

EXHIBIT 5

STAFF REPORT & DECISION OF THE JEFFERSON COUNTY PLANNING AND ZONING COMMITTEE

Zoning Map Amendment

Summary: Rezone from A-1 to A-2

Petition # R4379A-2022 Town: Concord
Site Inspection Date: February 11, 2022 Public Hearing Date: February 17, 2022
Petitioner Name: The Boat House of Lake Country
Property Owner(s): Previous Owner: Donald and Nancy Brunson Trust
Current Owner: Boat House of Concord Real Estate LLC
Property Location: Near W1432 County Road B
PIN: 006-0716-1642-000 – currently 006-0716-1642-001
Rezoning Request: Create 1 vacant A-2 zone lot (7.4+/- acres)
Conditional Use Request: Storage of Boats

Finding of Fact: See finding of fact and maps for parcel information including soil types, farmland preservation plan mapping, etc.

Town Board Recommendation: The Town of Concord approved the rezone from A-1 to A-2 Agricultural and Rural Business on a vote of 2-1 on January 10, 2022.

Analysis of Applicable Zoning Standards:

WI Stat. §91.48 Factors:

- **The land is better suited for a use not allowed in the A-1 zoning district.**
 - The property is currently fallow with limited agricultural use and directly adjacent to the Town of Concord rural hamlet and along a County Highway. Additionally, the proposed A-2 zone abuts a property owned by the petitioner and is being used for the same proposed use (boat storage). Due to its proximity to the rural hamlet, similar adjacent uses and location along a county road, the land is better suited for the proposed A-2 use (boat storage), rather than A-1 zoning district.
- **The rezoning is consistent with any applicable comprehensive plan.**
 - The County considers its Comprehensive Plan which incorporates its Agricultural Preservation & Land Use Plan and references the Town's Comprehensive Plan.
 - Consistent the applicable plans, the proposed rezone allows for the orderly growth and development of land such that the form and density of the land use is consistent with the surrounding land.

- All applicable plans allow for the use of A-2 zoning to allow a wide range of agricultural-related uses and other rural businesses that are compatible with predominantly agricultural area within Farmland Preservation Areas.
- The Town of Concord approved this rezone request based upon its interpretation of the Town's Comprehensive Plan. The Town of Concord Comprehensive Plan incorporates the County's A-2 zoning policies and consistent with those policies the Town has previously permitted A-1 to A-2 rezones within Farmland Preservation Areas.
- The rezone is consistent with the County Comprehensive Plan through various goals of the plan:
 - Land Use Goals- 1, 2, 3, & 8
 - Economic Development Goals- 6, 9, & 10
 - Agricultural, Natural & Cultural Resource Goals- 1 & 6
- **The rezoning is substantially consistent with the County certified farmland preservation plan.**
 - The rezone is substantially consistent with the farmland preservation plan as explained below. The rezone request follows the standards and policies of the farmland preservation plan for rezoning from A-1 to A-2. The A-2 zoning district is permitted within the farmland preservation area.
 - The rezone request is substantially consistent with Farmland Preservation Plan A-2 Policies 1, 2 and 3 on page 33 of the plan.
 - *Policy 1: Continue to utilize the A-2 Agricultural and Rural Business zoning district to allow a wide range of agricultural related uses and such other rural businesses that are compatible in a predominately agricultural area. Utilize criteria in Section 91.48, Wis. Stats. and the County's zoning ordinance in evaluating proposals for rezoning land to the A-2 district.*
 - Response: The proposed use is located in a transition area between the 15-year growth area/rural hamlet and the farmland preservation area (located in the farmland preservation area). The proposed use complies with and is a conditional use in the A-2 zoning district.
 - *Policy 2: Consider requiring site plan submittal prior to the establishment or expansion of all agricultural-related uses in the A-2 district (not including agricultural structures), in order to evaluate the proposed building and driveway locations with respect to impact on productive farmland, traffic movement, and the use and enjoyment of adjoining properties.*
 - Response: The application includes a site plan showing the access location and proposed structures. Based on the site plan, the proposed use does not impact productive farmland, traffic movement or adjoining properties.
 - *Policy 3: Encourage compliance with the Rural Commercial, Industrial, and Agribusiness Development Guidelines*
 - The proposed rezone is in compliance with the applicable guidelines.
- **The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.**
 - The rezone does not impair or limit agricultural uses and the rezone does not affect any land currently utilized for agricultural purposes. The parcel to the west and north will

continue to be used for agricultural purposes. The proposed buildings will be similar to agricultural barns/structures and will present an agricultural appearance. The proposed lot includes straight lots lines and will not impart or limit the agricultural use of surrounding properties.

Additional Criteria of Jefferson County Zoning Ordinance Section 11.11(e)6:

- **There will be adequate public facilities to serve the proposed and potential land use changes that would be enabled by the rezoning**
 - The Town Board of Concord approves of the proposed rezone and conditional use permit. No concerns were raised by the Town regarding the adequacy of public facilities to serve this proposed rezone.
 - The County Highway Department reviewed and approved the rezoning request and the proposed access onto the County Road. There are adequate public facilities pre and post creation of this lot.
- **The burdens on local government for providing the needed services to the proposed and potential land use changes that would be enabled by the rezoning are reasonable**
 - No significant burdens on local government will result from the creation of this lot. The proposed use is primarily storage and will result in minimal burden to local governments. Adjacent to the proposed lot is a similar use that has created minimal additional burdens on local governments since its development.
- **The development will not cause unreasonable air or water pollution, soil erosion, or adverse effects on valued natural areas.**
 - The proposed development will not affect any wetlands or sensitive environmental areas. The developer will mitigate any runoff or soil erosion concerns during construction and post construction. Additional pollution is not expected with this development of boat storage buildings.
- **The soil productivity rating has been considered in the location of the area proposed for rezoning.**
 - The proposed lot utilized prime soil, however, approximately one acre of the lot is currently used as a residential yard/lawn, 3 acres is a fallow non-cropped area and only approximately 3 acres is or has been previously used for agricultural purposes.
- **The remaining A-1 parcel shall front on a public road for a minimum distance of at least sixty-six (66) feet. Access to the lot shall be provided within this frontage.**
 - The remaining parcel has access onto a public road for at least 66'.

Staff Recommendation: APPROVAL For the Following Reasons:

- This rezoning meets the requirements of the County Zoning Ordinance and aligns with the County's Comprehensive Plan and Agricultural Preservation & Land Use Plan as set forth above.
- The proposed amendment is located a designated Farmland Preservation Area and complies with the standards and policies of the farmland preservation area:
 - The proposed lot is clustered with a proposed A-3 lot and existing lots lines and development.
 - The proposed lot does not impact the surrounding agricultural land.

- Public concerns were raised regarding screening, lighting and traffic/road access. The petitioner has addressed all concerns with their application and proposed plans. The County has not received any complaints regarding the adjacent property including access or road issues prior to the public hearing comments. The petitioner provided solutions to reducing any traffic back up on the County Highway.

DECISION OF ZONING & PLANNING COMMITTEE:

The Jefferson County Planning & Zoning Committee adopts the facts and recommendations set forth in the above Staff Report [as amended or supplemented on the record (if necessary)] as findings of the Committee and APPROVES the proposed zoning map amendment.

Based on the Staff Report, complete application and file, substantial evidence provided, site inspection, public hearing, Jefferson County Zoning Ordinance and the Agricultural Preservation and Land Use Plan, the Planning and Zoning Committee concludes that the proposed Official Zoning Map Amendment complies with the Jefferson County Zoning Ordinance, Comprehensive Plan and Farmland Preservation Plan. The Planning and Zoning Committee further finds this amendment meets the standards of Wisconsin State Statutes 91.48 and Section 11.11(e)6 of the Jefferson County Zoning Ordinance for the reasons set forth above and discussed on the record.

Motion by: Nass Seconded by: Poulson

Motion passed by a voice vote, 4-0.

APPOINTMENTS BY COUNTY BOARD CHAIR

By virtue of the authority vested in me under Section 3.05(1)(c)-(d) of the County Board Rules, I hereby request confirmation of the following appointments:

- a. Joan Fitzgerald, Local State Official, to the Local Emergency Planning Committee (LEPC) for an indeterminate term.

APPOINTMENTS BY COUNTY ADMINISTRATOR

By virtue of the authority vested in me under Sections 59.18 (2)(b) of the Wisconsin Statutes, I respectfully request confirmation of the following appointment:

- a. John Fox as Director of Facilities Management for an indeterminate term.

APPOINTMENT BY HUMAN SERVICES BOARD

By virtue of the authority vested in the Human Services Board under Section 3.05(1)(j) of the County Board Rules, the Human Services Board hereby requests County Board's confirmation of the following appointment:

- a. Mary Jo Shackelford to the Nutrition Project Council to fill a term ending November 13, 2027.

February 11, 2025