

FILED  
11-11-2022  
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.: 2022CV000334  
Class Code: Petition for Writ of Certiorari

v.

JEFFERSON COUNTY  
BOARD OF SUPERVISORS,  
    Respondent.

---

ANSWER TO PETITION FOR WRIT OF CERTIORARI

---

NOW COMES THE RESPONDENT, the Jefferson County Board of Supervisors, an elected body serving Jefferson County, a municipal corporation, and hereby answers Petitioners' Petition for Writ of Certiorari as follows:

**Paragraphs 1 through 7:** Respondent does not know or have enough information to form a belief as to whether the allegations in said paragraphs are true.

**Paragraph 8:** Respondent ADMITS.

**Paragraphs 9 through 15:** Respondent ADMITS.

**Paragraph 16:** Respondent ADMITS that part of this allegation regarding the location of the Rezone Petition, and does not know or have enough information to form a belief as to whether or not there is a threat to the value and quiet enjoyment of the Gartzkes' property.

**Paragraphs 17 through 20:** Respondent ADMITS.

**Paragraph 21:** Respondent DENIES.

**Paragraph 22:** Respondent ADMITS.

**Paragraph 23:** Respondent DENIES.

**Paragraph 24:** Respondent ADMITS.

**Paragraphs 25 through 27:** Respondent DENIES.

### Affirmative Defenses

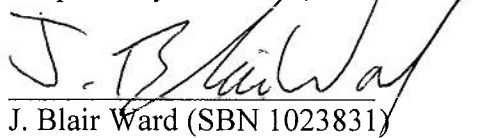
Respondent reserves its right to assert all applicable affirmative defenses pursuant to section 802.02 Wis. Stats. and pursuant to common law.

WHEREFORE, Respondent requests that this Court DENY Petitioners' Petition for Writ of Certiorari on the basis that the allegations therein do not support the relief requested in that:

1. The Petition relies upon "[T]he Town of Concord Comprehensive Plan (the "Town Plan") in effect at the time of the County's decision" when no such plan existed because it had expired and could provide no direction, guidance, or legal obligation by the County to enact a zoning ordinance consistent therewith (Petition paragraphs 23-24). See Respondent's Exhibit A – the 2009 adoption of the plan, and Wisconsin statute section 6.1001(2)(i) *Implementation element*, which states that, "...[A] comprehensive plan under this subsection shall be updated no less than once every 10 years."
2. The Town Board formally approved of the proposed rezoning which is the subject of this Petition and the County Board relied upon the Town's approval in granting the rezoning Petition. See Respondent's Exhibit B.

Dated this 11<sup>th</sup> day of November 2022.

Respectfully submitted,



J. Blair Ward (SBN 1023831)  
311 South Center Avenue, Rm. 110  
Jefferson, Wisconsin 53549  
Phone: 920-674-7135  
Fax: 920-674-7399  
jblairw@jeffersoncountywi.gov

## Exhibit A

*The Town of Concord Comprehensive Land Use Plan*  
was adopted by unanimous vote of the Concord Town Board  
at a regular town board meeting on July 13, 2009,  
to take effect November 1, 2009.

The three voting members of the Town Board

at that time were the following:

Bill Ingersoll - Chairman

Dave Janquart - Supervisor

Dennis Stair - Supervisor

# Exhibit B

## TOWN OF Concord

DATE: 2-14-2022

TO: Jefferson County Planning and Zoning Committee

RE: Jefferson County Zoning Petition No. R4379A-22

Filed by Donald and Nancy Brunson to create a 7.4-acre  
A-2 zone from an A-1 zone at W1432 County Road B, PIN 006-  
0716-1642-000.

The Town of CONCORD, having considered the above described petition

for which a Town meeting was held on Jan 10, 2022,

finds FN FAVOR

2 votes to 1 opposed

When the Town submits this form to the Zoning Department, the petition can be scheduled for the next available Jefferson County Planning and Zoning Committee public hearing.

Signed Dale Karl, Town Chair

Attest [Signature], Town Clerk

This document complies with Chapter 59.69, Wisconsin Statutes