

MINUTES OF PUBLIC HEARING
JEFFERSON COUNTY PLANNING AND ZONING COMMITTEE

Steve Nass, Chair; George Jaeckel, Vice-Chair; Blane Poulson, Secretary; Matt Foelker and Lloyd Zastrow

SUBJECT: Map Amendments to the Jefferson County Zoning Ordinance and Requests for Conditional Use Permits
DATE: Thursday, February 21, 2019
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 Steve Nass at 7:00 p.m.

2. Roll Call

Nass, Jaeckel, Poulson, Foelker, and Zastrow were all present at 7:00 p.m. Also present were Sarah Higgins and Lindsey Schreiner of the Zoning Department.

3. Certification of Compliance with Open Meetings Law

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

4. Approval of Agenda

Motion by Jaeckel, seconded by Poulson to approve the agenda as presented. Motion carried on a voice vote with no objection.

5. Explanation of Public Hearing Process by Committee Chair

Chairman Nass explained the evening's proceedings.

6. Public Hearing

Higgins read aloud the following notice:

NOTICE IS HEREBY GIVEN that the Jefferson County Planning and Zoning Committee will conduct a public hearing at 7 p.m. on Thursday, February 21, 2019, 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, 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-2, AGRICULTURAL AND RURAL BUSINESS

R4129A-19 – Tim Otterstatter: Rezone 4.45 acres of PIN 032-0815-1223-000 (20.386 Ac) **between State Road 16 and East Gate Drive** in the Town of Watertown. This is in accordance with Sec. 11.04(f)7 of the Jefferson County Zoning Ordinance.

PETITIONER: Tim Otterstatter (N9220 Donald Ln, Watertown, WI 53094) explained that he wants to move his business to this location due to his last location of business undergoing eminent domain. To be compensated for his loss, the State of Wisconsin is requiring him to construct a building. This location would also be closer to his other business location (Wedding Barn). He explained that he originally proposed 2-acres, but the town actually requested a 4.45-acre site in order for the business to run closer to State Road 16. He also mentioned that the land isn't best for farming anyways. Chairman Nass asked that for the record, could Otterstatter explain the nature of his business. Otterstatter answered that he buys and sells contracting equipment in the farming industry.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: Paul Marshall (W2902 East Gate Dr, Watertown, WI 53094) explained that he is an adjacent land owner. Marshall believes Otterstatter's proposed location is not a viable piece of land for a construction business and traffic. He also claimed that the land is being taxed as farm land even though it has not been planted since 2014. He said that water is a large problem on the property. He said that he heard that Otterstatter wants to run a pipe through his land discharging that water. He also explained concerns about a soil test not passing for the site.

Ken Salb (W2855 East Gate Dr, Watertown, WI 53094) also explained his concerns. He claimed that the field in question retains water and he doesn't want that water to back up on his property or others. He provided pictures that were included into the file. Salb posed the question that if Otterstatter would bring in fill, where is the water going to go. He also said he is concerned with the business entrance and whether or not East Gate Drive is built for handling heavy equipment. Lastly, he believes property values around the area will decrease due to industry.

REBUTTAL: Otterstatter began by explaining that for the past two years planting was attempted, but yes it was too wet. He confirmed that there is a water problem, and that all water in area flows onto his property. He denied that the property flows onto Salb's land, because he has a picture of a culvert showing that the water flows onto his land from Slab potentially illegally filling wetland on the property. Otterstatter explained that the proposed building is going to be located on the highest portion of the land of which is 1 ½ feet higher than the road. He also plans to install a retention pond. Also, it appears that the other culvert flows towards the river. Otterstatter clarified there is no intentions to install any drain tile or drain any water towards or to Marshall's land. Lastly, he explained that this is basically his only option to where he can build his building and that he understands their water concerns.

QUESTIONS FROM THE COMMITTEE: Chairman Nass asked Otterstatter what his plans were for access. Otterstatter answered that it would be from East Gate Drive.

STAFF REPORT: Given by Higgins and in file. Higgins asked Otterstatter if there would be access for the remaining A-1 land. He answered yes.

TOWN: Approved 1-14-19 subject to wetland delineation and soil test.

CONDITIONAL USE PERMIT APPLICATION

CU1971-19 – Tim Otterstatter: Conditional use for farm/construction equipment sales on PIN 032-0815-1223-000 (20.386 Ac) **between State Road 16 and East Gate Drive** in the Town of Watertown. This is in accordance with Sec.11.04(f)7 of the Jefferson County.

PETITIONER: Tim Otterstatter (N9220 Donald Ln, Watertown, WI 53094) explained that his business is buying and selling construction and farm equipment. He is requesting this conditional use because he is looking for a big building to keep equipment inside. Hours of operation won't necessarily be from 8am-5pm, but whenever someone wants to come look at a piece of equipment. He explained that he was forced out of his previous business location from the state.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: Paul Marshall (W2902 East Gate Dr, Watertown, WI 53094) said that if the conditional use is granted it will look like a salvage yard.

REBUTTAL: Otterstatter said that he takes personal offense to that comment, because he believes he keeps his farm in very good condition. The only reason why the property may seem in disarray is because they are remodeling their home; and that he has received comments that his property looks like a park.

QUESTIONS FROM COMMITTEE: Chairman Nass asked what size building it would be. Otterstatter explained that the state was requiring him to build a 12,000 square foot building, but he only wants a 6,000-9,000 square foot building. Nass asked if the facility will have restrooms. Otterstatter answered that there is intent to install bathrooms, but it depends on if the soil test will pass.

STAFF REPORT: Given by Higgins and in the file. Higgins clarified with Otterstatter that hours of operation will basically be daylight. Higgins asked if there will be any outside lights. Otterstatter answered that there will only be ones on the building. Higgins asked if there will be any outside storage. Otterstatter answered that there may be a few things outside from time to time. She asked if there will be any employees. He answered no.

TOWN: Approved 1-14-19.

FROM A-1, EXCLUSIVE AGRICULTURAL TO A-2, AGRICULTURAL AND RURAL BUSINESS

R4130A-19 – Ross Walton: Create a 2.7-ac A-2 zone on **County Road D** from part of PIN 004-0515-2732-000 (40 Ac) in the Town of Cold Spring. This is in accordance with Sec. 11.04(f)7 of the Jefferson County Zoning Ordinance.

PETITIONER: Ross Walton (W3442 Vannoy Dr, Whitewater, WI 53190) explained that he wants to put up a shop with storage next to it for his business, and in a couple years build a house on top of the hill. There will be a gravel area big enough to turn a semi around. There will be a restroom and office area in the shop.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM COMMITTEE: None.

STAFF REPORT: Given by Higgins and in the file. Higgins asked if he talked to the Highway Department at all yet about access. Walton replied not yet. Higgins brought up some concerns in the file from the Highway Department regarding access and tree screening. She asked if there would be any lighting. Walton answered there will only be lighting on the building.

TOWN: Approved 1-10-19.

CONDITIONAL USE PERMIT APPLICATION

CU1972-19 – Ross Walton: Conditional use to allow a personal shop for storage and maintenance of contractor's equipment on **County Road D** in the Town of Cold Spring. The site is on PIN 004-0515-2732-000 (40 Ac). This is in accordance with Sec. 11.04(f)7 of the Jefferson County Zoning Ordinance.

PETITIONER: Ross Walton (W3442 Vannoy Dr, Whitewater, WI 53190) explained that the proposed shop is for repairing equipment. The hours of operation will be between 7am-7pm. There are just a couple employees, but no full time mechanic. Any outside storage will be equipment sitting there waiting to get worked on.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM COMMITTEE: Chairman Nass asked for the number of employees. Walton answered two.

STAFF REPORT: Given by Higgins and in the file. Higgins asked if the public would be coming to the site. Walton answered no. Higgins asked if there is a parking plan at all for employees. Walton answered that they would park on proposed gravel area. Higgins clarified that if Walton plans to have bathrooms in the shop he will have to get soil test.

TOWN: Approved 1-10-19.

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

R4131A-19 – Ross Walton: Rezone 2.7 acres of PIN 004-0515-2733-000 (39.6 Ac) for a lot around the home and buildings at **N510 County Road D**, Town of Cold Spring. This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

PETITIONER: Ross Walton (W3442 Vannoy Dr, Whitewater, WI 53190) explained he would like to put this zone around the existing house and buildings on the property.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM COMMITTEE: None.

STAFF REPORT: Given by Higgins and in the file. Higgins asked what year the house was built. Walton answered it may be 100 years old. She asked if the existing access be utilized. Walton answered yes.

TOWN: Approved 1-10-19.

R4132A-19 – Ross Walton: Create a 6-acre building site off of **Vannoy Drive** from part of PIN 004-0515-2732-000 (40 Ac) in the Town of Cold Spring. This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

PETITIONER: Ross Walton (W3442 Vannoy Dr, Whitewater, WI 53190) explained he has the proposal set up this way so the business shop can sit down low and the house to be built can sit up higher.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM COMMITTEE: None.

STAFF REPORT: Given by Higgins and in the file. Higgins asked if there would be access for the remaining A-1. Walton answered yes. Higgins clarified if this would be approved, an affidavit and soil test would be required.

TOWN: Approved 1-10-19.

R4133A-19 – Concord Wisconsin Properties LLC: Create a 1.7-ac building site on **Concord Center Dr** in the Town of Concord from PIN 006-0716-1334-005 (15 Ac). This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

PETITIONER: Richard Reinders (N5915 Willow Glenn Rd, Sullivan, WI 53178) explained that he would like to create this A-3 zone so when the property gets sold it will be available to build on.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM COMMITTEE: None.

STAFF REPORT: Given by Higgins and in the file. Higgins asked if there would be access for remaining A-1. Reinders answered yes.

TOWN: Approved 12-10-18.

R4134A-19 – Standard Process: Rezone 4 acres around the home and buildings at **N1974 Koch Rd** in the Town of Palmyra from PIN 024-0516-0723-000 (37.76 Ac). This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

PETITIONER: Grant Duchac, Excel Engineering (100 Camelot Dr, Fond du Lac, WI 54935) represented Standard Process and explained the proposal is to create a 4-acre building site.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM COMMITTEE: Chairman Nass asked what the bump-out to the North on the preliminary map was for. Duchac answered that the area is for an accessory garage or shed in the future.

STAFF REPORT: Given by Higgins and in the file. Higgins asked if there would be access to the remaining A-1 land. Duchac answered yes.

TOWN: Approved 1-14-19.

R4135A-19 – Larry Rasmussen: Create a 1.41-acre lot around the home at **N7399 Jungle Ln** in the Town of Waterloo from part of PINs 030-0813-3144-001 (34.711 Ac) and 030-0813-3233-000 (36.2 Ac). This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

PETITIONER: Larry Rasmussen (N7399 Jungle Ln, Waterloo, WI 53594) explained that he would like to create a 1.41-acre zone around the home and buildings. The home is going to a family member and remainder of the farm is going to another.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM COMMITTEE: None.

STAFF REPORT: Given by Higgins and in the file. Higgins asked when the original mobile home was established on the property. Rasmussen answered it was mostly likely established when he created the other residency, but the mobile home is removed.

TOWN: Approved 1-9-19.

R4136A-19 – Daniel Weidner/Jeanette V Weidner Trust Property: Rezone to create a 2.58-acre lot around the buildings at **N4642 Highland Dr** in the Town of Sullivan from PIN 026-0616-0132-000 (40 Ac) and a 3.05-acre new building site to the south from part of PIN 026-0616-0133-000 (37.555 Ac). This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

PETITIONER: Daniel Weidner (112 S Elm St, Bonduel, WI 54107) explained that he is the soul trustee of the Jeanette V Weidner Trust. His mother passed away and he is trying to settle the estate. He'd like to break the farm down in order to sell it. They are proposing to leave existing agricultural land, but would like to create the A-3 zone around the existing home and buildings. He also explained that he would like to create a 3.0-acre building site inside of the spruce plantation with an access proposed around the topography/inclines of the land. The structure of the lot was created from the advice of the surveyor.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: Randy Hershberg (N4492 Highland Dr, Sullivan, WI 53178) explained that has concerns with the placement of Lot 3 and 4 being in the middle of a 20-acre wood. He asked if someone could purchase the Natural Resource zone separately from the buildable lot and whether or not another house could be built on it. Higgins answered that yes, Lots 3 and 4 would be separate and saleable. Hershberg continued by saying that is what he is opposed to, and that Lot 4 should be push to the north line of the parcel, so Lot 3 could be one open piece. His concern was that someone could potentially build in the Natural Resource Zone. He also commented that cutting down the spruce forest to build a house in the middle of it is not preserving natural resources.

REBUTTAL: Weidner answered that the spruce trees were originally planted there to be harvested for lumber. He explained that in the back of Lot 3 is the home of Wisconsin's sugar maple tree and Native American history on the land. The land is used for maple production and lumber. There are about 20 different tree species. He believes the lot is a very valuable piece.

QUESTIONS FROM COMMITTEE: Chairman Nass asked what the age of the house is. Weidner answered it was built prior to 1975.

STAFF REPORT: Given by Higgins and in the file. Higgins asked Weidner if there would be access for the remaining A-1 land. Weidner answered yes. Higgins posed the question if the whole 2.58-acres would be needed around the home and buildings. Weidner responded yes. Higgins asked if there is access approval for Lot 4. Weidner answered yes. She also noted that Lot 4 is found to be 70% prime and if that is the case, the lot would have to be reduced to 2-acres, thus using all available splits.

TOWN: Approved 1-8-19.

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

R4137A-19 – Daniel Weidner/Jeanette V Weidner Trust Property: Create a 16.33-acre Natural Resource zone from part of PIN 026-06160133-000 (37.555 Ac) along **Highland Dr** in the Town of Sullivan. This is in accordance with Sec. 11.04(f)12 of the Jefferson County Zoning Ordinance.

PETITIONER: Daniel Weidner (112 S Elm St, Bonduel, WI 54107) would like to rezone area from A-1 to Natural Resource. He asked if Lot 4 has to be reduced, then can he move that remaining acre to increase the size of the N zone to 17.33.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: Randy Hershberg (N4492 Highland Dr, Sullivan, WI 53178) would like to reiterate that he doesn't agree with how Lot 3 and 4 are proposed.

REBUTTAL: Weidner answered that unfortunately he couldn't ensure what buyers would do in the future with the lots. He claims that the design maintains the farm.

QUESTIONS FROM COMMITTEE: None.

STAFF REPORT: Given by Higgins and in the file. Higgins noted access would need approval considering lot is separate and salable. Weidner answered that the whole stretch is accessible.

TOWN: Approved 1-8-19.

FROM A-3. AGRICULTURAL/RURAL RESIDENTIAL TO A-2, AGRICULTURAL AND RURAL BUSINESS

R4138A-19 – Jason Schultz: Rezone PIN 014-0614-2833-002 (2.149 Ac) on **Hoard Road** in the Town of Jefferson. This is in accordance with Sec. 11.04(f)7 of the Jefferson County Zoning Ordinance.

PETITIONER: Jason Schultz (N1777 Friedel Rd, Fort Atkinson, WI 53538) explained that he needs land to be rezoned to provide parking for about 20 people he has employed.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM COMMITTEE: None.

STAFF REPORT: Given by Higgins and in the file.

TOWN: Approved 1-7-19.

CONDITIONAL USE PERMIT APPLICATIONS

CU1973 -19 – Jason Schultz: Allow rural business parking on PIN 014-0614-2833-002 (2.149 Ac) on **Hoard Road** in the Town of Jefferson in a proposed A-2 zone. This is in accordance with Sec. 11.04(f)7 of the Jefferson County Zoning Ordinance.

PETITIONER: Jason Schultz (N1777 Friedel Rd, Fort Atkinson, WI 53538) did not add any comments other than he needs the conditional use to be expanded for the parking lot for his business.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM COMMITTEE: None.

STAFF REPORT: Given by Higgins and in the file. Higgins clarified with Schultz that the hours of operations and conditional use would stay the same as the original.

TOWN: Approved 1-7-19.

CU1974-19 – Ammat LLC: Allow an event center in an existing Business zone at **N7755 State Road 89**. The site is in the Town of Waterloo on PIN 030-0813-2634-002 (6.007 Ac). This is in accordance with Sec. 11.04(f)3 of the Jefferson County Zoning Ordinance.

PETITIONER: Vicki Funseth, Madison Commercial Real Estate, LLC (5609 Medical Circle, Madison, WI 53719) represented Ammat LLC. She explained that they would like to update the conditional use for an additional metal building that will be big enough for weddings and other events. She said that the mobile home on the property will be removed.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM COMMITTEE: None.

STAFF REPORT: Given by Higgins and in the file. Higgins asked what the hours of operation would be. Petitioner answered that the hours will be determined by events held. The latest it would be open would be music until 1 am. It will also be open for different community events during the weekdays. Higgins asked if there was any intent to increase parking. Petitioner answered no, they will use what is there but there is land available for more parking. Higgins asked if the new building would be hooked up to the existing septic. Petitioner answered that are two septic on the property and it is being looked into. Higgins asked if they have been in contact with anyone to get the septic inspected. Petitioner answered yes.

TOWN: Approved 1-9-19 with the condition that there will be no music playing between the hours of 12am-8am. Petitioner added that the building will be fully enclosed and insulated and that the music playing until 1 am should not be an issue.

CU1975-19 – Chad Fredrick: Allow an extensive on-site storage structure of up to 1,400 square feet, 16 feet in height at **W3091 County Rd CW**. The site is in a Residential R-2 zone in the Town of Watertown on PIN 032-0815-0212-009 (0.850 Ac). This is in accordance with Sec. 11.04(f)2 of the Jefferson County Zoning Ordinance.

PETITIONER: Chad Fredrick (W3091 County Road CW, Watertown, WI 53094) explained that the building is to replace his formal building that caught fire.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM COMMITTEE: None.

STAFF REPORT: Given by Higgins and in the file. Higgins asked if there would be any business use. Fredrick answered it would be all personal storage. He clarified that he would actually like to increase the height of the building to 17 feet. Higgins asked if he planned to put any bathrooms in the structure. Fredrick answered no.

TOWN: Approved 1-14-19. Town asked that three trees be planted on east side of property for screen.

Supervisor Jaeckel moved to adjourn at 8:09 p.m., and was seconded by Supervisor Poulson. Motion passed unanimously on a voice vote.

Minutes prepared by: *Lindsey Schreiner*
Zoning/On-Site Waste Management Technician
Jefferson County Planning and Zoning Department

Supervisor Poulson, Planning & Zoning Committee Secretary

A handwritten signature in black ink, appearing to be 'J. Poulson', written in a cursive style.