

**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
311 S. CENTER AVE., JEFFERSON, WI 53549
8:30 A.M. ON MARCH 26, 2018**

1. Call to Order

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

2. Roll Call (Establish a Quorum)

Nass, David, Reese and Jaeckel were present at 8:30 a.m. Also present were Blair Ward, Corporation Counsel; Andy Erdman, Director of Land Information; Patricia Cicero, Land Information Department; Matt Zangl, Sarah Higgins and Deb Magritz of the Planning and Zoning Department.

3. Certification of Compliance with the Open Meetings Law

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

4. Approval of the Agenda

It was suggested that action on Petition R4045A-18 and the conditional uses would be moved up to accommodate guests in attendance.

Rinard arrived at 8:02 a.m.

Public Comment (Not to exceed 15 minutes and not to include petitions slated for decision-members of the public who wish to address the Committee on specific agenda items must register their request at this time)
There was no public comment.

6. Approval of February 26, March 9 and March 15 Meeting Minutes

Motion by Reese, seconded by Jaeckel to approve the February 26 minutes as printed. Motion carried on a voice vote with no objection

Motion by Jaeckel, seconded by Reese to approve the March 9 minutes as printed. Motion carried on a voice vote with no objection.

Motion by Reese, seconded by Jaeckel to approve the March 15 minutes as printed. Motion carried on a voice vote with no objection.

7. Communications

There were no communications.

8. February Monthly Financial Report for Land Information Office-Andy Erdman

Erdman reported that revenues were about where they should be, though recordings were a little slower in February.

9. March Monthly Financial Report for Zoning-Matt Zangl

Zangl showed the Committee a new report from the Munis system, and in the packet was the typical report. Nass and Reese said that they liked the older version better. Rinard suggested that both reports be prepared and distributed.

10. Discussion and Possible Action on Request for Wedding Venue in a Tent or Temporary Structure

Zangl explained that he'd gotten this inquiry from a resident and response from the State. Rinard asked about the number of days they propose to operate and about food for receptions. Some points seem unclear, she noted. After discussion, Nass suggested we wait to see what comes out of Madison, and postpone today for more answers.

- 11. Discussion and Possible Action on the Validity of Petition R3585A-12 and its Rezoning from A-T to R-2**
Zangl explained that the petition was conditionally approved in 2012 for R-2 zoning and a subdivision. The petitioner is now asking for four large R-2 lots instead of a subdivision. Zangl asked the Committee if they would find the new request acceptable considering that the zone was previously approved for a subdivision. Nass said that it opened up a can of worms as a way to get around A-3 zoning limitations, and does not fit the spirit of the Agricultural Preservation and Land Use Plan. Motion by Reese, seconded by David to not vary from the original decision. Either the subdivision should be finished or the zoning will go back to A-T. Motion carried on a voice vote with no objection.

Ben Wehmeier, County Administrator arrived at 8:49 a.m.

- 12. Discussion and Possible Action on Petitions Presented in Public Hearing on March 15:**

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

DENY on a motion Nass, seconded by Rinard the request to 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. Motion carried on a voice vote with Nass, Rinard and David voting in favor and Jaeckel and Reese casting dissenting votes. Zangl explained the A-1 to A-3 petition, noting previous County approvals. He explained that with the adoption of the 1999 Ag Preservation and Land Use Plan, this was created as a parcel of record, for which the Plan and ordinance allow for one more A-3 zone out of the remnant A-1 zone. The Town denied based upon their plan-County ordinance allows for one more lot.

Ward addressed the Committee, encouraging the Committee to make their decision based upon what their Plan and Ordinance allow/require. He noted that the Town had made a decision to deny, but recommended that the Committee not use the Town's denial as the basis for their action. Any decision made should have an independent basis other than doing it because the Town did it.

Nass reminded the Committee of several things: the Town testified that the Planning Commission and Town Board had denied the request repeatedly; the proposal is larger than the Committee would allow by today's standards; it is made up of approximately 50% prime, 50% non-prime soils. He brought up the possibility of creating a smaller lot with an attached Natural Resource zone.

Zangl said that the petitioner would be okay with the Committee approving a one or two acre lot wooded lot with a remnant A-1 or Natural Resource zone.

Nass went on to say that by process, the Town's comprehensive plan does not allow this. So going by the rules in the County's comprehensive plan, the Town still has veto power after-the-fact.

Zangl reiterated that if the Committee and County Board approved this, the Town would still have the ability to deny it based upon their plan through the veto process.

Nass said that in his mind, that would be the way to go.

Zangl laid out the options for the Committee: the Ordinance and Plan allow for new lot creation, with that being said, the Plan does say that when a Town has stricter guidelines than the County, the County should recognize and follow the Town's stronger policies.

Nass interjected that the County has incorporated the Town's plans into County plans, so the Committee could go in that direction, saying that the County denied it because it doesn't meet the comprehensive plan of the Township, which the

County recognizes as part of its comprehensive plan. So it's up to the Committee to determine which way they want to go. Corporation Counsel has told them that it's up to them which way they want to go.

Jaeckel shared a couple thoughts, especially after site inspections. The property is wooded, it's been wooded forever. It may be prime, but the physical characteristics of the property, where they are and how they are, if the Committee were to create a lot out of it, it wouldn't be feasible to farm the prime land around it. And what about the neighbors, they would probably be the first ones to complain if someone were to come in and clear cut it to use it as true agricultural land again. It really does conform to the County's idea of clustered lots. He understands the Town's position on it, but suggested that maybe the Committee approves the request, and if the Town still wants to deny it, it's their case. He thinks that if you work it through the County's plan, it really does work.

Nass replied that the Committee's always, as a precedent, agreed with the Towns' land use plans and incorporated them into the County's comprehensive plan. In his opinion, he would tend to go with the Town's decision here, and base it on the fact that the County incorporates the Town's comprehensive plan into ours as long as it's more restrictive and can't be less restrictive. That's where Nass would want to go, rather than making the Town go through an extra hoop. He doesn't think that's necessary.

Reese did a little research into Aztalan's plan, and their plan actually was adopted after the County's land use plan, so the County had the first kick at the cat, and now the Town's applied their rules. If this is denied, then the landowner should have a pretty good chunk of tax money coming back, because this is already being assessed as residential land.

Nass responded that the Township would have to work that out, and Reese understood, but noted that the petitioner would have that possibility.

Zangl gave a little history of plan adoption. The County adopted its plan in 1999 and the Town adopted the County's old plan in approximately 2007 or 2008. They do go by one of the County's older plans, which has been updated since.

Nass added that the Town has its own comprehensive plan, which he looks at as an overlay.

Nass made a motion to deny the petition based upon the Town's comprehensive plan and its incorporation into the County's comprehensive plan. Rinard seconded. Nass called for discussion and then a vote, with Nass, Rinard and David voting to deny the petition, and Reese and Jaeckel voting against the denial.

In summary, Nass said that the Committee was going to follow the Town's land use plan the way it's incorporated into the County's. R4045A-18 – Kevin Gordon/Nancy Gordon Trust Property

POSTPONE for reconfiguration on a motion by Reese, seconded by Nass to 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. Motion carried on a voice vote with no objection. R4046A-18 – Tamie Roberts

APPROVE WITH CONDITIONS on a motion by Jaeckel, seconded by Reese to rezone and 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. Motion carried on a voice vote with no objection. R4047A-18 – Erik & Jennifer Stafford

APPROVE WITH CONDITIONS on a motion by David, seconded by Reese to rezone a part of PIN 032-0814-0123-001 (50.12 Acres) in order 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. Motion carried on a voice vote with no objection. R4048A-18 –James McManama/Blessed Acres LLC Property

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

APPROVE WITH CONDITIONS on a motion by Reese, seconded by Jaeckel and 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. Motion carried on a voice vote with no objection. R4049A-18 – James McManama/Blessed Acres LLC Property

CONDITIONAL USE PERMIT APPLICATIONS

APPROVE WITH CONDITIONS on a motion by Jaeckel, seconded by David to 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. Motion carried on a voice vote with no objection. CU1940 -18 – Faith Community Church

APPROVE WITH CONDITIONS on a motion by Reese, seconded by David, a 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. Motion carried on a voice vote with Jaeckel abstaining. CU1941-18 – Solid Investments Inc.

APPROVE WITH CONDITIONS on a motion by Nass, seconded by Rinard, a 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. Motion carried on a voice vote with Jaeckel abstaining. CU1942-18 – Solid Investments Inc.

APPROVE WITH CONDITIONS on a motion by Jaeckel, seconded by Reese, a modification of 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. Motion carried on a roll call vote, with David, Rinard, Jaeckel, Nass and Reese all voting in favor.

The five conditions listed in the Land and Water Conservation Department memo of January 30, 2018 under “Requested Permit Requirements” are made a part of this approval.

1. Annual nutrient management plan updates shall be submitted to the Land and Water Conservation Department by September 30th of each year for the following crop year. These updates shall account for any nutrients applied to farmland.
2. The LWCD (Land and Water Conservation Department) must be informed of the pre-construction conference and when work will begin on the manure storage structures.
3. Per Jefferson County Zoning Ordinance [11.05(d)2.d], the manure storage structure certification “shall be filed at least 10 days prior to population of the facilities by the animal unit count approved under the permit.” As-builts should be sent to the Land & Water Conservation Department upon certification.
4. Per the Livestock Siting Law (ATCP 51.08(2)) within 2 years the livestock operator must begin populating the approved facility and begin construction on every new or expanded livestock housing structure, as well as every new or expanded waste storage structure, proposed in the application.
5. Any alterations or additions to the operation after the permit is issued that changes one of the worksheets or application requires a permit update or new Livestock Siting Application depending on the circumstance.

In addition, the operation shall be conducted as submitted in the completed ATCP51 application and worksheets and all supporting documents. CU1943-18 – Daybreak Foods Inc.

ZONING ORDINANCE TEXT AMENDMENT

APPROVE WITH CONDITIONS on a motion by Reese, seconded by Rinard, a 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. Motion carried on a voice vote with no objection. T4050A-18 – Jefferson County

13. Possible Future Agenda Items

Potential conditional use changes-may need to be made prior to the comprehensive plan update
Wedding barns

14. Upcoming Meeting Dates

April 13, 8:00 a.m. – Site Inspections Beginning in Courthouse Room 203

April 19, 7:00 p.m. – Public Hearing in Courthouse Room 205

April 30, 8:30 a.m. – Decision Meeting in Courthouse Room 203

May 11, 8:00 a.m. – Site Inspections Beginning in Courthouse Room 203

May 17, 7:00 p.m. – Public Hearing in Courthouse Room 205

May 21, 8:30 a.m. – Decision Meeting in Courthouse Room 203

15. Adjourn

Motion by Reese, seconded by Jaeckel to adjourn the meeting. Motion carried on a voice vote with no objection, and the meeting adjourned at 9:48 a.m.



Don Reese, Secretary

If you have questions regarding the petitions, please contact the Zoning Department at 920-674-7131. Petition files referenced on this agenda may be viewed in Courthouse Room 201 between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays. Materials covering other agenda items can be found at www.jeffersoncountywi.gov.

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 at least 24 hours prior to the meeting so that appropriate arrangements can be made.

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

