

**MINUTES OF THE  
JEFFERSON COUNTY PLANNING AND ZONING COMMITTEE  
DECISION MEETING**

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

**SUBJECT:** Planning and Zoning Committee Decision Meeting  
**DATE:** November 11, 2020  
**TIME:** Beginning at 9:00 a.m.  
**PLACE:** **Room 205 of the Jefferson County Courthouse, 311 S. Center Ave, Jefferson, WI**  
**OR Via Zoom Videoconference**

**YOU MAY ATTEND VIRTUALLY BY FOLLOWING THESE INSTRUCTIONS:**

Register in advance for this meeting:

<https://zoom.us/meeting/register/tJwkduqoqDlrHNcMRLkpHQNY8GvuAxWSNlzL>

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

**1. Call to Order**

The meeting was called to order by Chairman Jaeckel at 9 a.m.

**2. Roll Call (Establish a Quorum)**

Supervisors Jaeckel, Foelker, Poulson, Zastrow and Nass were in attendance. Also in attendance were staff members Ben Wehmeier, Blair Ward, Matt Zangl, Sarah Higgins, Deb Magritz and Brett Scherer. Guests present in person were Kate Phillips, Jennifer Zierer, Renee Bowerman, James Barry, Jeanine Griebenow, Joel Griebenow, Ronald Griebenow, Mary Schaeffer, Bill Burki, Rick O’Conor, Michelle E Martin, Jessica Rupnow, Mary Rupnow, Susan Stanley and Irvin Stanley. Guests registered via Zoom included Amy Rinard, Catherine Mentzer, Christa Westerberg, David Beyerle, Sandra Mackyol, Frankie Fuller, Liz Steuber, Jenny Mentzer, Joe Doherty, Steve Krelwitz, Kelly Bratz, Carla Beckley, Tiffany Carey, Stephen Rasmussen, Bill Lensmire, Katie Smith, Sean Eaton, Sheryl Gahagan, Mike Kelly, Nancy Zastrow, Jessica Rupnow, Sarana Stolar, James Barry, Brendan Conway, Gina Wiedenhoef and Lorna Gartzke.

**3. Certification of Compliance with Open Meetings Law**

Poulson verified that the meeting was held in compliance with Open Meetings.

**4. Approval of the Agenda**

No changes were proposed to the agenda.

**5. Public Comment (Not to exceed 15 minutes and not to include the petition slated for decision. Members of the public who wish to address the Committee on specific agenda items must register their request at this time)**

Supervisor Jaeckel expressed his appreciation for all the veterans in attendance today, including Wehmeier and Ward.

**6. Communications**

There were no communications.

**7. Discussion and Possible Action on a Petition Presented in Public Hearing on October 22, 2020**

**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:**

Dale A. and Jeanine A. Griebenow  
012-0816-1523-000 (40.51 ac)

Griebenow Dairy Farms LLC  
012-0816-1033-000 (40.00 ac)

012-0816-1524-000 (20.06 ac)  
012-0816-1521-000 (33.38 ac)  
012-0816-1522-000 (40.95 ac)

012-0816-1034-000 (40.00 ac)

Zangl explained the purpose of this meeting. He noted that correspondence dated November 6 and November 11 from WE Energies and correspondence dated November 10 from Pines Bach was sent to the Planning and Zoning Committee. Environmental analysis documents including an environmental analysis determination has been entered into the PSC record. Town Board minutes were provided, showing Town approval on September 14. A letter from Katie Smith which was sent prior to public hearing but not received prior to hearing was included. A two-page summary was given to the Planning and Zoning Committee, and Zangl detailed that document. The Committee began its review.

In order for the Committee to approval the petition, the Committee must find the proposal meets the requirements of 91.46(4) and the County Zoning Ordinance.

Conditional Use Permit for a Utility in an A-1 Zone (91.46(4))

- Conditional Use: Transportation, communication, pipeline, electrical transmission, utility, or drainage use that qualifies under §91.46(4) of the Wisconsin Statutes.
- §91.46(4) A transportation, communications, pipeline, electric transmission, utility, or drainage use qualifies for the purposes of sub. (1) (f) if the political subdivision determines that all of the following apply:
  - (a) The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.

**RESPONSE: The Committee determined that the proposed use met the definition of a pipeline or utility. The proposed use and its location is consistent with the purposes of the farmland preservation zoning district because it minimizes non-agricultural development for the rest of the property. Twenty-five acres would be taken out of production; the rest of the acreage can be farmed.**

- (b) The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.

**RESPONSE: The proposed use is adjacent to the existing pipeline in the area. The proposed use and location in the farmland preservation zoning district are reasonable and appropriate considering alternative locations. The petitioner considered other locations and determined this location to be the most suitable.**

- (c) The use is reasonably designed to minimize conversion of land, at and around the site of the use, from agricultural use or open space use.

**RESPONSE: The design minimizes the loss of agricultural land. The remaining A-1 zoned land will continue to be used for agricultural purposes.**

- (d) The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

**RESPONSE: The remaining acreage (appx. 140 acres) that is not built upon could be leased and used for agricultural use.**

- (e) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

**RESPONSE: As proposed, construction damage will be minimal. A list of applicable stipulations is included in the joint developer's agreement and will be addressed by the petitioner.**

Zoning Ordinance and Wis. Stat. (59.69 (5e))

11.05(a)2: Review. The Committee shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed operation. Conditional uses shall be reviewed to be consistent with the Agricultural Preservation and Land Use Plan.

**RESPONSE: The Planning and Zoning Committee visited the site, and reviewed the submitted materials.**

11.05(a)6 Compliance with all other provisions of this Ordinance, such as lot width and area, yards, height, parking, loading, traffic, highway access and performance standards, shall be required of all conditional uses.

**RESPONSE: The application provided information regarding each of the listed categories. The proposal includes a minimal area to which the Shoreland Ordinance applies. The Floodplain Ordinance has been addressed by the petitioner by applying for a Zoning and Land Use Permit. Staff believe that the proposal complies with all other provisions of the Ordinance.**

11.05(a) 3. Approval or Denial (Wis. Stat. 56.69 (5e))

a. If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions imposed by the County Planning and Zoning Committee, the County shall grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence

**RESPONSE: The Jefferson County Corporation Counsel explained that State law requires findings be based on substantial evidence and explained the definition of substantial evidence.**

b. The requirements and conditions described under 3.a. above must be reasonable and, to the extent practicable, measurable and may include conditions such as the permits duration, transfer or renewal. The applicant must demonstrate that the application and all requirements and conditions established by the county relating to the conditional use permit are or shall be satisfied, both of which must be supported by substantial evidence

**RESPONSE: The Director of Planning and Zoning confirmed that the Office had received a complete application for conditional use, signed on July 7, 2020. The applicant submitted the appropriate fee. Town approval of September 14, 2020 was also received.**

If approved, the Committee must address each of the following conditions and determine if a condition shall be imposed, if the condition category is not applicable, etc. (11.05(a)5):

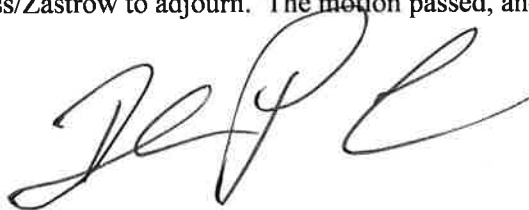
- Permit duration – **No time limit is imposed; however, the facility must be removed if its intended use is discontinued. If the buildings are proposed to be re-used after the life of the project, then approval will be required for the new use.**
- Landscaping – **A landscaping plan is included in the application; no additional requirements.**
- Architectural Design – **Architectural design is included in the application; no additional requirements.**
- Type of Construction – **The type of construction is in the application; no additional requirements.**
- Construction commencement and completion dates – **Construction dates are in the application and discussed during the public hearing; no additional requirements.**
- Sureties - **Sureties will be addressed in the Joint Developer's Agreement. The requirements for bonding will be addressed in the Joint Developer's Agreement.**
- Lighting – **A lighting plan was discussed in public hearing and shown in the application. Additionally, there shall be minimal lighting to be used.**
- Fencing – **Fencing shall be as proposed in the application.**
- Screening – **Six-foot-high evergreen and shade trees are proposed and shall be planted; no additional requirements.**
- Operation control – **Operation control shall be as detailed in the application and in public hearing.**
- Hours of operation – **Hours of operation will be 24 hours per day, 7 days per week.**
- Improved traffic circulation- **The applicant shall work with the Town for improved traffic circulation.**
- Deed restrictions – **No deed restrictions are applicable to this project.**

- Highway access restrictions – **Highway access restrictions shall be covered in the Joint Developer’s Agreement; it was noted that the proposal is on a Town road.**
- Increased yards (setbacks) – **The proposal must meet State and Federal setback requirements and all County Zoning setback requirements.**
- Parking requirements – **No additional requirements.**
- Any other conditions necessary to fulfill the purposed and intent of the Ordinance:
  - **A floodplain permit must be obtained from the Zoning Department**
  - **There shall be no residential development on the remaining 165 acres zoned A-1**
  - **Execution of a Joint Developer’s Agreement between WE Energies, Town of Ixonia and Jefferson County**
  - **A Certificate of Authority (or other approval as necessary) shall be obtained from the Public Service Commission of Wisconsin**
  - **It is noted that the Conditional Use Permit is approved as presented in the complete application, public hearing on October 22, 2020 and all supporting information on file in the Jefferson County Planning and Zoning Department.**

Motion by Supervisors Foelker/Nass to approve the conditional use with the testimony presented in public hearing and now on file in Zoning. Motion passed 4-1, with Supervisor Zastrow opposed.

Motion by Supervisors Nass/Zastrow to adjourn. The motion passed, and the meeting adjourned at 10:10 a.m.

Blane Poulson, Secretary

A handwritten signature in black ink, appearing to read 'Blane Poulson', is written over the printed name of the secretary.