

**MINUTES OF THE PUBLIC HEARING**  
**JEFFERSON COUNTY PLANNING AND ZONING COMMITTEE**

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

**SUBJECT:** Request for Conditional Use Permit by WE Energies  
**DATE:** Thursday, October 22, 2020  
**TIME:** 6:30 p.m.  
**PLACE:** Jefferson County Fair Park Activity Center, 503 N. Jackson Ave, Jefferson, WI **OR**  
Via Zoom Videoconference (Pre-registration required)

**PETITIONERS OR MEMBERS OF THE PUBLIC MAY ATTEND THE MEETING VIRTUALLY BY FOLLOWING THESE INSTRUCTIONS IF THEY CHOOSE NOT TO ATTEND IN PERSON:**

**You are invited to a Zoom meeting.**  
When: Oct 22, 2020 06:30 PM Central Time (US and Canada)  
**Register in advance for this meeting:**  
[https://zoom.us/meeting/register/tJclfumvrj0pG9c\\_zD7B5PKZ1w5flfHLQtm](https://zoom.us/meeting/register/tJclfumvrj0pG9c_zD7B5PKZ1w5flfHLQtm)

**Members of the public who wish to provide comments via Zoom MUST register by Thursday, October 22, 4:30 p.m.**

After registering, you will receive a confirmation email containing information about joining the meeting.

A public hearing on the below listed conditional use permit will take place on October 22, 2020 at the Jefferson County Fair Park. The applicant, WE Energies, will provide an explanation of the proposed use. Members of the public will be allowed to comment on the proposal. This meeting is only a public hearing, and a decision will not be made on the petition. A decision will be made on Wednesday, November 11 at 9:00 a.m. in the Fair Park Activity Center.

**Written comments will be accepted until Thursday October 22 at 4:30 p.m.**

Written comments can be addressed to:

Planning and Zoning Department, Room 201  
Jefferson County Courthouse  
Jefferson WI, 53549

**Order of Events:**

- 1. Call to Order**  
The meeting was called to order by Chairman Jaeckel at 6:30 p.m.
- 2. Roll Call**  
All members of the Committee except Supervisor Poulson were present. Also present were staff members Brett Scherer, Sarah Higgins, and Matt Zangl of the Zoning Department, Blair Ward from Corporation Council, and Ben Wehmeier, Jefferson County Administrator.
- 3. Certification of Compliance with Open Meetings Law**  
Zangl verified that the meeting was being held in compliance with Open Meetings Law.
- 4. Approval of Agenda**  
Motion by Supervisor Nass and seconded by Supervisor Zastrow to approve the agenda as presented. Motion passed 4-0 on a voice vote.
- 5. Explanation of Public Hearing Process by Committee Vice-Chairman Nass**

6. **Public Hearing**
  - a. **Presentation by WE Energies and others, as allowed by the Committee Chair**
  - b. **Public Comments via ZOOM**
  - c. **Public Comments by members of the public in person**

**Zangl read aloud the following notice:**

**NOTICE IS HEREBY GIVEN** that the Jefferson County Planning and Zoning Committee will conduct a public hearing on Thursday, October 22, 2020, at Jefferson County Fair Park Activity Center, 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.** The matter to be heard is an application for conditional use permit. 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.

### **CONDITIONAL USE PERMIT APPLICATION**

**CU2053-20 – WE Energies:** Conditional Use Permit filed by WE Energies for a Liquid Natural Gas (LNG) Facility (utility) in an A-1, Exclusive Agricultural zone. The facility will be located on 164.5 acres that will be owned by WE Energies. The footprint of the LNG Facility will be approximately 20 acres. The proposed facility will be located near the intersection of North Road and Triangle Road.

Current Property Owners:

<p>Dale A. and Jeanine A. Griebenow</p> <p>012-0816-1523-000 (40.51 ac)</p> <p>012-0816-1524-000 (20.06 ac)</p> <p>012-0816-1521-000 (33.38 ac)</p> <p>012-0816-1522-000 (40.95 ac)</p>	<p>Griebenow Dairy Farms LLC</p> <p>012-0816-1033-000 (40.00 ac)</p> <p>012-0816-1034-000 (40.00 ac)</p>
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**PETITIONER:**

- Rick O’Conor (Project Manager with WE Energies) – PowerPoint presented explaining the general details of the proposed project and facility
- Jane Newman-Ford (EPC Engineer with Burns and McDonnell, Kansas City, MO) – PowerPoint presented explaining LNG Safety Studies and Evaluations
- Sarah O’Dell (Project Engineer for Burns and McDonnell, Kansas City, MO) – PowerPoint presented explaining design of proposed facility and process flow
- Kate Phillips (Attorney for WI Gas) – PowerPoint presented explaining state statutes and farmland preservation conditions

**COMMENTS IN FAVOR:**

- Nathan Jurowiski (3841 W Wisconsin Ave, South Milwaukee, WI) – In favor for benefit to county for revenue sharing and better rates for residents during winter months; provide good paying jobs; long-time partner with companies in Wisconsin and provide jobs for employees
- John Bzdawka (8225 Milwaukee Ave, Wauwatosa, WI) – Member of IBEW and certified electrician; Discusses quality work of potential employees for this project; provides job opportunities for many
- Leo Sokolik (1311 S Arch St, Janesville, WI) – Member of Local 890; In favor for job potential for many employees; financial benefit to County and Town; great jobs for construction market; great economical gain; will not make a lot of smoke, noise, or smell; believe in design and professionalism of those that will be working on project

- Jim Foye (1438 N Stoughton Rd, Madison, WI) – Business Manager for Laborers’ Local 464; In favor for providing work to members of union; help provide significant opportunities and local jobs/members
- Dale Griebenow (N9235 Green Valley Rd, Watertown, WI) – Current owner of land for proposed project; will continue to farm land around proposed facility; added capacity to keep rates lower during winter months; wildlife will still roam land; no need to dig new pipelines; will meet all regulatory setbacks; trust safety of project
- Mike Higgins (1408 Meadowbrook Dr, Watertown, WI)– Member of Carpenters Union; In favor for reasons stated in letter that was sent to County Zoning office and included in the file; worked on project for facility in Oak Creek and believes in safety from WE Energies
- Carl Schumacher (W2112 T-Bar Ln) – In favor for reasons including opportunity for Township and County for revenue stream that will help with taxes
- Eric Olson (131 W Wilson St, #800, Madison, WI) – Atty representing Griebenow family; Explained natural gas pipelines; went over interpretation of A-1 zoning from Jefferson County Zoning Ordinance (pg 25); proposed facility fits bill of County Zoning Ordinance as it currently is

**COMMENTS OPPOSED:**

- Christa Westerberg (Pines Bach LLP, 122 W Washington Ave, Ste 900, Madison, WI) – Presented findings from a letter that was sent to County Zoning office and included in the file
- Tom Carey (N9162 North Rd, Ixonia) – PowerPoint presented regarding resident concerns including safety, wildlife and natural resources, home values and heritage, integrity and honesty
- Fred Millar, PhD (915 S Buchanan St, No 29, Arlington, VA) – Expert Witness; Presented findings from a letter that was sent to County Zoning office and included in the file; discussed possible scenarios/results of an explosion of a LNG facility and federal regulations required for a LNG facility
- Paul Washow (N8331 Cardinal Pass, Ixonia, WI) – Opposed due to feelings that town board did not listen to or take resident’s concerns into account; not safe or good – not opposed to project but opposed to location of project
- Dyan Pasono (N9071 Ridge Ln, Watertown, WI) – Opposed to facility ag nature inappropriate for farmland area; environmental and human risks
- Gina Wiedenhoft (N9145 Gopher Hill Rd, Ixonia, WI) – Opposed for reasons Dyan mentioned and believes it is morally incorrect; terrible project for location
- Steve Rasmussen (N9605 North Rd, Watertown, WI) – Opposed to facility being built on North Rd; not a good fit for the County for same reasons as previously mentioned earlier in the evening
- Sara Brehnan (N8048 Woody Ln, Ixonia, WI) – Opposed due to proximity to school and agree with those who spoke prior
- Joe Doherty (N7966 Preserve Park Dr, Ixonia, WI) – Opposed to project at location
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- Mary Rupnow (N9640 Marsh Rd, Ixonia, WI) – also a member of the Town of Ixonia Planning Commission which voted against granted conditional use permit; read into record a letter that was submitted to County Zoning office and included in the file; concerns regarding real estate values, limited capabilities of volunteer fire dept., and proximity of school; concerns regarding possible methane gas leaks in well water – comparison to LNG facility in Illinois; concerns regarding lack of communication and integrity of WE Energies

- Mary Schaefer (W1138 Hill Rd, Ixonia, WI) – lives directly adjacent to proposed facility in close proximity; concerns regarding keeping rural character of land, property value and flooding of proposed site
- Tiffany Carey (N9162 North Rd, Ixonia, WI) – Opposed due to fears of diminished value in property, incompatible use for area, and will not preserve character of community
- Tom Hagie (N8156 Woody Ln, Ixonia, WI) – Opposed for reasons previously stated; asks County to request additional information prior to approving/denying proposal
- Jessica Rupnow (W1179 Hill Rd, Ixonia, WI) – Opposed for concerns regarding decrease in property value by 25%, safety, the environment, and negative impact of Ixonia and surrounding community
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- Amy Rinard (N8960 Ridge Ln, Watertown, WI) – County Board Supervisor for District #9 where facility is being proposed; opposed due to concerns previously expressed; incompleteness of information and application; legal questions to be answered in regards to local ordinances and state statutes – not enough information for informed decision; joint development agreement is in draft form
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#### **REBUTTAL:**

- Phillips – Will submit formal reply to Atty Westerberg; explanation of meeting County’s Conditional Use Standards and definitions of pipeline and utility; also discussed meeting conditions under Sec. 11.07 of the Jefferson County Zoning Ordinance for height requirements
- Newman-Ford – Response to orange book brought up by Tom Carey and how it discusses transportation of LNG, not storage; fire chief experience concerns – will be trained to handle these type of emergencies if they occur; response to explosion example used by Mr. Millar – very different scenario; also response to concern of outdated guidelines updated in 2019 and would be following those guidelines
- O’Conor – Explanation of filled out floodplain paperwork and submittal to County along with engineer work; response to questions regarding property values - have not seen any decrease in property values close to other facilities; response to questions regarding stormwater – will have basin and will be designed in accordance with DNR requirements, will discharge into swail, will have stormwater permit; very comfortable with final design – two LNG facilities in operation today and would be very similar to those; emergency response WE Energies staff all fire trained and go to fire school in TX and ready to respond to any fire/emergency

#### **QUESTIONS FROM COMMITTEE:**

- Chairman Jaeckel – How big will this facility be in relation to the rest presented in pamphlet?
  - O’Conor - Will be 1 BCF; facility in Illinois is 2 BCF and one in Oak Creek is about a quarter in size
- Chairman Jaeckel – Does WE Energies have any numbers of how many homes in Ixonia area alone use natural gas and how many farms have grain drying systems – how many within jurisdiction of Town are on natural gas?
  - O’Conor - Total number of WE Energies Natural Gas customers in that area is 1500 and includes a little over 2400 parcels
- Supervisor Foelker – How many full-time jobs will be created?
  - O’Conor – 5 operating jobs; 150 jobs for construction; other jobs for dispatch and control room
- Supervisor Foelker - Life expectancy of plant?
  - O’Conor – 30-50 years
- Vice-Chairman Nass – What is a BCF?
  - O’Conor – Billion cubic feet
- Vice- Chairman Nass - What is tallest point?

- O’Conor – Tank will be highest and will be 150 ft tall
- Vice-Chairman Nass – Light pollution concerns? At other facilities have you filtered the lights?
  - O’Conor – Advanced lighting that is downward deflectional lighting, new LED lighting, compressor stations, some motion sensors
- Vice-Chairman Nass – Is there a need for special equipment for first responders if they had to respond to a call that would end up being taxpayer’s expense?
  - O’Conor – Any equipment required, WE Energies would provide and pay for the cost of that

**STAFF:** Given by Zangl and in the file. Zangl also listed off correspondence that was received prior to the meeting for members of the public who were either in favor or opposition of the proposed facility. All correspondence is included in the file. **See attached Staff Finding of Facts and Staff Notes dated 10-22-2020 for list of detailed questions presented by Zangl.**

- Zangl – Design and fire protection?
  - Sarah – Preliminary level designs have final equipment information, and after that they will have final site arrangements and layout, then can figure out details and get that final approval; fine details of project; not until they actually buy equipment can they get data from suppliers
- Zangl - Underline distribution?
  - O’Conor – Need for brining electric power to facility from Concord substation; did recently file for that route; all road right-of-way; no wetlands or waterways
  - Deb – senior environmental consultant – All waterways will be directionally drilled; all underground
- Zangl - fencing/screening?
  - O’Conor – Entire site would be fenced and would be landscaping plan for trees/shrubbery around entire facility
- Zangl - Intent of screening?
  - O’Conor – Soften impact of buildings and minimize view of them
- Zangl - Septic system – Ordinance prohibits a new holding tank without Committee approval
  - O’Conor – Will work with county on what’s most appropriate for site
- Zangl - Lighting plan? Neighbors affected?
  - O’Conor – Deflectors, no light exiting from site; will implement motion sensors

***Zangl gave a general explanation of Jefferson County’s Floodplain Ordinance***

- Zangl - Wetlands status for impacts?
  - O’Conor – will not be impacting any wetlands; one intermittent waterway that intersected property, but not navigable
- Zangl - How close will development be to wetland?
  - O’Conor – Fence line will be 100 ft from wetland
- Zangl - Sound study – is 51 decibels accurate?
  - O’Conor – Correct, sound study was done and filed with PSC did indicate they would be able to meet Jefferson County noise ordinance (allows up to 55 decibels)
- Zangl - Stormwater pond?
  - O’Conor – Permanent stormwater basin on-site and entire site will drain to that basin and will allow settlement of sediments and release slowly out to swail and then drain out to wetland; construction stormwater pond is a requirement and would be removed after construction – all DNR requirements and would need their approvals
- Zangl - Thought process behind size of tank and setbacks?
  - O’Conor – Setback for facility will be 300 ft off road to fenceline, setback from impoundment is over 1000 ft from road, sizing of tank is driven by need and area (1 BCF) by gas forecasting people – will be reviewed by PSC
- Zangl - Safety of tank with bullets, debris, etc?

- O’Conor – Tank is double walled lined tank inner tank is 9% nickel, outer is carbon steel, 5/8” thick, bullets would have difficult time penetrating tanks – 3 ft gap between inside and outside; no issues at other facilities with bullets; LNG is very cold liquid and not flammable or explosive sitting in tank
- Zangl – Possibilities of a leak? Outcome?
  - O’Conor – Would evaporate and go into atmosphere like methane
- Zangl - Selection process of site?
  - O’Conor – Looked at site at Hwy P and Concord Power Plant – several other discussions; as close to Ixonia lateral and Guardian Gate Station as possible and Griebenow’s had a site that was large enough to accommodate setbacks and were willing to sell and already had lateral going through property, making it ideal; other sites drawbacks were distance to lateral – would need 3-7 mi lateral and could have significant environmental impacts with a lateral that long

**TOWN:** In favor and minutes included in the file.

**Motion by Supervisor Foelker and seconded by Supervisor Zastrow at 9:53 p.m.**

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

A handwritten signature in black ink, appearing to read 'Sarah Higgins', with a long horizontal line extending to the right.

**Supervisor Poulson, Planning & Zoning Committee Secretary**

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- Vice- Chairman Nass - What is tallest point?

- O’Conor – Tank will be highest and will be 150 ft tall
- Vice-Chairman Nass – Light pollution concerns? At other facilities have you filtered the lights?
  - O’Conor – Advanced lighting that is downward deflectional lighting, new LED lighting, compressor stations, some motion sensors
- Vice-Chairman Nass – Is there a need for special equipment for first responders if they had to respond to a call that would end up being taxpayer’s expense?
  - O’Conor – Any equipment required, WE Energies would provide and pay for the cost of that

**STAFF:** Given by Zangl and in the file. Zangl also listed off correspondence that was received prior to the meeting for members of the public who were either in favor or opposition of the proposed facility. All correspondence is included in the file. **See attached Staff Finding of Facts and Staff Notes dated 10-22-2020 for list of detailed questions presented by Zangl.**

- Zangl – Design and fire protection?
  - Sarah – Preliminary level designs have final equipment information, and after that they will have final site arrangements and layout, then can figure out details and get that final approval; fine details of project; not until they actually buy equipment can they get data from suppliers
- Zangl - Underline distribution?
  - O’Conor – Need for brining electric power to facility from Concord substation; did recently file for that route; all road right-of-way; no wetlands or waterways
  - Deb – senior environmental consultant – All waterways will be directionally drilled; all underground
- Zangl - fencing/screening?
  - O’Conor – Entire site would be fenced and would be landscaping plan for trees/shrubbery around entire facility
- Zangl - Intent of screening?
  - O’Conor – Soften impact of buildings and minimize view of them
- Zangl - Septic system – Ordinance prohibits a new holding tank without Committee approval
  - O’Conor – Will work with county on what’s most appropriate for site
- Zangl - Lighting plan? Neighbors affected?
  - O’Conor – Deflectors, no light exiting from site; will implement motion sensors

***Zangl gave a general explanation of Jefferson County’s Floodplain Ordinance***

- Zangl - Wetlands status for impacts?
  - O’Conor – will not be impacting any wetlands; one intermittent waterway that intersected property, but not navigable
- Zangl - How close will development be to wetland?
  - O’Conor – Fence line will be 100 ft from wetland
- Zangl - Sound study – is 51 decibels accurate?
  - O’Conor – Correct, sound study was done and filed with PSC did indicate they would be able to meet Jefferson County noise ordinance (allows up to 55 decibels)
- Zangl - Stormwater pond?
  - O’Conor – Permanent stormwater basin on-site and entire site will drain to that basin and will allow settlement of sediments and release slowly out to swail and then drain out to wetland; construction stormwater pond is a requirement and would be removed after construction – all DNR requirements and would need their approvals
- Zangl - Thought process behind size of tank and setbacks?
  - O’Conor – Setback for facility will be 300 ft off road to fenceline, setback from impoundment is over 1000 ft from road, sizing of tank is driven by need and area (1 BCF) by gas forecasting people – will be reviewed by PSC
- Zangl - Safety of tank with bullets, debris, etc?

