

MINUTES
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 28, 2025
TIME: 8:30 a.m.
PLACE: Room C1021, County Courthouse, Jefferson WI

1. Call to Order

The meeting was called to order by Chairman Jaeckel at 8:30 a.m.

2. Roll Call (Establish a Quorum)

All committee members were present in person with Supervisor Richardson via Teams. Other County staff in attendance were Corporation Counsel Danielle Thompson, Operation Manager Brian Udovich, GIS/Engineering Tech Derek Anderson, Land & Water Conservation Director Patricia Cicero, County Administrator Michael Luckey and Treasurer Kelly Stade. Department staff present were Matt Zangl, Sarah Elsner, Haley Nielsen, Trevor Quandt and Shari Fischback. Members of the public present were Anita Martin, Deann Schneider, Oakland Hills Subdivision Representative, Sally Williams, Lake Ripley Management District LeeAnn Spencer and via Zoom was Dylan Lennie.

3. Certification of Compliance with Open Meetings Law

Supervisor Poulson confirmed that the meeting was being held in compliance.

4. Approval of the Agenda

Motion by Supervisor Nass, second by Supervisor Poulson to approve the agenda. Motion passed on a voice vote, 5-0.

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)

Anita Martin (261 Pinnacle Drive, Lake Mills) had requested a listing of Towns that approved or denied the Amendment to the Zoning Ordinance regarding Solar Energy Systems.

6. Approval of meeting minutes from March 27, March 31, April 11, April 17

Motion by Poulson/Foelker to approve March 27, 2025, minutes as written.

Motion passed on a voice vote 5-0.

Motion by Poulson/Foelker to approve March 31, 2025, minutes as written.

Motion passed on a voice vote 5-0.

Motion by Foelker/Poulson to approve April 11, 2025, minutes as written.

Motion passed on a voice vote 5-0.

Motion by Poulson/Foelker to approve April 17, 2025, minutes as written.

Motion passed on a voice vote 5-0

7. Communications – None.

8. March Monthly Financial Report for Register of Deeds

Staci Hoffman was absent, but her report was included in the meeting packet.

9. April Monthly Financial Report for Planning & Development

Zangl reported that revenue is behind from this time last year and Land Information was status quo. The County Surveyor is doing a project with Town of Palmyra airport so that will bring revenue into the surveyor's account.

10. Discussion on Solar Energy Facilities

- a. **Crawfish River Solar** – Project completed. Final inspection on the western side in May.
- b. **Badger State River** – Permits have not been applied for yet but has been in contact with Highway Dept for access permits, construction to being around July 15th.
- c. **Sinnissippi Solar** – Project has been quiet. No updates.
- d. **Whitewater Solar Project** - The PSC process continues with quite a bit of public comment being received at the PSC level, packet includes PSC environmental assessment document, overview is expected from the developer at the May County Board meeting.
- e. **Rock Lake Solar Project** – Preconstruction meeting took place. There was discussion about boundary lines. Grading and driveway entrance work to start soon.

11. Discussion and Possible Action on lot line adjustment at W9035 County Road B, PIN 018-0713-0842-000 in the Town of Lake Mills owned by Twohig Trust

Zangl explained that this lot line adjustment is to bring the septic into compliance, keeping both lot sizes the same. Motion made by Poulson/Foelker to approve. Motion approved on a 5-0 voice vote.

12. Discussion and Possible Action on The Preserve at Oakland Subdivision Preliminary Plat

Zangl provided updates, the developer is moving forward for construction to start in mid-May, having finalized phasing. Deann Schneider provided overview of the requested changes that have been completed on the modified preliminary plat. Brian Udovich spoke about attending a DOT Traffic Safety meeting last week which the DOT informed is taking steps to do a round-about at Hwy 18 & County Road A in 2030 or 2031. Deanna stated she saw no issue with those plans effecting the lots. Motion made by Jaeckel/Foelker to approve the modified preliminary plat with the Town conditions. Motion approved on a 5-0 voice vote.

13. Discussion and Possible Action on an Amendment to the Zoning Ordinance Regarding Solar Energy Systems

Zangl read through the Town list of responses received. Some comments provided in the packet. The majority have approved, three denied, others are forthcoming due to having forgotten to provide input or will be discussed in upcoming Town meetings.

Renew Wisconsin has reached out to Corporation Counsel and to meet to discuss their opinion and concerns of the Solar Ordinance.

14. Discussion and Possible Action on Riverbend RV Resort at W6940 Rubidell Road in the Town of Milford

Zangl provided updates that there is progress being made. Issued citations for violations regarding structures that were present on lots. There was a meeting with them with some willingness to resolve the issues. Their association is updating by-laws for more enforcement and are looking for a new general manager. Staff met with a lawyer and a lot owner to discuss how to help more with following the rules. There has been a new well system and pump house installed, improvements made to beach area and 30 permits have been received to add fill at sites. Next step is updating floodplain ordinance for campground restrictive language. Letters were sent advising all lot owners of what is allowed and timeline to remove items when the season ends with possible citations being issued if not in compliance.

15. Discussion and Possible Action on Amending the Floodplain Ordinance

Zangl reported that at last month's conference he spoke to the DNR floodplain representative about being able to add more restrictive language to the floodplain ordinance for campgrounds and was told it would be fine to do so. A draft County ordinance was created by DNR based on the model ordinance, and contains very minor changes except for the campground language. Motion was made by Poulson/Foelker for Zangl & Corporation Counsel to finalize the ordinance revision and schedule for a public hearing. Motion approved on a 5-0 voice vote.

16. Discussion and Possible Action on Updating the County Comprehensive Plan and Farmland Preservation Plan to update the Town of Ixonia Farmland Preservation Area Map

Zangl reported that the Town completed sanitary improvements and their TID/TIF was approved. The Town updated their comprehensive plan a few years ago and there are changes that are not included in the County plans. The County needs to update our plan to allow for potential future growth. The Committee discussed updating the plan per parcel or for all of the Town of Ixonia. Discussion took place about getting Town input and starting the process. Ideally, the County would update the plan to reflect all of the Town of Ixonia changes, rather than one parcel at a time.

17. Discussion and Possible Action on a Public Participation Plan for updating the County Comprehensive Plan and Farmland Preservation Plan Maps for the Town of Ixonia

Zangl advised of the process to start the plan update process and the Public Participation Plan. The public participation plan includes public hearings at the zoning committee and county board. Motion was made by Jaeckel/Poulson to proceed with public participation plan to update the County Comprehensive Plan. Motion approved on a 5-0 voice vote.

18. Discussion on Accessory Dwelling Units (ADU)

Zangl advised no progress made on this topic due to the other agenda items.

19. Discussion and Possible Action on Petitions Presented in Public Hearing on April 17, 2025:

See rezone and conditional use file for complete decision

APPROVED R4595A-25 – Yupeng Xiong: Rezone from A-1 to A-3 approximately 2.8-acres around the house and outbuildings at **N6319 Hilltop Lane** in the Town of Farmington, PIN 008-0715-1624-000 (34.950 ac), in accordance with ss. 22-339 – 22-350 of the Jefferson County Zoning Ordinance. Motion by Poulson/Foelker to approve the rezone request. Motion approved on a 5-0 voice vote.

APPROVED R4596A-25 – Stefan Gieryn: Rezone from A-1 to A-3 to create a 1-acre residential lot at **N138 McMillen Road** in the Town of Koshkonong, PIN 016-0514-3433-001 (30.0 ac), in accordance with ss. 22-339 – 22-350 of the Jefferson County Zoning Ordinance. Motion by Jaeckel/Poulson to approve the rezone request with conditions. Motion approved on a 5-0 voice vote.

APPROVED R4597A-25 – BKTK Properties LLC: Rezone from A-T to R-1 the 3.103-acre lot (CSM 6368, Lot 3) north of **N1046 Olson Road** in the Town of Sumner, PIN 028-0513-1943-057 (3.103 ac), in accordance with ss. 22-122 – 22-132 of the Jefferson County Zoning Ordinance. Motion by Poulson/Foelker to approve the rezone request. Motion approved on a 5-0 voice vote.

APPROVED R4598A-25 – Paul Oliver: Rezone from B to R-1 a 1.488-acre vacant lot at **W9298 US Highway 18** in the Town of Oakland, PIN 022-0613-0532-002 (1.488 ac), in accordance with ss. 22-122 – 22-132 of the Jefferson County Zoning Ordinance. Property is owned by Josh Huston and Stephanie Kind. Motion by Foelker/Poulson to approve the rezone request. Motion approved on a 5-0 voice vote.

APPROVED CU2160-25 – Trevor Knaack: Conditional Use to allow for a 2000 sq ft, 21 ft high extensive onsite storage structure for personal use in an R-2 zone at **N1587 Knaack Ct** in the Town of Koshkonong, PIN 016-0514-1514-028 (1.616 ac), in accordance with ss. 22-581 – 22-587 of the Jefferson County Zoning Ordinance. Motion by Jaeckel/Poulson to approve the conditional use with conditions. Motion approved on a 5-0 voice vote.

APPROVED CU2161-25 – Bradley Danto: Conditional Use to allow for keeping dogs as household pets on a non-commercial basis in excess of two per premises in an R-1 zone located at **W9018 Lakeview Drive** in the Town of Oakland, PIN 022-0613-0813-086 (.393 ac). Motion by Poulson/Foelker to approve the conditional use request with conditions. Motion approved on a 5-0 voice vote.

APPROVED CU2162-25 – Dunneisen Sand and Gravel LLC: Conditional Use renewal of existing sand and gravel pit business at **W8215 US Highway 18** in the Town of Oakland, PIN 022-0613-1012-000 (34.263 ac), 022-0613-1013-000 (85.178 ac) & 022-0613-1011-001 (18.985 ac), in accordance with ss. 22-581 – 22-587 of the Jefferson County Zoning Ordinance. Motion by Poulson/Foelker to approve the conditional use request with conditions. Motion approved on a 5-0 voice vote.

20. Planning and Development Department Update

Zangl restated the County Surveyor is working on the Town of Palmyra airport hangar project. Daniel's Law was enacted on April 1st but the County has not received any requests yet but is ready to go when requests are received. 2025 air photo was taken in early March, received a grant and should be implemented in June. Staff received the GIS evaluation to provide recommendations on the future of the County GIS architecture and anticipate further discussions

21. Possible Future Agenda Items

Continue with updates on Riverbend RV Resort, solar ordinance input from Towns, and ADU topic.

22. Discussion on Upcoming Meeting Dates:

May 9, 8:00 a.m. – Site Inspections leaving from Courthouse Room C1049

May 15, 7:00 p.m. – Public Hearing in Courthouse Room C2063

May 27, 8:30 a.m. – Decision Meeting in Courthouse Room C1021

June 13, 8:00 a.m. – Site Inspections leaving from Courthouse Room C1049

June 19, 7:00 p.m. – Public Hearing in Courthouse Room C2063

June 30, 8:30 a.m. – Decision Meeting in Courthouse Room C1021

23. Adjourn

Supervisor Poulson/Foelker made a motion to adjourn the meeting. Meeting adjourned at 9:38 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 C1040 at 311 S Center Ave 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 accommodation 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.

MINUTES
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: May 9, 2025
TIME: 8:00 a.m.
PLACE: Jefferson County Courthouse, 311 S. Center Ave., Jefferson, WI in Room C1049

1. **Call to Order** - The meeting was called to order by Supervisor Jaeckel at 8:00 a.m.
2. **Roll Call (Establish a Quorum)**) – Supervisors Jaeckel, Nass and Foelker were present. Supervisors Richardson arrived at 8:05 a.m. Supervisor Poulson was absent. Zoning staff present were Matt Zangl, Trevor Quandt and Sharyl Fischback.
3. **Certification of Compliance with Open Meetings Law** - Supervisor Jaeckel confirmed the meeting is in compliance.
4. **Approval of the Agenda**– Supervisor Foelker made motion to approve agenda with omitting stops previously made at B&B Trust in March and Kemmeter’s Properties in February, seconded by Supervisor Nass. Motion passed on voice vote, 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)** - There was no public comment.
6. **Communications** – Zangl had nothing to report.
7. **Site Inspections for Petitions to be Presented in Public Hearing on May 15, 2025:**
Committee left for site inspections at 8:05 am.

R4589A-25 – B&B Trust: Rezone from A-1 to A-3 to create a 1-acre lot farm consolidation around the house at **W1281 Sunnyside Drive** in the Town of Concord, PIN 006-0716-2733-000 (45.802 ac).

R4599A-25 & CU2163-25 – Jon Helt: Rezone 0.6-acre from A-1 to A-2 to allow for an engineering/fabrication business at **N6484 County Road S** in the Town of Lake Mills, PIN 018-0713-1611-002 (3.0 ac).

CU2167-25 – Courtney Zastrow: Conditional Use to allow for a kennel in A-1 zone for personal dogs at residence located at **N8668 County Road O** in the Town of Waterloo, PIN 030-0813-1723-001 (35.170 ac).

R4600A-25 – Jedidiah Draeger: Rezone A-1 to A-3 .41-acres from parcel 016-0514-0131-005 (22.661 ac) and transfer to parcel 016-0514-0131-003 (1.159 ac) (Lot 1 CSM 4539) near **W5115 & W5125 Bark River Road** in the Town of Koshkonong.

R4603A-25 – Joe Vultaggio: Rezone 10.54 acres from A-1 to N from PIN 004-0515-2533-000 (32.628 ac) and 004-0515-2532-000 (20.0 ac) located north of **W2862 State Road 59** in the Town of Cold Spring. Property is owned by Robert J Wagner Trust.

CU2165-25 – Todd Conforti: Conditional Use to allow for an extensive onsite storage structure in an R-1 zone at **W1376 N Blue Spring Lake Drive** in the Town of Palmyra, PIN 024-0516-2841-009 (.766 ac). Property is owned by Ann T Conforti Trust.

R4601A-25 – Michael Prado: Rezone from A-1 to A-3 to create a 1-acre residential lot at **W611 State Road 59** in the Town of Palmyra, PIN 024-0516-2312-002 (22.0 ac). Property owned by Michael Prado, Clarisse Schowalter, Maria E Prado-Olson & Maria Paz Prado.

CU2166-25 – Paul Goeglein: Conditional Use to allow for a 30' x 40' addition onto existing shed for personal storage in an R-1 zone at **N4001 Jefferson Street** in the Town of Sullivan, PIN 026-0616-1724-014 (.40 ac).

R4602A-25 – Phyllis Jean Medeiros Trust: Rezone from A-1 to A-3 to create a 3.4-acre farm consolidation at **W2344 Rome Road** in the Town of Sullivan, PIN 026-0616-0721-001 (16.0 ac).

R4604A-25 & CU2164-25 –Greg Harrom: Rezone from A-T to A-3 for 1.0-acres and A-T to A-2 for .9-acres for a total of 1.9-acre lot to allow for a graphic design and fabrication business at **N4870 County Road D** in the Town of Jefferson, PIN 014-0615-0212-000 (29.9 ac). Property is owned by Yvonne R Duesterhoeft Trust.

CU2147-25 – Kemmeter's Properties LLC: Conditional Use to allow for a 3600 sq. ft. structure to be used as an activity building for the existing bar in A-2 zone at **W5003 US Highway 18** in the Town of Jefferson, PIN 014-0614-1212-001 (4.74 ac).

8. **Adjourn** – Motion made by Supervisor Foelker seconded by Supervisor Jaeckel to adjourn at 10:22 a.m. Motion passed on voice vote, 4-0.

If you have questions regarding the petitions, please contact the Planning & Development Department at 920-674-7131. Petition files referenced on this agenda may be viewed in Courthouse Room C1040 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.jeffersoncountyiwi.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 accommodation 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 Planning & Development Department upon request.

MINUTES OF PUBLIC HEARING
JEFFERSON COUNTY PLANNING AND ZONING COMMITTEE
George Jaeckel, Chair; Steve Nass, Vice-Chair; Blane Poulson, Secretary; Matt Foelker; Cassie Richardson

SUBJECT: Map Amendments to the Jefferson County Zoning Ordinance and Requests for Conditional Use Permits
DATE: Thursday, May 15, 2025
TIME: 7:00 p.m. (Doors will open at 6:30)
PLACE: **JEFFERSON COUNTY COURTHOUSE, ROOM C2063**
311 S. CENTER AVE, JEFFERSON, WI 53549
OR Via Zoom Videoconference

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

You are invited to a Zoom meeting.
When: May 15, 2025, at 07:00 PM Central Time (US and Canada)
Meeting ID: 856 6292 4252
Passcode: Zoning

Register in advance for this meeting:

<https://us06web.zoom.us/join/tp4g3M26TtCHOJOvLHQvXQ>

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

1. Call to Order

The meeting was called to order by Chairman Jaeckel at 7 p.m.

2. Roll Call

Supervisor Jaeckel, Nass, and Foelker were present at 7 p.m. Supervisor Richardson was present via zoom. Supervisor Poulson was excused. Staff members Sarah Elsner and Haley Nielsen were also present. Also attending via Zoom were; Courtney Zastrow, John Gray and Danielle Thompson.

3. Certification of Compliance with Open Meetings Law

Supervisor Nass confirmed that the meeting was being held in compliance with Open Meetings Law.

4. Approval of Agenda

Motion by Supervisor Nass and seconded by Supervisor Foelker to approve the agenda as presented.
Motion passed by a voice vote of 4-0.

5. Public Hearing

Elsner read aloud the following:

NOTICE IS HEREBY GIVEN that the Jefferson County Planning and Zoning Committee will conduct a public hearing at 7 p.m. on Thursday, May 15, 2025, in Room C2063 of the Jefferson County Courthouse, Jefferson, Wisconsin. Members of the public will be allowed to be heard regarding any petition under consideration by the Planning and Zoning Committee. **PETITIONERS, OR THEIR REPRESENTATIVES SHALL BE PRESENT EITHER IN PERSON OR VIA ZOOM.** Matters to be heard are petitions to amend the official zoning map and applications for conditional use permits. A map of the properties affected may be obtained from the Zoning Department. Individual files, which include staff finding of fact, are available for viewing between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays. If you have questions regarding these matters, please contact Zoning at 920-674-7131.

Decisions on Conditional Use Permits will be made on **May 27, 2025**

Recommendations by the Committee on Rezones will be made on **May 27, 2025**

Final decision will be made by the County Board on **June 10, 2025**

**FROM A-1 EXCLUSIVE AGRICULTURAL TO A-2, AGRICULTURAL AND RURAL BUSINESS
WITH CONDITIONAL USE**

All are in accordance with ss. 22-304 – 22.310 of the Jefferson County Zoning Ordinance

R4599A-25 & CU2163-25 – Jon Helt: Rezone 0.6-acre from A-1 to A-2 to allow for an engineering/fabrication business at **N6484 County Road S** in the Town of Lake Mills, PIN 018-0713-1611-002 (3.0 ac).

PETITIONER: Jon Helt (N6484 County Road S, Lake Mills) presented as himself for this rezone and conditional use. He explained that the proposed rezone of 0.6 acres is to allow for a fabrication/engineering business he would like to run.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

STAFF REPORT: Given by Elsner and in the file.

Elsner asked –

Hours? M-F 7am-5pm

Employees? One on occasion.

Will the public visit the site? No.

Is there space for parking? Yes, there is space for parking.

Will there be any signs? No. Potentially a sign for the farm but not for the business.

Any future structures or expansions of the business planned? Not at this time but he understands if there is expansion he would have to come back. Could see potential for business expansion down the road.

TOWN: In favor 3-0 with no conditions.

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

All are in accordance with ss. 22-339 – 22-350 of the Jefferson County Zoning Ordinance

R4589A-25 – B&B Trust: Rezone from A-1 to A-3 to create a 1-acre lot farm consolidation around the house at **W1281 Sunnyside Drive** in the Town of Concord, PIN 006-0716-2733-000 (45.802 ac).

Was not present.

R4600A-25 – Jedidiah Draeger: Rezone A-1 to A-3 .41-acres from parcel 016-0514-0131-005 (22.661 ac) and transfer to parcel 016-0514-0131-003 (1.159 ac) (Lot 1 CSM 4539) near **W5115 & W5125 Bark River Road** in the Town of Koshkonong.

PETITIONER: Jedidiah Draeger (W5125 Bark River Road, Fort Atkinson), presented as himself for this rezone. He is looking to transfer a portion of land from A-1 to A-3 to sell to his neighbor, John Gray. The purpose for the sale of land is to eliminate an existing narrow field access for farming, to add room onto the neighbors lot so they can install a new mound system.

COMMENTS IN FAVOR: John Gray (W5115 Bark River Road, Fort Atkinson) presented a power point on zoom to show what neighbors have access issues and gave details to how the farmland is used. Mr. Gray is currently driving over a part of the mound system on his property, which is leading to issues with the mound. He explained that the approval of this request would allot him more room to install a new mound/septic system.

COMMENTS OPPOSED: None.

REBUTTAL: None.

STAFF REPORT: Given by Elsner and in the file.

TOWN: In favor 5-0 with no conditions.

R4601A-25 – Michael Prado: Rezone from A-1 to A-3 to create a 1-acre residential lot at **W611 State Road 59** in the Town of Palmyra, PIN 024-0516-2312-002 (22.0 ac). Property owned by Michael Prado, Clarisse Schowalter, Maria E Prado-Olson & Maria Paz Prado.

PETITIONER: Michael Prado (S37W2281 Crestview Drive, Waukesha) presented as himself for this rezone. He explained that the request is to create a lot to sell to a family member for them to build a residence.

COMMENTS IN FAVOR: Lisa Prado (S37W2281 Crestview Dr, Waukesha).

COMMENTS OPPOSED: None.

QUESTIONS FROM THE COMMITTEE: Supervisor Nass had mentioned that on the site inspections several unlicensed vehicles were on the property. He asked Mr. Prado what his plans for clean-up of those vehicles were.

REBUTTAL: Mr. Prado explained he will work on recycling/cleaning up those vehicles. Elsner confirmed he is allowed two unlicensed vehicles on the property.

STAFF REPORT: Given by Elsner and in the file. Elsner confirmed that conditions placed on the variance approval are feasible to be followed as approved. Prado confirmed.

TOWN: In favor, with no conditions.

R4602A-25 – Phyllis Jean Medeiros Trust: Rezone from A-1 to A-3 to create a 3.4 1.4-acre farm consolidation at **W2344 Rome Road** in the Town of Sullivan, PIN 026-0616-0721-001 (16.0 ac).

PETITIONER: Phyllis Mederios (W2344 Rome Road) presented as herself for this rezone. Is looking to rezone to create a lot to separate house from the rest of the property.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

STAFF REPORT: Given by Elsner and in the file.

Elsner asked –

Septic location? On the East side of the house.

When was the residence built? Late 1800's.

Elsner confirmed the acreage that is being split. Medeiros confirmed 1.4 acres.

TOWN: In favor, 2-0 with no conditions.

FROM A-1 EXCLUSIVE AGRICULTURAL TO N, NATURAL RESOURCE
All are in accordance with ss. 22-179 – 22-487 of the Jefferson County Zoning Ordinance

R4603A-25 – Joe Vultaggio: Rezone 10.54 acres from A-1 to N from PIN 004-0515-2533-000 (32.628 ac) and 004-0515-2532-000 (20.0 ac) located north of **W2862 State Road 59** in the Town of Cold Spring. Property is owned by Robert J Wagner Trust.

PETITIONER: Joe Vultaggio (W2862 State Road 59) presented as himself for this rezone. He is looking for a buffer zone from the solar farm that is upcoming. Wants to have green space, woods, and wildflowers. This area would be all natural.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

STAFF REPORT: Given by Elsner and in the file.

Elsner asked –

Will there be any farming activity on this land in the future? Not at this time.

Elsner noted –

The land could not be sold separately.

That is farming activity is to occur, it would need to be approved by Conditional Use Permit if the request is approved.

TOWN: In favor, 3-0 with no conditions.

FROM A-T AGRICULTURAL TRANSITION TO A-3, AGRICULTURAL/RURAL RESIDENTIAL & A-2, AGRICULTURAL AND RURAL BUSINESS WITH CONDITIONAL USE

All are in accordance with ss. 22-339 – 22-350 & ss. 22-304 – 22.310 of the Jefferson County Zoning Ordinance

R4604A-25 & CU2164-25 –Greg Harrom: Rezone from A-T to A-3 for 1.0-acres and A-T to A-2 for .9-acres for a total of 1.9-acre lot to allow for a graphic design and fabrication business at **N4870 County Road D** in the Town of Jefferson, PIN 014-0615-0212-000 (29.9 ac). Property is owned by Yvonne R Duesterhoeft Trust.

PETITIONER: Greg Harrom (1202 W 8th Street, Duluth, MN) presented as the applicant for this rezone. Is looking to purchase the land to build a residence and run a graphic design and fabrication business.

COMMENTS IN FAVOR: Yvonne Duesterhoeft (N4870 County Road D), property owner, was in favor of the request, and would like to sell land to the petitioner for him to build a home and run the business.

COMMENTS OPPOSED: None.

REBUTTAL: None.

STAFF REPORT: Given by Elsner and in the file.

Elsner asked –

Will public come to the site? Yes for deliveries/pick-ups/consultations.

Hours of operation? 8am-5pm, Monday-Friday

Employees? No, other than him and daughter.

Parking plans? There will be a shared driveway with the house and shop, and parking along the shop.

Has highway approval been obtained from the County Highway Department? Not yet.

Will there be a bathroom in the shop? Yes.

Sign for business? Yes. - Elsner noted the sign will need a permit from the zoning department.

Elsner noted –

If there are expansions of the business in the future, the Conditional Use Permit will need to be updated through this same approval process.

TOWN: In favor, 5-0, with no conditions.

CONDITIONAL USE PERMIT APPLICATIONS

All are in accordance with ss. 22-581 – 22-587 of the Jefferson County Zoning Ordinance

CU2147-25 – Kemmeter’s Properties LLC: Conditional Use to allow for a 3600 sq. ft. structure to be used as an activity building for the existing bar in A-2 zone at **W5003 US Highway 18** in the Town of Jefferson, PIN 014-0614-1212-001 (4.74 ac), in accordance with Sec. 11.04(f)7 of the zoning ordinance.

PETITIONER: Christine Sukow (811 E Racine Street, Jefferson) present as Kemmeter’s Properties for this Conditional Use. The request is for an existing small concession stand that needs to be expanded. Would like to have an area for activities to keep recreation (volleyball courts, horseshoes) separate from the supper club area.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

STAFF REPORT: Given by Elsner and in the file.

TOWN: In favor 4-0, with no conditions.

CU2165-25 – Todd Conforti: Conditional Use to allow for an extensive onsite storage structure in an R-1 zone at **W1376 N Blue Spring Lake Drive** in the Town of Palmyra, PIN 024-0516-2841-009 (.766 ac). Property is owned by Ann T Conforti Trust.

PETITIONER: Todd Conforti (W1375 N Blue Spring Lake Dr.) presented as himself for this Conditional Use. Mr. Conforti explained the square footage of the garage. Stated it is more cost efficient with the proposed size, and will be located in the back of the lot. There will be plenty of room for it, and it shouldn’t be easily seen from the road.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

STAFF REPORT: Given by Elsner and in the file.

Elsner asked –

Will there be a bathroom in the structure? No
Lighting proposed? No
Confirm the use of the structure? Cold storage for boat.
Business use? No
Confirm height of structure? 16 feet and four inches
Any issues with the Town Conditions? No.

TOWN: Approved 3-0. Two conditions – 1) No additional driveway allowed for connection to N Blue Spring Lake Drive. 2) No site grading is permitted that will alter the existing drainage swale.

CU2166-25 – Paul Goeglein: Conditional Use to allow for a 30' x 40' addition onto existing shed for personal storage in an R-1 zone at **N4001 Jefferson Street** in the Town of Sullivan, PIN 026-0616-1724-014 (.40 ac).

PETITIONER: Paul Goeglein (N4001 Jefferson Street) Had a previous permit for this structure without a Conditional Use, and are now looking to add on to the existing structure for more personal storage of ATVs, motorcycles, and cars.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

STAFF REPORT: Given by Elsner and in the file.

Elsner asked –

Confirm the size of the building? 30' x 40', 20 feet in height.
Will there be a bathroom in the structure? No.
Lighting proposed? Yes for security cameras.
Any outdoor storage? No other than a trailer.

TOWN: In favor 2-0, with no conditions.

CU2167-25 – Courtney Zastrow: Conditional Use to allow for a kennel in A-1 zone for personal dogs at residence located at **N8668 County Road O** in the Town of Waterloo, PIN 030-0813-1723-001 (35.170 ac).

PETITIONER: Courtney Zastrow (N8668 County Road O) Wants to have a kennel for personal dogs and foster dogs.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

REBUTTAL: None.

STAFF REPORT: Given by Elsner and in the file.

Elsner asked –

Waste disposal for dogs? Double-bagged and thrown away.

Will they be indoor/outdoor? Both.

Any proposed buildings? Is proposing a small run on the back of the home for one or two dogs.

Any proposed fencing? No proposed fencing at this point, but may install fencing in the future.

Any issues with the Town Conditions? No.

Jaeckel asked –

Total/maximum number of dogs?

Eight maximum, typical amount of 6.

TOWN: In favor, with the condition of not more than eight dogs.

6. Adjourn @ 7:50pm Motion: 1st - Nass 2nd - Foelker

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 accommodation for attendance at this meeting should contact the County Administrator 24 hours prior to the meeting at 920-674-7101 so appropriate arrangements can be made.

A digital recording of the meeting will be available in the Zoning Department upon request.

Register of Deeds

April

2025

Program/Service Description	Output Measures			YR to Date	Current Yr. Target
	2023	2024	2025	Totals	%
Documents Recorded	824	1,000	1,058	3,442	34%
Vital Records Filed	159	167	199	771	32%
Vital Record Copies	1,272	1,279	1,539	6,302	45%
ROD Revenue (Gross Total)	\$ 135,482.77	\$ 189,372.63	\$ 195,354.38	\$ 823,735.79	43%
Transfer Fees	\$ 19,057.14	\$ 28,328.22	\$ 28,365.30	\$ 127,084.14	46%
LIO Fees	\$ 7,084.00	\$ 8,692.00	\$ 9,231.00	\$ 30,662.00	35%
Document Copies	\$ 5,173.32	\$ 5,433.88	\$ 5,022.38	\$ 20,964.77	32%
Laredo	\$ 2,375.75	\$ 3,857.65	\$ 5,089.50	\$ 19,919.32	38%
ROD Revenue to General Fund	\$ 43,410.21	\$ 57,225.75	\$ 60,151.18	\$ 242,565.23	40%
Percentage of Documents eRecorded	62%	60%	72%	71%	
Budget Goals Met	N	Y	Y	Yes	40%
Back Indexed	6,505	1,857	791	5,446	27%

Wisconsin Register of Deeds Association:

Continue legislative trailer legislation for 2023 WI Act 235, working on legislation to amend the transfer fee split and additional funding to the WLIP, also working on updates to Chapter 59.43.

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 mid 1935.

Wisconsin Counties Association Board of Directors:

Nothing new to report.

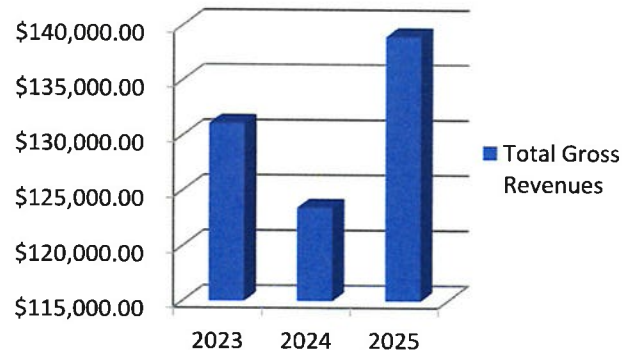
Wisconsin Public Records Board:

Nothing new to report.

Register of Deeds Year to Date Budget Report

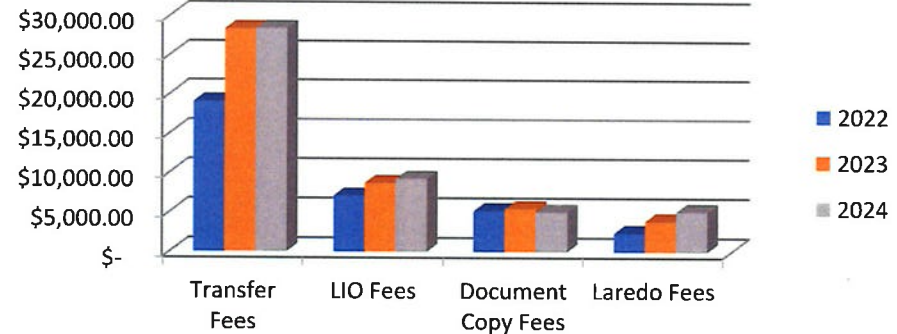
April

ROD Total Gross Revenues

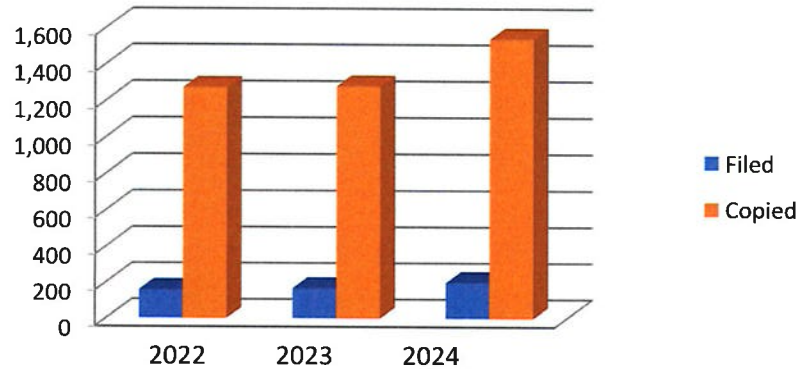


2025

Land Related Revenue



Vital Records



Year to Date Revenue Payout



Jefferson County Monthly Ledger Report

Month	Other Permits/LU 12901-432099-0	Private Party Photocopy 12901-451002-0	Municipal Copies/Printing 12901-472003-0	Private Sewage System 12901-432002-0	Soil Testing Fee 12901-458010-0	Septic Replacement Fee 12901-458002-0	Zoning Ordinance Forfeitures 12901-441002-0	2025 Totals	2024 Totals	2024-2025 Difference
Jan	\$11995.00		\$3.75	\$1955.00	\$560.00			\$14513.75	\$144305.82	\$-129792.07
Feb	\$12060.00		\$8.00	\$1475.00	\$320.00			\$13863.00	\$50654.53	\$-36791.53
Mar	\$14460.00			\$7200.00	\$560.00			\$22220.00	\$23348.88	\$-1128.88
Apr	\$18860.00			\$5300.00	\$1280.00			\$25440.00	\$29160.01	\$-3720.01
May	\$10810.00			\$4825.00	\$480.00			\$16115.00	\$32829.91	\$-16714.91
Jun									\$23131.23	\$-23131.23
Jul									\$19768.17	\$-19768.17
Aug									\$29723.30	\$-29723.30
Sep									\$25279.78	\$-25279.78
Oct									\$24678.82	\$-24678.82
Nov									\$16909.50	\$-16909.50
Dec									\$33732.87	\$-33732.87
Total	\$68185.00		\$11.75	\$20755.00	\$3200.00			\$92151.75	\$453522.82	\$-361371.07



To: Jefferson County Board Chairman Steve Nass

From: RENEW Wisconsin

Date: May 12, 2025

RE: Solar Energy Systems Ordinance Draft, January 28, 2025

I write to you, on behalf of RENEW Wisconsin, to help facilitate the County Board's understanding of the authority of a Wisconsin County to regulate solar energy installations. RENEW is a domestic nonprofit that works to advance Wisconsin's renewable energy goals. Renewable energy provides Wisconsin with economic resiliency by reducing dependence on imported fossil fuels, mitigating energy price volatility, and creating a more sustainable economic foundation for all Wisconsin communities. RENEW advocates on behalf of individual and business members in Wisconsin who seek to make clean energy available and affordable to all communities, through uniform policies and regulations.

We appreciate the Board's motivation of balancing property interests of its residents by seeking to clarify requirements for solar installation in Jefferson County; however, after reviewing the draft of the Solar Energy Systems Ordinance¹ ("Solar Ordinance Draft"), we believe that the Solar Ordinance may be in plain violation of Wisconsin law and invites risk of needless litigation for Jefferson County. While the Solar Ordinance initially declares its purpose of adopting and incorporating the requirements of Wis. Stat. § 66.0401 and § 66.0403 as a local ordinance, much of the proposed ordinance may be invalid, as many provisions conflict with Wisconsin statutes and Court of Appeals precedent.

As we will illustrate below, Wisconsin Statutes prevent Jefferson County from:

1. Restricting development of Large Solar Energy Systems (Large SES)² on matters considered and authorized by the Public Service Commission ("PSC" or "Commission"), which was delegated exclusive authority to approve construction of energy projects with capacity of 100MW or more.
2. Restricting Small Solar Energy Systems, Battery Energy Storage Systems, and Accessory Solar Energy Systems without individualized review that can provide substantial evidence and show the restrictions meet one of three limited statutory

¹ Dated January 28, 2025.

² See "Definitions" in Attachment A, Jefferson County Draft Solar Energy Systems

conditions, under § 66.0401 and comply with statutory requirements for conditional use permitting.³

3. Restricting all solar energy systems based on general welfare justifications or based on general zoning powers that expand local authority beyond the limitations of § 66.0401.

Legal Background

To clarify Wisconsin State law to differentiate between what a Wisconsin political subdivision may or may not do to interact with Solar energy installations, RENEW offers the following brief legal background on the preemption and the authority that the State and the Public Service Commission hold.

I. Preemption in Wisconsin Energy matters:

The Wisconsin Supreme Court adopts the principle that a local government cannot lawfully forbid what the legislature has expressly licensed and authorized, and a local government cannot authorize what the legislature has expressly forbidden.⁴ A municipal ordinance that is preempted by state law is invalid.⁵ An ordinance is preempted by state law when (1) the legislature has expressly withdrawn the power of the municipality to act, (2) the ordinance logically conflicts with state legislation, (3) the ordinance defeats the purpose of state legislation, or (4) the ordinance violates the spirit of state legislation.⁶

Wisconsin has extensively defined its authority to regulate electricity generation in the State. The Wisconsin legislature effectively occupies the entire field of energy law and regulation, notwithstanding federal law. State control of policymaking extends to, but is not

³ *Id.*

⁴ See *Fox v. Racine*, 225 Wis. 542, 545, 275 N.W. 513 (1937); See also *Anchor Sav. & Loan Asso. v. Equal Opportunities Com.*, 120 Wis. 2d 391, 355 N.W.2d 234 (1984).

⁵ *Scenic Pit LLC v. Vill. of Richfield*, 2017 WI App 49, ¶ 8, 377 Wis. 2d 280, 900 N.W.2d 84.

⁶ *Id.*

limited to, siting and construction of generation facilities, energy resource prioritization, renewable energy oversight, interconnection of distributed generation (e.g., solar and wind), and environmental review⁷ of proposed facilities. Wisconsin law, regulating energy matters, encompasses both express preemption and field preemption.

When it comes to renewable energy, preemption is readily apparent in Wisconsin statutes. The Wisconsin legislature adopted a policy and goal to adopt, when cost-effective and technically feasible, all new installed capacity for electric generation from renewable energy resources, including wind and solar.⁸ The Wisconsin legislature charged the PSC with all matters pertaining to approval of projects with a nominal capacity over 100 megawatts (MW). As we will discuss below, the Court of Appeals held in *American Transmission v. Dane County* that the PSC process was so comprehensive that it left no room for local regulation of the same matters. Moreover, for solar and wind facilities under 100 MW, the Legislature expressly limits Wisconsin political subdivisions (counties, villages, and towns) from legislating additional requirements for solar and wind facilities, beyond what is permitted by Wis. Stat. § 66.0401.

Wisconsin's comprehensive state statutory scheme in energy matters demonstrates the Wisconsin Legislature's intent to control the entire subject matter. Local ordinances, restricting renewable energy installation beyond what is narrowly allowed by State law, would undermine energy policy and create regulatory uncertainty and fragmentation. This level of preemption would be considered by courts reviewing Jefferson County's solar ordinance and establishes a

⁷ The Public Service Commission, working with the Department of Natural Resources, oversees environmental review of energy construction, including but not limited to land use, wetland and waterways protection, agricultural impacts, and visual and noise impacts.

⁸ Wis. Stat. § 1.12(3)(b).

heavy burden for the County to show that its restrictions on solar energy are demonstrated by substantial evidence and that its restrictions conform to narrow statutory requirements.

II. Regulation by Size of System:

Siting and permitting of electricity generation projects in Wisconsin is considered by size. Approval of electricity generation projects with a nominal capacity of 100 MW or more (“Large Energy Project”) is under the exclusive authority of the PSC.⁹ No Wisconsin subdivision may prevent the construction of an approved Large Energy Project; this restriction applies to Jefferson County’s proposed definition and requirements for Large Solar Energy Projects.

On the other hand, the Commission does not hold exclusive authority over siting and permitting of electricity generating systems with a capacity under 100 MW, but the Wisconsin Legislature significantly limits the authority of Jefferson County and other subdivisions in restricting siting and permitting of solar energy systems.

A. Wisconsin Law Delegates to the Public Service Commission Exclusive Power to Regulate Solar Energy Systems with a Capacity of 100 MW

To site and construct a Large Energy Project, a certificate of public convenience and necessity (“CPCN”) must be submitted to the Commission, which has exclusive authority to approve siting and construction of these facilities. If the Commission approves a CPCN for a Large Energy Project, no municipality may restrict the construction of that facility. This is expressed clearly by Wisconsin statutes: “if installation or utilization of a facility for which a certificate of convenience and necessity has been granted is precluded or inhibited by a local ordinance, the

⁹ Wis. Stat. § 196.491(1)(g), (3)(a)

installation and utilization of the facility may nevertheless proceed.”¹⁰ The Wisconsin Supreme Court held that “[L]ocal ordinances, such as zoning ordinances, cannot impede what has been determined to be of a public convenience and necessity.”¹¹ When Dane County attempted to restrict Commission approved, Large Energy Projects by requiring erosion control and wetland zoning permits under local ordinances, the Wisconsin Court of Appeals ruled against the county.¹² The Court confirmed that §196.491(3) preempts local regulation on matters already in the charge of the PSC, in conjunction with the DNR, including environmental factors, land use, and development plans.¹³ The court stated:

Wis. Stat. § 196.491(3)(i) "abrogates," . . . local regulations that govern the same subject matter that the PSC is required by statute to consider in granting a certificate for public convenience and necessity. The necessary implication of the court's analysis is that *any* enforcement of local regulations governing those matters impedes or inhibits the project.¹⁴

The court also adds that even if all that Dane County intended to do is ensure that PSC orders are complied with, the permit process “in itself is an additional impediment or inhibiting factor.”¹⁵

Wisconsin Courts are exact in applying preemption here; since the Wisconsin legislature delegated authority to the Commission over these energy matters, no Wisconsin subdivision can inhibit or prevent construction of Large Energy Projects. For Jefferson County, this means the

¹⁰ Wis. Stat. 196.491(3)(i)

¹¹ *RURAL v. Public Service Commission of Wisconsin*, 239 Wis.2d 660 ¶65, 619 N. W. 2d 888 (2000).

¹² *Am. Transmission Co., LLC v. Dane Cty.*, 2009 WI App 126, 321 Wis. 2d 138, 772 N.W.2d 731

¹³ *Id* ¶18.

¹⁴ *Id* ¶15 (citing *RURAL*)

¹⁵ *Id* ¶17.

County cannot enforce or require permits for construction of solar energy systems with a capacity of 100 MW or more.

B. Wisconsin Law Narrowly Limits Jefferson County's authority to restrict installation and use of Solar Energy Systems with capacity under 100 MW.

While Jefferson County is not entirely precluded from restricting Solar Energy Systems with a capacity under 100 MW, Jefferson County is limited to a case by case or system by system, akin to the conditional use permitting process. The Wisconsin Legislature allows limited local control over wind and solar energy systems that generate less than 100 MW, but the Legislature delegates to subdivisions no legislative authority, only the ability to help Wisconsin implement its goal of promoting solar and wind energy. Wisconsin subdivisions may not place general restrictions and instead must show that their restrictions meet narrow statutory conditions under § 66.0401(1m).

Before considering how Wisconsin Courts interpreted this statute as abrogating local legislative power, a plain reading of Wis. Stat. § 66.0401(1m) highlights that ordinances on solar energy systems are more narrowly constrained than ordinances on wind energy systems.¹⁶

1. Plain meaning of Wis. Stat. § 66.0401(1m) and its Amendment by the 2009 Wisconsin Act 40 highlight that the Wisconsin Legislature intended to severely limit local regulation of Solar Energy.

The statute begins with a conditional preemption specific only for wind energy systems: “[no] political subdivision may place any restriction, either directly or in effect, on the installation or use of a wind energy system that is more restrictive than the rules promulgated by

¹⁶ Wis. Stat. § 66.0401(1m)

the commission under s. 196.378 (4g) (b).” This plainly means local regulation is permissible only as long as it complies with Commission-issued rules.

Contrast this with the second clause of the statute: “No political subdivision may place any restriction, either directly or in effect, on the installation or use of a solar energy system . . . or a wind energy system, unless the restriction satisfies one of the following conditions:

- (a) Serves to preserve or protect the public health or safety.
- (b) Does not significantly increase the cost of the system or significantly decrease its efficiency.
- (c) Allows for an alternative system of comparable cost and efficiency.

Read plainly together, the first and second clauses allow local regulation of wind energy systems under three narrow conditions or as long as the regulation is not more restrictive than Commission rules. But without benefit of the first clause of the statute, local authority over solar energy systems is outright precluded unless one of these three narrow conditions are met.

Wis. § 66.0401(1m) did not originally include the first clause.¹⁷ The statute was amended by the 2009 Wisconsin Act 40, which established statewide criteria for installation or use of wind energy systems with a capacity of less than 100 megawatts.¹⁸ When faced with competing interests, between local authority and uniform state energy policy, the Wisconsin Legislature elected to reinforce authority of the Commission to promulgate rules on wind siting and effectively directed local governments to follow the lead of the commission. The Legislature also elected not to amend the statute to expand the authority of local government to restrict

¹⁷ Wis. Stat. § 66.0401(1m) (2007-2008).

¹⁸ [2009 Wisconsin ACT 40](#);

installation and use of solar energy systems; no statutory revisions or commission-promulgated rules were necessary to regulate health and safety effects of solar energy systems.

2. The Wisconsin Court of Appeals reinforced the limitation on local authority in Wis. § 66.0401(1m)

The Wisconsin Court of Appeals held that the Wis. Stat. § 66.0401(1m) does not delegate the power of policymaking to local governments.¹⁹ The State only delegates the authority to execute and administer the state's policy of favoring wind and solar energy, and the statutory scheme is intended only to create avenues for subdivisions to assist the state.²⁰ The Court highlighted legislative history, of the original statutory scheme, that illustrates that the legislature was predominately concerned with encouraging the use of renewable sources of energy, by removing legal impediment to such systems.²¹

The legislature did not grant subdivisions, like Jefferson County, the authority to determine as a matter of legislative fact a "cart before the horse" method of local control.²² Across the board restrictions, as utilized in Jefferson County's Solar Ordinance Draft, apply to all uses of a particular type, regardless of a particular location or the specifics of a project.²³ This kind of general restriction provides that regulations are necessary for every system and necessitates a policy decision using findings of legislative facts and using a legislative process.²⁴ The Court of Appeals notes that this type of decision-making is outside the scope statutory authority available to subdivisions, which were delegated administrative power to interpret and

¹⁹ See *Ecker Bros. v. Calumet Cty.*, 2009 WI App 112, 321 Wis. 2d 51, 772 N.W.2d 240; See also *State ex rel. Numrich v. City of Mequon Bd. of Zoning Appeals*, 2001 WI App 88, 242 Wis. 2d 677, 626 N.W.2d 366.

²⁰ *Ecker Bros.* ¶23

²¹ *Numrich* ¶18-19.

²² *Ecker Bros.* ¶20.

²³ *Id* at ¶15.

²⁴ *Id* at ¶16

execute the law.²⁵ The legislature already made the policy decision that it favors wind and solar energy, and it created a statutory scheme under § 66.0403 for owners of these systems to apply for permits that protect their ability to generate wind and solar energy.²⁶ Political subdivisions were restricted from contravening this policy by § 66.0401, and they are merely allowed to place restrictions if, and only if, the restriction meets one of the three statutory conditions.²⁷

To administer this law, political subdivision, like Jefferson County, must rely on the facts of an individual situation to make case-by-case restrictions.²⁸ “Quantitative” fact finding for each system is needed to determine whether a restriction is needed to protect public health and safety or whether a restriction will increase costs, decrease efficiency, or prevent an alternative system from being constructed.²⁹

The required case-by-case approach, through a procedure like a conditional use permit (“CUP”), must still comply with statutory requirements. For instance, “any condition imposed” in the approval process of a conditional use permit “must be related to the purpose of the ordinance and be based on substantial evidence.”³⁰ Moreover, “a county may not impose on a permit applicant a requirement that is expressly preempted by federal or state law.”

So, when an applicant in Jefferson County applies for a CUP for a Small Energy System, Battery Energy Storage Systems, or Accessory Solar Energy System, as defined by the Solar Ordinance Draft, the conditions or restrictions are measured both by § 66.041(1m) and § 59.69, and the application may not be denied without substantial evidence showing whether a restriction

²⁵ *Id.*

²⁶ *Id.*; See also Wis. Stat. § 66.0403.

²⁷ *Ecker Bros.* ¶19

²⁸ *Id.*

²⁹ *Id.* ¶21.

³⁰ Wis. Stat. § 59.69(5e)(b)2

for a specific system is needed to protect public health and safety or whether the restriction will increase costs, decrease efficiency, or prevent an alternative system from being constructed. is applied and its three statutory conditions are measured and must make quantitative findings, satisfying 66.041(1m). Jefferson county cannot presumptively limit the size of a system, its location, setbacks, height, or require any other conditions that do not comply with a justification under 66.041(1m).

Discussion

- Jefferson County may not prohibit the siting or construction of Large Solar Energy Systems based on its ordinances, as these matters are within the discretion of the Commission to approve. As a result, the requirements for Large SES are invalid
- For Small Energy Systems, Battery Energy Storage Systems, and Accessory Solar Energy System: the only proper function Jefferson County may perform, according to *Ecker Bros.*, is to review each project individually through a case-by-case process such as through a CUP. The permitting approval process must provide substantial evidence and quantitative, not legislative fact finding to individually show whether a restriction is needed to protect public health and safety or whether a restriction will increase costs, decrease efficiency, or prevent an alternative system from being constructed.
- Limitations on solar energy systems, based on conclusory statements or justified by general welfare concerns, are outside the scope of Wis. Stat. § 66.0401, as interpreted by *Ecker Bros.* and *Numrich*. Jefferson county cannot presumptively limit the size of a system, its location, setbacks, height, or require any other conditions that do not comply with a justification under 66.041(1m).

- Finally, the extensive conditions, including, but not limited to siting, system specifications like setbacks and height, pre and post project reporting, decommissioning, and agricultural protection, are creating unnecessary cost increases and administrative burdens that may effectively prohibit all solar energy systems in Jefferson County, without any reasonable public health and safety justifications. This type of cumulative restriction may be considered by a reviewing court as a clear violation of conditions intended by the Wisconsin Legislature in § 66.041(1m).
- The Solar Ordinance Draft contains too many deficiencies to be corrected, and RENEW Wisconsin recommends that the Jefferson County Board not enact this ordinance, as many of its provisions may be invalid or may, if enacted and applied, subject Jefferson County to unnecessary risk of litigation from developers and applicants.

Attached with this letter, please find a marked version of the Solar Ordinance Draft where we highlighted provisions that conflict with state law and court precedent.

Solar Energy Systems Ordinance

Draft – January 28, 2025

1. Purpose and Scope.

- a. The purpose of this section is to adopt and incorporate the requirements of Wis. Stats. § 66.0401 and § 66.0403 as a local ordinance, to regulate Solar Energy Systems ("SES") for the production of electricity and/or conversion of energy for uses on site as well as those systems which produce electricity for off-site use and distribution. The regulations of this section have been established to ensure SES are sited, constructed, maintained, operated and decommissioned in a manner that maximizes utilization of Jefferson County's solar energy resources, while also protecting the health, safety and **welfare of the community**. The provisions listed under this section are not intended to be a duplication of any federal or state requirement or to exceed that authority granted to Wisconsin counties.
- b. **All applications regulated by this section may be subject to additional conditions and restrictions consistent with Wis. Stat. §66.0401, where such conditions are considered and applied on a case-by-case basis, as well as satisfy one of the following:**
 - i. Serves to preserve or protect the public health or safety.
 - ii. Does not significantly increase the cost of the system or significantly decrease its efficiency.
 - iii. Allows for an alternative system of comparable cost and efficiency.
- c. **No Solar Energy System shall be erected, enlarged or extended without conformance to the provisions of this section and other applicable restrictions, as evidenced by the issuance of a Zoning Permit by the Zoning Administrator and where required, Conditional Use Permit approval by the Planning C Zoning Committee.**

2. Definitions

- a. "Accessory Solar Energy System" means, but is not limited to, a photovoltaic energy system that converts solar energy to usable thermal, mechanical, chemical, or electrical energy, where such solar energy system is accessory to the principal use of the land and serve the land or structures on the same parcel (e.g., solar panels providing energy for a dwelling on the same lot). **Accessory Solar Energy Systems are not intended for use as a public utility or to provide energy into the grid and generate less than 1,000 kilowatts (1 megawatt).**
- b. "Battery Energy Storage System" (BESS) means electrochemical devices that charge or collect energy from the grid or a generation facility, store that energy, and then discharge that energy at a later time to provide electricity or other grid services.
- a. "Conditional Use Permit" means a discretionary permit for a listed conditional use, granted by the Jefferson County Planning C Zoning Committee, pursuant to the notice and hearing procedures set forth in the sec. 11.05 of the Jefferson County Zoning Ordinance, upon application by the owner and to which various conditions may be attached and must be adhered to by the applicant.

Commented [SH1]: The Court in *Ecker Brothers v. Calumet* noted that Wis. Stat. § 66.0401 permits restrictions based on public health or safety BUT does not include general welfare as a valid ground for imposing restrictions. This is an important difference that distinguishes a County's zoning power under § 59.69 from a County's restricted ability to restrict solar and wind systems under § 66.0401. The Zoning Committee's misunderstanding of this distinction establishes the flaw in the ordinance that makes it invalid in many parts, under state law. When challenged, the County has the burden to show the restrictions were considered on a case by case basis to justify 66.0401's narrow restrictions on local authority.

Commented [SH2]: While the County states its intention to avoid preemption by Wisconsin State authority, the ordinance adds additional requirements that either conflict with conflict with § 66.0401 or are prohibited by § 196.491.

Commented [SH3]: By setting general requirements, the County is bypassing the "case by case" criteria, based on clear quantitative fact finding specific to the sites and systems to show the County complied with the narrow restriction on Subdivision authority in § 66.0401.

Commented [SH4]: Again, this type of general restrictions, without assessing individual systems and specific sites, is rejected by *Ecker Brothers*

Commented [SH5]: This is not specific enough as any solar energy system, no matter the size, may export all of their power to the grid under the Public Utilities Regulatory Policies Act of 1978(PURPA). This general definition effectively regulates different scenarios and impacts different net billing and net metering scenarios under the same umbrella.

- b. "Energy Storage" means any technology that is capable of absorbing electricity, storing the electricity for a period of time, and redelivering the electricity.
 - c. "Kilowatt" means a unit of power equal to one thousand watts.
 - d. "Large Solar Energy Systems" means, but is not limited to, connected arrays of photovoltaic panels, their supporting structures and/or mounting systems, the network of necessary electrical wires and conduit (above and below ground), power poles, inverters, transformers, and supporting substations, or a concentrated mirror thermal energy generating facility and its respective components. These facilities are designed for nominal operation at a nameplate capacity of 100 megawatts or more. A Certificate of Public Convenience and Necessity issued by the Wisconsin Public Service Commission (PSC) is typically associated with these facilities. This includes facilities which directly convert and transfer solar energy into thermal or electrical energy.
 - e. "Megawatt" means a unit of power equal to one million watts, especially as a measure of the output of a power station.
 - f. "Owner" means the owner of the property, applicant or developer
 - g. "Small Solar Energy System" means but is not limited to, connected arrays of photovoltaic panels, their supporting structures and/or mounting systems, the network of necessary electrical wires and conduit (above and below ground), power poles, inverters, transformers, and supporting substations. These facilities are designed for nominal operation at a nameplate capacity of less than 100 megawatts and do not meet the definition of an "accessory solar energy generating system." This includes facilities which directly convert and transfer solar energy into thermal or electrical energy.
 - h. "Solar Energy System" means a set of devices or equipment which directly converts and then transfers solar energy into usable forms of thermal or electrical energy, including any Accessory Solar Energy System, Small Solar Energy System and Large Energy Solar Systems.
 - i. "Zoning Permit" means written approval by the Zoning Administrator that is required before commencing any development including any structural addition or alteration or change in use as defined by the Jefferson County Zoning Ordinance s. 11.03.
3. General Requirements. The following are requirements of all solar energy systems (SES):
- a. All SES shall be designed to limit grading, soil compaction and native vegetation removal.
 - b. No SES or related structure shall be located in the regulated floodplain.
 - c. No SES or related structure shall be located in a designated wetland.
 - d. Setbacks: Setbacks are measured from the closest point of an array, transformer, converter, inverter, battery, etc., excluding perimeter fences except where specifically noted.
 - i. All SES and related structures and equipment shall meet the underlying zoning district setbacks, and highway setbacks.
 - ii. All SES and related structures and equipment, including perimeter fences, shall meet the applicable shoreland setbacks except as it relates to any DNR approved waterway crossings.

Commented [SH6]: As illustrated in our letter, the Wisconsin legislature delegated to the Public Service Commission the exclusive authority to review and approve energy projects with a capacity of 100 or more MW. Counties may not place their own restrictions, for matters already considered by the PSC.

Commented [SH7]: *Ecker Brothers:* General zoning powers cannot be used to expand local authority beyond what is allowed by 66.0401. Categorical and general restrictions are invalid. General requirements do not show individual site conditions; in Eckers, the county bore the burden of showing compliance because a local restriction is unlawful unless the County can prove it meets one of the three statutory exceptions.

Commented [SH8]: Must be considered on a case by case basis and show a health/safety/efficiency/alternative justification

Commented [SH9]: Jefferson County can only require this to the extent that such a condition is consistent with state and federal wetland protection laws and does not conflict with limitation on local authority under § 66.0401 and § 196.491

- iii. Small and Large SES shall also meet the following setbacks:
 - 1. 500 feet from non-participating residential homes
 - 2. 700 feet from non-participating residential homes with an SES on three sides, with additional screening approved by the Planning and Zoning Committee
- e. Height: The maximum height for solar collectors or arrays is 18 feet, measured to the highest point.
- f. Code Compliance: A SES shall comply with all applicable building codes and HVAC-related requirements of the Energy Code.
- g. Agricultural Protection: Small and Large SES located in the A-1 or A-2 zoning district must provide a site and soil assessment that identifies the soil type and classification (prime or non-prime for agricultural purposes) for the project area. The SES shall be designed to protect and preserve prime agricultural soils and utilize a maximum of 25% prime soil of the entire project area. On a case-by-case basis an excess of 25% of prime agricultural soil may be used as part of a Small or Large SES if mitigation measures are implemented to preserve the prime soil, which may include the following:
 - i. Co-location of agricultural uses (agrivoltaics or other agricultural uses) on the project site.
 - ii. Placing agricultural conservation easements on an equivalent number of prime soil acres adjacent to or surrounding the project site.
 - iii. Other mitigation measures approved by the Planning and Zoning Committee.
- h. All access locations must obtain a fire number, unless waived by the Director
- i. Good Repair: An owner shall construct, operate, repair, maintain and replace SES facilities as needed to keep the SES in good repair and operating condition in a manner that protects the public health, safety, and welfare of the community.
- j. Reflectors and Glare: Any owner or installer of an ASES shall reduce the amount of glare directed towards surrounding properties and residential homes. The use of reflectors or solar enhancer shall be limited. In cases where reflectors or solar enhancers are required to enhance solar production, the owner shall minimize reflected light from affecting adjacent or nearby properties. Measures to minimize reflected light include selective placement of the system, screening the solar collector, modifying the orientation of the system, reducing use of the reflector system, or other remedies that limit reflected light
- k. Decommissioning: A Decommissioning Plan shall be required to ensure that Small and Large SES are properly removed after their useful life. A decommissioning plan shall include how the project area will be decommissioned and returned to its pre-solar development state. The plan shall include how decommissioning will occur, timeline and method for financial compensation or assurance and how materials will be recycled or disposed of. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and restoration of the land to a condition reasonably similar to pre-existing conditions, including de-compaction of the entire site (i.e. panel array locations, access roads, etc.). Access

Commented [SH10]: *Ecker Bros.* held that rigid setbacks not individually justified and not processed through a case-by-case conditional use process violate § 66.0401. And for Large SES, the County cannot inhibit the projects, if approved by the PSC, and cannot require something already considered by the PSC.

Commented [SH11]: Blanket height limits may be invalid under § 66.0401 if they reduce system efficiency or increase cost without a clear health/safety justification. *Numrich* invalidated aesthetic based limits that lacked a specific 66.0401 justification.

Commented [SH12]: A rigid limit on prime soil functions as a de facto prohibition. Preservation of prime agricultural soil also may not be justified by a valid public health or safety interest. Also if this is related to a Farmland Preservation Scheme, this program, as explained by the chief legal counsel of DATCP: “does not create any new state, county, or zoning authority.”

Commented [SH13]: There is no specific justification here based on a case by case basis that a system poses a public safety concern. Again, must make a showing that such a restriction meets one of the three conditions in 66.0401

roads may remain in place with written approval from the landowner. The Plan shall also include a Decommissioning Cost Analysis and the financial assurance in the amount of the difference between decommissioning cost and estimated salvage value. All solar equipment shall be decommissioned and disposed of in accordance with federal, state and local regulations.

- i. Decommissioning of the SES shall occur when the SES has ceased commercial operation for a consecutive period of twelve (12) months.

I. Reporting Requirements:

- i. Small and Large SES shall provide a yearly report by March 1st of each year to the Planning and Zoning Committee. The report, at minimum, shall include the following for the previous year:
 1. Report on power generation
 2. Estimated timeline for the SES including, but not limited to, construction commencement dates, operational date and life expectancy dates and any upcoming key dates
 3. Planned, proposed or completed construction projects or updates to the SES
 4. Report and update to the Decommissioning Plan including justification for updating the plan and financial assurance. Yearly, the Decommission Plan shall be reviewed and updated based on current conditions including any financial assurances.
 5. Any other information requested by the Planning and Zoning-

Committee or Department

4. Small Solar Energy Systems (Small SES)

- a. Permitting Requirements: Small SES require a Conditional Use Permit and a Zoning Permit prior to the start of construction.
- b. Zoning Districts: Small SES may be located within the A-1 Exclusive Agricultural and A-2 Agricultural and Rural Business zoning district as a conditional use, subject to the requirements of this ordinance. In addition, a small SES may be permitted as a conditional use, subject to the requirements of this ordinance, within the A-T zoning district with written approval from the closest municipality.
- c. Conditional Use Permit
 - i. Application Process. The application for a Conditional Use Permit shall be processed in accordance with the procedures set forth in Section 11.05 of this ordinance.
 - ii. Application Requirements. The application for a Conditional Use Permit for a small SES shall include the following items as applicable to the project:
 1. Site Plan: A site plan shall be submitted including, but not limited to, the following:
 - a. Existing and proposed improvements
 - b. Existing and proposed structures
 - c. Existing and proposed topography
 - d. Existing and proposed fencing

Commented [SH14]: Cannot require this for Large SES. Decommissioning terms set by the PSC override county-level requirements. The County cannot unreasonably impair a Large SES project. And for small SES, these strict requirements impose unjustified, cost-increasing burdens and may not be related to public health or safety concerns.

Commented [SH15]: Many of the requirements, including the extensive application and reporting process, may function as a regulatory burden or delay. *Ecker Brothers* has struck down provisions that functionally operated as obstacles to lawful renewable energy siting.

Commented [SH16]: CUPs must be administered using only the criteria in § 66.0401, not general zoning standards

Commented [SH17]: The County's decision for conditional use permitting, per 59.69, must be based on substantial evidence, and based on 66.0401, must show that the restrictions complied with one of three narrow conditions.

- e. Utilities
 - f. All above ground and underground components
 - g. Wetlands as determined by a wetland delineation
 - h. Waterways (navigable and non-navigable), drainage ditches, underground drain tiles, etc.
 - i. Drainage District ditches
 - j. Floodplain
 - k. Public roads, access roads and internal roadways
 - l. Access locations and driveways
 - m. Setbacks shall be shown on the site plan
 - n. Any other information required by the department
2. Proposed Transportation Routes: A plan identifying the proposed construction transportation routes including the type and quantity of equipment being transported.
 3. Drainage Plan: A plan identifying the existing drainage features and proposed drainage features including the drainage patterns, drain tiles, ditches and any proposed modifications.
 - a. The plan should include how drainage will be maintained and how damage, problems, or complaints will be resolved.
 4. Construction Schedule: A plan documenting the major milestones throughout the construction process including the start and end of construction.
 5. Vegetation Management Plan: A plan documenting the following shall be submitted:
 - a. Existing conditions
 - b. Proposed planting map with native Wisconsin species and densities
 - c. Proposed management of vegetation
 6. Grading Plan: A plan identifying the existing grading, topography and percent slope and the proposed grading. No grading shall occur on slopes greater than 20% and all slopes greater than 20% shall be protect from development and erosion. A plan identifying the slopes greater than 20% and their protection measures shall be included.
 7. Decommissioning Plan
 8. Lighting Plan: A plan documenting the proposed lighting at the project site. Lighting shall not affect neighboring properties and shall use shielded fixtures.
 9. Erosion Control Plan including all erosion control measures, timing of placement, maintenance and removal
 10. Storm Water Management Plan
 11. Screening plan that identifies the type and extent of screening from roadways and residences. Section 11.07(c) of this ordinance shall set the minimum requirements and the Committee may require

additional screening or conditions on a case-by-case basis.

12. Airport Notification: SES located within 5 miles of an airport shall provide notice of the proposed SES to the airport operator and owner. The applicant shall provide an affidavit stating which airports were provided notice and documentation of such notice. If no airports are within 5 miles, the owner shall provide documentation that no airports are within 5 miles.
 13. Fencing Plan: A plan shall be submitted identifying the type of fencing utilized for the project and the proposed setbacks. Perimeter fencing for the site shall use wildlife-friendly fencing standards that include clearance at the bottom.
 14. Agreements, leases or other documentation with affected landowners and/or communities outlining any site-specific terms or conditions of development and assuring maintenance of land to be owned or used for common purposes, including, but not limited to joint development agreements, road maintenance agreements and agreements with the Drainage Board.
 15. Any other documentation as identified by the Director or the Planning and Zoning Committee.
- iii. Conditional Use Permit Review Criteria: In addition to the criteria set forth in Section 11.05 of the Jefferson County Zoning Ordinance, the review for a Conditional Use Permit shall address and consider the following:
1. To the extent feasible and practical, plans to use the land for both agriculture and electricity generation, possibly including but not limited to:
 - a. Planting and maintaining pollinator-friendly native plant species and reduced herbicide applications.
 - b. Grazing of livestock
 - c. Planting of crops
 - d. Other agricultural uses
 2. The preservation of prime agricultural soils and the use of non-prime agricultural soils
 3. Reasonable construction standards, including phasing to limit the area of disturbance; hours of construction to limit disruption to residents; and light pollution mitigation.
 4. Maintenance and repair of damage to local roads due to project construction, possibly in the form of a Road Maintenance Agreement
 5. Maintenance and repair to local drainage systems
 6. Financial assurance during the construction phase in the form of a surety bond, letter of credit, escrow account, reserve fund, parent guarantee or other suitable financial mechanism.
 7. Decommissioning plan, as defined in section 3.k., above, which

Commented [SH18]: CUPs must be administered using only the criteria in § 66.0401, not general zoning standards or subjective concerns like aesthetics, property values, or general welfare. *Numrich*

Commented [SH19]: No related § 66.0401 justification here

includes provisions for removal of all structures and foundations, restoration of soil and vegetation and financial assurance that funds will be available for project decommissioning costs.

d. Zoning Permit Requirements

- i. Permit Requirement. The owner must apply for and receive a Zoning Permit from the Department before installing, constructing, or expanding any Small SES.
- ii. Application Process. The application for a Zoning Permit shall be processed in accordance with the procedures set forth in Section 11.03 of this ordinance.
- iii. Permit Fee. The owner shall pay an application fee at the time the application is filed with the Department.
- iv. Application Requirement. The application for a zoning permit shall include the following items as applicable to the project:
 1. Name and contact information of applicant, owner and installer.
 2. A narrative of the proposed project, including a description of the subject property, address(es), parcel numbers, and any unique circumstances within the project area.
 3. Final design and site plans, which shall include a scalable drawing showing the location of all drives, entrances, easement labels and locations, trails, and signs; panels, inverters, energy storage systems, and any other planned infrastructure; vision clearance triangles; floodplain(s); wetland(s); and shoreland zone boundaries, and setbacks.
 4. Documentation of all other permits and approvals.
 5. Other documentation as determined by the Department.
 6. A Point of Contact throughout the construction process.
- e. Additional Permitting Requirements. Additional permits and processes may be required under the Jefferson County Zoning Ordinance.
- f. Operator Ownership Change. Notice shall be provided to the County for any change in ownership of the Small Solar Energy System on or before the effective date of the change.
- g. Other Approvals. A copy of all necessary state and federal permits and approvals shall be submitted to the Department within 30 days of receiving said authorizations.
- h. Postconstruction Filing Requirement. Within 90 days of the date a Small SES commencing operation, the owner shall file with the Department an as-built description of the facility, an accurate map of the facility showing the location of all infrastructure, geographic information system (GIS) information showing the location of said infrastructure, and current information identifying the owner(s) and operator(s), including designated contact(s), of the Small SES.
- i. Construction Meetings: As a condition of approval, the developer shall hold a

Commented [SH20]: This is overbroad and unpredictable, without specific statutory justifications.

preconstruction meeting, post construction meeting and monthly update meetings with the local Town and County Officials.

5. Large Solar Energy Systems (Large SES)

a. Zoning Permit Requirements

- i. Permit Requirement. The owner must apply for and receive a Zoning Permit from the Department before installing, constructing, or expanding any Large SES.
- ii. Application Process. The application for a Zoning Permit shall be processed in accordance with the procedures set forth in Section 11.03 of this ordinance.
- iii. Permit Fee. The owner shall pay an application fee at the time the application is filed with the Department.
- iv. Standards for Review. The standards for reviewing a permit application for a Large SES are consistent with Wis. Stat. 66.0401 and 66.0403 as well as Wis. Stat. 59.69 and are not more restrictive than the PSC-approved site plan as part of the Certificate of Public Convenience and Necessity.
- v. Application Requirement. The application for a Zoning Permit shall include the following items, as may be applicable:
 1. Name and contact information of owner, applicant, and installer.
 2. A copy of the PSC authorization and a copy of the final application packet and documentation submitted to the PSC for approval;
 3. A narrative of the proposed project, including a description of the subject property, address(es), parcel numbers, and any unique circumstances within the project area, as may have been identified during the PSC review;
 4. Site Plan: A site plan shall be submitted including, but not limited to, the following:
 - a. Existing and proposed improvements
 - b. Existing and proposed structures
 - c. Existing and proposed topography
 - d. Existing and proposed fencing
 - e. Existing and proposed utilities
 - f. All above ground and underground components
 - g. Wetlands, waterways, ditches, underground drainage systems, etc.
 - h. Floodplain
 - i. Public roads, access roads and internal roadways
 - j. Access locations and driveways
 - k. Setbacks shall be identified in the site plan
 - l. A point of contact throughout the construction process.
- vi. Additional Permitting Requirements. Additional permits and processes may be required under the Jefferson County Zoning Ordinance.

Commented [SH21]: These requirements add additional administrative burdens along with other requirements that may effectively serve as unjustified burdens prohibited by Ecker Brothers.

- vii. Operator Ownership Change. Notice shall be provided to the County for any change in ownership of the Large SES 10 days prior to the effective date of the change and contact information of the new owner shall be included with the notice.
- viii. Other Approvals. A copy of all necessary state and federal permits and approvals shall be submitted to the Department within 30 days of receiving said authorizations.
- ix. Postconstruction Filing Requirement. Within 90 days of the date a Large SES commences operation, the owner shall file with the Department an as-built description of the facility, an accurate map of the facility showing the location of all infrastructure, geographic information system information (GIS) showing the location of said infrastructure, and current information identifying the owner(s) and operator(s), including designated contact(s), of the Large SES
- x. Construction Meetings: As a condition of approval, the developer shall hold a preconstruction meeting, post construction meeting and monthly update meetings with the local Town and County Officials.

6. Accessory Solar Energy System (ASES)

- a. Permit Requirement. The owner must apply for and receive a Zoning Permit from the Department before installing, constructing, or expanding any ASES.
- b. Ground-mounted systems shall not count toward accessory structure limitations in the underlying zoning district.
- c. Zoning District: ASES may be permitted in all zoning districts as an accessory structure, except the N and W zones.
- d. Height: An ASES must meet the following height requirements:
 - i. Roof mounted ASES shall not exceed the maximum allowed height in the underlying zoning district and shall not extend more than five feet above the surface of the roof.
 - ii. Ground or pole mounted ASES shall not exceed 18 feet in height when oriented at its maximum tilt.
- e. Setback(s):
 - i. Roof mounted ASES: In addition to the structure setback from the underlying zoning district, the ASES, including the collector surface and mounting devices, shall not extend more than three feet beyond the exterior perimeter of the building on which the structure is mounted or built.
 - ii. Ground or pole mounted ASES: Ground or pole mounted SES may not extend into the required yard setbacks for the underlying zoning district at any point.
- f. Lot Coverage:
 - i. Ground-mount systems total collector area shall not exceed the building

Commented [SH22]: As discussed previously and in the letter, Jefferson County cannot require something beyond what is already considered by the PSC and the County cannot inhibit construction once the project's CPCN is approved.

Commented [SH23]: See previous comment about height requirements. Blanket height limits may be invalid, if not based on a 66.0401 justification

Commented [SH24]: See previous comment about setback requirements

footprint of the principal structure

- g. Grades: The ASES shall utilize existing grades and the area of the ASES shall not be artificially elevated higher than the existing grades of the property.

Commented [SH25]: No health/safety justifications and uses general requirements.

7. Battery Energy Storage Systems (BESS)

- a. Applicability: The requirements of this section apply to all battery storage system with a rated nameplate capacity of equal to or greater than 1 megawatt.

b. Permitting Requirements:

- i. BESS are required to obtain a Zoning Permit prior to the start of construction.
- ii. BESS are subject to the requirements under section 4. above, as well as the standards listed in 6, where applicable.

- iii. ~~BESS associated with a Large SES are subject to the requirements of Section 5., above.~~

Commented [SH26]: Not under County authority.

c. General Requirements:

i. Setbacks:

1. 1,500 feet from residential, business, municipal, school, or town structures
2. 1,000 feet from a drinking water system or source
3. 500 feet from waterways or waterbody
4. Other setbacks as required by the underlying zoning district and Planning and Zoning Committee

Commented [SH27]: See comment about setback limits, and there is no clear health/safety justification here.

- ii. All BESS shall be designed in compliance with all applicable building, fire, and electrical codes.

- iii. Security C Screening: BESS shall have a perimeter fence of at least 7 feet in height, consistent with the requirements established in National Fire Protection Association (NFPA) 70. BESS shall also comply with specifications established in NFPA 855 relating to barriers and buffering.

- iv. Safety Requirements: BESS shall comply with the latest published version of the National Fire Protection Association (NFPA) 855, *Standard for Installation of Stationary Energy Storage Systems*, as of the date of the submission of permit application, except where this section is more restrictive.

1. Prior to the issuance of a Zoning Permit for a BESS, applicants are required to:

- a. Submit documentation verifying the proposed design meets NFPA 855 requirements.
- b. Submit an emergency response plan
- c. Submit a plan for offering site specific training to the applicable fire service and emergency personnel prior to commencing operation
- d. Conduct a hazard mitigation analysis if specified by NFPA 855

- v. BESS containers and structures shall be labeled with a date of first usage by a stamped metal nameplate including a serial number. Containers shall be clearly labeled and marked to identify its contents and contact information in case of emergency.
- vi. Decommissioning: A decommissioning plan that ensures the return of all participating properties to a useful condition, including removal of above-surface facilities and infrastructure that have no ongoing purpose, shall be provided by the applicant. The plan shall include a timeline including when the decommissioning will begin, how long it is anticipated to complete and when it will be completed.
- vii. The decommissioning plan shall include, but is not limited to, financial assurance in the form of a bond, a parent company guarantee, or an irrevocable letter of credit, to be determined by applicant. The amount of the financial assurance shall not be less than the estimated cost of decommissioning the energy facility, after deducting salvage or recycling value, as calculated by a third party with expertise in decommissioning, hired by the applicant.

Sources:

- Columbia, Calumet, Walworth, Marathon and Kenosha County
- WI Solar Model Ordinance – Great Plains Institute
- American Farmland Trust



JEFFERSON COUNTY
PLANNING AND DEVELOPMENT DEPARTMENT
ZONING DIVISION

Room C1040
311 S Center Ave
Jefferson, WI 53538

zoning@jeffersoncountywi.gov

Phone: 920-674-7130

Fax 920-674-7525

TO: Property Owner

DATE: May 8, 2025

RE: Proposed Amendment to the County Comprehensive Plan and Agricultural Preservation and Land Use Plan (Farmland Preservation Plan) – including proposed rezones from A-1 Exclusive Agricultural to A-T Agricultural Transition

Attention Affected Property Owner:

Recently, the Town of Ixonia updated their comprehensive plan and future land use maps. The updated plan, plans for future land uses in designated areas ranging from residential, business, industrial and mixed use. The County Planning and Zoning Committee recently reviewed the updated Town Plan and decided to initiate an amendment process to incorporate the Town recommendations into the County Comprehensive Plan and Farmland Preservation Plan.

Currently, the County plans include the affected parcels as a farmland preservation area, however, the Town plan includes these parcels as a future growth area. The County proposes to update the County Plans to change the parcels from farmland preservation to 15 year growth area.

Along with updating the Comprehensive Plan and Farmland Preservation Plan maps, the associated zoning will need to be updated. Currently, the parcels are zoned A-1 Exclusive Agricultural and the proposed amendment will change the zoning to A-T Agricultural Transition.

You are receiving this letter because a parcel(s) that you own is affected by this change. A parcel that you own is proposed to be changed from Farmland Preservation to 15 year growth area and rezoned from A-1 Exclusive Agricultural to A-T Agricultural Transition. Attached is a map showing the affected parcels.

The Planning and Zoning Committee will hold a public hearing for any one interested in the amendment. Written comments can also be submitted to the Planning and Development Department.

Planning and Zoning Committee Public Hearing
7:00 p.m., Thursday, June 19, 2025
County Courthouse
311 S Center Ave
Jefferson WI



JEFFERSON COUNTY
PLANNING AND DEVELOPMENT DEPARTMENT
ZONING DIVISION

Room C1040
311 S Center Ave
Jefferson, WI 53538

zoning@jeffersoncountywi.gov
Phone: 920-674-7130
Fax 920-674-7525

Please contact us if you would like to discuss the proposed amendment or have questions.

You may also contact us if you agree with this proposal and/or do not object to the amendment and rezone.

Thank you,

Matt Zangl
Director of Planning and Development
Jefferson County
mattz@jeffersoncountywi.gov
920-674-8638

cc: Town of Ixonia



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PLANNING AND DEVELOPMENT DEPARTMENT
ZONING DIVISION

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311 S Center Ave
Jefferson, WI 53538

zoning@jeffersoncountywi.gov

Phone: 920-674-7130

Fax 920-674-7525

TO: Town of Ixonia

DATE: May 8, 2025

RE: Request to Amend the Jefferson County Comprehensive Plan and Agricultural Preservation and Land Use Plan (Farmland Preservation Plan)

Town of Ixonia:

Recently, the Town of Ixonia updated their comprehensive plan and future land use maps. The updated plan, plans for future land uses in designated areas ranging from residential, business, industrial and mixed use. The County Planning and Zoning Committee recently reviewed the updated Town Plan and decided to initiate an amendment process to incorporate the Town recommendations into the County Comprehensive Plan and Farmland Preservation Plan.

Currently, the County plans include the affected parcels as farmland preservation area, however, the Town plan includes these parcels as a future growth area. The County proposes to update the County Plans to change the parcels from farmland preservation to 15 year growth area to match the Town plan.

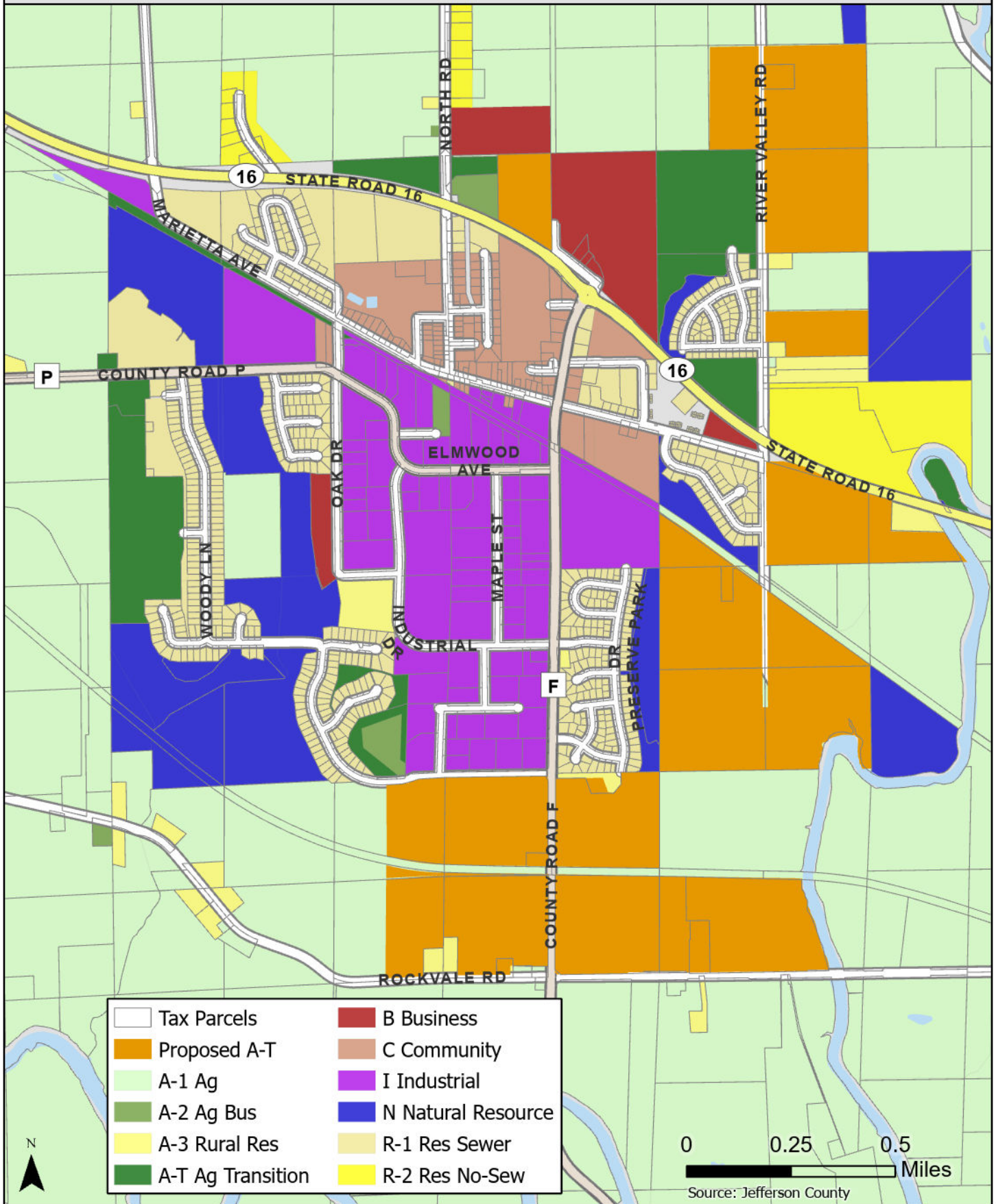
Along with updating the Comprehensive Plan and Farmland Preservation Plan maps, the associated zoning will need to be updated. Currently, the parcels are zoned A-1 Exclusive Agricultural and the proposed amendment will change the zoning to A-T Agricultural Transition.

Since the amendment affects parcels in the Town of Ixonia, the County Planning and Zoning Committee requests input from the Town of Ixonia.

The Planning and Zoning Committee will hold a public hearing on June 19, 2025 for any one interested in the amendment.

Matt Zangl
Director of Planning and Zoning
Jefferson County

Town of Ixonia Growth Plan



Town of Ixonia Growth Plan

