

AGENDA
JEFFERSON COUNTY PLANNING AND ZONING COMMITTEE
DECISION MEETING

George Jaeckel, Chair; Steve Nass, Vice-Chair; Blane Poulson, Secretary; Matt Foelker, Cassie Richardson

SUBJECT: Planning and Zoning Committee Decision Meeting
DATE: Monday, April 24, 2023
TIME: 8:30 a.m.
PLACE: County Highway Department Committee Room, 1425 Wisconsin Drive, Jefferson, WI

YOU MAY ATTEND VIRTUALLY BY FOLLOWING THESE INSTRUCTIONS:

Register in advance for this meeting:

https://zoom.us/join/zoom/register/tJEkf--hpi4pHd2y7-u8i9MUTAbnqMB_1Qxy

Meeting ID: 959 8698 5379

Passcode: Zoning

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

1. Call to Order
2. Roll Call (Establish a Quorum)
3. Certification of Compliance with Open Meetings Law
4. Approval of the Agenda
5. 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)
6. Approval of March 16, March 27, April 14 and April 20 Meeting Minutes
7. Communications
 - a. Defend Town Plans, et al v. Jefferson County Board of Supervisors Petitioners Brief on Certiorari Review
 - b. Shoreland Revisions to the Jefferson County Zoning Ordinance
8. March Monthly Financial Report for Register of Deeds – Staci Hoffman
9. March Monthly Financial Report for Land Information Office-Matt Zangl
10. April Monthly Financial Report for Zoning – Matt Zangl
11. Discussion on Solar Energy Facilities
 - a. Crawfish River Solar
 - b. Badger State River
12. Discussion on WE Energies Liquefied Natural Gas (LNG) Facility in the Town of Ixonia
13. Discussion on Air, Surface Water, Groundwater, and Health Concerns Relating to Animal Operations and their Regulation
 - a. Erosion Control and Stormwater Management Ordinances
14. Discussion and Possible Action on Amending the Zoning Ordinance to Incorporate Solar Regulations
15. Discussion and Possible Action on Outside Storage Permit in the Ixonia Industrial Park:
 - a. LRS/Badgerland Disposal - W1223 Linden Road, PIN 012-0816-2723-004 Owned by Linden Road LLC
16. Discussion and Possible Action on extending the one year time limit of R4345A-21 for Richard and Joann Gimler at N8728 & N8728A, PIN 032-0815-1324-000
17. Discussion and Possible Action on amending CU2064-21 for Brian and Tina Buth to Allow the Extensive Onsite Storage Structure to be Attached to the Existing Detached Garage at W9627 Bridge Street
18. Discussion and Possible Action on Petition R4459A-23 for Felix and Bonnie Jarczyk, Presented in Public Hearing on March 16, 2023 and Subsequently Postponed on March 27, 2023
19. Discussion and Possible Action on Oakland Hills Subdivision in the Town of Oakland near N4510 County Road A owned by John and Anne Didion
20. Discussion and Possible Action on Petitions Presented in Public Hearing on April 20:

R4460A-23 & CU2081-23 – Jeffrey & Debra Boos: Rezone all of PIN 010-0615-3123-002 (4.743 ac) with conditional use to allow for a lawn care business at **W4842 State Road 106**, Town of Hebron. This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

R4461A-23 – Mike Walter/Michael R & Sarah S Walter Trust Property: Create a 2.161-ac building site at the west end of **Spruce Drive** from PIN 008-0715-0612-000 (44.16 ac), Town of Farmington. This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

R4462A-23 – Gerald & Pamela Drewiek: Rezone PIN 010-0615-2213-000 (1.722 ac) at **N3573 Haas Road**, Town of Hebron to combine it with the adjoining existing A-3 zone at N3577 Haas Road. This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

R4463A-23 – Nathan & Leah Holland: Create a 4-ac lot around the home at **N4753 Paradise Road**, Town of Jefferson from part of PIN 014-0615-0413-000 (38.55 ac). This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

CU2082-23 – Michael & Heidi Roehl: Allow an addition to an existing detached garage resulting in an extensive on-site storage structure at **N5031 Aztalan Ct**, Town of Aztalan on PIN 002-0714-3531-037 (0.721 ac) in a Residential R-2 zone. This is in accordance with Sec. 11.04(f)2 of the Jefferson County Zoning Ordinance.

CU2083-23 – Russell R Walton: Allow renewal of CU1681-11 and CU1719-12, conditional uses for non-metallic mining and crushing of concrete and asphalt at **W3978 County Rd U**, Town of Cold Spring. The site is on PIN 004-0515-2834-000 (35.84 ac) and is zoned A-1, Exclusive Agricultural. This is in accordance with Sec. 11.04(f)6 and 11.05(c) of the Jefferson County Zoning Ordinance.

CU2084-23 – Jaeckel Land LLC & JGB Land Inc: Allow renewal of CU1730-13, a conditional use for non-metallic mining at **W4414 Lower Hebron Rd**, Town of Hebron. The site is on PINs 010-0515-0531-000 (20 ac) owned by Jaeckel Land LLC and 010-0515-0532-000 (16.68 ac) owned by JGB Land Inc, both zoned A-1, Exclusive Agricultural. This is in accordance with Sec. 11.04(f)6 and 11.05(c) of the Jefferson County Zoning Ordinance.

CU2085-23 – Joseph Topel: Allow revision of CU1506-08 to add a new building for the tree service business at **W6631 County Road A**, Town of Milford. The site is part of PIN 020-0714-0543-001 (1.751 ac) and is zoned A-2, Agricultural and Rural Business. This is in accordance with Sec. 11.04(f)7 of the Jefferson County Zoning Ordinance.

CU2086-23 – Steven M Sterwald/SJS Sand & Gravel LLC Property: Allow renewal of CU1728-13, a conditional use for non-metallic mining at **W8399 Lenius Ln**, Town of Waterloo. The site is on PIN 030-0813-2234-000 (40.103 ac) zoned A-1 Exclusive Agricultural. This is in accordance with Sec. 11.04(f)6 of the Jefferson County Zoning Ordinance.

CU2087-23 – Benjamin & Maureen Lawrenz: Allow an extensive on-site storage structure, 1,320 square feet in area and 18.5 feet in height in a Residential R-2 zone at **N9659 Pleasant Heights Circle**. The site is on PIN 032-0815-0212-023 (1.569 ac) in the Town of Watertown. This is in accordance with Sec. 11.04(f)2 of the Jefferson County Zoning Ordinance.

21. Convene in closed session pursuant to section 19.85 (1)(g) Wis. Stats. to confer with legal counsel concerning strategy to be adopted by Jefferson County with respect to litigation in which it is involved for the purpose of discussion on Town Plans, et al. v. Jefferson County Board of Supervisors
22. Reconvene in open session for action on closed session items if necessary
23. Possible Future Agenda Items

24. Upcoming Meeting Dates
 - May 12, 8:00 a.m. - Site Inspections Beginning at Woolen Mills, 222 Wisconsin Drive
 - May 18, 7:00 p.m. - Public Hearing in Highway Department Committee Room, 1425 Wisconsin Dr
 - May 22, 8:30 a.m. - Decision Meeting Highway Department Committee Room, 1425 Wisconsin Dr
 - June 9, 8:00 a.m. - Site Inspections Beginning at Woolen Mills, 222 Wisconsin Drive
 - June 15, 7:00 p.m. - Public Hearing in Highway Department Committee Room, 1425 Wisconsin Dr
 - June 26, 8:30 a.m. - Decision Meeting Highway Department Committee Room, 1425 Wisconsin Dr

24. Adjourn

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 at 222 Wisconsin Drive 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.

AGENDA
JEFFERSON COUNTY PLANNING AND ZONING COMMITTEE
DECISION MEETING

George Jaeckel, Chair; Steve Nass, Vice-Chair; Blane Poulson, Secretary; Matt Foelker, Cassie Richardson

SUBJECT: Planning and Zoning Committee Decision Meeting
DATE: Monday, March 27, 2023
TIME: 8:30 a.m.
PLACE: County Highway Department Committee Room, 1425 Wisconsin Drive, Jefferson, WI

YOU MAY ATTEND VIRTUALLY BY FOLLOWING THESE INSTRUCTIONS:

Register in advance for this meeting:

https://zoom.us/join/zoom/register/tJEkf--hpi4pHd2y7-u8i9MUTAbnqMB_1Qxy

Meeting ID: 959 8698 5379

Passcode: Zoning

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 Supervisor Jaeckel at 8:30 a.m.

2. Roll Call (Establish a Quorum)

Supervisors present at 8:30 a.m. were Jaeckel, Foelker and Poulson.

Also present were Supervisor Anita Martin, Register of Deeds Staci Hoffman, Land and Water Conservation Department Director Patricia Cicero and Zoning staff members Sarah Elsner, Brett Scherer and Deb Magritz.

Attending via ZOOM were Zoning Department Director Matt Zangl, Felix Jarzyk, Lianna Spencer and Attorney Max Meier.

3. Certification of Compliance with Open Meetings Law

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

4. Approval of the Agenda

Supervisor Poulson asked that Petition R4459A-23 from agenda item 16 be moved up on the agenda to immediately follow 7. Communications. Motion by Supervisors Poulson/Foelker to approve the request, and the motion passed 3-0.

5. 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)

Supervisor Martin asked if a solar energy development report could be presented to County Board annually.

Supervisor Martin asked if Gryphon Environmental technology was going to be put in place on the Nature Link State Road 89 chicken farm and if there was any information on the success of that technology in other locations.

Supervisor Martin also asked about whether headland stacking of chicken manure was part of what was going to be done at the Nature Link State Road 89 facility

Corporation Counsel Blair Ward and Supervisor Steve Nass arrived at 8:39 a.m.

6. Approval of February 27, March 10 and March 16 Meeting Minutes

Motion by Supervisors Poulson/Foelker to approve the February 27 minutes as presented. Motion passed 4-0.

Motion by Supervisors Poulson/Foelker to approve the March 10 minutes as presented. Motion passed 4-0.

The March 16 minutes were not available.

7. Communications

There were no communications.

The Committee moved to 16. Discussion and Possible Action on Petitions Presented in Public Hearing on March 16, 2023 and specifically R4459A-23 – Felix & Bonnie Jarczyk: Create a 1-ac building site from part of PIN 022-0613-1833-001 (35.98 ac) on **Rucks Rd**, Town of Oakland. This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

Corporation Counsel Blair Ward spoke, giving the history of the property and his opinion on the request for rezoning. Discussion ensued. Motion by Supervisors Nass/Poulson to postpone action on the matter. Motion passed 4-0.

Supervisor Poulson left the meeting.

8. February Monthly Financial Report for Register of Deeds – Staci Hoffman

Hoffman reported that recordings are slow, but her staff has been back indexing and will have 1959 records completed by the end of the month.

9. February Monthly Financial Report for Land Information Office-Matt Zangl

Zangl reported that there have been good map sales in the Land Information Office, but monies derived from recordings and retained fees are down.

10. March Monthly Financial Report for Zoning – Matt Zangl

February was a good month, Zangl said, but March is behind, perhaps due to the weather.

11. Discussion on Solar Energy Facilities

There has been little communication from Badger State Solar.

Crawfish River Solar has been bringing in and testing equipment online.

12. Discussion on WE Energies Liquefied Natural Gas (LNG) Facility in the Town of Ixonia

Zangl shared that half of the inner tank is complete, but the facility will not be ready for use by winter of 2023/2024. Some residents have requested funds for landscape screening.

13. Discussion on Air, Surface Water, Groundwater, and Health Concerns Relating to Animal Operations and their Regulation

Zangl noted that we are hoping to get the majority of work done in 2023, possibly getting it ready for County Board in early 2024.

14. Discussion and Possible Action on Amending the Zoning Ordinance to Incorporate Solar Regulations

Zangl stated that we are still adding some regulations. There is still a question about where the size threshold should be.

15. Discussion and Possible Action on Renewal of the 2019 Amendment to CU1674-11 for a Manure Storage Structure and Applicable Transfers at Nature Link Farms. The site is at N5358 State Road 89 in the Town of Aztalan, on PIN 002-0714-3043-001, and is owned by Dean's Eggs Inc.

A roll call was taken, with Supervisors Jaekel Nass and Foelker all present. A minor change is proposed for the manure storage structure and transfer equipment. They did not complete what was proposed in 2019. Patricia Cicero, Director of Land and Water Conservation explained that they met state standards in 2019, and no new

construction is proposed. Motion by Supervisors Nass/Foelker to approve the renewal. Roll call vote was taken with Supervisors Jaeckel, Nass and Foelker in favor.

16. Discussion and Possible Action on Petitions Presented in Public Hearing on March 16, 2023:

APPROVE WITH CONDITIONS R4458A-23 – Austin Naber/Charles & Cathy Naber Property on a motion by Supervisors Nass/Foelker to create a 1.38-ac building site from part of PINs 016-0514-3134-000 (38 ac) and 016-0514-3133-000 (33.76 ac) near **W7170 County Line Rd**, Town of Koshkonong. This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance. R4458A-23 – Austin Naber/Charles & Cathy Naber Property. Motion passed 3-0.

APPROVE WITH CONDITIONS CU2080-23 – Peter Gailloreto on a motion by Supervisors Jaeckel/Nass for conditional use to sanction duplex use in an A-3 zone at **W3456 State Road 59**, Town of Cold Spring, on PIN 004-0515-2743-009 (2.64 ac). This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance. Motion passed 3-0.

17. Possible Future Agenda Items

Discussion on Possible Plan Amendment

18. Upcoming Meeting Dates

April 14, 8:00 a.m. - Site Inspections Beginning at Woolen Mills, 222 Wisconsin Drive

April 20, 7:00 p.m. - Public Hearing in Highway Department Committee Room, 1425 Wisconsin Dr

April 24, 8:30 a.m. - Decision Meeting Highway Department Committee Room, 1425 Wisconsin Dr

May 12, 8:00 a.m. - Site Inspections Beginning at Woolen Mills, 222 Wisconsin Drive

May 18, 7:00 p.m. - Public Hearing in Highway Department Committee Room, 1425 Wisconsin Dr

May 22,???? 8:30 a.m. - Decision Meeting Highway Department Committee Room, 1425 Wisconsin Dr

19. Adjourn

Motion by Supervisors Foelker/Jaeckel to adjourn. Motion passed 3-0, and the meeting adjourned at 9:12 a.m.

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 at 222 Wisconsin Drive 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.jeffersoncountywisc.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.

AGENDA
JEFFERSON COUNTY PLANNING AND ZONING COMMITTEE
SITE INSPECTIONS

George Jaeckel, Chair; Steve Nass, Vice-Chair; Blane Poulson, Secretary; Matt Foelker, Cassie Richardson

SUBJECT: Planning and Zoning Committee Site Inspections
DATE: April 14, 2023
TIME: 8:00 a.m.
PLACE: Woolen Mills, 222 Wisconsin Drive, Jefferson, WI

1. **Call to Order**
The meeting was called to order by Supervisor Jaeckel at 8 a.m.
2. **Roll Call (Establish a Quorum)**
Supervisors Jaeckel, Poulson, Foelker and Nass were present. Supervisor Richardson was not in the building but will meet them at the van.
3. **Certification of Compliance with Open Meetings Law**
Supervisor Poulson verified compliance with Open Meeting Law.
4. **Approval of the Agenda**
Motion by Supervisors Nass/Poulson to approve the agenda.
5. **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. **Communications**
There were no communications.
7. **Site Inspections for Petitions to be Presented in Public Hearing on April 20, 2023:**
The Committee left at 8:03 for the following site inspections:

CU2082-23 – Michael & Heidi Roehl: Allow an addition to an existing detached garage resulting in an extensive on-site storage structure at **N5031 Aztalan Ct**, Town of Aztalan on PIN 002-0714-3531-037 (0.721 ac) in a Residential R-2 zone. This is in accordance with Sec. 11.04(f)2 of the Jefferson County Zoning Ordinance.

CU2085-23 – Joseph Topel: Allow revision of CU1506-08 to add a new building for the tree service business at **W6631 County Road A**, Town of Milford. The site is part of PIN 020-0714-0543-001 (1.751 ac) and is zoned A-2, Agricultural and Rural Business. This is in accordance with Sec. 11.04(f)7 of the Jefferson County Zoning Ordinance.

CU2086-23 – Steven M Sterwald/SJS Sand & Gravel LLC Property: Allow renewal of CU1728-13, a conditional use for non-metallic mining at **W8399 Lenius Ln**, Town of Waterloo. The site is on PIN 030-0813-2234-000 (40.103 ac) zoned A-1 Exclusive Agricultural. This is in accordance with Sec. 11.04(f)6 of the Jefferson County Zoning Ordinance.

CU2087-23 – Benjamin & Maureen Lawrenz: Allow an extensive on-site storage structure, 1,320 square feet in area and 18.5 feet in height in a Residential R-2 zone at **N9659 Pleasant Heights Circle**. The site is on PIN 032-0815-0212-023 (1.569 ac) in the Town of Watertown. This is in accordance with Sec. 11.04(f)2 of the Jefferson County Zoning Ordinance.

R4461A-23 – Mike Walter/Michael R & Sarah S Walter Trust Property: Create a 2.161-ac building site at the west end of **Spruce Drive** from PIN 008-0715-0612-000 (44.16 ac), Town of Farmington. This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

R4463A-23 – Nathan & Leah Holland: Create a 4-ac lot around the home at **N4753 Paradise Road**, Town of Jefferson from part of PIN 014-0615-0413-000 (38.55 ac). This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

R4462A-23 – Gerald & Pamela Drewek: Rezone PIN 010-0615-2213-000 (1.722 ac) at **N3573 Haas Road**, Town of Hebron to combine it with the adjoining existing A-3 zone at N3577 Haas Road. This is in accordance with Sec, 11.04(f)8 of the Jefferson County Zoning Ordinance.

R4460A-23 & CU2081-23 – Jeffrey & Debra Boos: Rezone all of PIN 010-0615-3123-002 (4.743 ac) with conditional use to allow for a lawn care business at **W4842 State Road 106**, Town of Hebron. This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

CU2084-23 – Jaeckel Land LLC & JGB Land Inc: Allow renewal of CU1730-13, a conditional use for non-metallic mining at **W4414 Lower Hebron Rd**, Town of Hebron. The site is on PINs 010-0515-0531-000 (20 ac) owned by Jaeckel Land LLC and 010-0515-0532-000 (16.68 ac) owned by JGB Land Inc, both zoned A-1, Exclusive Agricultural. This is in accordance with Sec. 11.04(f)6 and 11.05(c) of the Jefferson County Zoning Ordinance.

CU2083-23 – Russell R Walton: Allow renewal of CU1681-11 and CU1719-12, conditional uses for non-metallic mining and crushing of concrete and asphalt at **W3978 County Rd U**, Town of Cold Spring. The site is on PIN 004-0515-2834-000 (35.84 ac) and is zoned A-1, Exclusive Agricultural. This is in accordance with Sec. 11.04(f)6 and 11.05(c) of the Jefferson County Zoning Ordinance.

8. Adjourn

Motion by Supervisors Poulson/Jaeckel to adjourn the meeting. Motion passed and the meeting adjourned at 11:05 a.m.

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.jeffersoncountvwi.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 920-574-7101 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.

FILED
03-31-2023
Clerk of Circuit Court
Cindy R. Hamre Incha
2022CV000334

STATE OF WISCONSIN

CIRCUIT COURT

JEFFERSON COUNTY

DEFEND TOWN PLANS, U.A., et al.

Petitioners,

Case No. 2022-CV-334

v.

30955: Petition for Writ of Certiorari

JEFFERSON COUNTY
BOARD OF SUPERVISORS,

Respondent.

PETITIONERS' APPENDIX

TABLE OF CONTENTS

	<u>Page</u>
1. Town of Concord Comprehensive Land Use Plan.....	1-4
2. Jefferson County Agricultural Preservation and Land Use Plan.....	5-11
3. Respondents Exhibit #6a Petition to Amend Zoning Ordinance.....	12
4. Respondents Exhibit #10 Finding Of Fact.....	13
5. Respondents Exhibit #13 Decision Meeting Excerpt 02-28-2022.....	14-21
6. Respondents Exhibit #14 Decision Meeting Excerpt 03-28-2022.....	22-30
7. Respondents Exhibit #18 Zoning Report & Ordinance.....	31-32
8. Respondents Exhibit #19 4-19-22 Cty Board Meeting Transcript.....	33-48

Town of Concord

Comprehensive Land Use Plan



2009



2. There is the potential for annexation of town land by neighboring communities. Avenues that the Town may use to address this issue include the use of boundary agreements, conservation easements, and purchase of development rights.
3. The City of Oconomowoc and the Village of Sullivan currently exercise extraterritorial plat review in portions of the Town of Concord (*see map 3, Appendix A*).
4. The proximity of Concord to the intense growth areas of Oconomowoc, Summit, and Johnson Creek presents unique challenges to the Town in its efforts to maintain the open space desired by the majority of Town residents and agriculture as the primary land use.
5. While the passage of Interstate 94 through the Town with a four-way interchange at CTH F provides residents with easy access to the large metropolitan areas of Milwaukee and Madison, it also has a significant influence on the Town in terms of traffic volumes and development pressures primarily from the east.
6. The State is proposing a park-and-ride lot at the I-94 / CTH F interchange on a piece of state-owned property on the northeast corner of the interchange between CTH-B and the westbound off-ramp at CTH F. This proposal was rejected by the Town Board in March 2004 and again in October 2008. Objections were that the Town would have had the responsibility and cost of maintaining the park-and-ride lot. The proposal is still in place, but the State cannot go forward with the project without a maintenance agreement in place. Citizen response to a questionnaire in November 2008 indicated that 59 percent of respondents do not support the creation of a park-and-ride lot in the Town under any circumstances. An additional 22 percent would support the proposal only if there was no cost or responsibility for the Town.
7. The "I-94 Corridor" and the I-94 / CTH F interchange present areas that may attract business development or more concentrated residential development. The overwhelming majority of citizen input prior to and throughout the planning process has been against development of this area or rezoning of this area to accommodate increased residential or business development.
8. The Town of Concord has one rural hamlet area that was defined by the 1999 *Jefferson County Agricultural Preservation and Land Use Plan*. Limiting future business development to this hamlet will help to cluster such development and limit its impact on rural residential and agricultural land uses.
9. There is concern that the type and amount of economic development be consistent with the Town's rural character; therefore, development by large businesses or employers should be prohibited.
10. The Town does not have any public water or sewage treatment facilities, although a private sanitary sewer system serves Spacious Acres mobile home park. Because the Town plans to remain without public or private sanitary sewer service (with the exception of the Spacious Acres mobile home park) and without a public water supply, all new development must be able to properly provide for a private on-site wastewater treatment system and a private well.
11. The Community Center serves as a focal point for Town business, a polling location, an activity center, and more but still offers potential for additional uses.

56 *Town of Concord Comprehensive Land Use Plan*

establish conditions of approval that fully mitigate any negative impacts of business operations for which permits are granted.

7. The Town will not rezone lands *in anticipation* of their development for non-residential purposes. Businesses that require rezoning or conditional use permits must file applications that will be evaluated by both the County and the Town on a case-by-case basis.
8. The Town will examine all applications for rezoning or conditional use to determine whether they are consistent with the Town's adopted plan, goals, and policies and with protection of public health, safety, and welfare in the Town for years to come.
9. The Town will limit the establishment of new businesses to areas within the Town of Concord rural hamlet as defined by the 1999 *Jefferson County Agricultural Preservation and Land Use Plan* (see map 10, Appendix A). An exception to this would be home occupations that operate under the current Jefferson County zoning guidelines.¹
10. The Town will not support expansion of the current rural hamlet or creation of new rural hamlet areas within the Town.
11. The Town will develop a land use plan for the current rural hamlet area as required by the 1999 *Jefferson County Agricultural Preservation and Land Use Plan* which states: "Towns with designated rural hamlets should be required to prepare development or land use plans for the designated rural hamlets..."² This plan will include a revised list of conditional uses acceptable in the Community District which is the primary zoning for the rural hamlet area. (see 8.C. for further discussion).
12. The Town will severely limit any further concentration of non-residential development in the vicinity of the CTH F interchange, the Willow Glen interchange, and Delafield Road adjacent to Willow Glen Road. Future requests that involve further non-residential development in the Town, outside the identified rural hamlet area, will be carefully considered through the plan amendment process detailed in the Implementation Element of this plan.
13. The Town will prohibit development within environmental corridors, on steep slopes, or where wetland filling would be required.
14. The Town will establish strict regulations on any non-residential development that has the potential to interfere with agricultural practices or to contaminate ground or surface water.

8.C. Issues

1. The Town is bisected by I-94. There is one full interchange at CTH F and a partial interchange at Willow Glen Road, as more fully discussed in the Transportation Element. In terms of economic development, it must be noted that the Town has considered the value of the Willow Glen Road partial interchange and concludes that the removal of this interchange would not be detrimental to the economic well-being of the Town during the life of this plan. The full interchange at CTH F is centrally located in the Town, allowing convenient access to and from I-94 for all users with business in the Town. Because the

¹ *Jefferson County Zoning Ordinance No. 11* (Jefferson County, Effective January 15, 1975, Last Amended September 11, 2006), pp. 5 and 18–24.

² *Jefferson County Agricultural Preservation and Land Use Plan* (Jefferson County, October 1999), pp. 99.

preservation of the Town's rural character is the foremost goal of this plan and is seen to have economic value to the Town, the Town does not support the further expansion of the Willow Glen Road interchange. The Town perceives that expansion of this interchange would create increased levels of residential and non-residential traffic and increased development pressures. This would not be consistent with preservation of the Town's rural character.

2. Of the approximately 120 acres in the Town of Concord rural hamlet, about 80 acres are currently in agricultural use or are open uncultivated land. This acreage should be adequate to support additional business development through the life of this plan.
3. Under the County Zoning Ordinance, the Community District permits a mix of residential, commercial, industrial, and institutional uses and has appropriately been designated as the primary future zoning district for the designated rural hamlet area. Many potential uses in the Community zoning district are conditional uses and the property owner must gain approval of both the Town of Concord and Jefferson County for the proposed use. The Jefferson County Zoning Ordinance currently provides for 47 conditional uses for Community zoning. As some of these uses may be incompatible with the vision of the Town of Concord, the Town will develop a revised list of acceptable conditional uses for Community zoning as part of a land use plan for the rural hamlet area as noted in section 8.B.11.

8.D. Designation of Sites for Businesses and Industries

The Town of Concord is essentially rural, lacking public sewer and water. This has contributed to the continuation of Concord's rural ambiance, seen as one of its foremost strengths. Consequently, the Town has chosen not to designate sites for additional businesses and industries, other than supporting those that already exist in the hamlet and a few other locations in the Town. However, there is general consensus that any future businesses that do locate in Concord should be limited to locations within the hamlet, adjacent to properties currently utilized for business purposes. As previously stated, it is expressly intended that this plan limit the further concentration of non-residential development in the vicinity of the CTH F interchange, the Willow Glen interchange, and Delafield Road adjacent to Willow Glen Road.

The Town does not rezone lands in anticipation of their development for non-residential purposes. Businesses that require rezoning or conditional use permits file applications that are evaluated by both the County and the Town on a case-by-case basis. To provide the greatest degree of protection to the Town's existing rural character, the Town intends to continue this practice for the foreseeable future, examining all applications for rezoning or conditional use to determine whether they are consistent with the Town's adopted plan, goals, and policies and with protection of public health, safety, and welfare in the Town for years to come.

The Town discourages the establishment of any business that could be expected to have a negative impact on the rural character of the Town of Concord. The Town of Concord will not support approval of new business enterprises if those businesses can reasonably be expected to have undesirable direct or secondary impacts for the public health, safety, and welfare of the community in the immediate vicinity or in the Town as a whole. Such undesirable secondary impacts



JEFFERSON COUNTY

AGRICULTURAL PRESERVATION AND LAND USE PLAN



ADOPTED FEBRUARY 9, 2021



State of Wisconsin
Governor Tony Evers

Department of Agriculture, Trade and Consumer Protection
Secretary-designee Randy Romanski

Matt Zangl – Director
Jefferson County Planning and Zoning
311 S. Center Ave, Room 201
Jefferson, WI 53549

Paul Chellevoid
SRF Consulting Group
6720 Frank Lloyd Wright Ave, Suite 100
Middleton, WI 53562

February 12, 2021

Re: Jefferson County Farmland Preservation Plan Proof of Adoption

Dear Matt and Paul:

Thank you for sending proof of adoption from the County Board meeting, dated February 9, 2021, adopting the Jefferson County Farmland Preservation Plan in the form certified by DATCP on January 29, 2021. This completes the certification process. Certification of the plan expires on December 31, 2031.

We look forward to working with you in the future on farmland preservation in Jefferson County. If you have any questions, feel free to contact me.

Sincerely,

Tim Jackson
Farmland Preservation Program
608-224-4630

CHAPTER 1 EXECUTIVE SUMMARY

1

CHAPTER 1 – EXECUTIVE SUMMARY**Purpose and Scope**

The Jefferson County Agricultural Preservation and Land Use Plan update provided an opportunity for the county to review and refine its agricultural preservation policies and approach to respond to current input and needs. The plan provides a vision and guidelines for growth, development, and land preservation in the county over the next decade and beyond. It focuses on Jefferson County's land use planning and zoning approach to farmland preservation. The plan functions as the primary policy document, defining direction for how farmland and resources should be preserved. The plan is also designed to accommodate growth and development in planned locations, forms, and densities that meet the goals and direction of the county and its local jurisdiction partners. The overarching objective is to contribute to the high quality of life and prosperity of the county as a whole and the many local jurisdictions within it.

This Agricultural Preservation and Land Use Plan is the county's third iteration. The initial plan was developed in 1999, and an update followed in 2012. The 2012 update was able to maintain much of the policy direction and guidance from the original document. Similarly, this update to the Agricultural Preservation and Land Use Plan was able to analyze the 2012 plan and assess needed updates to reflect current public input and direction of the Comprehensive Plan Update. The process used to update this plan is outlined throughout, however through the process, it was determined that:

- The previous plan was still relevant, applicable and purposeful, though tweaks and updates were needed.
- Updates should be made to the vision and goals to align with community input.
- County-wide zoning as it currently exists, should be maintained.

Agricultural History

Jefferson County residents have a strong connection to the county's agricultural foundation. Many residents are connected to the agricultural economy or appreciate the character of place associated with agricultural uses. The county's history in agriculture is similar to the history of agriculture throughout the Midwest and is evident throughout southern Wisconsin. From herds of cattle and other livestock to acres of crop land, agricultural practice is apparent. While the region has a strong agricultural foundation, urban growth pressures continue to result in the conversion of farmland to other uses. While this conversion supports housing and economic development opportunities, it should be balanced and thoughtfully planned.

Importance of Agriculture

Jefferson County connects with its strong history of agricultural heritage, identity and economic future. There are over 220,000 acres of land identified as in use by a farm according to the 2017 Agricultural Census. The county is ranked among the top Wisconsin counties for production of poultry and eggs in 2017, recording sales of over \$110 million.

Jefferson County is committed to agricultural preservation. Beginning in the mid-1970's the county was an early leader in farmland preservation efforts in the state. The program was strengthened through administration and additional planning in the 1990's and 2000's. Current efforts have continued to reinforce the strong desire for active preservation of farmland. The county continues to use the Purchase of Agricultural Conservation Easement (PACE) program, among other activities, to preserve land for agricultural use.

Planning Under Working Lands Law

Under the Wisconsin Working Lands Law (Ch. 91 Wis. Stats.), each county is required to create a State-certified farmland preservation plan. The updated Agricultural Preservation and Land Use Plan fulfills this requirement and

CHAPTER 1 EXECUTIVE SUMMARY

includes all required components under the law. It is also included as a component of the Jefferson County Comprehensive Plan, which is prepared and adopted under Ch. 66.1001 Wis. Stats. As a critical component of the larger Comprehensive Plan, the Agricultural Preservation and Land Use Plan is consistent with the themes and visions identified within.

Achieving the vision and goals identified in this plan is dependent on Jefferson County's land use and development policies, decisions of town, village, and city governments, farmers and farm-related businesses, and other agricultural stakeholders and landowners. To accomplish the vision and goals set forth in this document, numerous implementation tools have been detailed and will need to be executed collaboratively. As required by the Working Lands Law, zoning ordinance amendments will be completed soon after plan adoption.

Agricultural Preservation and Land Use Plan Definitions

There are several key terms that are used to describe and regulate the county's preservation planning within this document. These key terms are used throughout many elements of the preservation plan and are defined below.¹

Planning Horizon	The general timeline used throughout the planning process. This plan is intended to guide farmland preservation decision making for the next 15 years, or through 2035. Note: Farmland Preservation Plans are certified in ten-year increments, therefore until 2030.
Rural Character	Rural Character is used to define the varied community character throughout Jefferson County. This includes the existing character found throughout the county, including the crop fields and farms within a town, the clustered development of a rural hamlet, the residential areas surrounding a lake, or the urban development of a city or village. Rural Character does not define a singular look or feel but should support the existing character of the surrounding area and build on the foundation of the community to support future direction.
Prime Farmland	Areas defined with Class I or Class II soils per the Soil Survey of Jefferson County, Wisconsin, along with lands with Class III soils which exhibit prime farmland capabilities similar to Class I and II soils, as defined within this plan.
Agricultural Producing Lands	Areas of land that contain an existing agricultural use that provides productive yields to support that agricultural use.
Long Range Urban Service Area	A geographic area delineated around a municipality (city or village) where a broad range of urban service areas (including sanitary sewer, water, and emergency services) are either currently available or are planned to be available as development occurs.
Limited Service Area	A geographic area delineated around a rural hamlet or rural development area where a range of limited public services are currently available or plan to be available as development occurs. Sanitary sewer service must be a service provided in this area.
Rural Hamlets	A collection of small-scale, usually older buildings in a town, often located at or near the crossroads of two rural highways, and typically including some mix of residential and non-residential uses.
Rural Development Area	A geographic area defining an existing center of development outside of a city, village, or rural hamlet that is over 50 acres in size and is included with a limited service area where limited public services are available.

¹ Note: Several of these definitions are taken directly from Wisconsin State Statutes or are included in the Jefferson County Zoning Ordinance. In the event of conflicting language between two documents, this plan takes precedence.

CHAPTER 1 EXECUTIVE SUMMARY

1

Environmental Corridors	Key elements of the county's natural resources system including Wisconsin Department of Natural Resources (WDNR) delineated wetlands, 100-year floodplains, publicly owned parks, upland woods, areas of greater than 20 percent slopes, and wildlife habitat areas.
15-Year Growth Area	Unincorporated lands that have been identified for non-agricultural growth, such as residential subdivisions, commercial and retail centers, or industrial development, within the planning horizon of the Agricultural Preservation and Land Use Plan. These areas may include identified growth areas for municipalities and growth areas for rural development centers, rural hamlets, or small scattered rural growth areas.
Farmland Preservation Area	Areas of existing agricultural uses or agricultural-related uses, that are actively used for farming and are considered agricultural producing lands, that should be preserved for agricultural or agricultural-related uses through the planning horizon of the Agricultural Preservation and Land Use Plan.
Agricultural Accessory Structure	<p>A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use on the same farm. Agricultural Accessory structures include, but are not limited to:</p> <ul style="list-style-type: none"> ○ A facility used to store or process raw agricultural commodities, all of which are produced on the farm. ○ A facility used to keep livestock on the farm, subject to other quantitative thresholds within this Ordinance, which may require a conditional use permit if such thresholds are exceeded. ○ A facility used to store or process inputs primarily for agricultural uses on the farm. ○ A wind turbine or solar energy facility that collects wind or solar energy on the farm and uses or transforms it to provide energy primarily for use on the farm. ○ A manure digester, bio-fuel facility, or other facility that produces energy from materials grown or produced on the farm, primarily for use on the farm. ○ An Animal Waste Storage Facility, subject to the Jefferson County Animal Waste Storage and Nutrient Management Ordinance. ○ Up to three semi-trailers or truck boxes used for the storage of agricultural equipment, supplies, or products on A-1 zoned property of 35 or more contiguous acres in the same ownership (for the purposes of this provision, a road shall not be considered a divider of contiguity). Normal setbacks and permits shall be required for trailers and truck boxes used for storage of agricultural equipment.
Agriculture-Related Use	An agricultural equipment dealership, facility providing agricultural supplies, facility for storing or processing agricultural products, or facility for processing agricultural wastes, except for facilities intended to convert agricultural products to energy as a principal use and primarily serving entities outside the premises; agricultural chemical dealers and/or storage facilities; commercial dairies; commercial food processing facilities; canning and other food packaging facilities; sawmills; de-barking operations; and chipping facilities.
Farm	A parcel or parcels of land where the majority of the land is used for growing farm products, such as vegetables, trees (e.g., orchard), and grain, and/or the raising of the farm animals, from which at least \$6,000 of gross farm revenue in the prior full calendar year (or \$18,000 total over the last 3 years) have been earned or where the land is enrolled in a farm commodity or conservation program, and typically operated as a single business venture distinct from other farms. Also referred to as a "farm operation."

CHAPTER 4 PLANNING FRAMEWORK

15 YEAR GROWTH BOUNDARY	
DEFINITION	<p>Unincorporated lands that have been identified for non-agricultural growth, such as residential subdivisions, commercial and retail centers, or industrial development, within the planning horizon of the Agricultural Preservation and Land Use Plan. These areas may include identified growth areas for municipalities and growth areas for rural development centers, rural hamlets, or small scattered rural growth areas.*</p> <p>*Note that, by definition, 15 Year Growth areas should not include Farmland Preservation Areas. In the event the growth boundaries planned by a City or Village contain land the County has designated as Farmland Preservation, the respective jurisdiction will need to revise their growth boundary based on the updated Farmland Preservation areas. In the event of conflict, land zoned as Farmland Preservation succeeds land designated as a 15 Year Growth Area.</p>
PURPOSE	<ul style="list-style-type: none"> • Coordinate growth and development planning between towns and incorporated municipalities. • Design and locate housing in rural areas in a manner that minimizes adverse impacts on agriculture and maintains the rural character in Jefferson County. • Encourage higher-density residential development, particularly in areas where public utilities will be available. • Encourage nonagricultural-related businesses and industries to locate in areas where public utilities will be available. • Designate lands intended for non-agricultural development within the planning horizon in something other than a Farmland Preservation Area, as required under the State's Working Lands law. The significance of this requirement is that such lands—designated as 15 Year Growth Area within this Plan—may not be zoned in a certified farmland preservation zoning district (e.g., the County's A-1 district). Therefore, the owners of such lands may not collect farmland preservation tax credits. The rationale for this is that such owners presumably have shorter-term opportunities to realize non-farm returns from their land via development, and that limited State resources should be committed to other areas where there is more uniform commitment to long-term farmland preservation.
MAPPING CRITERIA	<p>Process</p> <ul style="list-style-type: none"> • Review all adopted town, city, and village comprehensive plans within Jefferson County and relevant neighboring counties. Focus on future land use maps and policies, including planned city and village growth areas outside of current city and village limits. • Analyze future land use demand projections for each city, village and town comprehensive plans. Under Wisconsin's comprehensive planning law, local comprehensive plans are required to include land use demand projects for a 15-year planning period, with projections broken into 5-year increments. This generally allows for access to 15-year land use demand projections. • Analyze available undeveloped but developable land within city and village boundaries to identify population growth which can be

CHAPTER 5 IMPLEMENTATION

5

4. Encourage cities/villages and towns to enter into intergovernmental boundary and land use agreements on a voluntary basis to address annexation and development issues within delineated Urban Service Areas.

Policies for City and Village Consideration

1. Adopt staging or phasing plans for the expansion of public facilities and development within Urban Service Areas.
2. Phase development of land within each Urban Service Area in a manner that focuses growth in areas and types that relate to reasonable land use demand projections; advances the vision of this Plan; and can be most efficiently served by urban utilities, roads, community facilities, and other urban public services.
3. Through the plan horizon, allow urban development (i.e., connected to public sanitary sewer and water services) only in those portions of Urban Service Areas that are also designated as a 15 Year Growth Area, and also utilize policies applicable to the 15 Year Growth Area in such cases.

Limited Service Area

1. Direct moderate density development desiring a more rural location—including smaller subdivisions and limited commercial and industrial uses—into Limited Service Areas.
2. Require that all future development within each Limited Service Area be connected to the sanitary sewer system unless the affected sanitary district approves individual exceptions after communicating with the County. Require any permitted rural (unsewered) development in such cases to be designed in a manner to not impede the orderly future development of the surrounding area with development with sanitary sewer service in the future.
3. Through 2026, allow urban (sewered) development only to those portions of Limited Service Areas that are also designated as a 15 Year Growth Area, and utilize policies applicable to the 15 Year Growth Area in such cases.
4. Strongly discourage “pre-zoning” lands for development within Limited Service Areas in advance of development proposals, except where development-based zoning had already been provided. Instead, require the submittal and detailed understanding of specific development proposals and its designation within a 15 Year Growth Area before supporting the rezoning of land within a Limited Service Area to the appropriate development-based zoning district.
5. Encourage the best use of land within Limited Service Areas, recognizing the limits to services available in such areas and developable area. Consider the allowed lot sizes and uses and required services or utilities.
6. Maintain the quality and efficiency of wastewater treatment plants and consider the capacity of treatment plants and conveyance systems before approving new development.
7. Consider town comprehensive plans for guidance on the types of future development (e.g., residential, commercial), associated zoning, and design standards to support within each mapped Limited Service Area.

Rural Hamlet

1. Through the plan horizon, consider development beyond levels applicable within the Farmland Preservation Area only in those portions of each Rural Hamlet that are also designated as a 15 Year Growth Area, and utilize policies applicable to the 15 Year Growth Area in such cases.
2. Within those portions of a Rural Hamlet that are not also within a 15 Year Growth Area, allow development only of the type and density allowed under the Farmland Preservation Area future land use category, until such time as the affected land is redesignated to be within the 15 Year Growth Area.
3. Before amending this Plan to designate additional lands within a Rural Hamlet as a 15 Year Growth Area, require the associated town to prepare and have approved by the town and county a detailed plan for the hamlet and expansion area, including the following components:
 - a. Desired scale and character of hamlet and its building and uses, including efforts to promote sustainable development.

JEFFERSON COUNTY PRELIMINARY REVIEW FOR CERTIFIED SURVEY

A Division of land located in the NW 1/4 of the SE 1/4 of Section 16, Township 6 N, Range 17 E, Town of Concord, Jefferson County, Wisconsin, on Parcel Number 006-0716-1642-000

Owner/Petitioner: Donald & Nancy Brunson (A-3 Zone)

Address: W1432 County Road B

Sullivan, WI 53178

Phone: 262 391-1886

Petitioner: The Boat House of Lake Country (A-2 Zone)

Address: N7536 Sterlingworth Drive

Elkhorn, WI 53121

Phone: 262 742-3898

Surveyor:

SOUTHWEST

SURVEYING & ASSOCIATES, Inc.

P.O. BOX K, PALMYRA, WI 53156
920-674-4884
262-495-4910

☒ Rezoning

☐ Allowed Division within Existing Zone

☒ Farm Consolidation (A-3 Zone)

☐ 35+ Acre Lot in A-1 Zone

☐ Survey of Existing Parcel

In addition to the info required by Sec 236.34 of State Statutes, Sec. 19.04(f) of the Jefferson County Land Division/Subdivision Ordinance requires that the following be shown:

☐ Existing buildings, watercourses, drainage ditches and other features pertinent to the proper division.

☐ Location of access to a public road, approved by the agency having jurisdiction over the road.

☐ All lands reserved for future public acquisition.

☐ Date of the map.

☐ Graphic Scale.

Date Submitted: _____

Revised: _____

Note to Be Placed on Final CSM

Petition # _____ Zoning _____

Check for subsequent zoning changes with Jefferson County Zoning Department.

Intent and Description of Parcel to be Divided:

Create one 2.0± Acres A-3 Zoned Farm Consolidation Parcel around existing buildings.

Create one 7.4 Acres A-2 Zoned Parcel with Conditional Use for inside boat storage.



NOTE:

This map was compiled from public data supplied by the Jefferson County Land Information Department and is not a substitute for an actual field survey and is limited by the quality of the data from which it was assembled. The dimensions are approximate and will vary upon an actual field survey. To be used for planning purposes only.

Town Board Approval _____
(Includes Access Approval if Applicable)

Date: _____

County Highway Approval _____
(If Applicable)

Date: _____

Extraterritorial Approval _____
(If Applicable)

Date: _____

County Surveyor Approval _____

Date: _____

Zoning Office Approval _____

Date: _____

SHEET 1 OF 1
DATE: NOVEMBER 11, 2021
JOB NO: B-221132

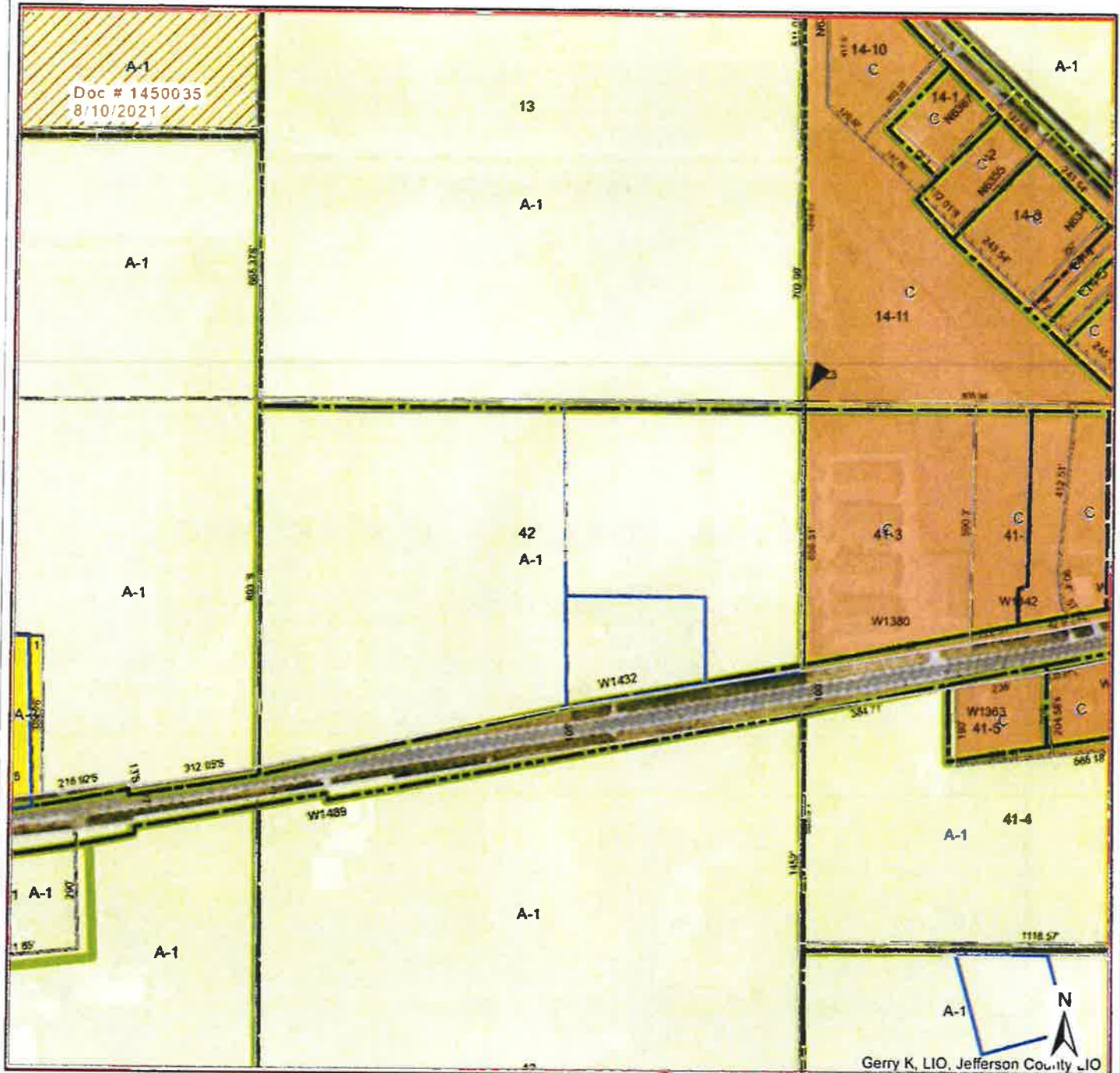
Case 2022CV000334

Document 20

Filed 02-16-2023

Page 2 of 8

Jefferson County Land Information



- | | | | |
|-----------------------|---------------------|------------------------------|--------------------------------------|
| Tax Parcels | Road Right of Ways | Parcels of Record 1977 | Lot Variance |
| Municipal Boundaries | Section Lines | Parcels of Record 2000 | Extraterritorial Zoning |
| Parcel Lines | Surface Water | Frozen Parcels | County Conservation Easements |
| Property Boundary | Map Hooks | Rezoning | JEFFERSON COUNTY |
| Old Lot/Meander Lines | Tax Parcels | Deed Transfer | DATCP/JEFFERSON CO |
| Rail Right of Ways | Preliminary Surveys | Farm Consolidation/Accessory | |

340 170 0 340 Feet
1 inch = 340 feet

Jefferson County Geographic Information System

DISCLAIMER: This map is not a substitute for an actual field survey or onsite investigation. The accuracy of this map is limited to the quality of the records from which it was assembled. Other inherent inaccuracies occur during the compilation process. Jefferson County makes no warranty whatsoever concerning this information.

Printed on: February 9, 2022

Author: Public User

Case 2022CV000334

Document 38

Filed 02-24-2023

Page 1 of 28

FILED

02-24-2023

Clerk of Circuit Court

Cindy R. Hamre Incha

2022CV000334

In the Matter Of:

JCPZM

DECISION MEETING EXCERPT 02282022

January 26, 2023



ESQUIRE
DEPOSITION SOLUTIONS

800.211.DEPO (3376)
EsquireSolutions.com

DECISION MEETING EXCERPT 02282022
JCPZM

January 26, 2023

13

1 and many other times besides.

2 CHAIR JAECKEL: Uh-huh.

3 SUPERVISOR ZASTROW: In the last four years
4 since the buildings have been here, I saw one boat
5 going in, and he was pulled off the road. It wasn't
6 one of the big ones. It was just a normal boat. And
7 as you can see, it's right near that intersection. So
8 the speed in that area should not be more than 25 miles
9 an hour because they're just picking up speed to take
10 off or declining your speed to approach Highway F
11 there. So it's not a highway hazard.

12 As far as the lighting aspect, all the lights
13 are mounted on the site front of the buildings to the
14 ground.

15 CHAIR JAECKEL: Uh-huh.

16 SUPERVISOR ZASTROW: There are no light poles,
17 you know, shining in front of anything. So, you know,
18 that's not a problem anymore than all of the farms
19 around who have mercury lights on their property, okay?
20 So, you know what, this was a commonsense issue that
21 Bill and I both felt, well, this could work. So that's
22 -- any other questions?

23 SUPERVISOR NASS: From -- from my standpoint,
24 I -- I agree with you, you know, absolutely. And when
25 we looked at the property, it seemed like a natural

DECISION MEETING EXCERPT 02282022
JCPZMJanuary 26, 2023
14

1 there between two -- you know, but again, I -- and --
2 and I would be fine if the Town Board would approve it,
3 but I think the Town Board is in violation of their own
4 plan. And -- and if they want to do this, amend the
5 plan, and then we can do it. Because I can't sit here
6 as a Zoning Committee and be having, in our plan saying,
7 we honor the plans --

8 CHAIR JAECKEL: Yeah.

9 SUPERVISOR NASS: -- of the towns.

10 CHAIR JAECKEL: Uh-huh.

11 SUPERVISOR NASS: If the board over there
12 wants to choose to violate their own law, that's their
13 business; but not -- I'm not going to do it.

14 CHAIR JAECKEL: Yeah, uh-huh. They're going
15 to have up to eight more of these buildings there.
16 That's what --

17 SUPERVISOR NASS: Yeah.

18 CHAIR JAECKEL: Up to eight.

19 SUPERVISOR NASS: Yeah. And -- and I agree to
20 it. It's a natural, it's good for them. They can
21 still -- so I have no problems with -- with -- with
22 rezoning it, but I don't -- I won't violate the plan.

23 CHAIR JAECKEL: Right, yeah, I agree.

24 SUPERVISOR NASS: And I -- for all the reasons
25 that Lloyd said, I agree with you, those are all good

DECISION MEETING EXCERPT 02282022
JCPZMJanuary 26, 2023
15

1 reasons; and those are all good reasons to amend your
2 plan.

3 SUPERVISOR ZASTROW: Send it back.

4 SUPERVISOR NASS: Right.

5 CHAIR JAECKEL: Yeah, I mean, my -- my
6 comment is I think it's totally natural to go that way.
7 I mean, we always tell everybody, no matter what we're
8 rezoning, to try to cluster things. So to me that
9 totally fit the idea, regardless of anybody's personal
10 financial issues or not, it fits, at least to my
11 thought. I don't know, does the Town not have an
12 exception in their plan for, you know, growth at all?
13 That -- that's what hits me funny.

14 I think most towns have that in their plans,
15 that there is allowable growth. I mean, you look at
16 the rest of it, and it's all pretty well-built up in
17 there. You -- you -- you can't squeeze it --

18 SUPERVISOR NASS: Right.

19 CHAIR JAECKEL: -- somewhere else within the
20 hamlet, so I think they got --

21 SUPERVISOR NASS: I mean, yeah, I agree with
22 you, George. They've got plenty of reason to amend
23 their plan.

24 CHAIR JAECKEL: I -- yeah. I --

25 SUPERVISOR NASS: I mean, the -- the whole

DECISION MEETING EXCERPT 02282022
JCPZMJanuary 26, 2023
16

1 list that Lloyd gave, and I agree with you. Just do
2 that, and then we can approve it.

3 CHAIR JAECKEL: I mean, normally -- normally
4 other than, how do I want to say, the -- the Plan
5 Committee's opposition to it, I mean, a few of the
6 neighbors that are only opposing the -- the plan to me
7 it doesn't hold a lot of water, because we would -- we
8 were to approve an A-2 zone like that as long as it was
9 like that in any other jurisdiction throughout the
10 county.

11 SUPERVISOR NASS: Uh-huh.

12 CHAIR JAECKEL: We -- we would -- we wouldn't
13 even second guess this.

14 SUPERVISOR NASS: Uh-huh.

15 CHAIR JAECKEL: So I -- I -- I absolutely have
16 no problems with it just for the functionality of the
17 way it is designed and -- and looks. I mean, they
18 said, you know, I guess, you know, we're -- I'm just
19 talking the rezone right now, but if we got into the
20 conditional use, I mean, they're basically bending over
21 backwards saying they'll do whatever it takes to --

22 MR. ZANGL: Uh-huh.

23 CHAIR JAECKEL: -- you know, make it --

24 SUPERVISOR NASS: Yeah.

25 CHAIR JAECKEL: -- work.

800.211.DEPO (3376)
EsquireSolutions.com

DECISION MEETING EXCERPT 02282022
JCPZM

January 26, 2023

17

1 SUPERVISOR ZASTROW: And just wanted to
2 comment that I just -- those are comments that have to
3 be brought up at our Town meeting. I -- you know,
4 someone said they've been there for four years. I
5 didn't think it was that long. But I've never had a
6 complaint of any type. They operate a fantastic
7 business.

8 SUPERVISOR NASS: Yeah. And I guess that's --

9 SUPERVISOR ZALSTROW: Our -- our --

10 SUPERVISOR NASS: -- you know --

11 SUPERVISOR ZALSTROW: -- hamlet plan is very
12 small --

13 SUPERVISOR NASS: Uh-huh.

14 SUPERVISOR ZALSTROW: -- very limited.

15 SUPERVISOR NASS: Uh-huh.

16 SUPERVISOR ZALSTROW: And part of the hamlet
17 is that mountain that you see on the --

18 SUPERVISOR NASS: Yeah.

19 SUPERVISOR ZASTROW: -- right side.

20 CHAIR JAECKEL: Yeah.

21 SUPERVISOR NASS: Yeah.

22 SUPERVISOR ZASTROW: You can't do anything
23 with that.

24 SUPERVISOR NASS: Right, right.

25 SUPERVISOR ZASTROW: So there's no flat area

DECISION MEETING EXCERPT 02282022
JCPZMJanuary 26, 2023
18

1 anywhere else. And then you've got all these highways
2 coming through the hamlet using up space, too.

3 SUPERVISOR NASS: Well, and so I say, Lloyd,
4 with all these things, just go back to your Town Board
5 and say, let's amend the plan.

6 SUPERVISOR POULSON: Well, at the meeting,
7 they said they were draw -- writing a new plan, they
8 were --

9 MR. ZANGL: Uh-huh.

10 SUPERVISOR POULSON: -- working on
11 replacing --

12 SUPERVISOR NASS: Oh, okay.

13 SUPERVISOR POULSON: -- the plan with a newer
14 plan --

15 MR. ZANGL: Yeah.

16 SUPERVISOR POULSON: -- weren't they?

17 SUPERVISOR: (Indiscernible).

18 MR. ZANGL: Yeah, their plan is "expired."
19 They're past their ten-year renewal --

20 SUPERVISOR: Wow.

21 MR. ZANGL: -- and they're in the process of
22 working to update their plan.

23 SUPERVISOR NASS: So to me, I would just -- I
24 -- I wouldn't deny this. I just, I would postpone this
25 until it's -- until the plan is amended. That's my

DECISION MEETING EXCERPT 02282022
JCPZMJanuary 26, 2023
19

1 motion.

2 SUPERVISOR POULSON: Yeah. And I'll second
3 that motion.4 CHAIR JAECKEL: Okay. I'll call the vote on
5 the motion to postpone. All in favor say aye.6 SUPERVISOR POULSON: Aye. January 26, 2023
DECISION MEETING EXCERPT 02282022
JCPZM

7 SUPERVISOR NASS: Aye.

8 SUPERVISOR FOELKER: Aye.

9 CHAIR JAECKEL: Aye.

10 SUPERVISOR ZASTROW: Aye.

11 CHAIR JAECKEL: Opposed? Motion carries.
12 We're going to leave the conditional use off. We do
13 have the rezone for the farm consolidation for the
14 Brunsons, as well, if we're --

15 MR. ZANGL: Yes.

16 SUPERVISOR NASS: Yeah, that we can do
17 right --

18 MR. ZANGL: Yeah.

19 SUPERVISOR NASS: -- now.

20 CHAIR JAECKEL: Yeah.

21 SUPERVISOR NASS: That's fine. I'll make a
22 motion to approve (indiscernible) on it.

23 SUPERVISOR POULSON: Second.

24 CHAIR JAECKEL: Any other discussion? Do you
25 want to read your famous words?
800.211.DEPO (3376)
EsquireSolutions.com

Case 2022CV000334

Document 21

Filed 02-24-2023

Page 1 of 42

FILED
02-24-2023
Clerk of Circuit Court
Cindy R. Hamre Incha
2022CV000334

In the Matter Of:

JCPZM

DECISION MEETING EXCERPT 03282022

January 26, 2023



ESQUIRE
DEPOSITION SOLUTIONS

800.211.DEPO (3376)
EsquireSolutions.com

DECISION MEETING EXCERPT 03282022
JCPZM

January 26, 2023

9

1 (09:15 - 32:30)

2 CHAIR JAECKEL: On to number 13, discussion
3 and possible meeting excerpt 03282022 A-22 and CU210822 Donald
JCPZM
4 and Nancy Brunson.

5 MR. ZANGL: So this is certainly a unique
6 petition. As you remember, we worked on this one last
7 month with a petition -- or a motion to -- or an action
8 to table it until the Town updates their Comprehensive
9 Plan. From staff perspective, there are some concerns
10 with that motion because it doesn't give the petitioner
11 an action item. It doesn't give them an approval or a
12 denial, and it doesn't give them really any end date of
13 a potential approval or denial. It's kind of out there
14 floating in space waiting for something to happen that
15 we don't know if it's going to happen or when it's
16 going to happen.

17 So the uncertainty of that does provide some
18 concerns from staff, from my perspective, and our
19 counsel's perspective. In addition, so the -- the
20 formal opinion -- or the formal recommendation from the
21 Town was to approve. I know you've heard a lot of back
22 and forth from different members of the public saying
23 it should be denied or it should be approved,
24 specifically the Town is, "not following their
25 Comprehensive Plan." Really, that's at the Town level

800.211.DEPO (3376)
EsquireSolutions.com



800.211.DEPO (3376)
EsquireSolutions.com

DECISION MEETING EXCERPT 03282022
JCPZMJanuary 26, 2023
10

1 and that's a Town concern.

2 Again, from my perspective, the Town's formal
3 decision is to approve the rezoning. If the Town has a question
4 with their recommendation, they should review it at the
5 Town level. The Town Comprehensive Plan is meant for
6 the Town to provide guidance and their recommendations.
7 And if the Town isn't following that, unfortunately,
8 that's a -- that's a Town issue. At the County level,
9 again, we'll review it for our plan and ordinances,
10 which I believe the Committee did, and we had that
11 discussion last month.

12 And then just one final note, that even if
13 the Committee were to approve this, County Board were
14 to approve the rezone, the Town still has the option to
15 veto the decision. So if the Town reviews their action
16 and decides that they did not follow their
17 Comprehensive Plan, that they can simply provide a
18 resolution to the County clerk after the County has
19 approved and, therefore, deny the petition. So the --
20 the Town still has opportunities to change their
21 decision. Since then, we haven't heard anything from
22 the Town that they wish to change their decision, their
23 Town decision is to approve the petition.

24 And right now it -- it's a little gray at the
25 County level when we're potentially denying something,

800.211.DEPO (3376)
EsquireSolutions.com

DECISION MEETING EXCERPT 03282022
JCPZM

January 26, 2023

11

1 even though the Town approved it.

2 CHAIR JAECKEL: And with that, we need a
3 motion to take it off the table, and I will so. 2023
JCPZM

4 SUPERVISOR POULSON: Second.

5 CHAIR JAECKEL: Is there any discussion on
6 that? All in favor. Aye.

7 SUPERVISOR NASS: Aye.

8 SUPERVISOR POULSON: Aye.

9 SUPERVISOR ZASTROW: Aye.

10 CHAIR JAECKEL: Okay. Now, I guess I will
11 start it off. I know Mr. Nass has said it, and I --
12 I'd like to kind of follow that along. Ever since I've
13 gotten on the Committee, you know, as much as sometimes
14 it pains me to support some Town decisions, their
15 decision at the Town level was to approve it. And, you
16 know, regardless, I guess, which way, you know, the
17 Town wants to take action and go back on it, if they do
18 decide to, I think we have our -- our -- our
19 prerogative to approve this, because as far as we've
20 seen it, it does meet our plan.

21 The Town's comprehensive, if I'm not
22 mistaken, is technically out of date right now, if I
23 heard that right, so it's not -- I guess, it's not our
24 issue to decide with if each Town has their
25 Comprehensive Plan up to our plan. So is there any

800.211.DEPO (3376)
EsquireSolutions.com



800.211.DEPO (3376)
EsquireSolutions.com

DECISION MEETING EXCERPT 03282022
JCPZMJanuary 26, 2023
12

1 other comments?

2 SUPERVISOR NASS: I'll -- I'll add in -- in
3 here. And I have a question I have, and one, ~~DECISION MEETING EXCERPT 03282022~~ January 26, 2023
JCPZM
4 is an out-of-date plan enforceable?

5 MR. ZANGL: That's a very gray area.

6 SUPERVISOR NASS: That's --

7 MR. ZANGL: And --

8 SUPERVISOR NASS: -- my first question. All
9 right. And I knew that was what the answer was going
10 to be. Two, it -- I don't know the exact wording of --
11 of their plan, other than they showed us the map last
12 time. And it's always been my understanding, and
13 correct me if I'm wrong, but Town Plans get
14 incorporated into our -- into our County Plan, we have
15 to take that into consideration.

16 And -- and I have a -- my -- as I stated last
17 time, I have a concern of being essentially an -- an --
18 an accomplice in not following the rules. And I -- I
19 don't want to put my -- myself into that position or
20 this Board into that position of not following the --
21 our own rules and their rules. So that's my concern
22 with this.

23 I -- I don't inherently have any problem with
24 the development. I think it's natural, and it's
25 probably a good idea; but the point is, is I -- I just

800.211.DEPO (3376)
EsquireSolutions.com

DECISION MEETING EXCERPT 03282022
JCPZMJanuary 26, 2023
26

1 for sometime. And unfortunately, they're behind on
2 updating theirs. And we're in a gray area whether
3 the decision whether the plan applies or not since it's
4 expired.

5 So by that, if you want to go by that logic
6 that it's expired, then it automatically defaults to
7 the Comprehensive Plan.

8 CHAIR JAECKEL: Correct.

9 SUPERVISOR POULSON: And so and I get the
10 feeling from the Township area that this is an area
11 that if they had renewed their plan, they would
12 include. And from the standpoint that if -- if you
13 include some of that development around Concord
14 Center --

15 MR. ZANGL: Put that --

16 SUPERVISOR POULSON: -- that -- that --

17 MR. ZANGL: -- one back on.

18 SUPERVISOR POULSON: -- releases pressure on
19 more -- on other rural areas if you've got an outlet
20 there. And I -- I see they have other outlets there,
21 too, but I understand where it's, you know, the
22 business wants to be consolidated in one spot. So my
23 opinion at this point personally is that it can be
24 approved because that's consistent with what the
25 Township has approved in the past. And I can't really

800.211.DEPO (3376)
EsquireSolutions.com



800.211.DEPO (3376)
EsquireSolutions.com

DECISION MEETING EXCERPT 03282022
JCPZMJanuary 26, 2023
27

1 say that their -- their land use plan, in all
2 certainty, applies at this point because it's expired.

3 ~~DECISION MEETING EXCERPT 03282022~~ ~~CHAIR JAECKEL~~ ~~January 26, 2023~~
4 ~~JCPZM~~ ~~Yeah, agreed. So anyone else~~
5 discussions? I would make a motion to approve the
6 rezone. We've got to do that separate, right? Rezone
7 and the conditional use, or can they be combined in the
8 same motion?

9 MR. ZANGL: I'd say on this one just do them
10 separate so we can get --

11 CHAIR JAECKEL: Okay.

12 MR. ZANGL: -- the reasons for the rezone and
13 conditional use separately.

14 CHAIR JAECKEL: I will make a motion to
15 approve the rezone.

16 SUPERVISOR PCULSON: I'll second that. And
17 I'll add as part of the discussion, the other thing
18 that -- that pushes me that direction is when he read
19 this and --

20 Read that part again about adjacent to.

21 MR. ZANGL: Future -- any future businesses
22 that do locate in Conccrd should be limited to
23 locations within the hamlet, adjacent to properties
24 currently utilized for business purposes.

25 SUPERVISOR PCULSON: Okay. So it is adjacent
to, yeah.

800.211.DEPO (3376)
EsquireSolutions.com

DECISION MEETING EXCERPT 03282022
JCPZMJanuary 26, 2023
28

1 CHAIR JAECKEL: Yeah.

2 SUPERVISOR NASS: What page is that on?

3 ~~DECISION MEETING EXCERPT 03282022~~ ~~MR. ZANGL: It is page seven.~~ January 26, 2023
JCPZM4 CHAIR JAECKEL: Any other discussion? All in
5 favor of the rezone, signify by saying aye.

6 SUPERVISOR POULSON: Aye.

7 SUPERVISOR ZASTROW: Aye.

8 SUPERVISOR NASS: Aye.

9 CHAIR JAECKEL: Aye. Opposed. Four to zero
10 for the rezone. And the reasons are basically we've
11 noted that the Town has approved other ones and it is
12 adjacent to an existing business property.

13 Now, on the conditional use --

14 MR. ZANGL: Deb has got some --

15 CHAIR JAECKEL: Oh, Deb, sorry.

16 MS. MAGRITZ: No, that's quite all right.
17 Likely, you would condition your approval upon road
18 access approval by the maintaining authority, receipt
19 of suitable soil test; receipt of and recording of the
20 final certified survey map. The fact that rezoning
21 shall be null and void and have no effect one year from
22 date of County Board approval unless all applicable
23 conditions have been completed by that date. And then
24 soil test required if bathrooms are proposed.25 CHAIR JAECKEL: Deb, who -- does Blane have to
800.211.DEPO (3376)
EsquireSolutions.com800.211.DEPO (3376)
EsquireSolutions.com

DECISION MEETING EXCERPT 03282022
JCPZMJanuary 26, 2023
29

1 read his --

2 SUPERVISOR POULSON: No.

3 DECISION MEETING EXCERPT 03282022 into it? JCPZM

January 26, 2023

4 SUPERVISOR POULSON: No.

5 SUPERVISOR NASS: No.

6 CHAIR JAECKEL: No, okay.

7 SUPERVISOR POULSON: Because it's not a
8 residential.

9 CHAIR JAECKEL: Okay.

10 SUPERVISOR POULSON: It's not a residential.

11 CHAIR JAECKEL: And then CU2108-22.

12 SUPERVISOR POULSON: I'll make a motion to
13 approve.14 CHAIR JAECKEL: Second. Any other discussion
15 on this? All in favor. Aye.

16 SUPERVISOR POULSON: Aye.

17 SUPERVISOR NASS: Aye.

18 SUPERVISOR ZASTROW: Aye.

19 CHAIR JAECKEL: Opposed? Motion carries.

20 MS. MAGRITZ: And likely you would condition
21 that upon the stormwater management plan; no customers
22 onsite, only employees; and no outside storage.23 MR. ZANGL: And you remember we had those
24 couple of those other items with the cars potentially
25 backing up on to --800.211.DEPO (3376)
EsquireSolutions.com800.211.DEPO (3376)
EsquireSolutions.com

ORDINANCE NO. 2022-02

Amending Official Zoning Map

WHEREAS, the Jefferson County Board of Supervisors has heretofore been petitioned to amend the official zoning map of Jefferson County, and

WHEREAS Petition R4379A-22 was referred to the Jefferson County Planning and Zoning Committee for public hearing on February 17, 2022 and Petitions R4391A-22, R4392A-22, R4393A-22, R4394A-22, R4395A-22, R4396A-22 and R4397A-22 were referred for public hearing on March 17, 2022, and

WHEREAS the proposed amendments have been given due consideration by the Board of Supervisors in open session,

NOW, THEREFORE, BE IT ORDAINED that the Jefferson County Board of Supervisors does amend the official zoning map of Jefferson County as follows:

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

Create a 7.4-ac A-2 zone near **W1432 County Rd B** on PIN 006-0716-1642-000 (24 ac), Town of Concord. This is in accordance with Sec. 11.04(f)7 of the Jefferson County Zoning Ordinance. Rezoning is conditioned upon road access approval, receipt of a suitable soil test if bathrooms are proposed, and upon approval and recording of a final certified survey map for the lot. R4379A-22 – Donald & Nancy Brunson

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

Create a 4.71-ac lot around the home & buildings at **N795 Tamarack Rd**, Town of Palmyra from part of PIN 024-0516-2713-000 (40 ac). This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance. Rezoning is conditioned upon approval and recording of a final certified survey map for the lot, including extraterritorial plat review if necessary. R4391A-22 – Jeanette C Poulson Family Trust

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

Rezone approximately 2.8 ac of PIN 024-0516-2742-000 (37.8 ac) to add it to an adjoining 2.2-ac A-3 zoned lot at **N683 Tamarack Rd**, Town of Palmyra. This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance. Rezoning is conditioned upon approval and recording of a final certified survey map for the lot, including extraterritorial plat review if necessary. R4392A-22 – Jeanette C Poulson Family Trust

Create a 2.47-ac building site at the intersection of **Bakerstown Rd and Pioneer Dr** from part of PIN 006-0716-2942-000 (40.703 ac), Town of Concord. This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance. The proposal utilizes the last available A-3 zone for the property; therefore, rezoning is conditioned upon recording of an affidavit acknowledging that fact. It is further conditioned upon road access approval, receipt by Zoning of a suitable soil test and approval and recording of a final certified survey map of the lot. R4393A-22 – James E Gilbert

Create three new building sites, one of 1.9 ac and two of 1.89 ac, all on **Switzke Rd** in the Town of Farmington from part of PIN 008-0715-0432-004 (5.6 ac). This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance. The proposal utilizes the last available A-3 zone for the property; therefore, rezoning is conditioned upon recording of an affidavit acknowledging that fact. It is further conditioned upon road access approval and receipt by Zoning of a suitable soil test for each lot, and approval and recording of a final certified survey map. No development on slopes greater than 20% is allowed. R4394A-22 – Richard Helman

Rezone approximately 1.5 ac of PIN 022-0613-3122-002 (15.443 ac) to add it to an existing adjacent A-3 zone owned by the Wolfs at **N2803 County Rd C**, Town of Oakland. This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance. The proposal utilizes the last A-3 zone for the property; therefore, rezoning is conditioned upon recording of an affidavit acknowledging that fact. It is further conditioned upon approval and recording of a final certified survey map for the lot. R4395A-22 – Connie & Jerry Wolf/Jay & Deloris Kogle Trust Property

Create a 2-ac lot around the home at **N4062 County Road E** from part of PIN 026-0616-1422-000 (33.965 ac) in the Town of Sullivan. This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance. Rezoning is conditioned upon approval and recording of a final certified survey map for the lot, including extraterritorial plat review if necessary. R4396A-22 – Barry & Pauline Stephan:

Create a 3-ac lot around the home at **N7691 Newville Rd** in the Town of Waterloo from part of PIN 030-0813-3321-001 (30.25 ac). This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance. Rezoning is conditioned upon approval and recording of a final certified survey map for the lot. R4397A-22 – Heidi Kabat & Wayne Meier/RNH Trust Property

The above zoning amendments shall be null and void and have no effect one year from the date of County Board approval unless all applicable conditions have been completed.

Voice Vote - Passed

STATE OF WISCONSIN)
)ss
COUNTY OF JEFFERSON)

I, Audrey McGraw, County Clerk of Jefferson County, Wisconsin, do hereby certify that the attached is a true and correct copy of Ordinance No. 2022-02, adopted at the April 19, 2022, Session of the County Board of Supervisors at the County Courthouse in the City of Jefferson.

WITNESS MY HAND AND SEAL this 25th day of April 2022.



Audrey McGraw
Audrey McGraw
Jefferson County Clerk
Jefferson, Wisconsin

Referred By:
Planning and Zoning Committee

04-19-2022

Case 2022CV000334

Document 38

Filed 03-29-2023

Page 1 of 33

FILED

03-29-2023

Clerk of Circuit Court

Cindy R. Hamre Incha

2022CV000334

In the Matter Of:
JEFFERSON COUNTY

BOARD MEETING

April 19, 2022



ESQUIRE
DEPOSITION SOLUTIONS

800.211.DEPO (3376)
EsquireSolutions.com

BOARD MEETING
JEFFERSON COUNTYApril 19, 2022
9

1 61 conditional uses in A-2 zoning. Some are consistent
2 with our plan, and some are not.

3 We have approved six A-2 zoning requests
4 since the passage of our plan. Two for small increases
5 in size for commercial enterprise, which pre-existed
6 our plan; two for the storage of contractors' equipment
7 by homeowners for businesses operated offsite; and two
8 for agricultural use. The town has consistently denied
9 requests for new commercial enterprises outside the
10 hamlet and A-2 zoning. Denials include a wedding barn,
11 landscape business, kennel, disc golf course, and a
12 wrestling camp.

13 Questions have also arisen about whether or
14 not our plan is valid since it expired in 2019. At
15 that time the town chose to delay updating the plan
16 until after the census and after the new county plan
17 was complete. We're currently in the process of
18 updating. I would point out that prior to the decision
19 on the Brunson proposal, the town has continued to
20 operate as though the plan were in force. Two of the
21 A-2 zoning requests, which were denied by the town
22 because they set up new commercial enterprises outside
23 the hamlet, were -- were decided in the last two years.

24 Thank you.

25 CHAIR WEHMEIER: Thank you.

BOARD MEETING
JEFFERSON COUNTY

April 19, 2022
26

1 So we'll take a roll call vote.

2 MS. MCGRAW: I have to add it, so just give me
3 one second. Okay. You can go ahead and vote.

4 MALE SPEAKER: Mr. Chair, would you just
5 clarify the response is yes and no?

6 CHAIR WEHMEIER: Oh, the -- the yeses would be
7 to postpone. No would be to not postpone.

8 MS. MCGRAW: I have several who are not -- it
9 doesn't show as voting. Are you -- do you have
10 connection issues?

11 FEMALE SPEAKER: Yes.

12 MS. MCGRAW: Supervisor Richardson, Supervisor
13 Preuss.

14 CHAIR WEHMEIER: It didn't register.

15 SUPERVISOR: I'm trying.

16 MS. MCGRAW: Supervisor Mielke.

17 CHAIR WEHMEIER: It's not registering, so you
18 can verbally tell us.

19 MS. MCGRAW: Supervisor Degner.

20 CHAIR WEHMEIER: That was a yes, I believe he
21 said.

22 MS. MCGRAW: Supervisor Groose.

23 SUPERVISOR GROOSE: Yes.

24 MS. MCGRAW: Supervisor Smith.

25 SUPERVISOR SMITH: Yes.

BOARD MEETING
JEFFERSON COUNTYApril 19, 2022
27

1 MS. MCGRAW: Supervisor Martin.

2 SUPERVISOR MARTIN: Yes.

3 MS. MCGRAW: Supervisor Turville-Heitz.

4 SUPERVISOR TURVILLE-HEITZ: Yes.

5 MS. MCGRAW: Supervisor Callan.

6 SUPERVISOR CALLAN: Yes.

7 MS. MCGRAW: Supervisor Gulig.

8 SUPERVISOR GULIG: Yes.

9 MS. MCGRAW: We have 10 yes, 18 no, and two
10 absent.

11 CHAIR WEHMEIER: That motion fails. So it is
12 back to the floor to -- to the original motion to
13 approve or disapprove of these -- this particular
14 petition. Any further discussion on the petition?

15 Mr. Wineke.

16 SUPERVISOR WINEKE: Yeah, I'm wondering if,
17 like, Matt Zangl could take a few minutes to summarize
18 exactly what the issues are here. I've heard people
19 that have indicated that the county had -- was not
20 following their own rules, that kind of thing. And so
21 if -- if that could all be clarified as -- as what the
22 quick process was, and -- and I'm interested in why the
23 -- the board voted unanimously to 800.211.DEPO (3376) EsquireSolutions.com approve this and
24 whether or not it's consistent with the county's plans.

25 CHAIR WEHMEIER: Is Matt here? Oh, okay.

BOARD MEETING
JEFFERSON COUNTYApril 19, 2022
28

1 Matt.

2 MR. ZANGL: Mr. Supervisor Wineke, good
3 question. So I'll start by saying, I'm trying to think
4 of where to start, it would be my opinion if this
5 proposal was offered anywhere else in the county, that
6 it would be approved. The planning zoning committee
7 approved it at the last meeting on a five-to-zero --
8 four-to-zero vote, and I think that shows that they
9 would approve this in any area.

10 I agree with the committees determination
11 that it meets the county's comprehensive plan and the
12 county's zoning ordinances. The confusion, or the --
13 the struggle, comes into play that the town planning
14 commission voted to deny the petition. The town board,
15 the one who makes the formal decision on behalf of the
16 board, voted to approve it. So you're seeing here
17 today the -- the conflict, or the struggle, between the
18 question of, did the town follow their comprehensive
19 plan.

20 Am I the one to offer that suggestion? I
21 don't know. I didn't create the plan. I don't read
22 the plan on a daily basis. I -- I don't know. I can't
23 speak on behalf of that.

800.211.DEPO (3376)
EsquireSolutions.com

24 You've heard comments today that the town did
25 not follow that comprehensive plan; however, the town

BOARD MEETING
JEFFERSON COUNTYApril 19, 2022
29

1 board did approve the petition, the formal decision or
2 recommendation to the planning zoning committee, of
3 which they review, was to approve the petition.

4 Does that answer it in a short statement?

5 SUPERVISOR WINEKE: (Indiscernible).

6 CHAIR WEHMEIER: I think Buck had his hand up
7 first. Mr. Supervisor Smith.

8 SUPERVISOR SMITH: Thank you, Mr. Chair. My
9 concern with this, I was contacted by several people,
10 and as this went to the town, they were unaware that it
11 was there, so they were not able to oppose it. And at
12 the point it had passed, now they're arguing that
13 that's the reason why we should support it. That I
14 personally think this is like the property in Palmyra
15 where it should get sent back to the town and then
16 should figure it out.

17 And if they send it back, you know, pass it or
18 not, but I think the town should -- this should go back
19 to the town and let them decide more if they're in
20 favor of it or not so people have more of an option to
21 disagree -- agree or disagree with it.

22 CHAIR WEHMEIER: Supervisor Morris.

23 SUPERVISOR MORRIS: With 800.211.DEPO (3376)
EsquireSolutions.com trying to put our
24 corp counsel in a difficult position, I wondered if we
25 could get an opinion from the corporation counsel.

BOARD MEETING
JEFFERSON COUNTYApril 19, 2022
30

1 MR. WARD: Thank you. Rezoning is presented
2 -- the petition is presented to the county board.
3 State statutes contemplate that it's a joint endeavor.
4 The -- a rezoning doesn't happen unless the town and
5 the county want it to happen. That's why state
6 statutes give each government the authority to rezone.
7 Specifically with a rezoning request, the county has
8 the ability to approve a rezoning petition, which is
9 what's on the floor right now before the county board,
10 and the town has the authority to veto it. So 40 days
11 after it's passed, if the county does approve the
12 rezoning, the town can veto it.

BOARD MEETING
JEFFERSON COUNTY

April 19, 2022

13 So do we want to get into town politics? As
14 a -- as a matter of doing business, the county asks the
15 town before acting on a zoning petition, does the town
16 support the rezoning petition? In this case, the town
17 said, yes, it does support the rezoning petition, and
18 the planning and zoning committee voted to rezone or
19 grant the rezoning petition. Now we have the county
20 board asked -- being asked to make that decision.

21 We have a number of people who are opposing
22 the rezoning, but legally, we -- we have a petition
23 before the board, and there is nothing preventing, or
24 if -- if we do choose to deny the rezoning petition, I
25 know that's not on the floor right now, there was --

BOARD MEETING
JEFFERSON COUNTYApril 19, 2022
31

1 there was a request to return it or postpone it, but
2 what -- what basis does the county have to deny it?
3 There have been some statements made that it's
4 inconsistent with town county -- town -- town
5 comprehensive plan.

6 Now, it -- it -- the town comprehensive plan
7 is three years out of date, it's expired. So what
8 relevance do you want to give that? Focus on the
9 county's comprehensive plan, the county's zoning
10 ordinance, the recommendation of the planning and
11 zoning committee. And my opinion is that this is a
12 petition to rezone that should be granted. There's --
13 there's nothing inappropriate about granting this
14 petition. I -- I see no issues.

15 Issues have been raised by the public, but
16 these aren't issues that concern me where I would
17 advise the county board to postpone the rezoning
18 petition or deny it, but of course the -- the committee
19 certainly -- or the county board has its option, I've
20 -- I've addressed this with other supervisors, the
21 county board can take action, as it would with any
22 other matter before it, it can approve the rezoning and
23 it can deny it, it can refer it back to the committee, or
24 -- or postpone it or amend the zoning petition.

25 I don't know what amendments would be made,

BOARD MEETING
JEFFERSON COUNTYApril 19, 2022
32

1 but those are the options that state law gives the
2 county board in a situation like this.

3 CHAIR WEHMEIER: Further discussion?
4 Mr. Backlund.

5 SUPERVISOR BACKLUND: Yeah, I think corp
6 counsel answered it, but he was asked -- Mr. Smith was
7 asking about, you know, can we send it back, but the
8 reality is they have the veto power. So even if we
9 approved it, sending it back would only take time, but
10 they still -- if we approve it, they can still veto it
11 and stop the project.

BOARD MEETING
JEFFERSON COUNTY

April 19, 2022

12 MR. WARD: If the town chose to, the town
13 could, yes.

14 CHAIR WEHMEIER: Mr. -- Mr. Kannard.

15 SUPERVISOR KANNARD: I will abstain for
16 potential conflict of interest.

17 CHAIR WEHMEIER: Thank you.

18 Mr. Jaeckel.

19 SUPERVISOR JAECKEL: Thank you again,
20 Mr. Chairman. A few of the things Mr. -- corporation
21 counsel stated it very well. The way things have --
22 are laid out, at least from what I understand, a lot
23 after sitting through several hours with him at the
24 Fair Park in the middle of winter for a We Energies
25 thing. I -- I know there's -- there was lots of

BOARD MEETING
JEFFERSON COUNTYApril 19, 2022
33

1 questions going on that way.

2 I think if everybody actually has met, you
3 know, us on the zoning committee, I would think you
4 would realize we actually do thoughtfully think this
5 stuff through. We do ask corporation counsel lots of
6 times for guidance to it. A few of the points I will
7 bring up, like (indiscernible) town plan is out of date
8 three years. Most -- most places can get business done
9 within three years. If they wanted to update it, amend
10 it, or continue it, they could have done stuff like
11 that pretty easily.

BOARD MEETING
JEFFERSON COUNTY

April 19, 2022

12 Second thing would be, everyone around here
13 either lives in a town or a city, and I think you vote
14 for new town board members, city board councils, and
15 stuff like that every couple of years, regardless. So,
16 you know, when -- when a board overrides committee,
17 because technically, I think that's what a planning
18 commission is, is a committee, they are not elected to
19 that, at least not on any of the town boards I know of;
20 they're all appointed. It would be like us, you know,
21 just going off on one of our appointed administration
22 -- administration people and leaving them have the full
23 range of everything we do. That's ~~800.211.DEPO (3376)~~ do it here,
24 you know, so we can oversee it.

~~800.211.DEPO (3376)~~
~~EsquireSolutions.com~~

25 But I think, you know, when the town had

BOARD MEETING
JEFFERSON COUNTYApril 19, 2022
34

1 approved it, and we said we would approve it and even
2 thought back to say, you know, postponed it another
3 time to -- to just see if the town came back within a
4 month and said they had some major change, I don't see
5 a reason for us not to go forward with approving this.
6 Thank you.

7 CHAIR WEHMEIER: I saw another hand up here
8 earlier. Any other -- Mr. Johns hasn't spoken yet.

9 SUPERVISOR JOHNS: Thank you, Mr. Chair.

10 CHAIR WEHMEIER: And then we can go back to
11 you, Supervisor Martin.

BOARD MEETING
JEFFERSON COUNTY

April 19, 2022

12 SUPERVISOR JOHNS: This project is in my
13 district over in -- outside of Farmington, so I -- I've
14 been weighing this back and forth for the last couple
15 of days. It's become quite an issue in my -- in my
16 district there and certainly on that side of it.

17 But I think corporate counsel helped us out
18 here a little bit with the possibility of the -- of the
19 town board vetoing this if, in fact, they chose to do
20 that. It's a town board and the town planning group.
21 It gives them 40 days. It's an off-ramp. It's an
22 opportunity for an off-ramp for them, if, in fact,
23 that's what their constituents or ^{800.211.DEPO (3376)} ^{EsquireSolutions.com} town board wants
24 to do. I'm not advocating for that, but I'm just
25 saying there is an off-ramp, in fact, if it's -- if

BOARD MEETING
JEFFERSON COUNTYApril 19, 2022
35

1 it's -- if it's -- if it's taken up by the town.

2 So I just want to thank you corporate counsel
3 for pointing that out. It -- it does -- it is a
4 factor. Thank you.

5 CHAIR WEHMEIER: Supervisor Martin.

6 SUPERVISOR MARTIN: Thank you, Mr. Chair.
7 Just one question for clarification from corporate
8 counsel.

9 Is it my understanding that we do not really
10 have clarity on -- as to whether a town plan, which is
11 technically outdated, still is legally binding? Thank
12 you.

13 MR. WARD: No, that's a good question. I
14 found -- through my research, I found no guidance on
15 whether or not -- what -- what the effect of an
16 outdated town plan would be; but it is my opinion that
17 it would not be appropriate to say, just because the
18 town plan is outdated, therefore, there can never be
19 any rezoning petitions granted in that town. So
20 assuming it has an -- an effect, well, what is that
21 effect? And in my opinion that effect isn't a basis to
22 deny the rezoning request.

23 SUPERVISOR MARTIN: Thank you.
800.211.DEPO (3376)
EsquireSolutions.com

24 CHAIR WEHMEIER: Mr. Poulson.

25 SUPERVISOR POULSON: I would make a motion to

BOARD MEETING
JEFFERSON COUNTYApril 19, 2022
36

1 call the vote.

2 MALE SPEAKER: He's just calling for the
3 question.

4 CHAIR WEHMEIER: He's calling for the
5 question.

6 Is there a second to that? This can only be
7 approved by a majority -- majority vote, because
8 basically what you're doing is -- is ending discussion.
9 And so the motion is on the floor to -- it's a
10 two-thirds vote, yes, it is a two-thirds vote. So
11 motion on the floor to -- to call a question. This is
12 not for the question, just whether or not to call it
13 and end debate. So we'll take a roll call vote.

14 MS. MCGRAW: I have to add this.

15 CHAIR WEHMEIER: Okay, okay. The motion on
16 the floor right now is to end debate. It is not for or
17 against this petition. It is to end debate. That's
18 all it is. If you vote yes, you want to end the
19 debate. No, you want to allow people to have their say
20 any further.

21 Mr. Kannard.

22 SUPERVISOR KANNARD: I would like to ask,
23 Blair, do I need to abstain from this, or should I
24 vote?

25 MR. WARD: My -- my advice is since you

BOARD MEETING
JEFFERSON COUNTYApril 19, 2022
37

1 abstained from the main motion, that you would abstain
2 from any secondary or subsidiary motions, so yes.

3 CHAIR WEHMEIER: Let us know when you're
4 ready, madam clerk.

5 MS. MCGRAW: I'm ready.

6 CHAIR WEHMEIER: Madam clerk, you're ready,
7 okay.

8 We can vote.

9 MS. MCGRAW: Supervisor Richardson.
10 Supervisor Preuss. Supervisor Mielke. Supervisor
11 Degner.

BOARD MEETING
JEFFERSON COUNTY

April 19, 2022

12 SUPERVISOR DEGNER: Yeah.

13 MS. MCGRAW: Supervisor Groose.

14 SUPERVISOR GROOSE: Yeah.

15 MS. MCGRAW: Supervisor Smith.

16 SUPERVISOR SMITH: No.

17 MS. MCGRAW: Supervisor Martin.

18 SUPERVISOR MARTIN: No.

19 MS. MCGRAW: Supervisor Turville-Heitz.

20 SUPERVISOR TURVILLE-HEITZ: Yes.

21 MS. MCGRAW: Supervisor Callan. Supervisor
22 Gulig. Twenty-one yes, six no, one abstain, two
23 absent.

800.211.DEPO (3376)
EsquireSolutions.com

24 CHAIR WEHMEIER: So now the original motion is
25 on the floor for approval or disapproval of -- of this

BOARD MEETING
JEFFERSON COUNTYApril 19, 2022
38

1 petition. Any further discussion?

2 Mr. Smith.

3 SUPERVISOR SMITH: I just had a question, is
4 this going to be sent back to the same board that sent
5 it here that has already approved it? Is that the
6 same --

7 CHAIR WEHMEIER: Yes.

8 SUPERVISOR SMITH: -- board?

9 CHAIR WEHMEIER: It's the same board. It
10 hasn't changed.

11 BOARD MEETING
JEFFERSON COUNTY SUPERVISOR SMITH: Okay. Thanks. April 19, 2022

12 CHAIR WEHMEIER: Yeah.

13 SUPERVISOR SMITH: Thank you.

14 CHAIR WEHMEIER: Yeah. Okay. All in favor?
15 Oh, wait, wait.

16 Do you have -- do you have a question, Anita?
17 No, okay.

18 So now we'll do a voice vote on whether to
19 approve or disapprove. If I -- if I can't discern, we
20 will have a roll call vote. All in favor of this
21 petition say aye.

22 SUPERVISOR: Aye.

23 SUPERVISOR: Aye.

800.211.DEPO (3376)
EsquireSolutions.com

24 CHAIR WEHMEIER: Aye.

25 Opposed?

BOARD MEETING
JEFFERSON COUNTYApril 19, 2022
39

1 SUPERVISOR: No.

2 CHAIR WEHMEIER: The ayes have it.

3 * * *

4

5

6

7

8

9

10

BOARD MEETING
JEFFERSON COUNTY

April 19, 2022

11

12

13

14

15

16

17

18

19

20

21

22

23

800.211.DEPO (3376)
EsquireSolutions.com

24

25

FILED
03-31-2023
Clerk of Circuit Court
Cindy R. Hamre Incha
2022CV000334

STATE OF WISCONSIN

CIRCUIT COURT

JEFFERSON COUNTY

DEFEND TOWN PLANS, U.A.,
DALE KONLE,
KIM VERHEIN HERRO,
KIMBERLY A. MILLER,
ROBERT GARTZKE and
KAREN GARTZKE,

and

SALLY J. WILLIAMS,

Petitioners,

Case No. 2022-CV-334

v.

30955: Petition for Writ of Certiorari

JEFFERSON COUNTY
BOARD OF SUPERVISORS,
311 South Center Avenue
Jefferson, WI 53549,

Respondent.

PETITIONERS' BRIEF ON CERTIORARI REVIEW

INTRODUCTION

Petitioners in this case are residents of the Town of Concord in Jefferson County (the “Town”) and members of Defend Town Plans, U.A., an unincorporated association organized to ensure that the land use policies and values established by local comprehensive plans are actually implemented in the zoning process. In April 2022, Respondent Jefferson County Board of Supervisors approved a petition to rezone a parcel of property in the Town. The petition was filed by The Boat House of Lake Country (not a party to this case), a recreational boat dealer

with an interest in the property under an offer to purchase. The map amendment adopted by the County Board removed a 7.4-acre parcel of land in the Town from the A-1 exclusive agricultural zoning district to the A-2 district to enable the construction of ten boat storage barns. In adopting the rezone ordinance, the County Board acted in violation of sec. 66.1001, Wis. Stats. (2021-22), the comprehensive planning law. That statute required the County Board to deny the rezone petition because the proposed commercial use of the property is inconsistent with the County's own comprehensive plan. The Plan--which incorporates the recently updated Jefferson County Agricultural Preservation and Land Use Plan—limits commercial development to the Town's "rural hamlet," a mapped area whose boundaries do not encompass the rezoned parcel.

Notably, the Town plan incorporated the rural hamlet map defined by the 1999 Jefferson County Agricultural Preservation and Land Use Plan.¹ The boundaries of the Town's rural hamlet were deliberately established on the part of the multiple stakeholders who participated in the Town planning process. The authors of the Town plan recognized that "[t]he proximity of Concord to the intense growth areas of Oconomowoc, Summit, and Johnson Creek presents unique challenges to the Town in its efforts to maintain the open space desired by the majority of Town residents and agriculture as the primary land use."²

In adopting the Zoning Ordinance amendment, the County Board ignored the explicit intent of its own Comprehensive Plan to "accommodate growth and development in planned locations, forms and densities that meet the goals and direction of the county and its local jurisdiction partners."³ This was not a matter of interpretation or discretion on the County's part. The County's Plan defines the boundaries of the rural hamlet and areas designated for future

¹ Town of Concord Comprehensive Plan, at 5, attached as Ex. B to Petitioners' Complaint, Doc. 2:12. Petitioners' Appendix P. 8 (hereinafter "P. App.).

² *Id.*

³ Jefferson County Agricultural Preservation and Land Use Plan, at 4 (P. App. 7).

growth, and requires all commercial development in the Town to occur solely within those mapped locations. The County Board also failed to make the findings mandated by sec. 91.48 of Wisconsin's farmland preservation law and its Zoning Ordinance for rezoning property out of the A-1 exclusive agricultural zoning district. The zoning ordinance amendment should therefore be declared void as a matter of law.

BACKGROUND

I. Zoning and Comprehensive Planning

Section 66.1001, Stats., sometimes referred to as the "Smart Growth Law," was enacted in 1999 for the purpose of increasing the role of comprehensive planning in local zoning and other land use regulatory decisions. The statute provides a framework for the adoption and implementation of comprehensive land use plans by local units of government. It mandates the adoption of written procedures "that are designed to foster public participation, including open discussion, communication programs, information services, and public meetings for which advance notice has been provided, in every stage of the preparation of a comprehensive plan." Wis. Stat. § 66.1001(4)(a). Public participation in the adoption of a comprehensive plan is fostered by "wide distribution of proposed, alternative, or amended elements," and "an opportunity for written comments on the plan to be submitted by members of the public to the governing body and for the governing body to respond to such written comments." *Id.* These procedural requirements ensure that such plans are the product of a thoughtful process with significant engagement by the public and thereby reflect a consensus view of the policies that should guide land use regulation in a given jurisdiction.

Jefferson County adopted an updated Comprehensive Plan in February 2021.⁴ Section 66.1001(3), Stats., establishes that amendments to the County Zoning Ordinance are governed by that Plan. The statute lists the local ordinances that are required to be consistent with comprehensive plans, including “County zoning ordinances enacted or amended under s. 59.69.” Wis. Stat. § 66.1001(3)(j). It defines “consistent with” to mean “*furtheres or does not contradict the objectives, goals and policies contained in the comprehensive plan.*” Wis. Stat. § 66.1001(1)(am). Thus, any amendment to Jefferson County’s general zoning ordinance must by law be consistent with—and not contradict—its Comprehensive Plan.

III. The Farmland Preservation Law

In 2009, Wisconsin’s farmland preservation law was repealed and recreated as part of the State Budget Act. The new law was the product of the Working Lands Initiative, a group convened by the Secretary of Agriculture representing a variety of stakeholders with an interest in alleviating pressure on increasingly developed agricultural land.⁵ Codified in ch. 91 of the Statutes, Wisconsin’s Working Lands Law updated standards for farmland preservation zoning. Significantly, s. 91.10(2) of the law provides that counties with comprehensive plans are required to incorporate their farmland preservation plans into those plans. Jefferson County’s Agricultural Preservation and Land Use Plan, adopted February 9, 2021, is a certified farmland preservation plan within the meaning of Wis. Stat. § 91.16.⁶ Jefferson County’s farmland preservation plan is thus incorporated by statute as part of the County’s Comprehensive Plan

⁴Available at:

<https://www.jeffersoncountywi.gov/Reports/Plans/Jefferson%20County%20Comprehensive%20Plan.pdf>.

⁵Wisconsin Legislative Fiscal Bureau Informational Paper 71, “Working Lands and Farmland Preservation Tax Credits (January 2017), available at:

https://docs.legis.wisconsin.gov/misc/lfb/informational_papers/january_2017/0071_working_land_and_farmland_preservation_tax_credits_informational_paper_71.pdf

⁶ See Jefferson County Agricultural Preservation and Land Use Plan preface, DATCP letter dated February 12, 2021, confirming ch. 91. Stats/ certification, P. App. 6.

adopted pursuant to Wis. Stat. § 66.1001. These plans are collectively referred to herein as the “Plan”. Amendments to the Jefferson County zoning ordinance must be consistent with the maps included in the Plan which identify, on a town-by-town basis, rural hamlets and farmland preservation areas overlaid on parcel maps. The farmland preservation component of Jefferson County’s Plan “functions as the primary policy document, defining direction for how farmland and resources should be preserved. The plan is also designed to accommodate growth and development in planned locations, forms, and densities that meet the goals and direction of the county and its local jurisdictional partners.”⁷

In addition to specifying the elements for county farmland preservation plans, Wisconsin’s Working Lands Law provides a process for certification of county zoning ordinances to allow landowners to qualify for farmland preservation tax credits. Section 11.04(f)6. of the County Zoning Ordinance, establishing the A-1 exclusive agricultural zoning district, is a certified farmland preservation ordinance within the meaning of Wis. Stat. § 91.36. According to the Ordinance:

The long-range goal for agricultural land use within Jefferson County is to preserve the most valuable of all resources—fertile land for agricultural pursuits—and to protect the land best suited for farming from premature urbanization. The A-1 Exclusive Agricultural district is intended to promote continued agricultural use on the best quality agricultural land . . . be a state-certified farmland preservation tax credit program to preserve rural character and manage nonfarm development; and provide reasonable opportunities for agriculturally-related businesses and home occupations.

ZONING ORDINANCE § 11.04(f)6.i. As the Ordinance itself recognizes, the farmland preservation law imposes specific requirements on petitions to rezone property out of the A-1 zoning district. The statute allows the County to rezone land out of the farmland preservation zoning district only after it first finds all of the following:

⁷ Jefferson County Agricultural Preservation and Land Use Plan, at 4 (P. App. 7).

(a) The land is better suited for a use not allowed in the farmland preservation zoning district.

b) The rezoning is consistent with any applicable comprehensive plan.

(c) The rezoning is substantially consistent with the county certified farmland preservation plan.

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

Wis. Stat. § 91.48. See also ZONING ORDINANCE, § 11.11(e)6 (imposing requirements for additional findings of fact with respect to the property to be rezoned). These statutory requirements reinforce the centrality of the Comprehensive Plan in zoning decisions affecting prime agricultural land.

ARGUMENT

I. THE CERTIORARI STANDARD OF REVIEW REQUIRES THE COURT TO DETERMINE WHETHER THE COUNTY PROCEEDED ON A CORRECT THEORY OF LAW.

Certiorari review of the record of the County's adoption of the rezone ordinance in this case requires the Court to consider whether: (1) the County kept within its jurisdiction; (2) the County acted according to law; (3) the County's decision was "arbitrary, oppressive, or unreasonable, and represented its will, and not its judgment"; and (4) the County "might reasonably make the order or determination in question" based on the evidence before it. *See Oneida Seven Generations Corp. v. City of Green Bay*, 362 Wis. 2d 290, ¶ 41, 865 N.W.2d 162 (2015).

This case does not involve the County Board's jurisdiction or a decision committed to its reasoned discretion. Rather, Petitioners have alleged that the County failed to act according to law by ignoring the requirements of Wis. Stats. §§ 66.1001 and 91.48 when rezoning the Boat House parcel. A zoning authority proceeds on a correct theory of law when it relies on the applicable statutes and cases and applies them properly. *Edward Kraemer & Sons v. Sauk Cnty.*

Bd. of Adjustment, 183 Wis. 2d 1, 8-9, 515 N.W.2d 256 (1994). According to a plain reading of the governing statutes, the Board erred as a matter of law.

II. THE REZONE ORDINANCE CONTRADICTS THE PLAIN AND UNAMBIGUOUS STANDARDS CONTAINED IN JEFFERSON COUNTY'S COMPREHENSIVE PLAN IN VIOLATION OF WIS. STAT. § 66.1001(3).

Rezoning a parcel from one district to another requires the County Board to adopt an amendment to the Zoning Ordinance, because the zoning district map is part of the Ordinance.⁸ By statute, a zoning ordinance amendment requires a public hearing and recommendation by the county planning agency. See Wis. Stat. § 59.69(5)(e). That agency, the Jefferson County Planning and Zoning Committee (the “Committee”) held a public hearing on the Rezone Petition on February 17, 2022.⁹ More than 40 members of the public urged denial of the petition on the grounds that it was inconsistent with the Town of Concord’s comprehensive plan.¹⁰ In the face of that considerable opposition—including from the Town Planning and Zoning Committee—the Town Board of Supervisors nevertheless voted 2-1 to recommend approval the petition pursuant to Wis. Stat. § 59.69(5)(e).¹¹ The latter statute provides that if a town disapproves of a county zoning ordinance amendment, the county planning and zoning committee may only (1) recommend approval after changes to the petition or (2) recommend disapproval to the County Board. See *id.*

⁸ See ZONING ORDINANCE, § 11.04(b) (“A certified copy of the zoning map shall be adopted and approved with the text as part of this Ordinance...”).

⁹ See Minutes, February 17, 2022 public hearing, Doc 12.

¹⁰ See Docs. 12:4-5, 16, 17, Doc 25:12-16, Doc. 34:3-12.

¹¹ See Record of Decision dated February 14, 2022, Doc. 18:1. See also Memo of Town Board Supervisor Konle (a petitioner in this case) dated January 29, 2022, Doc.18:3, explaining “I voted against the rezoning request from A-1 to A-2 because the change does not follow the Town of Concord’s comprehensive plan. Having a town comprehensive plan allows a town to step back and take some time to decide what really is important in making and keeping the town a nice place to live. This thoughtfulness should not be overridden in a half-hour discussion at a town board meeting where personal relationships cloud the decision.”

The Committee noted the discrepancy between the Town Board's approval of the rezone petition and the plain language of the Town's comprehensive plan, leading it to table the petition at the Committee's February 28, 2022 meeting following the public hearing.¹² A memo from Matt Zangl, the County's Director of Planning and Zoning, memorialized the Committee's decision: "The Committee heard testimony in public hearing that this proposal is inconsistent with the Town's plan, which they also were told was being updated. Therefore they voted to postpone action at this time."¹³ At its next meeting on March 28, 2022, the Committee—without any further input from the Town—took up the petition and voted unanimously to recommend approval of a zoning ordinance amendment.¹⁴ On April 19, 2022, the County Board adopted Ordinance No. 2022-02, which rezoned the 7.4-acre parcel from A-1 exclusive agriculture to A-2 agricultural and rural business.¹⁵

The County Board's action to rezone the Boat House parcel to facilitate the development of ten storage barns directly contradicts the County Plan, in violation of s. 66.1001(3)(j), Stats. The Plan includes Figure 7, the Farmland Preservation Map for Town of Concord in Jefferson County (reproduced below on page 10) which delineates the boundaries of the Town's rural hamlet. Designation of township "rural hamlets" is key to the implementation of the County's farmland preservation policies.¹⁶ A rural hamlet is defined as "[a] collection of small-scale usually older buildings in a town, often located at or near the crossroads of two rural highways, and typically including some mix of residential and non-residential uses."¹⁷ In contrast to a rural hamlet, "farmland preservation areas" are defined in the Plan to mean "[a]reas of existing

¹² See Tr., February 28, 2022 Committee meeting, p. 13, line 23 to p. 19, line 11, Doc. 23:14-20 (P. App. 15-21).

¹³ Certiorari Record, Doc. 18:2.

¹⁴ Minutes, Jefferson County Planning and Zoning Committee Decision Meeting, March 28, 2022, at 2, Doc. 14:4.

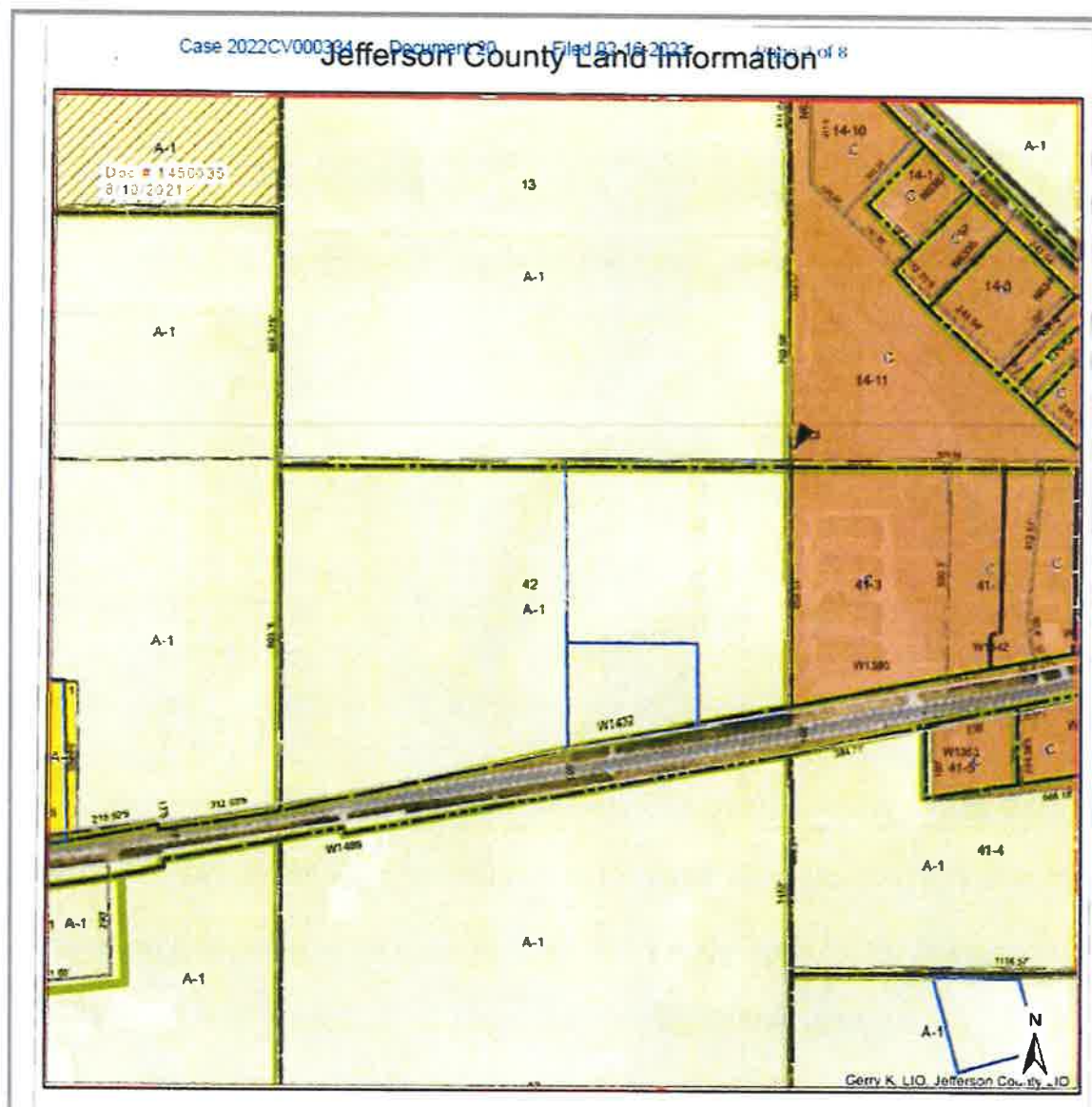
¹⁵ Certiorari Record, Doc. 32:3-4 (P. App. 31-32).

¹⁶ Jefferson County Agricultural Preservation and Land Use Plan, at 5 (P. App. 8).

¹⁷ *Id.*

agricultural or agricultural-related uses . . . *that should be preserved for agricultural or agricultural-related uses throughout the planning horizon of the Agricultural Preservation and Land Use Plan.*" (emphasis added).¹⁸

The rezoned 7.4-acre parcel is located on County Highway B, immediately west of the Town of Concord's rural hamlet, as shown by the following parcel map:¹⁹



¹⁸ *Id.* at 5 (P. App. 8)

¹⁹ Certiorari Record, Doc. 20:2 (P. App. 13). See also Doc. 15:2 (P. App. 12).

The orange-shaded area of the preceding GIS parcel map designates the Town's rural hamlet, as confirmed by Figure 7 below. The blue-outlined parcel immediately to the west is the rezone parcel.

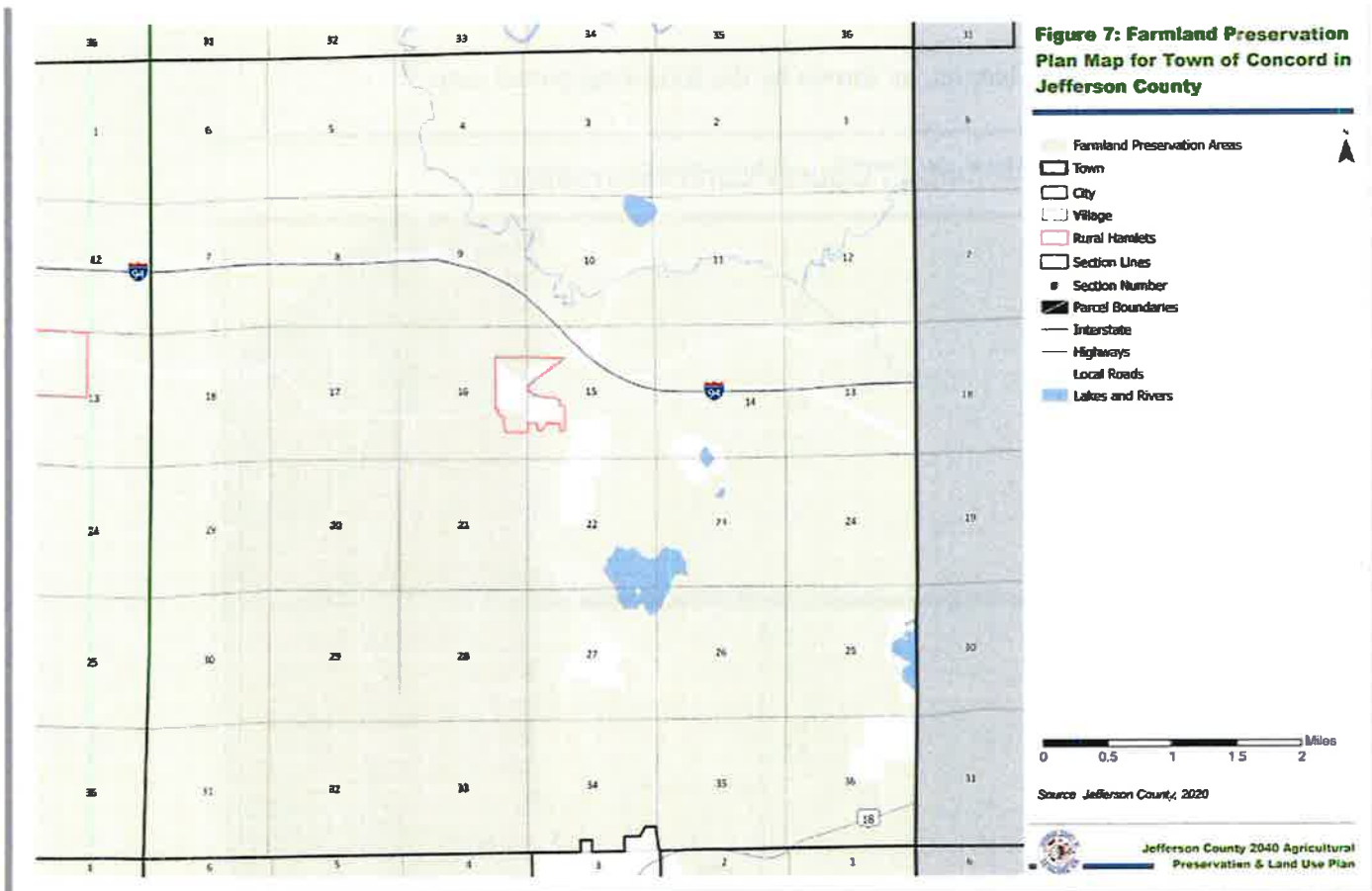
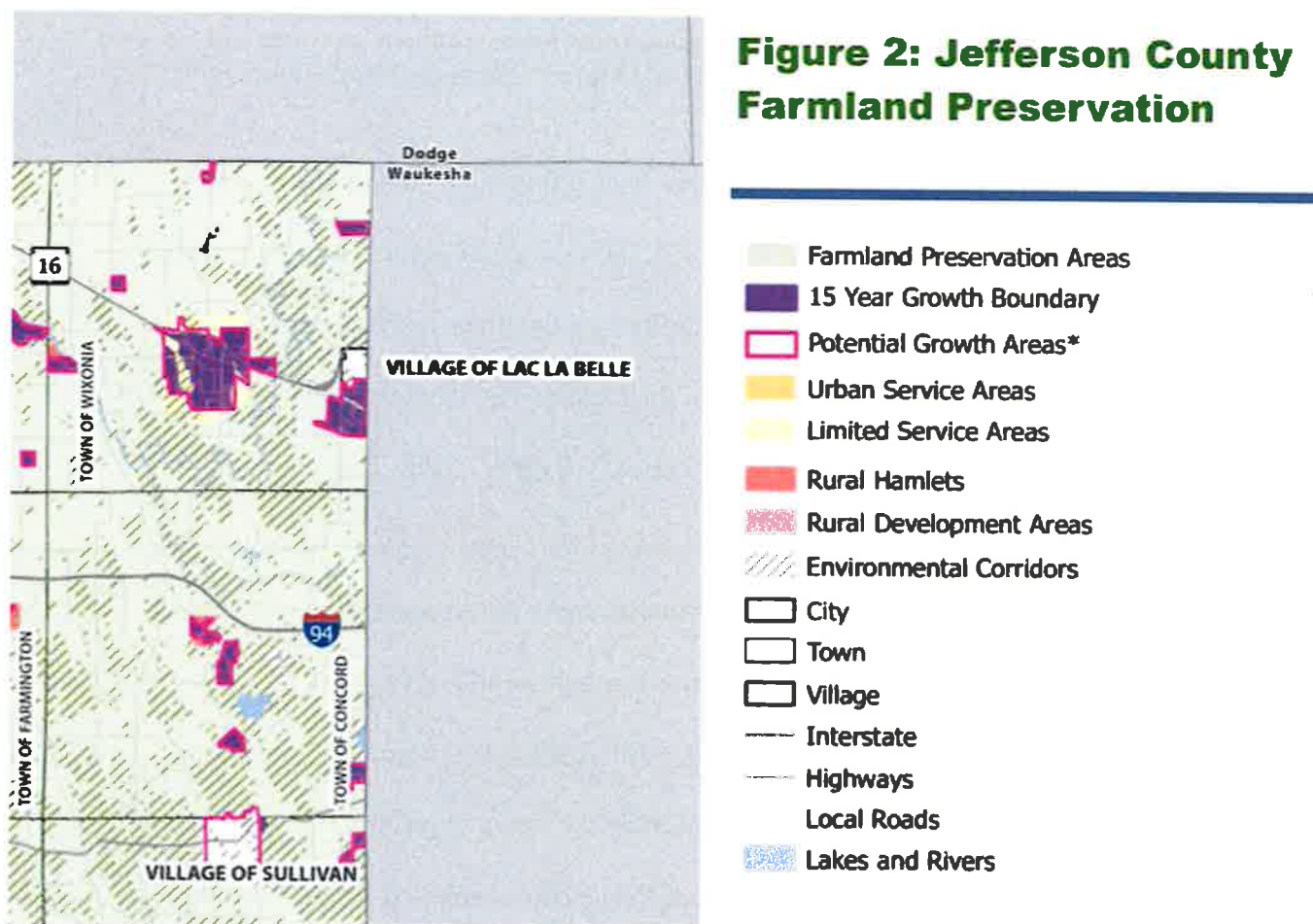


Figure 7 of the Plan,²⁰ reproduced above, delineates the Town of Concord rural hamlet and classifies virtually all other lands in the Town as Farmland Preservation Areas. The implementation chapter of the Plan details the land use policies for rural hamlets and states that “within those portions of a Rural Hamlet that are not also within a 15 Year Growth Area, allow development only of the type and density allowed under the Farmland Preservation Area future

²⁰ Jefferson County Farmland Preservation Plan, Appendix B.

land use category, until such time as the affected land is redesignated to be within the 15 Year Growth Area.”²¹

Figure 2 of the Plan, reproduced below, depicts areas of the County that are projected 15 Year Growth Areas. Notably, the Town of Concord’s 15 Year Growth Area does not extend the boundaries of the existing rural hamlet, as shown below:



The Plan explains that “by definition, 15 Year Growth Areas should not include Farmland Preservation Areas.”²² Instead, the Plan must “[d]esignate lands intended for non-agricultural development within the planning horizon as something other than Farmland Preservation Area,

²¹ Jefferson County Agricultural Preservation and Land Use Plan, p. 37 (P. App. 11).

²² *Id.*, p 17 (P. App. 10).

as required under the State's Working Lands law.”²³ As quoted above, the Plan specifies that future land use categories for farmland preservation areas include only “agricultural and agricultural-related uses throughout the [15-year] planning horizon.”²⁴ The Plan defines “agricultural-related use” to mean:

“[a]n agricultural equipment dealership, facility providing agricultural supplies, facility for storing or processing agricultural products, or facility for processing agricultural wastes...agricultural chemical dealers and/or storage facilities; commercial dairies; commercial food processing facilities; canning and other food packaging facilities; sawmills, de-barking operations; and chipping facilities.”

The Town of Concord's 2009 Comprehensive Plan is fully aligned with the goals and policies of the County Plan. It states: “The Town will limit the establishment of new business areas within the Town of Concord rural hamlet as defined by the [then-current] 1999 Jefferson County Agricultural Preservation Plan.”²⁵ Notably, the County's 2021 updated Plan did not expand the western boundary of the Town's rural hamlet.²⁶ Further, “[t]he Town will not support expansion of the current rural hamlet or creation of new rural hamlet areas within the Town.”²⁷ As of 1999, approximately 80 acres within the rural hamlet remained available and “adequate to support additional business development through the life of this plan.”²⁸

Section 66.1001(3) imposes an independent, positive duty on the County Board to implement its own Plan, regardless of any action taken by the Town to recommend approval or disapproval of a zoning ordinance amendment. The storage barns proposed for the rezoned parcel are not an agricultural-related land use within the contemplation of either the Town or the County's comprehensive plans. All of the foregoing interrelated provisions establish that the

²³ *Id.*

²⁴ Jefferson County Agricultural Preservation and Land Use Plan, at 6 (P. App. 9).

²⁵ Town of Concord Comprehensive Plan, at 56 (P. App. 3).

²⁶ See Jefferson County Agricultural Preservation and Land Use Plan, Appendix B, Figure 7, *supra* p. 10.

²⁷ Town of Concord Comprehensive Plan, at 56 (P. App. 3).

²⁸ *Id.* at 57 (P. App. 4).

rezone amendment did not further and substantially contradicted the County's own Plan in violation of Wis. Stat. § 66.1001(3). The amendment must therefore be declared void.

III. THE COUNTY ERRED AS A MATTER OF LAW IN FAILING TO MAKE THE FINDINGS MANDATED BY WIS. STAT. § 91.48(1) FOR A REZONE OF PROPERTY OUT OF THE FARMLAND PRESERVATION ZONING DISTRICT.

Section 91.48(1), Stats. and Section 11.11(c)6. of the Zoning Ordinance require the County Board to make certain mandatory findings in approving a rezone of property out of the exclusive A-1 agricultural zoning district, including but not limited to a finding that the rezoning is consistent with any applicable comprehensive plan and that the rezoning is substantially consistent with the County's certified farmland preservation plan. As noted above, however, the Planning and Zoning Committee failed to meet its statutory obligations when it focused instead on the Town's role in the rezone process. At its decision meeting on March 28, 2022, the Committee heard comments from Planning and Zoning Director Zangl, who opined: "The Town Comprehensive Plan is meant for the Town to provide guidance and their recommendations. And if the Town isn't following that, unfortunately, that's a Town issue."²⁹ The members of the Committee followed suit. As Committee Chair Jaeckel reasoned: "their decision at the Town level was to approve [the rezone petition]. . . . I think we have our prerogative to approve this, because as far as we've seen it, it does meet our plan."³⁰ These comments were followed by discussion of the language of the Town's comprehensive plan (misquoting and misrepresenting the plan in the process);³¹ whether the Town and County had approved other A-1 to A-2 rezone petitions in the past; and whether the Town's plan was out of date and therefore unenforceable.

²⁹ Certiorari Record, Tr., Planning and Zoning Committee Hearing of March 28, 2022, at 9-11; Doc. 24:10-11 (P. App. 23-24).

³⁰ *Id.*, p. 11, lines 13-20, Doc. 24:12 (P. App. 25).

³¹ *Id.*, p. 26 l. 9 through p. 28, l. 3 (P. App. 27-29).

Another Committee member speculated—on the basis of zero evidence³²—that if the Town had in fact updated its plan, the rezone parcel would have been included in the rural hamlet.³³ Ultimately the Committee adopted a motion to recommend the rezone because it was “consistent with what the Township has approved in the past” and because the parcel was “adjacent to properties currently utilized for business purposes.”³⁴

Similarly, the County Board’s deliberations ahead of its vote to adopt the rezone amendment revolved around the Town’s decision to recommend approval. The transcript of its deliberations shows that the Committee never acknowledged the relevant legal standard, nor reviewed the content of the County’s own Plan.³⁵ Rather, the Board’s deliberations were consistently misdirected toward the Town’s comprehensive plan and the issue of whether it had “expired” such that it could be disregarded.³⁶ A motion to postpone consideration of the rezone petition failed, and minutes later the Board moved to cut off debate.³⁷ The transcript reflects that the Board made none of the required findings of fact to rezone the property out of the A-1 exclusive agricultural district required by Wis. Stat. § 91.48 and sec. 11.11 of the County Zoning Ordinance. This procedural error is grounds in and of itself to reverse the Board’s decision and invalidate the rezone amendment.

³² See *supra*, notes 25-27 and associated text of the Town’s plan. See also Tr., County Board meeting of April 19, 2022, p. 9 (Doc. 34:10) (P. App. 10) (Town Board Supervisor Dale Konle commenting: I would point out that prior to the decision on the [rezone] proposal, the town has continued to operate as though the [Town’s] plan was in force.”)

³³ Tr., March 28, 2022 Committee meeting, p. 26, lines 9-12, Doc. 24:27 (P. App. 27).

³⁴ *Id.* p. 26, line 22 to p. 28, line 10, Doc. 24:27-29 (P. App. 27-29).

³⁵ See Tr., County Board meeting of April 19, 2022, pp. 27-39 (Doc. 34:28-40) (P. App. 36-48).

³⁶ *Id.*, pp. 28-31, Doc. 34:29-32 (P. App. 37-40).

³⁷ *Id.* pp. 26-37, Doc. 34:27-38 (P. App. 35-46).

CONCLUSION

The Wisconsin statutes impose a clear and unambiguous duty on the Respondent to ensure that any amendment to the County Zoning Ordinance is consistent with its Comprehensive Plan. Unlike horseshoes and hand grenades, “close enough” is insufficient as a matter of law to find consistency with the Plan’s provision that non-agricultural-related commercial development must be confined to the mapped Town of Concord rural hamlet, which coincides with the Town’s 15-year growth area. The Court should therefore vacate Jefferson County Ordinance No. 2022-02.

Dated this 31st day of March, 2023.

Respectfully submitted,

FREDRIKSON & BYRON, P.A.
Attorney for Petitioners

Electronically signed by: Mary Beth Peranteau
Mary Beth Peranteau, State Bar No. 1027037
44 East Mifflin Street, Suite 1000
Madison, WI 53703
mperanteau@fredlaw.com
(608) 441-3832 direct line

Register of Deeds	March 2023			Output Measures	YR to Date	Current Yr. Target
Program/Service Description	2021	2022	2023	Totals	%	
Documents Recorded	1,873	1,297	777	2,146	17%	
Vital Records Filed	185	168	180	514	24%	
Vital Record Copies	1,637	1,597	1,475	4,116	27%	
ROD Revenue (Gross Total)	\$ 192,245.98	\$ 249,854.48	\$ 131,116.45	\$ 407,134.17	24%	
Transfer Fees	\$ 22,619.46	\$ 37,958.22	\$ 17,304.18	\$ 57,761.40	29%	
LIO Fees	\$ 15,619.00	\$ 10,760.00	\$ 6,983.00	\$ 19,052.00	17%	
Document Copies	\$ 7,698.93	\$ 6,811.88	\$ 5,816.55	\$ 15,127.21	28%	
Laredo	\$ 3,681.75	\$ 3,718.50	\$ 5,032.00	\$ 11,143.96	35%	
ROD Revenue to General Fund	\$ 68,091.14	\$ 73,744.60	\$ 45,239.73	\$ 131,056.57	25%	
Percentage of Documents eRecorded	70%	66%	57%	68%		
Budget Goals Met	Yes	Yes	Yes	Yes		Yes
Back Indexed	11,212	4,728	12,121	56,768	284%	

Wisconsin Register of Deeds Association:

We are currently testing the program to shield documents of federal judges. There are a few pieces of legislation being introduced to update the vital records process as well as the access to vital records.

Register of Deeds Office:

The staff continues to work on back indexing documents for easier access. Giving our searchers and staff the ability to search documents by name and legal description back to 1959.

Wisconsin Counties Association Board of Directors:

WCA has held weekly webinars on a variety of subjects, I highly encourage participation from staff and county board members.

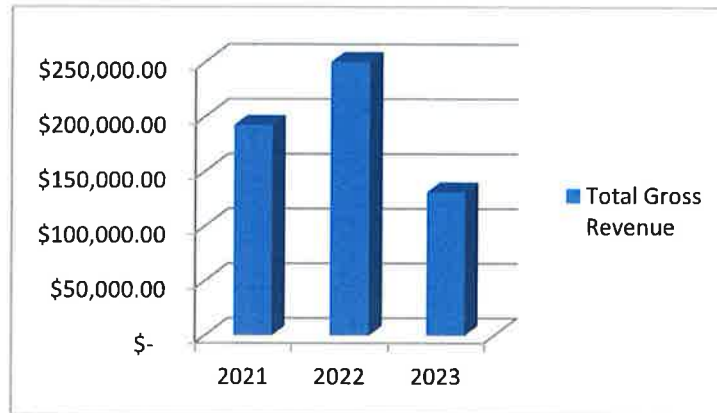
Wisconsin Public Records Board:

The new public records retention and destruction schedule has been approved by the Wisconsin Public Records Board. We will continue to review the schedule and make changes as necessary.

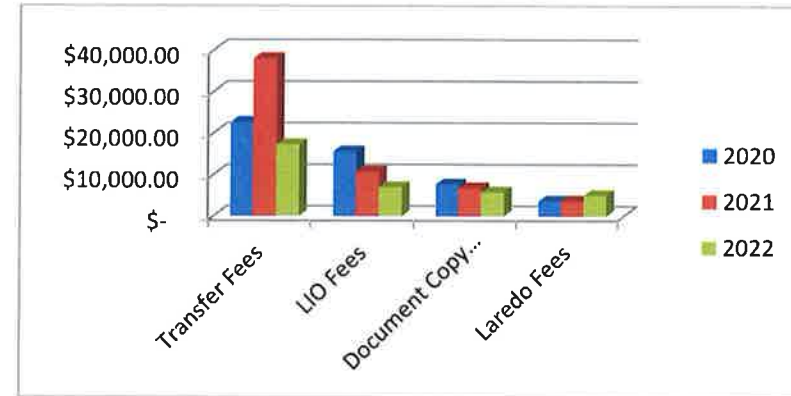
Register of Deeds Monthly Budget Report

Mar-23

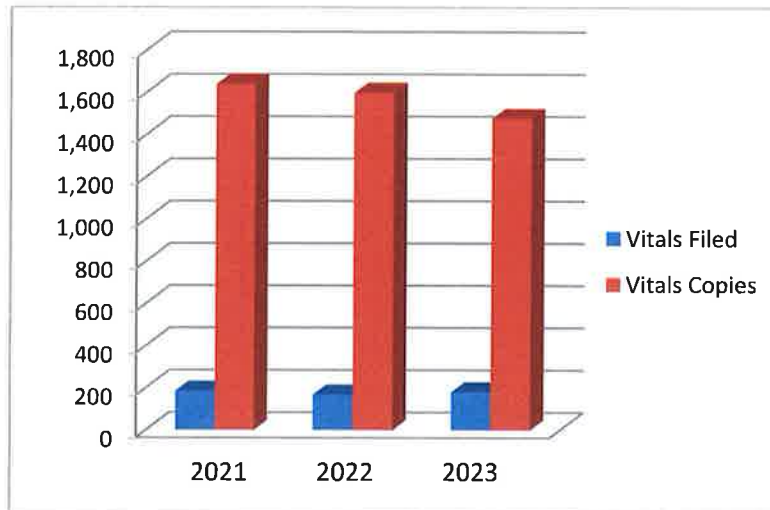
ROD Total Gross Revenues



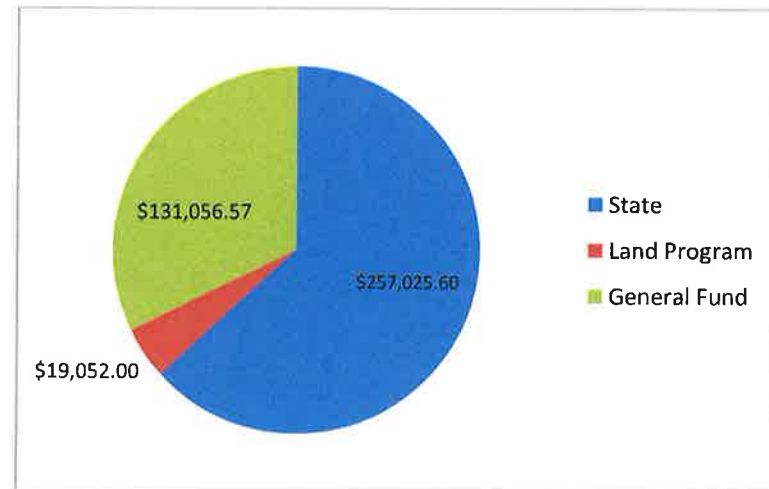
Land Related Revenue



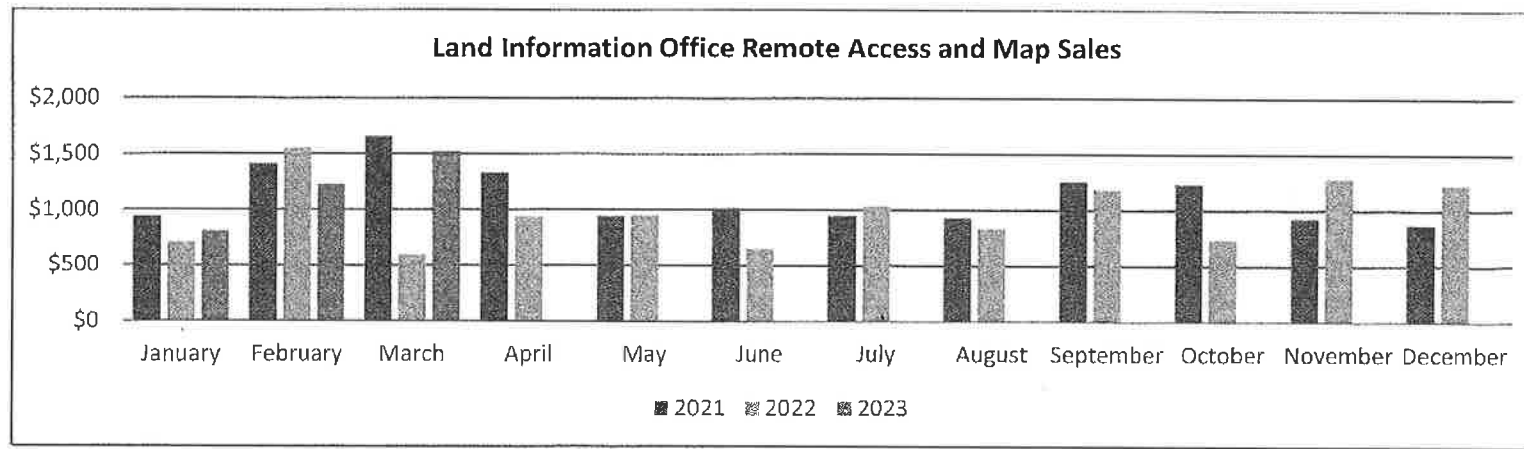
Vital Records



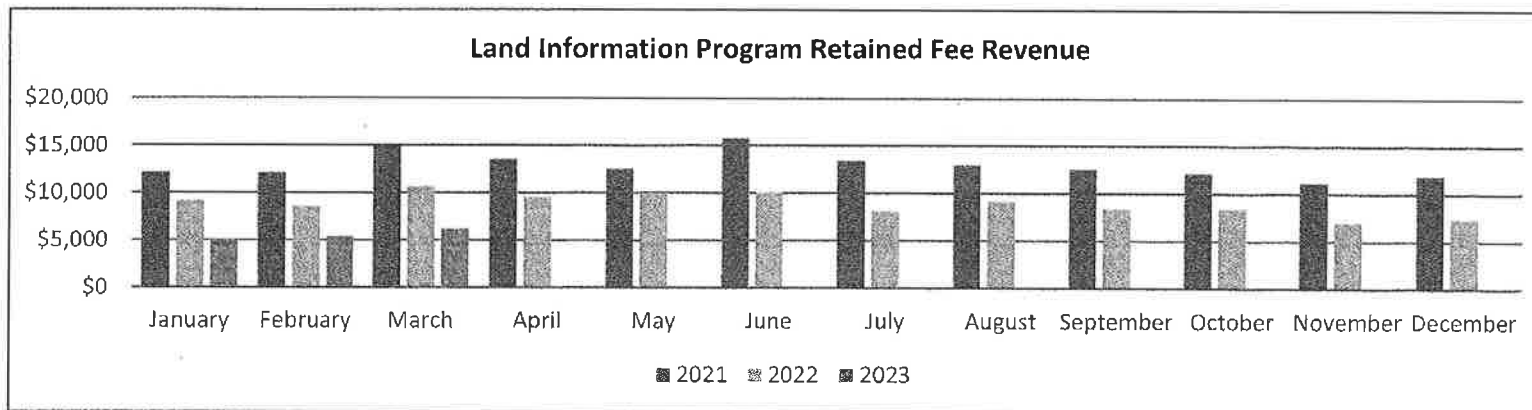
Year to Date Revenue Payout



Land Information Monthly Revenue Report March 2023



Jan	Feb	March	April	May	June	July	August	Sept	Oct	Nov	Dec	Total	Budget	
810	1,223	1,521	0	0	0	0	0	0	0	0	0	0	3,554	13,300
26.7%														



Jan	Feb	March	April	May	June	July	August	Sept	Oct	Nov	Dec	Total	Budget	
5,088	5,328	6,168	0	0	0	0	0	0	0	0	0	0	16,584	102,000
													16.3%	

Jefferson County Planning and Zoning Department
Monthly Ledger Report
04-21-2023

	RF	WFG	OP	PPC	MC	PSS (STF	FQAS	FAA	FPFC	SRFWF	ZOF	Refunds	2023 Totals	2022 Total
MTH	1.239022	7102.421001	2901.432099	2901.451002	2901.472003	2901.432002	2901.458010	2901.458015	2901.458014	2901.458001	2901.458002	2901.441002			
Jan	330.00		6,360.00	607.83		1,675.00	640.00							9,612.83	18,717.81
Feb	540.00		14,555.00	100.00		2,925.00	240.00						200.00	18,360.00	13,722.09
Mar	670.00		20,515.00	210.63		3,800.00	800.00							25,995.63	21,444.00
Apr	300.00		14,215.00	103.54	5.00	2,450.00	640.00			20.00			30.00	17,733.54	21,977.09
May															20,502.08
June															20,129.17
July															19,817.08
Aug															22,023.13
Sept															17,850.54
Oct															20,225.00
Nov															12,466.93
Dec															10,385.00
Total	1,840.00		55,645.00	1,022.00	5.00	10,850.00	2,320.00			20.00			230.00	71,702.00	219,259.92

2022 Actual Zoning Deposit: Please Enter Deposit

2023 Budget Revenues: Please Enter Revenues

2023 Deposits YTD: \$71,702.00

☒ Mail Permit

☐ Call for PICK-UP

Mike Lange 920-605-6099
(Contact person) name and phone #

JEFFERSON COUNTY ZONING AND LAND USE PERMIT APPLICATION

311 S. CENTER AVE., ROOM 201, JEFFERSON, WI 53549-1701

PHONE: (920) 674-7130

FAX: (920) 674-7525 EMAIL: zoning@jeffersoncountywi.gov

Please use
black or blue ink

I. OWNERS (all)	FULL NAME	(Mailing) STREET ADDRESS	CITY / STATE	ZIP	TELEPHONE NO.
	Jim Leszczynski	2185 S Danny Rd, New Berlin, WI	53146		414-520-5452
	Michael Lange	W1593 Marietta Ave, Ixonia, WI	53063		920-605-6099
CONTRACTOR	*Linden Rd LLC, N7806 Woody Ln, Ixonia				

II. PROPERTY DESCRIPTION: TAX PARCEL (PIN #) 012-0816-2723-004 TOWN Ixonia
LOT NO. 3 BLOCK SUBDIVISION Ixonia Industrial Park ACRES 3.414 ZONING DISTRICT IND
LOT NO. CSM NO. VOL. PG. PROJECT SITE- FIRE NO. & ROAD W1223 Linden Road

III. TYPE, SIZE, VALUE, & USE OF PROPOSED STRUCTURE OR IMPROVEMENT

A. RESIDENTIAL

NEW STRUCTURE ☐ ADDITION ☐
SINGLE FAMILY RESIDENCE/ No. of Bedrooms _____
MH PARK SINGLE FAMILY ☐ Addition ☐ Accessory _____
MULTI-FAMILY RESIDENCE
No. of Units _____ No. of Bedrooms _____
GARAGE-ATTACHED _____
GARAGE-DETACHED _____
FLOODPLAIN ☐ FF ☐ FW
SHORELAND / WETLAND _____
OTHER _____
SQ. FT. OF RESIDENCE OR ADDITION _____
SQ. FT. OF GARAGE (ATT. OR DET.) _____
HEIGHT OF PROPOSED STRUCTURE _____
SPECIFY USE _____
VALUE OF CONSTRUCTION _____

B. NON-RESIDENTIAL

NEW STRUCTURE ☐ ADDITION ☐
AGRICULTURAL _____
INDUSTRIAL ☒ _____
BUSINESS _____
CAMPGROUND _____
SHORELAND / WETLAND _____
FLOODPLAIN ☐ FF ☐ FW
OTHER _____
SQ. FT. OF NEW STRUCTURE OR ADDITION _____
HT. OF PROPOSED STRUCTURE _____
SPECIFY USE _____
VALUE OF CONSTRUCTION _____

Outside Storage
Industrial

★ CHECK WITH TOWN FOR ADMINISTRATIVE
AND / OR BUILDING PERMIT REQUIREMENTS!

OTHER DETAILS:

SANITARY PERMIT NO. _____
NUMBER OF BEDROOMS _____
PUBLIC SEWER ☒ _____
NON-CONFORM. STRUCTURE / USE _____
FLOODPLAIN _____
SHORELAND / WETLAND _____
INSPECTION DATE: _____
ACCESS APPROVAL REQUIRED:
TOWN, COUNTY, OR STATE ☐ Y ☐ N

IV. ★ PLOT PLAN (SKETCH) REQUIRED TO BE ATTACHED - NO LARGER THAN 11" x 17". PLOT PLAN SKETCH SHALL INCLUDE THE FOLLOWING:
ALL EXISTING STRUCTURES AND THE LOCATION OF THE NEW STRUCTURE OR ADDITION INCLUDING DISTANCES FROM THE CENTERLINE AND
RIGHT-OF-WAY OF THE ROAD, SIDE AND REAR LOT LINES, NAVIGABLE WATERS, SEPTIC TANK & FIELD, WELL, DRIVEWAY ACCESS. GIVE ALL
DIMENSIONS. BE SURE TO INCLUDE DECKS PROPOSED FOR NEW HOMES.

★ FAILURE TO INCLUDE A PLOT PLAN AND ALL OF THE ABOVE MENTIONED ITEMS WILL
DELAY ISSUANCE OF THIS PERMIT! PERMIT FEE MUST ACCOMPANY APPLICATION.

V. ACKNOWLEDGEMENTS

- YOU ARE RESPONSIBLE FOR COMPLYING WITH STATE AND FEDERAL LAWS CONCERNING CONSTRUCTION NEAR OR ON
WETLANDS, LAKES, AND STREAMS. WETLANDS THAT ARE NOT ASSOCIATED WITH OPEN WATER CAN BE DIFFICULT TO IDENTIFY.
FAILURE TO COMPLY MAY RESULT IN REMOVAL OR MODIFICATION OF CONSTRUCTION THAT VIOLATES THE LAW OR OTHER PENALTIES
OR COSTS. FOR MORE INFORMATION, VISIT THE DEPARTMENT OF NATURAL RESOURCES WETLANDS IDENTIFICATION WEB PAGE OR
CONTACT A DEPARTMENT OF NATURAL RESOURCES SERVICE CENTER. (Wis Stats 59.691) <http://dnr.wi.gov/wetlands/mapping.html>
- OWNER - CHECK FOR APPLICABLE DEED, PLAT AND TOWN RESTRICTIONS & PERMIT REQUIREMENTS
- THIS PERMIT MAY BE APPEALED FOR 30 DAYS AFTER PUBLICATION OF ISSUANCE
- THE OWNER OF THIS PARCEL & THE UNDERSIGNED AGREE TO CONFORM TO THE CONDITIONS OF THIS PERMIT AND TO ALL APPLICABLE
LAWS OF JEFFERSON COUNTY AND ACKNOWLEDGE THAT YOU HAVE RECEIVED AND READ THE ABOVE NOTICE REGARDING WETLANDS,
AS WELL AS ALL NOTICES AND TERMS ABOVE.

Michael Lange
Digitally signed by Michael Lange
Date: 2023.03.14 12:54:25 -0500

Signature of Applicant

3/14/2023

Application Date

THIS PERMIT EXPIRES TWO (2) YEARS AFTER DATE OF ISSUE

PERMIT FEE	APPROVED BY	DATE PERMIT ISSUED
\$50-		

☒ See Attached Conditions of Approval

This approval is based upon this application, the attached plot plan
and conditions as warranted by Jefferson County ordinances.

LRS / Badgerland Disposal

W1223 Linden Road

Ixonia, WI

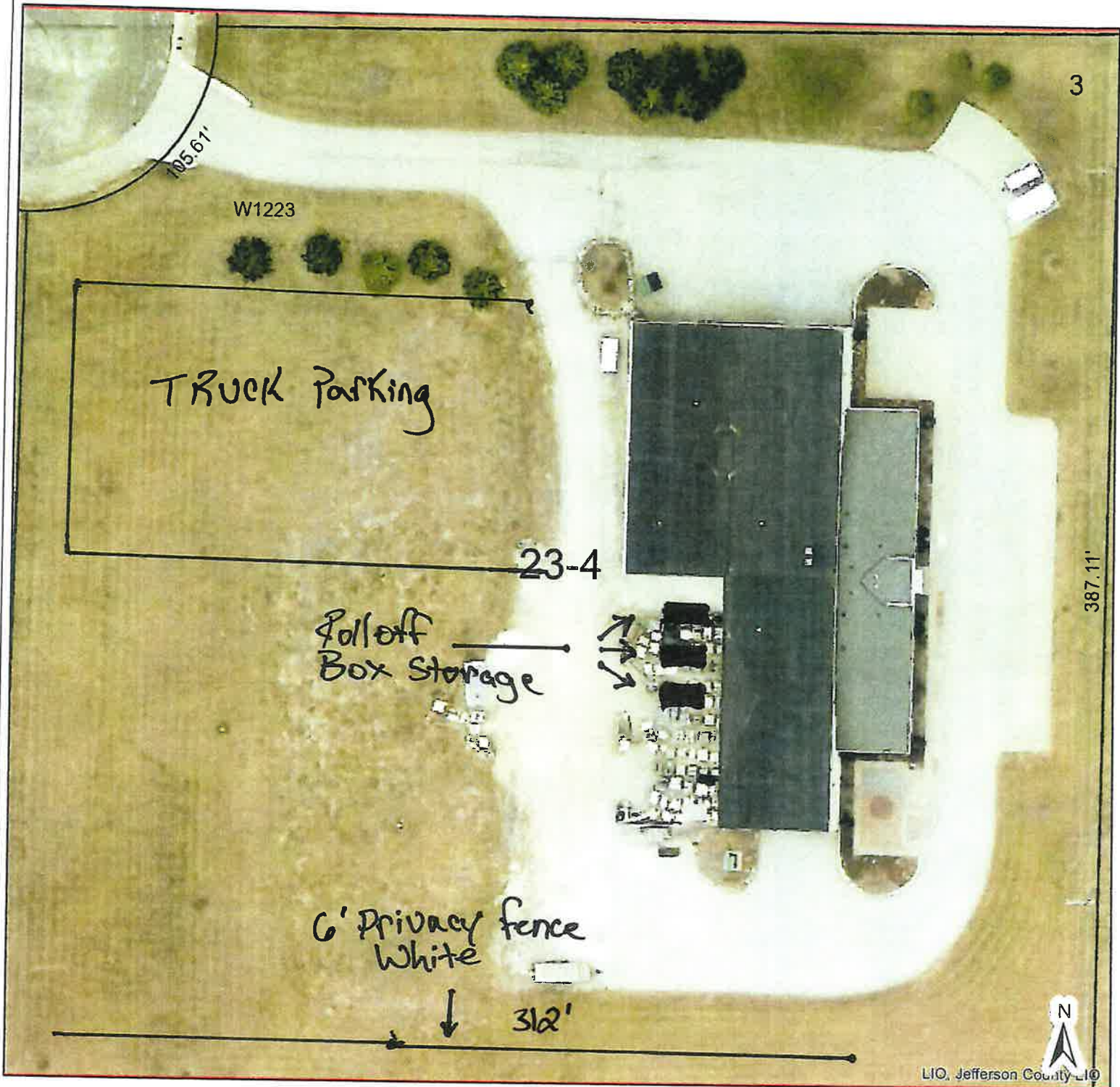
- Proposed three roll-off boxes to be directly behind the building on the West side.
 1. Box size. 20'L x 8'W x 6'H
- Usage – store metal collected off of residential routes.
- Tires collected off of residential routes.
- Used metal from truck maintenance. Large brake drums

All material in roll-off boxes would be kept inside the box, until the box is full then hauled away to proper disposal facilities. Metal recycling & Badger Recycling.

Town of Ixonia has asked for us to install a fence. The fence will be 6' high, white composite to run along the South side of the property. It will have a man gate access towards the West end 6' from the end of the fence.

Truck parking with consist of crushed asphalt. Truck parking will be on the West side of the property behind the building. The number of trucks will be about 12. They will be parked overnight, as they are out on routes during the day.

Jefferson County Land Information



ESTIMATE

Behl Fence LLC
N1223A Scofield Rd
Watertown, WI 53098
(920) 248-6495
behlfence@gmail.com



BEHL FENCE LLC

Premium Fence Installation

Customer

LRS
Attn: Mike Lange
W1593 Marietta Dr, Ixonia, WI

Date:

3/22/2023

DESCRIPTION	QTY	UNIT PRICE	TOTAL
6' White Vinyl Solid Privacy Fence w/ Installation (Feet)	312	\$ 68.00	\$ 21,216.00
Legend Decorative			\$ -
1 7/8" Steel Pipe Driven			\$ -
Pyramid Caps			\$ -
Gate(s)			\$ -
Price Includes Dirt Cleanup			\$ -
Final Footage To Be Completed Upon Completion			\$ -
Customer Acquires Permit & HOA Approval If Needed			\$ -
1. Customer is responsible for location and marking of property line.			
2. Customer is responsible to mark all private utilities.			
3. Fence may have to be moved to avoid utilities.			
4. Gates do not reduce overall linear foot charge			
5. Price includes use tax. Add 3% more for credit card			
6. Behl Fence LLC Reserves All Lien Rights for Non-Payment			
		SUBTOTAL	\$ 21,216.00
		50% Down Payment	\$ 10,608.00
		Due On Completion:	\$ 10,608.00
		Quote Total	\$ 21,216.00

I have read and agreed to the conditions stated on this estimate and understand that my order is custom fabricated and my down payment may not be refundable.

Customer Signature: Michael Lange

Date: 3-24-2023

Salesman Signature: Phillip Behl

Date: 3/23/2023

KOPLIN
EXCAVATING & GRADING, INC.
P.O. BOX 315 WATERTOWN, WI 53094
PHONE (920) 261-2121 FAX (920) 261-1034
e-mail: koplindexcavating@gmail.com

February 10, 2023

Attn: **Jim Leszczynski**
LRS

JOB NAME: NEW GRAVEL LOT 225' x 195' / W1223 LINDEN RD. IXONIA

We hereby submit specifications and prices, subject to terms and conditions set forth as follows:

- Strip topsoil for new gravel lot
- Haul all topsoil off site
- Place 7" of 3"t.b. breaker rock for the base in the new gravel parking lot
- Place 5" of crushed blacktop on top of breaker rock
- Compact all materials
- Cut down PVC pipe and Install iron boxes over the six clean outs

Total Cost.....\$54,850.00

Install RX 1100 Geogrid ADD TO THE COST.....\$6305.00

Install RX 1200 Geogrid ADD TO THE COST.....\$8804.00

*****The RX 1100 Geogrid is what is commonly used**

***** This is based on using the contour of the grade of the land as it exists**

YOU ARE AUTHORIZED TO PROCEED WITH WORK
PLEASE RETURN ONE COPY WITH SIGNATURE

(CUSTOMER SIGNATURE)


(REPRESENTATIVE)

Deb Magritz

From: Wendy Norem <wendynorem@gmail.com>
Sent: Monday, April 17, 2023 12:18 PM
To: Wendy Norem; Deb Magritz
Subject: Gimler Rezoning

This Email has originated from outside Jefferson County's Email Domain. Please verify the Sender before opening any links or attachments. - Jefferson County MIS

Dear Jefferson County Planning and Zoning Committee,

We are writing to ask for a short-term extension on the proposed rezoning of some land owned by Richard and Jo Ann Gimler.

The land includes one acre with a duplex and unattached garage in the Town of Watertown at N8728 River Road. We had requested that this one acre be zoned off of our ag/farm land and made into a residential-zoned property.

Unfortunately, we have experienced numerous hardships over the last 18 months, including poor health (with some hospitalization), numerous lawsuits brought against us, selling of our dairy herd and issues with the original survey we had completed.

We would greatly appreciate a short extension from the committee to make this rezoning happen.

We finally have a completed survey that is acceptable with the Town of Watertown as well as the City of Watertown that required additional documentation from our surveyor. We also have the survey and request approved from our mortgage provider, allowing us to have it rezoned.

With your permission and extension, we can have the paperwork delivered to the County Zoning Office immediately.

Thank you for your consideration,

Richard and Jo Ann Gimler

To Planning & Zoning Comitty

We would like to modify Existing Conditional Use Approval By
Adding to Existing Detached Garage which is 624 Sqft By Adding A Roof
And wall to Allow for Additional storage to Pie Shaped Area Between
Garages of 104 Sqft New Proposal Does not Change Approved Location
of Building.

Existing Detached Garage = 624 Sqft

New Proposed Garage = 780 Sqft

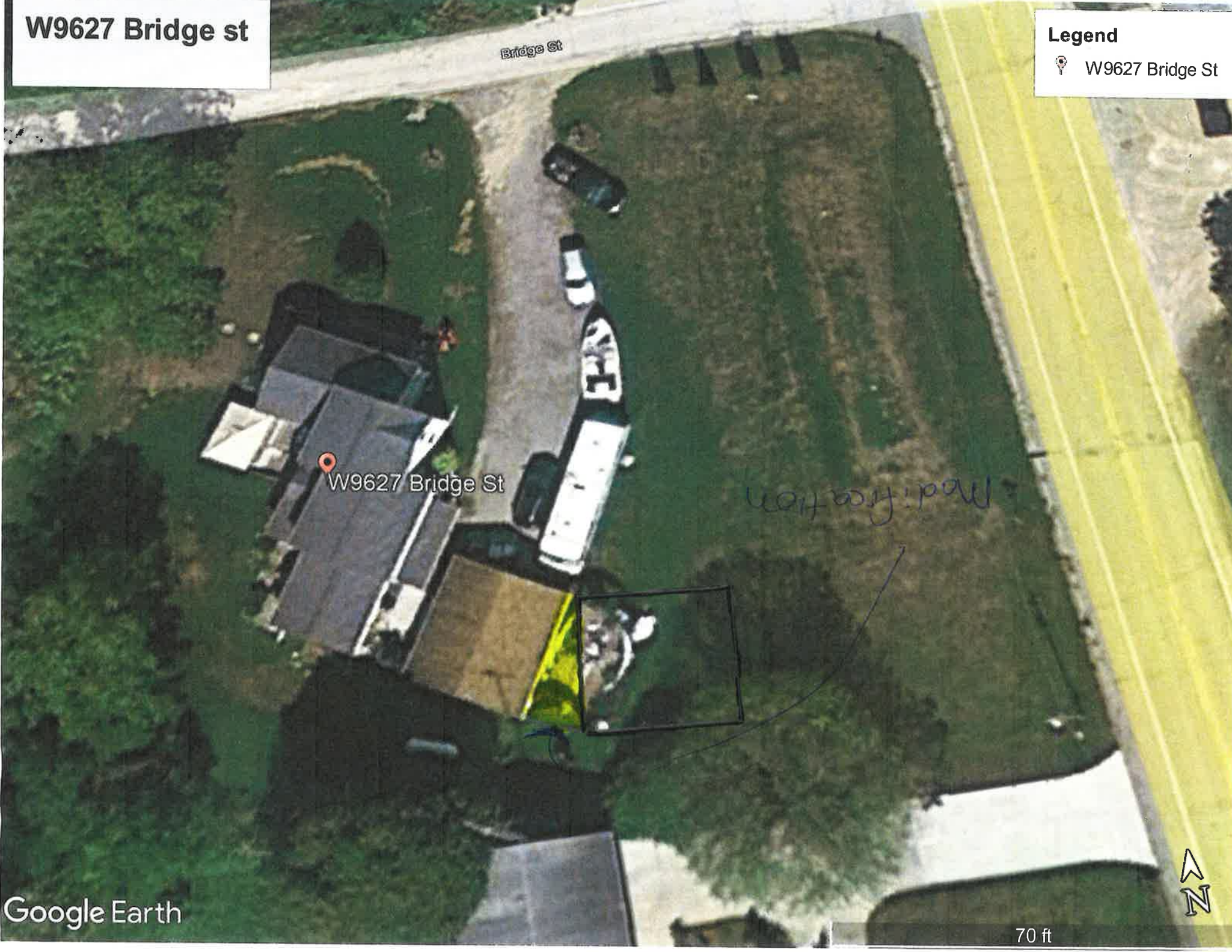
Roof Connection = 104 Sqft

Total Sqft 1508 Sqft

W9627 Bridge st

Legend

📍 W9627 Bridge St



W9627 Bridge St

Mod: fiction



**DECISION OF THE JEFFERSON COUNTY
PLANNING & ZONING COMMITTEE
CONDITIONAL USE PERMIT**

I. FINDINGS OF FACT:

Petition # CU2064-21 Township: Lake Mills
Site Inspection Date: 1/15/21 Hearing Date: 1/21/21
Petitioner Name: Brian and Trina Buth
Property Owner(s): Brian and Trina Buth
Property Location: W9627 Bridge St

CONDITIONAL USE REQUEST: To allow for an extensive on-site parking structure at W9627 Bridge St, PIN 018-0713-1923-015.

PARCEL(S)(PIN#): 018-0713-1923-015 (0.94 ac)

ADJACENT LAND USE: C, Community; A-1, Exclusive Agricultural

COMMENTS/ADDITIONAL INFORMATION RECEIVED AT PUBLIC HEARING:

-Adding onto existing garage - proposed end size? 1,630 SQ FT -Bathrooms? NONE
-Height? 18 FEET -Lighting? YES, FACING AWAY FROM THE ROAD
-Personal storage? YES, ONLY PERSONAL STORAGE

TOWN BOARD RECOMMENDATION 8/18/2020 ☒ Approval ☐ Denial ☐ Postponed ☐ No action

Note: Town Board recommendation does not constitute final county action. See Sec. III Order & Determination

II. CONCLUSIONS

BASED UPON THE FINDINGS OF FACT, THE CONDITIONAL USE FILE, SITE INSPECTION, PUBLIC HEARING, ZONING ORDINANCE, AND THE AGRICULTURAL PRESERVATION AND LAND USE PLAN, THE PLANNING & ZONING COMMITTEE CONCLUDES THAT THE

PROPOSED CONDITIONAL USE ☒ Complies ☐ Does Not Comply

FOR THE FOLLOWING REASONS: This is only for personal storage; it will meet setback averaging requirements.

III. ORDER & DETERMINATION

Based on the findings of fact, conclusions and the record herein, the committee recommends that the

conditional use be: ☒ **Granted** ☐ **Denied** ☐ **Postponed**

Motioned by: George Jaeckel 2nd by: Matt Foelker Vote: 4-0 Date: 1/25/2021

WITH THE FOLLOWING CONDITIONS: This shall be constructed as presented in public hearing. No outside storage is allowed. A Zoning and Land Use Permit must be obtained prior to start of construction.

Date

1/28/2021

Signature

[Signature]

LAW OFFICES
LONIELLO, MEIER & ASSOCIATES, LLC

2921 Landmark Place, Suite 425, Madison, WI 53713
T. 608-251-1526 / F. 608-251-7699 / E. nick@madlegal.com

April 11, 2023

VIA EMAIL ONLY

Hon. Members of
Planning & Zoning Committee
JEFFERSON COUNTY
Jefferson, Wisconsin

Re: Felix & Bonnie Jarczyk Rezoning Petition - R4459A-23

Dear Committee Members:

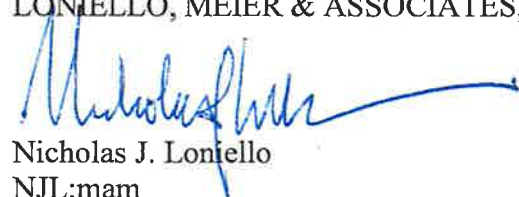
The Committee has postponed a decision on Jarczyk's rezoning petition in order to determine if any deed or property restrictions exist, if the adjacent property owner (Sweet) is aware of the proposal and the use of a residential lot, and if the purchase agreement between Jarczyk and Sweet addressed the residential splits. For those purposes, we enclose the following:

- A copy of the recorded deed from Sweet to Jarczyk. You will see that it does not contain any deed or property restrictions.
- A copy of the accepted offer to purchase between Jarczyk and Sweet. You will see that it does not address either residential splits or restrictions on residential construction.
- An Agreement signed by Jarczyk and Sweet on 4/10/23 and 4/11/23, respectively. You will see that Sweet consents to the proposed land division and rezoning, and acknowledges that Jarczyk's proposal will use up one of the splits available to Sweet's adjacent parcel. Jarczyk also agrees that Jarczyk will not be allowed to further divide Jarczyk's remaining 34.98-acre parcel for new residences. Jarczyk understands that would be a required condition for the County's approval.

In light of the foregoing, we ask the Committee to recommend approval of Jarczyk's rezoning petition. Thank you again for your time and consideration.

Very truly yours,

LONIELLO, MEIER & ASSOCIATES, LLC



Nicholas J. Loniello
NJL:mam

Planing & Zoning Committee

April 11, 2023

Page 2

cc: Mr. & Mrs. Felix Jarczyk (via email w/encl.)
Mr. Matt Zangl, Director of Planning & Zoning (via email w/encl.)
Ms. Cassie Richardson (via email w/encl.)
Mr. Steven Nass (via email w/encl.)
Mr. Blane Poulson (via email w/encl.)
Mr. George Jaeckel (via email w/encl.)
Mr. Matthew Foelker (via email w/encl.)

s: 23041110.31



Jefferson County

PLANNING AND ZONING DEPARTMENT
COURTHOUSE, 311 S. MAIN ST., JEFFERSON, WI 53549
ROOM 201 PHONE 920-674-7130 FAX 920-674-7525

DATE:

TO: Paul Van Henkelum, PLS
Cardinal Engineering LLC
1200 Lasalle Street
Lake Geneva, WI 53147

CC: Town of Oakland

RE: Oakland Hills Preliminary Subdivision Plat Review

We have reviewed the preliminary plat of Oakland Hills Subdivision as prepared by Paul Van Henkelum, PLS for John and Ann Didion, job no. 21416 as dated 2/16/23; and have the following review comments concerning this plat:

Surveying Comments:

- In the notes, reference elevations to the vertical datum used
- Consider increasing the line weight for the interior lots lines in order for these boundary lines to be more readily distinguished for other ancillary data.
- On the map, there is a typo in the Owner's surname of Didion
- On the map, the west line of the Southwest $\frac{1}{4}$ is shown, but the West $\frac{1}{4}$ of Section 4 is omitted. Show the section corner along with description of size and material
- On the plat, the interior roads are generically labeled Road "A", "B", etc. Please include on the map the proposed interior road names
 - On the map, use the US Postal names of roads instead of abbreviations for *US Highway 18* and for *County Road "A"*.
 - On the map, clearly indicate that the interior roads are either to be dedicated to the public or to be "private"
- The adjacent property to the southeast of the Oakland Sanitary District is Lot 1 of Certified Survey Map No. 1699. Label adjacent CSM on map.
- On the map, the location of the Westerly right-of-way line of County Road "A" erroneously incorporates an adjacent, Northeasterly remnant parcel which is owned by WisDOT and not explicitly right-of-way
- Also include the type of pavement of the exterior roads of US Highway 18 and County Road A

- On the map, include the following:
 - the location, size, and inverts of the storm pipe across County Road “A”
 - the location of adjacent power poles along County Road “A” and US Highway 16.
 - the location and size of gas main
- On the map, include the following locations:
 - wooded areas
 - drainage ditches on proposed Outlot 3
- Show the existing zoning of the proposed subdivision which is comprised of areas of R-1, A-1, and A-T
- In the description in the Surveyor’s Certificate, revise the following:
 - There is a typo in the seconds of the bearing along US Highway 18 (line L11 on map) and the North line of Outlot 1 which is shown as minutes instead.
 - Use US Postal names for US Highway 18 and County Road A.
 - In the 17th line, the call is to the West right-of-way of County Road A; however, area is parcel owned by the Wisconsin DOT and is not apart of the right-of-way of County Road A.
- Indicate by direction and distance from tract, the size and invert elevations of sewers or water mains which might be extended to serve the subdivision

General Subdivision Comments:

- Outlots:
 - Separate stormwater maintenance facilities into a separate Outlot.
 - In item no. 4 of the notes, what is the purpose for the access easement for the Town of Oakland and Jefferson County to storm water maintenance and drainage easements?
 - Note on the map which Outlots are for future development.
 - Include a note describing the ownership stormwater outlots/management areas.
 - *Example: All conveyances of any lot in this subdivision shall be deemed to include as an appurtenance, an undivided one-forty-sixth (1/46) interest in Outlot 1, the storm water management area, whether or not such fractional interest is specifically set forth in the conveying instrument, unless such fractional interest identified with a particular lot has been acquired by a municipality or other lot owner in this subdivision. Such undivided fractional interests shall be held as tenants in common with the fractional interest held by other lot owners and shall not be conveyed without the lot to which it is appurtenant except as above.*
- Park Dedication or Money In-Lieu
 - The ordinance requires a park dedication or money in-lieu. Please identify and discuss which option will be pursued.
- Has the preliminary plat been submitted to the Department of Administration and Department of Transportation?

- Submit a copy of the subdivision covenants and restrictions.
- A boulevard is proposed at the connection to County Road A. Who will maintain this area?
- Provide a copy of the following plans for review:
 - Street plans and profiles
 - Sanitary sewer plans
 - Watermain plans, if proposed
 - Planting/landscaping plans for landscape easement areas
 - Erosion Control and Stormwater Management Plans
- For the Final Plat, show building setbacks on all developable lots
- All lots shall meet the minimum lot size of 80' x 80', and 8,000 sq. ft.
- Corner lots shall have an extra width of 10' (total width of 90')
- Include a 75' setback from the wetlands
 - Show setback on the map and include a note
- Environmental corridor taken from the County GIS does not need to be displayed on the final subdivision plat
- Lots 45-48 do not extend to the right of way of County Road A. Consider extending the lots to the right of way. If not, please explain why including a landscaping and maintenance plan.
- Potential Future Reservation to Hwy: if this will be included on the final plat, change the line weight to identify this area.

Hwy Access:

- Please submit plans for the County Road A Access, including turn lanes