

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

*Steve Nass, Chair; Greg David, Vice-Chair; Don Reese, Secretary; Dick Jones; Lloyd Zastrow*

**ROOM 203, COUNTY COURTHOUSE  
320 S. MAIN ST., JEFFERSON, WI 53549  
8:30 A.M. ON MONDAY, DECEMBER 28, 2009**

- 1. Call to Order**  
The meeting was called to order by Vice-Chair Greg David at 8:32 a.m.
- 2. Roll Call**  
Committee members in attendance at 8:32 included David, Jones, Zastrow and Reese. Zoning staff members present were Rob Klotz, Michelle Staff and Deb Magritz.
- 3. Certification of Compliance with Open Meetings Law Requirements**  
Klotz verified that the meeting was being held in compliance with open meetings law requirements.
- 4. Review of Agenda**  
Agenda item #16 will be moved up in order when all associated parties are present.
- 5. Approval of November 30, December 11 and December 17 Meeting Minutes**  
Motion by Reese/Zastrow to approve the minutes as presented. Motion carried on a voice vote with no objection.
- 6. Public Comment (Not to Exceed 15 Minutes and Not to Include Petitions Slated for Decision)**  
There was no public comment.
- 7. Discussion and Possible Resolution on AB243 Delaying Implementation of the Comprehensive Planning Law**

**Steve Nass arrived at 8:38 a.m.**

Klotz noted that this bill doesn't really affect the county, but may affect towns that haven't adopted plans. Motion by Jones/Zastrow to take no action; motion carried on a voice vote with no objection.

- 8. Discussion and Possible Decision on Farmland Preservation Program Grant Application by Vandewalle and Associates**  
Klotz reported that Vandewalle and Associates will write the grant application at a cost of \$1,900, and that the application is due to Department of Agriculture, Trade and Consumer Protection, (DATCP) by January 11, 2010. Vandewalle

worked on the county's Smarth Growth Plan and has worked on planning with various towns in Jefferson County.

- 9. Finalization of Public Notification, Procedures and Implementation Regarding Upcoming Conversion Fees Pursuant to Ch. 91, State Stats., Farmland Preservation**  
Klotz explained, and handed out a conversion fee information sheet prepared for public distribution.
- 10. Discussion and Possible Action on Resolution Supporting Delayed Implementation of Farmland Preservation Rezoning Conversion Fee**  
Klotz explained the proposal by Senator Schultz to delay required conversion fees until a county's plan and ordinance are updated; a draft resolution under consideration by other counties was passed around.
- 11. Discussion and Possible Action on Jefferson County Zoning Ordinance Amendment to Sec. 11.11(c), Changing Standards for Rezoning to Meet New Chapter 91 Regulations**  
Klotz read aloud the standards set by the state in the new Chapter 91 and talks about prime land divisions. The question arose as to whether the restrictions apply as of January 1, 2010, or are they delayed due to our having a two-year plan and ordinance extension. Clarification is needed from DATP and from Corporation Counsel.
- 12. Discussion and Possible Action on Jefferson County Zoning Ordinance Amendment to Sec. 11.11(c), Allowing Twelve Months from Date of County Board Action to Effectuate Zoning Amendments**  
Klotz reported that Corporation Counsel was confident that that the twelve month limitation can be made a part of conditions of approval of amendments. Klotz asked whether the ordinance should also be changed to incorporate that point; motion by Reese/Jones to proceed with a text amendment for that twelve month restriction. Motion carried on a voice vote with no objection.
- 13. Discussion and Possible Action on Resolutions/Contracts Regarding Community Development Block Grant Applications**

  - Jefferson County-Rock River Restudy Proposal for Updated LIDAR and Orthophotos
  - Addition of and Prioritization of Floodplain Studies of Rock River Tributaries
  - Lake Ripley Study/Floodplain Map Amendment

No action was taken.
- 14. Discussion and Possible Action on the Timothy & Pamela O'Leary Shoreland Violation at N945 Vinne Ha Ha Rd., Town of Koshkonong**  
Michelle Staff handed out and explained a memo she prepared on the situation. Klotz summarized action to date; an option for the O'Learys to pursue is to apply

for variance for a retaining wall. Motion by David/Jones to support the issuance of the March 3, 2008 permit and to proceed with enforcement action to correct the violation. Motion carried on a voice vote with no objection.

Agenda item 16. was moved to this point

**16. Discussion and Possible Action Regarding Hoard's Manure Storage Structure and Conditional Use Permit CU1438-06**

Mark Watkins-Director of Land and Water Conservation Department, Joe Strupp-Resource Conservationist, Phil Ristow-Corporation Counsel, Nass, Jones, Zastrow, David, Reese and Klotz identified themselves for the digital record.

Watkins reported that Hoard's crop consultant is working on a nutrient management plan for manure disposal without using the manure storage structure. It was noted that it should also include a process for emptying the pit and disposal of that waste. Strupp, Ristow and Watkins added information for the Committee. Klotz read from the original conditional use approval. Ristow noted that a petition for revocation of the conditional use could come either from staff or the Committee if conditions are not met, which call for among other things, nutrient management plan review and approval and for an annual statement from the consultant stating that the operation remains in compliance by January 31, 2010.

**15. Discussion Regarding Placement of Basement Restriction Note on All Final Certified Survey Maps by Zoning Committee or Zoning Staff**

Klotz suggested that a note be placed on final certified survey maps as information to prospective purchasers, banks, etc., showing distance to seasonal groundwater. John Kannard was skeptical that a note would do any good, and George Jaeckel commented that he could see the benefit of a simple note. Motion by Jones/Zastrow to add such a note to appropriate surveys. Motion carried on a voice vote with no objection.

**17. NR115 Administrative Rule Update**

Klotz explained that updates are expected to become effective on February 1, 2010, and that we will then have two years to change our ordinance accordingly. It was determined that we should wait until the law is passed, and work on the updates after that.

**18. Flood Study Update**

There was no new information given.

**19. Department of Commerce Update**

The private on-site waste treatment system maintenance program will begin in 2010, Klotz explains. Discussion centered around requiring replacement of systems in floodplain and high groundwater sites.

- 20. Discussion and Possible Decision on Copy, Email and Fax Fees**  
The Register of Deeds and County Treasurer's Offices charge \$1 per page for emailed and faxed copies. Motion by Nass/Jones to make Zoning fees consistent with those of other departments. Motion carried on a voice vote with no objection.

**A break was taken at 10:09 a.m. The meeting resumed at 10:14 a.m.**

- 21. Budget**  
Klotz reported that, as of 12/23/09, we were down \$34,000 compared with 2008 totals.
- 22. Staffing Issues**  
Klotz noted that Michelle Staff's last day of work before maternity leave would be December 31, 2009. The County Administrator can approve of hiring temporary help on a month-to-month basis.
- 23. Updates Involving CU1513-08 for Renew Energy, LLC, Town of Aztalan**  
Klotz would like to send a copy of the conditional use to the new owners. There was no objection to doing so.

***PLEASE SEE INDIVIDUAL FILES FOR A COMPLETE RECORD OF THE FOLLOWING DECISIONS:***

- 24. Consideration of Floodplain Information/Plot Plan for Zoning Amendment 3375A-08, Brent & Nancy Emons Property, Town of Jefferson**  
Motion by Reese/David to approve the revision with conditions, and allow creation of one, 2-acre building site on Highway 18. A full list of conditions is found in the file.
- 25. Decision on Petition 3433A-09 for Dale Weis Trust Presented in Public Hearing on November 19, 2009 and Subsequently Tabled**  
Motion by David/Zastrow to deny to close out this petition, since the petitioner filed a new petition to change his request. Motion carried on a voice vote with no objection.
- 26. Decisions on Petitions Presented in Public Hearing on December 17, 2009:**  
**APPROVED WITH CONDITIONS** 3441A-09 – Tycian Hanson, Township of Cold Spring on a motion by Reese/David. Motion carried on a voice vote with no objection.  
**APPROVE WITH CONDITIONS** 3442A-09 – Jack Jr & Christine Schnitger/Bruce Wells Property, Township of Jefferson on a motion by Reese/David. Motion carried on a voice vote with no objection.  
**APPROVED WITH CONDITIONS** 3443A-09 – Dale Weis, Township of Jefferson on a motion by David/Jones. Motion carried on a voice vote with no objection.

**APPROVED WITH CONDITIONS** 3444A-09 on a motion by Zastrow/David & 3445A-09 on a motion by David/Reese – Barry H R Mertz, Sr/Heather Mertz, Kenneth & Joyce Kowalski Properties, Townships of Concord and Farmington. Both motions carried on voice votes with no objections.

**APPROVED WITH CONDITIONS** 3446A-09 on a motion by Jones/Reese & 3447A-09 on a motion by Reese/David – William Koehler/Timothy Koehler Property, Town of Jefferson. Both motions carried on voice votes with no objections.

**POSTPONED ACTION ON** 3448A-09 & 3449A-09 – Richard Reinders/Robert Reinders, Township of Concord on a motion by Nass/David. Motion carried on a voice vote with no objection.

**APPROVED WITH CONDITIONS** CU1601-09 – Jonathan Hartwig, Township of Koshkonong on a motion by David/Reese. Motion carried on a voice vote with no objection.

**APPROVED WITH CONDITIONS** CU1602-09 – Jon & Tammy Lambert, Township of Waterloo on a motion by Zastrow/Jones. Motion carried on a voice vote with no objection.

**POSTPONED ACTION ON** CU1603-09 – Bernadette Petersen/James Noltner Property, Township of Watertown on a motion by David/Jones. Motion carried on a voice vote with no objection.

**27. Adjourn**

The Committee determined that it would meet at 6:30 p.m. on January 21, 2010 prior to public hearing to view petition sites via the Geographic Information System (GIS), and would eliminate the site inspection meeting initially scheduled for January 8, 2010.

Motion by Zastrow/David to adjourn the meeting at 11 a.m. Motion carried on a voice vote with no objection.

Don Reese, Secretary