

**STAFF 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, September 19, 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 Nass at 7:00 p.m.

2. Roll Call

All committee members were present except for Supervisor Foelker. Also present were Matt Zangl and Lindsey Schreiner of the Jefferson County Zoning Department.

3. Certification of Compliance with Open Meetings Law

Supervisor 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 passed 4-0 on a voice vote.

5. Explanation of Public Hearing Process by Committee Chair

Chairman Nass explained the evening proceedings.

6. Public Hearing

Zangl read aloud the following notice:

NOTICE IS HEREBY GIVEN that the Jefferson County Planning and Zoning Committee will conduct a public hearing on September 19, 2019, in Room 205 of the Jefferson County Courthouse, Jefferson, Wisconsin. Members of the public will be allowed to be heard regarding any petition under consideration by the Planning and Zoning Committee. **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-3, AGRICULTURAL/RURAL RESIDENTIAL

R4175A-19 – Richard A Dama/Daniel & Diane Malone Property: Rezone 0.13 acre of PIN 006-0716-1533-000 (11.952 Acres) and transfer it to the adjoining A-3 zoned property at **N6196 County Road F**. The area to be rezoned is in the Town of Sullivan, at **N6190 County Road F**, from the Daniel & Diane Malone property. This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

PETITIONER:

Richard Dama (N6196 County Road F, Sullivan, WI 53178) explained that he wants to transfer a little bit of property from Dan because from years of improvements on his property, such as his flag pole/landscape, things have gotten too close to the property line. He noted that Dan is more than happy to sell it.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM COMMITTEE: None.

STAFF REPORT: Given by Zangl and in the file.

TOWN: Approved 8-21-19.

R4176A-19 – Kathleen Kalvaitis: Create a 2.8-acre lot around the home and buildings at **N324 Poeppel Road**, Town of Koshkonong on PIN 016-0514-3213-002 (9.013 Acres). This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

PETITIONER: Kathy Kalvaitis (N324 Poeppel Rd, Fort Atkinson, WI 53538) explained that her daughter is going to be building on the property being rezoned, and the house is a 2.8 acre zone so there is enough room for a replacement septic system and to square up the property lines. This would be a way to keep family close.

COMMENTS IN FAVOR: Jenny Kalvaitis (N324 Poeppel Rd, Fort Atkinson, WI 53538) explained that she is Kathy's daughter who wants to build on the lot and she would also be maintaining the remaining ag land.

COMMENTS OPPOSED: Charles Griffith (N331 Poeppel Rd, Fort Atkinson, WI 53538) shared that there was a similar proposal in 2009 and it was tabled due to flooding concerns. He explained that they are downhill neighbors and was wondering if they would consider installing a retention pond.

David Keller (N347 Poeppel Rd, Fort Atkinson, WI 53538) agreed with Mr. Griffith's claims. He also explained that new homes built within the past two years are making the area lose its rural atmosphere.

REBUTTAL: Kathy Kalvaitis explained that the new lot will be at the top of the hill and that water wouldn't run down Sunset Lane, rather it would be going down into their ag field. They have no intention of putting asphalt in; it would be a gravel driveway. She also explained they will be mindful of run-off from the lot, but it is not going in that direction. Jenny Kalvaitis stated that she values the rural neighborhood and is planting around 25 trees.

QUESTIONS FROM COMMITTEE: None.

STAFF REPORT: Given by Zangl and in the file. Zangl confirmed with Kathy Kalvaitis that the home was built in 1974.

TOWN: Approved 8-15-19.

R4177A-19 – Kathleen Kalvaitis: Create a 2-acre building site on **Sunset Lane** from part of PIN 016-0514-3213-002 (9.013 Acres) in the Town of Koshkonong. This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

PETITIONER: Kathy Kalvaitis (N324 Poeppel Rd, Fort Atkinson, WI 53538) explained where the building site would be located. She emphasized that water run-off could easily be directed towards their farm fields.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: Those opposed explained they'd like to move their concerns regarding the building site to this petition.

REBUTTAL: None.

QUESTIONS FROM COMMITTEE: None.

STAFF REPORT: Given by Zangl and in the file.

TOWN: Approved 8-15-19.

R4178A-19 – Steven Paape and Fredrick & Jeanette Huebner Property: Rezone all of PIN 030-0813-3231-001 (1.81 Acre) owned by Paape, and 0.6 acre from PINs 030-0813-3231-000 (39.19 Acres) and 030-0813-3234-000 (17 Acres) owned by Huebners to create one, 2.4-acre A-3 zone at **N7405 Airport Road** in the Town of Waterloo. This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

PETITIONER: Steve Paape (N7405 Airport Rd, Waterloo, WI 53594) explained that he is looking to buy adjacent property to fix the water issues on his land that have been on-going since he purchased the property.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM COMMITTEE: None.

STAFF REPORT: Given by Zangl and in the file. Zangl asked the petitioner if the owner of the A-1 zone was okay with the use of a split from purchasing this land. Paape was unaware and will call to confirm. Zangl asked if this lot creation will leave enough room for a future replacement septic system site on the property. Paape answered that there would be room to the west.

TOWN: Approved 8-14-19.

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

R4179A-19 – Franz & Vickie Weigand: Create a 2.67-acre agribusiness zone on PIN 028-0513-0241-000 (40 Acres). The property is in the Town of Sumner at **W7755 State Road 106**. This is in accordance with Sec. 11.04(f)7 of the Jefferson County Zoning Ordinance.

PETITIONER: Attorney David Westrick (93 N Main Street, Fort Atkinson, WI 53538) represented Franz & Vickie Weigand and explained that this is a third generation farming operation and on the side they have a septic hauling business. He explained that they would like the ability to haul year long and store septage on the property when they are unable to apply it immediately thereafter.

COMMENTS IN FAVOR: Franz Weigand (W7898 Poutsch Rd, Fort Atkinson, WI 53538) explained that he runs a third generation farm and he wants to preserve rural America while keeping his small business running. The City of Fort Atkinson informed him that as the city increases, it will be less and less likely that they will be able to accept waste from septic haulers. That means local haulers would have to haul it out to places such as Madison.

Lindsay Jilek (N2376 Schwemmer Rd, Fort Atkinson, WI 53538) was also in favor. She is Franz Weigand's daughter and her and her husband work for the company. She explained that she'd like to keep her small family business and be able to pass it down to her kids. She explained that this is how they make their living and this is a way to keep family close.

Ryan Cardinal (Cardinal Engineering LLC, 201 Broad Street, Lake Geneva, WI 53147) presented a power point that explained the business plan and processes that will take place in the A-2 Zone. He also explained the process of applying

waste as fertilizer to the surrounding fields owned by Weigand. He noted the amount of state regulation and requirements such soil testing, etc. for the approval to apply septage on farm fields (**See file for presentation**).

COMMENTS OPPOSED: Rosemary Olson (N1557 Joyce Rd, Fort Atkinson, WI 53538) claimed that Cardinal's presentation was a whole different presentation than what was given at the Town level. She was opposed to the smell that is produced from the waste application on the land and believes human waste does not belong in the soil.

Joanne Armstrong (W8002 State Road 106, Fort Atkinson, WI 53538) congratulated Weigand for improving parts of the plan, but still expressed concerns about the smell and water safety. She also expressed concerns of what people put in their septic systems and how that may potentially affect the land once it is applied. Her concerns were mostly related to health issues rather than the smell itself.

Bruce Steffes (W7586 State Road 106, Fort Atkinson, WI 53538) expressed that his main concern was the smell from the sewage and how embarrassing it is. He stated that he is a major tax payer, and that the application of human waste on the surrounding fields lowers his property value. He did state that he understands this waste has to go somewhere and that Weigand does have proper permitting for it.

REBUTTAL: Westrick explained waste being spread on the fields is not really up for debate, as that is already permitted and regulated by the DNR. What would be changing however, is that the septage cake from the Fort Atkinson treatment plant would not be applied to the land anymore and that is what produces the most concerning smell. Instead they would disk in the waste they collect from their septic hauling business and when weather and time of year does not allow them to apply is when they would temporarily store the waste in the proposed holding tank.

QUESTIONS FROM COMMITTEE: Chairman Nass noted that this portion of the hearing was intended for the proposed A-2 Zone, not the Conditional Use.

STAFF REPORT: Given by Zangl and in the file.

TOWN: Denied 7-15-19. (**See file for reasons**).

CONDITIONAL USE PERMIT APPLICATION

CU2002-19 – Franz & Vickie Weigand: Conditional use for an existing waste hauling business at **W7755 State Road 106**, and to allow for a 1.37 million gallon holding tank to contain hauled-in septage and industrial food waste for the purpose of agricultural land application. The site is on PIN 028-0513-0241-000 (40 Acres) in the Town of Sumner in a proposed A-2 zone. This is in accordance with Sec. 11.04(f)7 of the Jefferson County Zoning Ordinance.

PETITIONER:

David Westrick (93 N Main Street, Fort Atkinson, WI 53538) reiterated what was presented in petition for the proposed A-2 zone. He added that on July 17th, 2019 the DNR conditionally approved the holding tank plans and explained how many specifications and regulations the project would require.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

QUESTIONS FROM COMMITTEE: Chairman Nass noted that the Township has veto power over the rezone, and encouraged the petitioners to take any new information or plans to the Town.

STAFF REPORT: Given by Zangl and in the file. Zangl noted that this petition would be bringing the current business operation into compliance. Zangl asked the petitioner the following questions:

- Number of employees? Weigand answered 4.
- Will there be any signs for the business? Jilek answered that they already have one.
- Outside storage? Weigand answered that everything will mainly be stored inside.
- Hours of operation? Jilek answered 8am-5pm Monday-Sunday except occasional emergencies.
- Outside lighting? Weigand answered yes, there is currently outside lighting.
- Will the public be coming on-site? Jilek answered that the only people that come to the property would be the DNR for audits.
- Will industrial waste be included? Cardinal explained that the DNR permit covers both approval for septage and industrial waste in one permit, but it is mainly for septage. He explained that industrial waste would include food grade waste.

TOWN: Denied 7-15-19. (See file for reasons).

Supervisor Jaeckel moved to adjourn at 8:00 p.m., and was seconded by Supervisor

Poulson. Motion passed 4-0 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 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

