

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

STATE OF WISCONSIN

CIRCUIT COURT

JEFFERSON COUNTY

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

Petitioners,

Case No. 2022-CV-334

v.

30955: Petition for Writ of Certiorari

JEFFERSON COUNTY
BOARD OF SUPERVISORS,

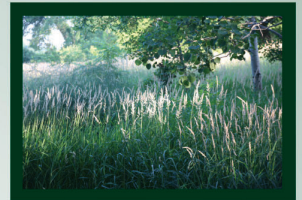
Respondent.

PETITIONERS' APPENDIX

TABLE OF CONTENTS

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

Town of Concord Comprehensive Land Use Plan



2009



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

56 *Town of Concord Comprehensive Land Use Plan*

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

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

8.C. Issues

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

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

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

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

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

8.D. Designation of Sites for Businesses and Industries

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

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

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



JEFFERSON COUNTY

AGRICULTURAL PRESERVATION AND LAND USE PLAN



ADOPTED FEBRUARY 9, 2021



State of Wisconsin
Governor Tony Evers

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

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

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

February 12, 2021

Re: Jefferson County Farmland Preservation Plan Proof of Adoption

Dear Matt and Paul:

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Jackson".

Tim Jackson
Farmland Preservation Program
608-224-4630

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P. App. 6

CHAPTER 1 EXECUTIVE SUMMARY

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

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

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

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

Agricultural History

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

Importance of Agriculture

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

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

Planning Under Working Lands Law

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

CHAPTER 1 EXECUTIVE SUMMARY

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

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

Agricultural Preservation and Land Use Plan Definitions

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

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

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

CHAPTER 1 EXECUTIVE SUMMARY**1**

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

CHAPTER 4 PLANNING FRAMEWORK

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

CHAPTER 5 IMPLEMENTATION

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

Policies for City and Village Consideration

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

Limited Service Area

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

Rural Hamlet

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

JEFFERSON COUNTY PRELIMINARY REVIEW FOR CERTIFIED SURVEY

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

Owner/Petitioner: Donald & Nancy Brunson (A-3 Zone)
Address: W1432 County Road B
Sullivan, WI 53178
Phone: 262 391-1886

Petitioner: The Boat House of Lake Country (A-2 Zone)
Address: N7536 Sterlingworth Drive
Elkhorn, WI 53121
Phone: 262 742-3898

In addition to the info required by Sec 236.34 of State Statutes, Sec. 15.04(f) of the Jefferson County Land Division/Subdivision Ordinance requires that the following be shown:

- Existing buildings, watercourses, drainage ditches and other features pertinent to the proper division.
- Location of access to a public road, approved by the agency having jurisdiction over the road.
- All lands reserved for future public acquisition.
- Date of the map.
- Graphic Scale.

Date Submitted: _____

Revised: _____

Note to Be Placed on Final CSM

Petition # _____ Zoning _____

Check for subsequent zoning changes with Jefferson County Zoning Department.

Surveyor: **SOUTHWEST**
SURVEYING & ASSOCIATES, Inc.
P.O. BOX K, PALMYRA, WI, 53156
920-674-4884
262-495-4910

- Rezoning
- Allowed Division within Existing Zone
- Farm Consolidation (A-3 Zone)
- 35+ Acre Lot in A-1 Zone
- Survey of Existing Parcel



Intent and Description of Parcel to be Divided:
Create one 2.0± Acres A-3 Zoned Farm Consolidation Parcel around existing buildings.
Create one 7.4 Acres Acres A-2 Zoned Parcel with Conditional Use for inside boat storage.



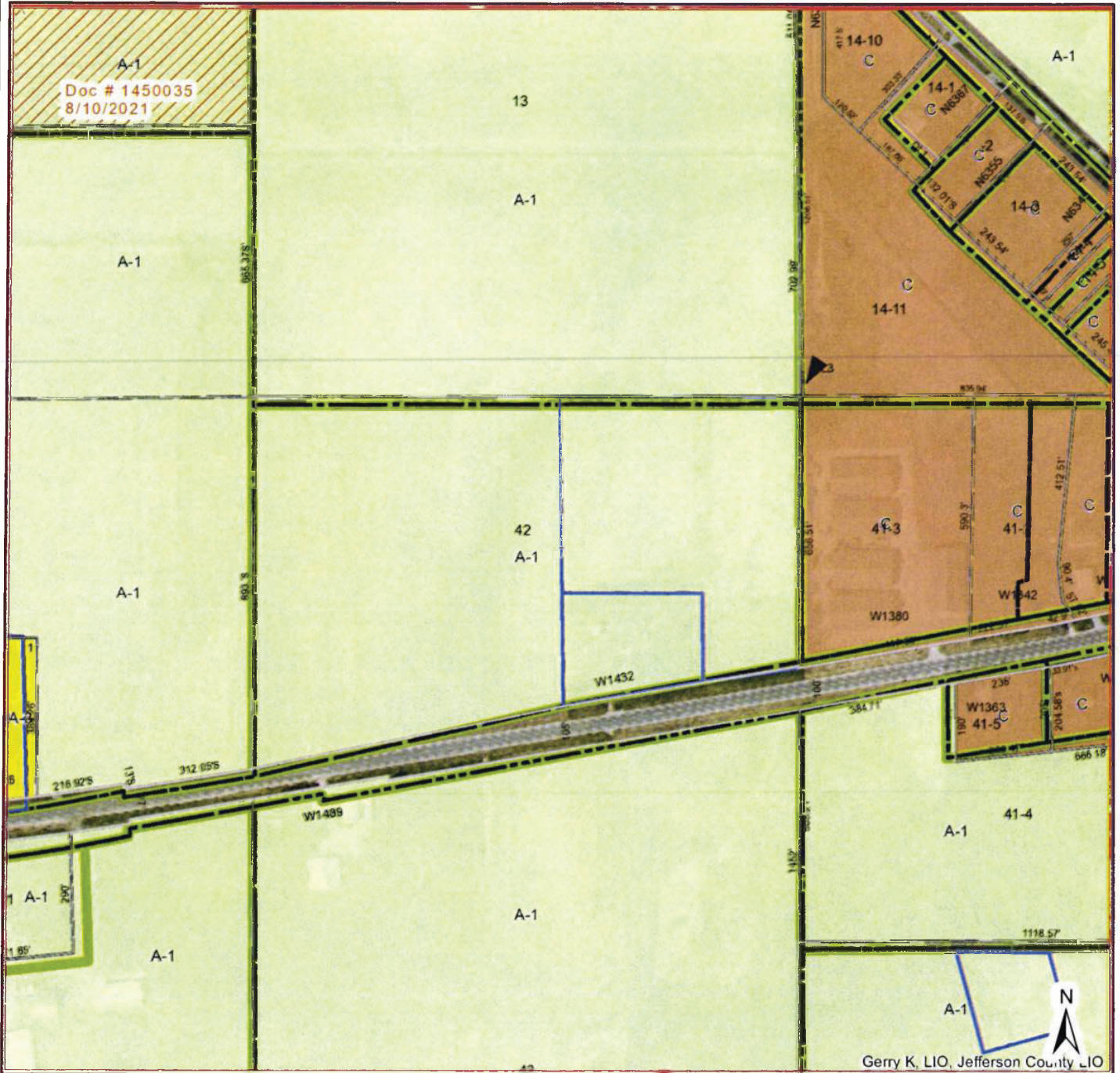
NOTE:
This map was compiled from public data supplied by the Jefferson County Land Information Department and is not a substitute for an actual field survey and is limited by the quality of the data from which it was assembled. The dimensions are approximate and will vary upon an actual field survey.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

Town Board Approval _____ Date: _____
 (Includes Access Approval If Applicable)
 County Highway Approval _____ Date: _____
 (If Applicable)
 Extraterritorial Approval _____ Date: _____
 (If Applicable)
 County Surveyor Approval _____ Date: _____
 Zoning Office Approval _____ Date: _____

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

Please submit one copy to Jefferson County Zoning, Room 201, Courthouse, 230 S. Main St. Jefferson Wisconsin 53549

Jefferson County Land Information



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

340 170 0 340 Feet
1 inch = 340 feet

Jefferson County Geographic Information System

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

Printed on: February 9, 2022

Author: Public User

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

In the Matter Of:

JCPZM

DECISION MEETING EXCERPT 02282022

January 26, 2023



ESQUIRE
DEPOSITION SOLUTIONS

800.211.DEPO (3376)
EsquireSolutions.com

DECISION MEETING EXCERPT 02282022
JCPZM

January 26, 2023
13

1 and many other times besides.

2 CHAIR JAECKEL: Uh-huh.

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

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

15 CHAIR JAECKEL: Uh-huh.

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

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

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800.211.DEPO (3376)
EsquireSolutions.com

DECISION MEETING EXCERPT 02282022
JCPZM

January 26, 2023
14

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

8 CHAIR JAECKEL: Yeah.

9 SUPERVISOR NASS: -- of the towns.

10 CHAIR JAECKEL: Uh-huh.

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

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

17 SUPERVISOR NASS: Yeah.

18 CHAIR JAECKEL: Up to eight.

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

23 CHAIR JAECKEL: Right, yeah, I agree.

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



DECISION MEETING EXCERPT 02282022
JCPZM

January 26, 2023
15

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

3 SUPERVISOR ZASTROW: Send it back.

4 SUPERVISOR NASS: Right.

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

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

18 SUPERVISOR NASS: Right.

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

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

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

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



DECISION MEETING EXCERPT 02282022
JCPZM

January 26, 2023
16

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

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

11 SUPERVISOR NASS: Uh-huh.

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

14 SUPERVISOR NASS: Uh-huh.

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

22 MR. ZANGL: Uh-huh.

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

24 SUPERVISOR NASS: Yeah.

25 CHAIR JAECKEL: -- work.

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JCPZM

January 26, 2023
17

1 SUPERVISOR ZASTROW: And just wanted to
 2 comment that I just -- those are comments that have to
 3 be brought up at our Town meeting. I -- you know,
 4 someone said they've been there for four years. I
 5 didn't think it was that long. But I've never had a
 6 complaint. ~~DECISION MEETING EXCERPT 02282022~~ They operate a fantastic
 JCPZM January 26, 2023
 7 business.

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

9 SUPERVISOR ZALSTROW: Our -- our --

10 SUPERVISOR NASS: -- you know --

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

13 SUPERVISOR NASS: Uh-huh.

14 SUPERVISOR ZALSTROW: -- very limited.

15 SUPERVISOR NASS: Uh-huh.

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

18 SUPERVISOR NASS: Yeah.

19 SUPERVISOR ZASTROW: -- right side.

20 CHAIR JAECKEL: Yeah.

21 SUPERVISOR NASS: Yeah.

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

24 SUPERVISOR NASS: Right, right.

25 SUPERVISOR ZASTROW: So there's no flat area

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DECISION MEETING EXCERPT 02282022
JCPZM

January 26, 2023
18

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

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

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

9 MR. ZANGL: Uh-huh.

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

12 SUPERVISOR NASS: Oh, okay.

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

15 MR. ZANGL: Yeah.

16 SUPERVISOR POULSON: -- weren't they?

17 SUPERVISOR: (Indiscernible).

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

20 SUPERVISOR: Wow.

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

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



DECISION MEETING EXCERPT 02282022
JCPZM

January 26, 2023
19

1 motion.

2 SUPERVISOR POULSON: Yeah. And I'll second
3 that motion.

4 CHAIR JAECKEL: Okay. I'll call the vote on
5 the motion to postpone. All in favor say aye.

6 SUPERVISOR POULSON: Aye. DECISION MEETING EXCERPT 02282022
JCPZM January 26, 2023

7 SUPERVISOR NASS: Aye.

8 SUPERVISOR FOELKER: Aye.

9 CHAIR JAECKEL: Aye.

10 SUPERVISOR ZASTROW: Aye.

11 CHAIR JAECKEL: Opposed? Motion carries.

12 We're going to leave the conditional use off. We do
13 have the rezone for the farm consolidation for the
14 Brunsons, as well, if we're --

15 MR. ZANGL: Yes.

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

18 MR. ZANGL: Yeah.

19 SUPERVISOR NASS: -- now.

20 CHAIR JAECKEL: Yeah.

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

23 SUPERVISOR POULSON: Second.

24 CHAIR JAECKEL: Any other discussion? Do you
25 want to read your famous words? 800.211.DEPO (3376)
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FILED
02-24-2023
Clerk of Circuit Court
Cindy R. Hamre Incha
2022CV000334

In the Matter Of:

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DECISION MEETING EXCERPT 03282022

January 26, 2023



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DECISION MEETING EXCERPT 03282022
JCPZM

January 26, 2023
9

1 (09:15 - 32:30)

2 CHAIR JAECKEL: On to number 13, discussion
3 and ~~DECISION MEETING EXCERPT 03282022~~ A-22 and CU2108, 22, Donald
4 JCPZM and Nancy Brunson.

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

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

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DECISION MEETING EXCERPT 03282022
JCPZM

January 26, 2023
10

1 and that's a Town concern.

2 Again, from my perspective, the Town's formal
3 decision ~~DECISION MEETING EXCERPT 03282022~~ If the Town has ~~January 26, 2023~~
4 with their recommendation, they should review it at the
5 Town level. The Town Comprehensive Plan is meant for
6 the Town to provide guidance and their recommendations.
7 And if the Town isn't following that, unfortunately,
8 that's a -- that's a Town issue. At the County level,
9 again, we'll review it for our plan and ordinances,
10 which I believe the Committee did, and we had that
11 discussion last month.

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

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

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DECISION MEETING EXCERPT 03282022
JCPZM

January 26, 2023
11

1 even though the Town approved it.

2 CHAIR JAECKEL: And with that, we need a
3 motion to ~~DECISION MEETING EXCERPT 03282022~~ table, and I will ~~January 26, 2023~~
4 JCPZM

5 SUPERVISOR POULSON: Second.

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

8 SUPERVISOR NASS: Aye.

9 SUPERVISOR POULSON: Aye.

10 SUPERVISOR ZASTROW: Aye.

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

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

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DECISION MEETING EXCERPT 03282022
JCPZM

January 26, 2023
12

1 other comments?

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

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

6 SUPERVISOR NASS: That's --

7 MR. ZANGL: And --

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

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

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

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DECISION MEETING EXCERPT 03282022
JCPZM

January 26, 2023
26

1 for sometime. And unfortunately, they're behind on
2 updating theirs. And we're in a gray area whether
3 the ~~DECISION MEETING EXCERPT 03282022~~ applies or not, since it's
4 expired.
JCPZM

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

8 CHAIR JAECKEL: Correct.

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

15 MR. ZANGL: Put that --

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

17 MR. ZANGL: -- one back on.

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

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DECISION MEETING EXCERPT 03282022
JCPZM

January 26, 2023
27

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

3 ~~DECISION MEETING EXCERPT 03282022~~ Yeah, agreed. ~~January 26, 2023~~
4 ~~JCPZM~~

5 discussions? I would make a motion to approve the
6 rezone. We've got to do that separate, right? Rezone
7 and the conditional use, or can they be combined in the
8 same motion?

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

11 CHAIR JAECKEL: Okay.

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

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

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

20 Read that part again about adjacent to.

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

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

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DECISION MEETING EXCERPT 03282022
JCPZM

January 26, 2023
28

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CHAIR JAECKEL: Yeah.

SUPERVISOR NASS: What page is that on?

DECISION MEETING EXCERPT 03282022
JCPZM

January 26, 2023

CHAIR JAECKEL: Any other discussion? All in favor of the rezone, signify by saying aye.

SUPERVISOR POULSON: Aye.

SUPERVISOR ZASTROW: Aye.

SUPERVISOR NASS: Aye.

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

Now, on the conditional use --

MR. ZANGL: Deb has got some --

CHAIR JAECKEL: Oh, Deb, sorry.

MS. MAGRITZ: No, that's quite all right. Likely, you would condition your approval upon road access approval by the maintaining authority, receipt of suitable soil test; receipt of and recording of the final certified survey map. The fact that rezoning shall be null and void and have no effect one year from date of County Board approval unless all applicable conditions have been completed by that date. And then soil test required if bathrooms are proposed.

CHAIR JAECKEL: Deb, who -- does Blane have to

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JCPZM

January 26, 2023
29

1 read his --

2 SUPERVISOR POULSON: No.

3 DECISION MEETING EXCERPT 03282022 into it? January 26, 2023
JCPZM

4 SUPERVISOR POULSON: No.

5 SUPERVISOR NASS: No.

6 CHAIR JAECKEL: No, okay.

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

9 CHAIR JAECKEL: Okay.

10 SUPERVISOR POULSON: It's not a residential.

11 CHAIR JAECKEL: And then CU2108-22.

12 SUPERVISOR POULSON: I'll make a motion to
13 approve.

14 CHAIR JAECKEL: Second. Any other discussion
15 on this? All in favor. Aye.

16 SUPERVISOR POULSON: Aye.

17 SUPERVISOR NASS: Aye.

18 SUPERVISOR ZASTROW: Aye.

19 CHAIR JAECKEL: Opposed? Motion carries.

20 MS. MAGRITZ: And likely you would condition
21 that upon the stormwater management plan; no customers
22 onsite, only employees; and no outside storage.

23 MR. ZANGL: And you remember we had those
24 couple of those other items with the cars potentially
25 backing up on to --

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ORDINANCE NO. 2022-02**Amending Official Zoning Map**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Voice Vote - Passed

STATE OF WISCONSIN)
)ss
COUNTY OF JEFFERSON)

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

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



Audrey McGraw
Audrey McGraw
Jefferson County Clerk
Jefferson, Wisconsin

Referred By:
Planning and Zoning Committee

04-19-2022

REVIEWED: Corporation Counsel: JBW ; Finance Director

FILED
03-29-2023
Clerk of Circuit Court
Cindy R. Hamre Incha
2022CV000334

In the Matter Of:
JEFFERSON COUNTY

BOARD MEETING

April 19, 2022



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**BOARD MEETING
JEFFERSON COUNTY**

**April 19, 2022
9**

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

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

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

24 Thank you.

25 CHAIR WEHMEIER: Thank you.



**BOARD MEETING
JEFFERSON COUNTY****April 19, 2022
26**

1 So we'll take a roll call vote.

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

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

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

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

11 FEMALE SPEAKER: Yes.

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

14 CHAIR WEHMEIER: It didn't register.

15 SUPERVISOR: I'm trying.

16 MS. MCGRAW: Supervisor Mielke.

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

19 MS. MCGRAW: Supervisor Degner.

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

22 MS. MCGRAW: Supervisor Groose.

23 SUPERVISOR GROOSE: Yes.

24 MS. MCGRAW: Supervisor Smith.

25 SUPERVISOR SMITH: Yes.

BOARD MEETING
JEFFERSON COUNTY

April 19, 2022
27

1 MS. MCGRAW: Supervisor Martin.

2 SUPERVISOR MARTIN: Yes.

3 MS. MCGRAW: Supervisor Turville-Heitz.

4 SUPERVISOR TURVILLE-HEITZ: Yes.

5 MS. MCGRAW: Supervisor Callan.

6 SUPERVISOR CALLAN: Yes.

7 MS. MCGRAW: Supervisor Gulig.

8 SUPERVISOR GULIG: Yes.

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

10 absent.

11 CHAIR WEHMEIER: That motion fails. So it is

12 back to the floor to -- to the original motion to

13 approve or disapprove of these -- this particular

14 petition. Any further discussion on the petition?

15 Mr. Wineke.

16 SUPERVISOR WINEKE: Yeah, I'm wondering if,

17 like, Matt Zangl could take a few minutes to summarize

18 exactly what the issues are here. I've heard people

19 that have indicated that the county had -- was not

20 following their own rules, that kind of thing. And so

21 if -- if that could all be clarified as -- as what the

22 quick process was, and -- and I'm interested in why the

23 -- the board voted unanimously to approve this and

24 whether or not it's consistent with the county's plans.

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



BOARD MEETING
JEFFERSON COUNTY

April 19, 2022
28

1 Matt.

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

10 I agree with the committees determination
11 that it meets BOARD MEETING
JEFFERSON COUNTY the county's comprehensive plan and the April 19, 2022
12 county's zoning ordinances. The confusion, or the --
13 the struggle, comes into play that the town planning
14 commission voted to deny the petition. The town board,
15 the one who makes the formal decision on behalf of the
16 board, voted to approve it. So you're seeing here
17 today the -- the conflict, or the struggle, between the
18 question of, did the town follow their comprehensive
19 plan.

20 Am I the one to offer that suggestion? I
21 don't know. I didn't create the plan. I don't read
22 the plan on a daily basis. I -- I don't know. I can't
23 speak on behalf of that. 800.211.DEPO (3376)
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24 You've heard comments today that the town did
25 not follow that comprehensive plan; however, the town



BOARD MEETING
JEFFERSON COUNTY

April 19, 2022
29

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

4 Does that answer it in a short statement?

5 SUPERVISOR WINEKE: (Indiscernible).

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

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

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

22 CHAIR WEHMEIER: Supervisor Morris.

23 SUPERVISOR MORRIS: With ^{800-211-DEPO(3376)} ~~EsquireSolutions.com~~ trying to put our
24 corp counsel in a difficult position, I wondered if we
25 could get an opinion from the corporation counsel.



BOARD MEETING
JEFFERSON COUNTY

April 19, 2022
30

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

BOARD MEETING
JEFFERSON COUNTY

April 19, 2022

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

21 We have a number of people who are opposing
 22 the rezoning, but legally, we -- we have a petition
 23 before the board, and there is no ^{180A-211-DEPO (3376)} ~~bar~~ preventing, or
 24 if -- if we do choose to deny the rezoning petition, I
 25 know that's not on the floor right now, there was --



BOARD MEETING
JEFFERSON COUNTY

April 19, 2022
31

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

6 Now, it -- it -- the town comprehensive plan
 7 is three years out of date, it's expired. So what
 8 relevance do you want to give that? Focus on the
 9 county's comprehensive plan, the county's zoning
 10 ordinance, the recommendation of the planning and
 11 zoning committee. BOARD MEETING
JEFFERSON COUNTY April 19, 2022 And my opinion is that this is a
 12 petition to rezone that should be granted. There's --
 13 there's nothing inappropriate about granting this
 14 petition. I -- I see no issues.

15 Issues have been raised by the public, but
 16 these aren't issues that concern me where I would
 17 advise the county board to postpone the rezoning
 18 petition or deny it, but of course the -- the committee
 19 certainly -- or the county board has its option, I've
 20 -- I've addressed this with other supervisors, the
 21 county board can take action, as it would with any
 22 other matter before it, it can approve the rezoning and
 23 it can deny it, it can refer it 800.211.DEPO (3376)
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 24 -- or postpone it or amend the zoning petition.

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



BOARD MEETING
JEFFERSON COUNTY

April 19, 2022
32

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

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

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

BOARD MEETING
JEFFERSON COUNTY

April 19, 2022

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

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

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

17 CHAIR WEHMEIER: Thank you.

18 Mr. Jaeckel.

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

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BOARD MEETING
JEFFERSON COUNTY

April 19, 2022
33

1 questions going on that way.

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

BOARD MEETING
JEFFERSON COUNTY

April 19, 2022

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

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



BOARD MEETING
JEFFERSON COUNTY

April 19, 2022
34

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

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

9 SUPERVISOR JOHNS: Thank you, Mr. Chair.

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

BOARD MEETING
JEFFERSON COUNTY

April 19, 2022

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

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



BOARD MEETING
JEFFERSON COUNTY

April 19, 2022
35

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

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

5 CHAIR WEHMEIER: Supervisor Martin.

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

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

BOARD MEETING
JEFFERSON COUNTY
April 19, 2022

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

23 SUPERVISOR MARTIN: Thank you.
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24 CHAIR WEHMEIER: Mr. Poulson.

25 SUPERVISOR POULSON: I would make a motion to



BOARD MEETING
JEFFERSON COUNTY

April 19, 2022
36

1 call the vote.

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

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

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

14 MS. MCGRAW: I have to add this.

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

21 Mr. Kannard.

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

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



BOARD MEETING
JEFFERSON COUNTY

April 19, 2022
37

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

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

5 MS. MCGRAW: I'm ready.

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

8 We can vote.

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

BOARD MEETING
JEFFERSON COUNTY

April 19, 2022

12 SUPERVISOR DEGNER: Yeah.

13 MS. MCGRAW: Supervisor Groose.

14 SUPERVISOR GROOSE: Yeah.

15 MS. MCGRAW: Supervisor Smith.

16 SUPERVISOR SMITH: No.

17 MS. MCGRAW: Supervisor Martin.

18 SUPERVISOR MARTIN: No.

19 MS. MCGRAW: Supervisor Turville-Heitz.

20 SUPERVISOR TURVILLE-HEITZ: Yes.

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

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



BOARD MEETING
JEFFERSON COUNTY

April 19, 2022
38

1 petition. Any further discussion?

2 Mr. Smith.

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

7 CHAIR WEHMEIER: Yes.

8 SUPERVISOR SMITH: -- board?

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

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

12 CHAIR WEHMEIER: Yeah.

13 SUPERVISOR SMITH: Thank you.

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

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

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

22 SUPERVISOR: Aye.

23 SUPERVISOR: Aye. 800.211.DEPO (3376)
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24 CHAIR WEHMEIER: Aye.

25 Opposed?



BOARD MEETING
JEFFERSON COUNTY

April 19, 2022
39

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SUPERVISOR: No.

CHAIR WEHMEIER: The eyes have it.

* * *

BOARD MEETING
JEFFERSON COUNTY

April 19, 2022

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