-000 (38.04 Acres). This is in the Town of Palmyra, near **County Road H and Blue Spring Lake Drive**. This is being done in accordance with Sec. 11.04(f)2 of the Jefferson County Zoning Ordinance.

Petitioner: Derek Luszc spoke. This is not going to be used for any commercial purposes. His father grew up with horses. Palmyra has always been known as a horse town. They propose nothing to exceed one animal unit per acre. Runoff should be highly improved with horses versus farm-type elements.

Comments in Favor: None

Comments Opposed: Dick Nathrop, Blue Spring Lake Management District Board concerned for the ecological health of the lake. He feels that 38 horses, 1 per acre, is excessive. Property drains through the tamarack swamp and back under Blue Spring Lake Drive, through a culvert and into the lake. Concern is for the animal waste and number of animals involved. Concerned about lake pollution, excessive weed growth and groundwater conditions. The Management District therefore would like a condition that perhaps no more than six animal units be allowed.

Pam Gorecki (W1273 N Blue Spring Lake Drive) Would the Committee stipulate to the number of horses and limit it to horses? Fences are not high enough for horses.

Previous objector questioned whether impact statement/studies are done-worried about what impact this will have on the water in Blue Spring Lake and also drinking water.

Kim Miller (W1312 North Blue Spring Lake Drive) What impact will drilling a well for the horses have on the wells in the area? Thinks there needs to be some limitation on the number of horses.

Storm Jernigan (W1340 North Blue Spring Lake Drive) Concerned about animal noise. Still has water problems. Concerned about waste drainage-where will it go?

Wesley Smale (W1261 Blue Spring Lake Drive) Nothing was left after tree removal to stop runoff after being told that stumps would not be removed.

Rebuttal: Derek Luszc-Would happily limit the number of animals. Changing from agricultural to pasture land should highly reduce nitrogen loading rates to the lake. They do not want pigs; this will not be a commercial property. Has tried to be transparent.

Questions from the Committee: Nass asked if the petitioner would be amenable to having a limit of six horses? The petitioner said yes.

Reese asked if there would be any animals other than horses? Petitioner said the only other animals he could see would be an alpaca or a llama.

Town Response: Approved 2/12/18 and in the file.

Staff Report: Given by Zangl and in the file.

CU1943-18 – Daybreak Foods Inc: Modify the existing conditional use to allow reconstruction and expansion of the current chicken layer and pullet facility on **Crossman Road** in the Town of Lake Mills. This will involve PINs 018-0713-2731-000 (45.79 Acres), 018-0713-2731-001 (0.68 Acres), 018-0713-2732-000 (21.326 Acres), 018-0713-2733-001 (13.82 Acres), 018-0713-2734-000 (22.691 Acres), 018-0713-2743-000 (37.791 Acres) and 018-0713-2744-000 (39.848 Acres), all zoned A-1, Exclusive Agricultural. This is being done in accordance with Sec. 11.04(f)6 and Sec. 11.05(d) of the Jefferson County Zoning Ordinance.

Petitioner: Rick Roedl (1449 Lakeview Dr, Fort Atkinson) said Daybreak Foods proposes to increase animal numbers to 2,750,000 chickens. He spoke of the buildings to be removed and those to be added. Roedl gave a timeline of applications and approvals, and noted working with DNR, local fire protection, EMS, Town of Lake Mills, Highway Department and utility company. A third party removes the manure from the site and as per contract, does not spread the material anywhere in the Town of Lake Mills. He listed current (5.9 million dollars) and projected (12 million dollars) positive economic impacts for the community and county. Roedl introduced Bobby Harris, Keith Kulow and Bob Pofahl.

Comments in Favor: Zangl read a letter from Deb and Bill Neff (N5756 County Road A) into the record. Creekwood will be a good neighbor.

Comments Opposed: Kathy Kuykendahl (N5584 County Road A) said that the smell keeps her trapped in her house. Health risks are unknown. She's concerned with property values. Smells are toxic.

Sherry Hellekson (N5604 County Road A) moved here a year ago. Her mother and son have had health issues; air quality is awful. Concerns about the conveyor across the road. She feels this is all about profits, not about the people. She is worried about contamination of the water and property values.

Ronnie Monroe (N6081 Ziebell Road) Wash water is spread in her neighborhood, and she has to drive through it. At least six viruses known to spread from bird to human, some transfer from human to human. Viruses are showing up in wells. She is especially concerned about aerial application of waste water, feels that we are at ground zero for avian influenza and feels we have no public health oversight.

David Kuykendall (N5584 County Road A) Since they built 10 years ago, have gotten empty promises, issues still exist. Have no reason to believe anything will get better.

Brent Johnson (N5561 County Road A) Grows vegetables across from Daybreak. Struggling to keep odor out of his building. Employees have gotten nauseous in the field and he's had to shut down. Health Department says they don't have the ability to check air quality. He's nervous it is contaminating his vegetables and his customers may get sick. Buildings on Crossman Road are in shambles.

Anita Martin (261 Pinnacle Drive) She acknowledged and thanked Daybreak Foods for their transparency. She is focusing on odor management, waste management and emergency response plans. Four years ago her grass-roots group set up an odor action system, tracking odors over 4.1 miles and demonstrating the impact of the odors. She commented on the odor control credit from DATCP, granted to Cold Spring Farms and Daybreak Foods. Three creamators are planned for Daybreak Foods, and wonders what the result will be. She requested that groundwater testing by the USGS be added to the emergency response plan.

Michael Hellekson (N5604 County Road A) Thanks Daybreak and Anita Martin. Feels that the expansion should be phased in over time with checks and balances.

Anita Martin read a letter from Daniel & Stacy Weger (N5255 Crossman Road) into the record. Want Daybreak to be good neighbors and good stewards of the land.

Zangl read a letter from Frank Greb (W8126 Elm Point Rd) into the record. Existing odor management practices are terrible. Greb asks that appropriate systems be installed, tested and proven before approval.

Zangl read a letter from the Rock Lake Improvement Association recognizes pro-active planning done by Daybreak, and notes increase in phosphorus in Rock Lake and Mud Lake over the past several decades. They encourage best management practices. They hope to work with Daybreak to accomplish those goals.

Zangl read a letter from Brent Johnson, who spoke earlier.

Zangl read parts of two letters from Brandi Brokowski Durow (W204 West Lake Park Place) concerns about the hum she thinks is coming from the chicken farm, risks to air, water and soil, potential for avian flu.

Zangl read a letter from Steve and Debra Schweighardt who have concerns about odor control, air filtering of chicken dander, feces control, impact of cleaning chemicals, compensation to neighbors if water table becomes polluted, how will dead chickens be managed, dropped real estate values, noise levels, truck traffic, health issues.

Zangl summarized two letters from Aaron Johnson (N5563 County Road A), concerned about health issues, reduction of property values and the importance of bio-filters.

Rebuttal: Bobby Harris, (W342 S4524 Marine Hills Dr, Dousman) This is one of the oldest farms in their group, and he is excited to update this farm. He spoke of odor control with removal of moisture and a radical reduction in odors. He explained the conveyor system, keeping the community in mind. He addressed dust and dander control, keeping manure from laying hens under roof, and of incinerator to handle mortality.

Bob Pofahl of Resource Engineering reiterated that manure is hauled out of the area. New deep wells will be developed which shouldn't have an impact to local water supply. Bobby Harris and Rick Roedl spoke about reduction in odor scoring.

Questions from the Committee: Rinard asked that Daybreak speak to the handling of the water. Keith Kulow (N4749 Bigelow Rd) responded, noting that it is applied northeast of the facility according to their WPDES permit. It is mostly wash water. Rick Roehl added information.

David asked about the detergents used, and Rick Roehl answered.

Nass asked about lights. Roedl explained that there would be 5-foot berms and plantings and showed a drawing. LED downlighting is planned, and Daybreak will be responsive to lighting concerns.

Town Response: Dave Schroeder (N5163 County Road A) noted that he does business with Daybreak, but does not profit from Daybreak. He doesn't feel a conditional use should be passed down from owner to owner, and should be reviewed, perhaps every 5 years.

Staff Report: Given by Zangl and in the file.

ZONING ORDINANCE TEXT AMENDMENT

T4050A-18 – Jefferson County: Petition to amend Sec. 11.11(a)4 of the Jefferson County Zoning Ordinance to Comply with Wisconsin Statutes Section 59.69(10)(b)2.

Petitioner: Zangl explained the need to amend the ordinance.

Comments in Favor: None

Comments Opposed: None

Questions from the Committee: None

Town Response: Several received in favor.

Staff Report: Given by Zangl.

Motion by Reese, seconded by Jaeckel to adjourn. The motion carried and the meeting adjourned at 9:30 p.m.



Don Reese, Secretary

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

