

Resolution 2025-1 disapproving petition R4379A-2022 and Jefferson County Ordinance 2024-20 as it relates to petition R4379A-2022

WHEREAS Ordinance No. 2024-20 is a new ordinance but the Jefferson County Board of Supervisors did not follow the process laid out in Wis. Stats. 59.69(5)(e), including that it did not notify the Town Board of the Town of Concord of its reconsideration of the petition or seek the current Town Board's opinion, even as the current County Board of Supervisors itself held a vote, and

WHEREAS the PIN number on the ordinance is inaccurate (the parcel is now identified as PIN 006-0716-1642-001 in the GIS system), and

WHEREAS the Town Board of the Town of Concord finds that this petition is not consistent with either the 2009 Town of Concord Comprehensive Land Use Plan or the 2022 Town of Concord Comprehensive Land Use Plan, and in fact holds that no Town Board ever regarded this as consistent with either Town Comprehensive Plan, and

WHEREAS the Town Board of the Town of Concord does not agree that this rezone meets the standards of Wis. Stats. 91.48, contrary to the findings made by the Jefferson County Planning and Zoning Committee on January 27, 2025, and passed by the County Board on February 11, 2025, regarding petition R4379A-2022, to wit: it is not better suited for commercial development than for farmland, given its prime soils, location, and topography; and it is not consistent with applicable plans (the Town of Concord Town Comprehensive Land Use Plans of 2009 or 2022, the 2021 Jefferson County Agricultural Preservation and Land Use Plan), as described in the attached report, and

WHEREAS concerns raised at public hearing 3 years ago concerning traffic, lighting, screening, and outdoor storage at the adjacent property owned by the Boat House have not been addressed or resolved, as evidenced by a Notice of Ordinance Violation (2025 VIO016) issued February 5, 2025, by the Jefferson County Zoning Department to the Boat House of Concord LLC concerning their property at W1380 County Road B, and approving this rezone would simply exacerbate an already existing problem,

THEREFORE, the Town Board of the Town of Concord, Jefferson County, Wisconsin, exercising its authority under 59.69(5)(e) of Wisconsin Statutes, by this resolution, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and orders as follows:

The petition R4379A-2022 and Ordinance 2024-20 to rezone 7.4 acres from A-1 to A-2 near W1380 County Road B in the Town of Concord PIN 006-0716-1642-000 (currently PIN 006-0716-1642-001) are hereby disapproved.

Adopted this _____ day of _____, 20____.

Ted Mueller, Town chair

Kim Herro, Supervisor

Lloyd Zastrow, Supervisor

I am the keeper of the records for the Town of Concord and I certify the above to be an exact copy of the original resolution passed by the Town of Concord Board on the date indicated.

Attest: _____

Brian Neuman, Town Clerk

Plan Commission report recommending disapproval of petition R4379A-2022 and Jefferson County Ordinance 2024-20 as it relates to petition R4379A-2022

Wis stats 59.69(5)(e)

- The County Planning and Zoning Committee and the County Board failed to follow proper procedure in considering petition R4379A-2022 when they failed to notify the town that they would be considering the petition. They also failed to hold a public hearing on the petition.

Wis stats. 91.48:

- The land is NOT better suited for a use not allowed in the A-1 zoning district.
 - The town finds that the land in question is prime soils abutting existing productive farmland and neighboring residential development. This property due to its prime soils, location, and topography is better suited to use as farmland than to commercial development.
- The rezoning is inconsistent the 2009 & 2022 Town of Concord Comprehensive Land Use Plans
 - **2009 plan, section 8.B.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”; section **8.B.10:** “The Town will not support expansion of the current rural hamlet or creation of new rural hamlet areas within the Town.” The property in question is outside the hamlet.
 - **2022 plan, section 8.B.6:** “The Town will not approve the establishment of new commercial or industrial zoning (A-2, C, B, I) outside of the hamlet”; **section 8.C.4:** “The Town will not allow rezoning to the A-2 district outside the town hamlet.”
- The rezoning is not consistent with the 2021 Jefferson County Agricultural Preservation and Land Use Plan, which defines the A-2 zoning district as “allow[ing] a wide range of agricultural related uses and such other rural businesses that are compatible in a predominately agricultural area” (p. 33). Also, farmland preservation land is defined as follows: “Areas of existing agricultural uses or agricultural-related use 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” (p. 6). This proposal to rezone this property out of farmland preservation is not related to agriculture nor is it rural in nature.
- The rezoning has the potential to impair farming on the surrounding agricultural land. The parcel in question is location on a hill above surrounding agricultural land. The proposed commercial use will result in the majority of the 7.4 acres being covered with either buildings or gravel. This would have a potential to create excessive runoff to neighboring properties including neighboring farmland.

The Town of Concord Plan Commission hereby accepts this report and recommends disapproval of petition R4379A-2022 and Jefferson County Ordinance 2024-20 as it relates to petition R4379A-2022

Motion by: Jim Gilbert Second by: Tony Metzger

Motion passed: 5 - 0 Date: 2-26-2025

David Wegner, Plan Commission Chair