

**NOTICE OF PUBLIC HEARING**  
**JEFFERSON COUNTY PLANNING AND ZONING COMMITTEE**

*Steve Nass, Chair; Greg David, Vice-Chair; Don Reese, Secretary; Amy Rinard; George Jaeckel*

**SUBJECT:** Map Amendments to the Jefferson County Zoning Ordinance and Requests for Conditional Use Permits, Including a Hearing for Compliance with NR135 Wisconsin Administrative Code as Required of the Jefferson County Land and Water Conservation Department

**DATE:** Thursday, November 17, 2016

**TIME:** 7:00 p.m. (*Courthouse doors will open at 6:30*)

**PLACE:** Room 205, Jefferson County Courthouse, 311 S. Center Ave., Jefferson, WI

**1. Call to Order**

The meeting was called to order at 7:03 p.m. by Chairman Nass.

**2. Roll Call**

All board members were present. Also present was Zoning Director Rob Klotz and Zoning and POWTS Technician Matt Zangl.

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

Reese certified that the meeting was in compliance with Open Meetings Law Requirements.

**4. Approval of Agenda**

Jaeckel motioned to approval the agenda. The motion was seconded by David and passed on a voice vote with no objection.

**5. Explanation of Public Hearing Process by Committee Chair**

Chairman Nass explained the public hearing process and noted the Committee Decision Meeting will take place on November 28, 2016 and the County Board will act on the recommendations on December 13, 2016.

**6. Public Hearing**

The following was read by Klotz into the record:

**NOTICE IS HEREBY GIVEN** that the Jefferson County Planning and Zoning Committee will conduct a public hearing at 7 p.m. on Thursday, November 17, 2016, in Room 205 of the Jefferson County Courthouse, Jefferson, Wisconsin. A hearing will be given to anyone interested in the proposals. **PETITIONERS, OR THEIR REPRESENTATIVES, SHALL BE PRESENT.** Matters to be heard are petitions to amend the official zoning map of Jefferson County and applications for conditional use permits. A map of the properties affected may be obtained from the Zoning Department. Individual files are available for viewing between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, excepting holidays. If you have questions regarding these matters, please contact Zoning at 920-674-7131.

CU1899-16 for Scott Construction Inc. is being presented to meet Town and County conditional use requirements, as well as requirements found in Wisconsin Administrative Code Chapter NR 135.20. This Code provides the opportunity at this hearing to present testimony on reclamation-related matters. The Land & Water Conservation Department shall consider the reclamation related testimony when deciding on the reclamation plan amendment. Contact the Land & Water Conservation Department at 920-674-7110 regarding the reclamation plan amendment.

### **FROM RESIDENTIAL R-2 TO A-2, AGRICULTURAL AND RURAL BUSINESS**

**R3936A-16 & CU1896-16 – Thomas A & Betty J Hardy:** Rezone PIN 004-0515-2711-006 (2.296 Ac) at **N819 Howard Road**, Town of Cold Spring with CUP to allow, under 11.04(f)7 Conditional Uses hh. Retail sales of agricultural related items not grown on the premises & under Conditional Uses kk. Bed and Breakfast.

**Petitioner:** Betty Hardy (N819 Howard Road): They would like to turn the residence into a bed and breakfast and a small store.

In response to opposition: Yes, we realize the traffic will increase.

In response to Klotz: A small store that is part of the bed and breakfast. The store will be small and it would sell jams and small stuff. There is room for parking in the field. It is a 1996 septic for 4 bedroom home. Yes, we are aware of the state requirements.

**Comments in Favor:** None

**Comments Opposed:** Tom Fuller (W3218 Piper Road): We are concerned about the increase in traffic on Howard and Piper Roads. The roads are narrow and the speed limit has already been reduced. The Howard and Piper Road intersection is at the bottom of three hills. There are many accidents at this intersection yearly. There is also pedestrian traffic and Howard Road is a designated bike path.

Tom Fuller: No we haven't. This is our first notice of the petition.

Chairman Nass: Does the Petitioner have a rebuttal?

**Questions from the Committee:** Chairman Nass: Have you brought these concerns to the Town, because we may not have jurisdiction over Town Roads?

**Town Response:** Dated 11-10-2016, the Town was in favor of this petition.

**Staff Report:** Given by Klotz and in the file. Klotz asked Betty to provide a parking plan and more information on the store. Klotz asked about the septic system at the location and how many bedrooms is was designed for. Has the petitioner been in contact with the State and do they know the requirements? Klotz requests a parking plan for at least 4 cars to be submitted before 11-28-2016.

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

**R3937A-16 & CU1897-16 – Thomas A & Betty Hardy:** Rezone all of PIN 004-0515-2711-004 (22.849 Ac) with CUP under 11.04(f)7 Conditional Uses hh. Retail sales of agricultural related items not grown on the premises and under 11.04(f)7 Conditional Uses rr. Farm store, also including a restaurant as an ag-related use of produce and animals grown on the farm. The site is at **N831 Howard Road** in the Town of Cold Spring.

**Petitioner:** Betty Hardy (N819 Howard Road): This is for my son. He would like to raise meat and sell it. His wife would like a small restaurant.

Response to opposition: Yes, possibly two stores. She is not sure if she will be doing it.

Response to Klotz: There would be no signs; it would be by word of mouth and in the paper. The hours are Monday through Friday for lunches.

**Comments in Favor:** None

**Comments Opposed:** Tom Fuller (W3218 Piper Road): So, there will be two stores?

**Questions from the Committee:** None

**Town Response:** Dated 11-10-2016, the Town was in favor of this petition.

**Staff Report:** Given by Klotz and in the file. Klotz notes that DSPS and Department of Health approval will be needed as well as an adequate septic system. The petition does not include a parking plan, hours of operation and if a sign is proposed.

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

**R3938A-16 – Curt & Lottie Stenjem:** Create a 1-acre building site on PIN 018-0713-3132-001 (7.585 Ac) near **W9697 Britzke Road** in the Town of Lake Mills.

**Petitioner:** Lottie and Curt Stenjem (W9697 Britzke Road): We would like a 1 acre lot for our daughter to build on.

Response to Klotz: There has not been a soil test yet. We are aware of the possible problems with high groundwater.

**Comments in Favor:** None

**Comments Opposed:** None

**Questions from the Committee:** None

**Town Response:** Dated 10-18-2016, the Town was in favor of this petition.

**Staff Report:** Given by Klotz and in the file. This would be the petitioner's one and only lot. Has there been a soil test?

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

**R3939A-16 – Timothy Otterstatter:** Create a 1.49-acre lot around the buildings at **W2771 East Gate Drive** from PIN 032-0815-1231-000 (37.14 Ac) in the Town of Watertown.

**Petitioner:** Tim Otterstatter (N9220 Donald Lane): The Town did not officially notice the building site a few months ago. The Town did not act on the petition on Monday. The Town should act on 11-22-2016.

Response to Klotz: The residence was built in 1917.

**Comments in Favor:** None

**Comments Opposed:** None

**Questions from the Committee:** Reese questioned the dates that Mr. Otterstatter stated. The 22<sup>nd</sup> is a Tuesday and not a Monday.

**Town Response:** The Town has not acted on the petition and will be acting on 11-22-2016.

**Staff Report:** Given by Klotz and in the file. Klotz explained the process with the Town response. What is the age of the residence? 100% of the land is currently lawn and septic.

**CONDITIONAL USE PERMIT APPLICATIONS**

**CU1898-16 – Adam & Megan Schuett:** Allow a commercial stable of 10 or more horses at **N3803 Duck Creek Rd**, Town of Jefferson on PIN 014-0615-1441-000 (36.492 Ac). The property is zoned A-1, Exclusive Agricultural.

**Petitioner:** Megan Schuett (N3803 Duck Creek Road): I would like a permit for a commercial stable. This has been operating for 40 years. Currently I board horses. There is a possibility for steers in the future.

Response to Reese: I can have up to 34 but I do not want that many. Currently there are 28 horses.

Response to Klotz: Yes, there are some riding horses about 8 horses. I do have a bathroom for customers and a large U shape driveway with plenty of room for parking.

**Comments in Favor:** None

**Comments Opposed:** None

**Questions from the Committee:** Reese: What's the total number of horses?

**Town Response:** In the file.

**Staff Report:** Given by Klotz and in the file. The application states up to 30 horses but if you want more you need to say so now. The requirement for a conditional use permit is a new requirement. The past law was up to 150 horses were considered a permitted A-1 use. Changes occurred that make 10 or more horses a conditional use permit. Are there any riding horses? Is there a bathroom and parking?

**CU1899-16 – Scott Construction Inc:** Allow expansion of mineral extraction and processing including occasional use of a portable asphalt mix plant under Sec. 11.05(c) for the existing pit and operations originally approved under CU1447-06 and also as required by NR135, on PINs 014-0614-1921-002 (9.99 Ac), 014-0614-1923-002 (21.972 Ac), 014-0614-1924-001 (38.852 Ac) and 014-0614-1931-001 (20 Ac). The site is in an A-1, Exclusive Ag zone at **W7161 County Road J**, Town of Jefferson,

**Petitioner:** Representative Steve Heiser (516 Monroe, Lake Delton): The Town of Jefferson approved with conditions on 10-3-2016. Scott Construction approves the conditions except for number 3 for the water issues. Scott Construction believes it would be better to amend the reclamation plan to redirect the water, which has been done and I have copies if needed.

Rebuttal to opposition: We will operate on the same hours as the Conditional Use from 2012. The same hours and same conditions. Scott Construction does not own a Hot Mix portable asphalt plant. They do own a cold mix pug mill.

Response to Klotz: There is not much smell from a cold mix. Steve explained the process and differences from a hot mix and cold mix plant. The cold mix pug mill is usually in this pit for 2 weeks. This year it was present for 4 weeks and ran for a total of 9 days. The smell came from a seal coat oil tanker that was being used on a different job at night, but stored at the pit during the day.

If a night project happens again we will call the Town Chair and Clerk to notify them.

**Comments in Favor:** Tim Otterstatter (W9220 Donald Lane): I am in favor, they create a lot of cow sand for farmers which is in high demand. Usually they are out of sand due to the high demand.

**Comments Opposed:** Kurt Maclin (1455 Commonwealth Lane, Fort Atkinson): I am concerned with the portable asphalt plant. I will be buying a house next to the pit on County Hwy J.

Alice and Chip Fischer (W7006 County Road J): We are not against the petition but we do have some concerns. We are also concerned with the asphalt plant. The asphalt plant is actually a "pug mill". We agree with the conditions and they should be enforced. We are also concerned about the hours and if they will be open on the weekend and week nights. We ask the committee to return to the latest conditional use of Monday through Friday. There has been a bad smell this past summer. The smell may have been from oil tankers.

**Questions from the Committee:** None

**Town Response:** In the file.

**Staff Report:** Given by Klotz and in the file. Klotz clarifies the hours of operation as Monday through Friday 5am to 7pm and Saturday 5am to 1200pm from the conditional use that Scott Construction is referring to. Klotz asks Steve to clarify what the “smell” was from?

**CU1900-16 – Steven J Statz:** Allow an extensive on-site storage structure of 1,200 square feet, 17 feet in height in a Residential R-2 zone at **N8878 River Rd.** The site is on PIN 032-0815-1411-002 (3.032 Ac) in the Town of Watertown.

**Petitioner:** Steve Statz (N8878 River Road): I would like to build a 3 car garage and the town has approved.

Response to Reese: Yes, this will store all of my stuff and there will be no outside storage.

Response to Klotz: Yes, 17 feet but I do not think it will be that high. There will be no outside storage, no business use and only residential storage.

**Comments in Favor:** Tim Otterstater (W9220 Donald Lane): Statz has a good plan with trees for screening. I was at the Town meeting and I am in favor.

**Comments Opposed:** None

**Questions from the Committee:** Reese: Will this store everything inside? Will there be any outside storage?

**Town Response:** In the file.

**Staff Report:** Given by Klotz and in the file. Klotz asks if the height will be 17 feet? Will there be any outside storage, no business use and residential use only?

**CU1901-16 – Joan Key & Tammy Henningsen:** Allow a kennel for up to ten dogs in an A-1, Ag zone at **W4285 County Road B,** Town of Farmington on PIN 008-0715-1712-001 (2.357 Ac).

**Petitioner:** Joan Key and Tammy Henningsen (W4285 County Road B): I am requesting a Conditional Use permit for dogs we currently have. We adopted dogs without knowing they were pregnant. The dogs are now neutered.

Response to Klotz: The dogs are Chihuahuas. We have two fences, a 6 foot fence and a 4 foot fence behind the 6 foot fence. The dogs are mostly indoors and we have not received any complaints.

Response to Klotz: We have been composting the dog waste.

**Comments in Favor:** None

**Comments Opposed:** None

**Questions from the Committee:** None

**Town Response:** Dated 10-12-2016, the Town was in favor of this petition.

**Staff Report:** Given by Klotz and in the file. Klotz asks what kinds of dogs are present. The request is up to 10 dogs. How do you handle the dog waste?

**CU1902-16 – Steve and Jody Knoebel:** Allow a commercial kitchen as an ag-related use, defined by the ordinance under 11.04(f)6 under Conditional Use d. for processing and sales of farm-grown produce and fruit-based products in the existing farm store at **N5648 South Farmington Rd.** The property is in the Town of Farmington in an A-1, Exclusive Ag zone on PIN 008-0715-2434-000 (25 Ac).

**Petitioner:** Jody Knoebel (N5648 South Farmington Road): We would like a commercial kitchen to make jams and pies from the farm.

**Comments in Favor:** None

**Comments Opposed:** None

**Questions from the Committee:** None

**Town Response:** Dated 10-12-2016, the Town was in favor of this petition.

**Staff Report:** Given by Klotz and in the file. State design review and Department of Health will be needed for a commercial kitchen. Klotz notes the septic concerns and that a holding tank maybe a more adequate system and would also need committee approval.

Motion to adjourn by Reese, seconded by Jaeckel at 8:00 p.m., passed on a voice vote with no objection.

*A quorum of any Jefferson County Committee, Board, Commission or other body, including the Jefferson County Board of Supervisors, may be present at this meeting.*

Individuals requiring special accommodations for attendance at the meeting should contact the County Administrator at 920-674-7101 24 hours prior to the meeting so that appropriate arrangements can be made.

*A recording of the meeting will be available from the Zoning Department upon request.  
Further information about Zoning can be found at [www.jeffersoncountyiwi.gov](http://www.jeffersoncountyiwi.gov)*



Don Reese, Secretary