

COMMITTEE REPORT

COMMITTEE: Ad-Hoc Zoning
CHAIRPERSON: Cory Cassens
DATE/TIME: April 15, 2025 at 6:00 p.m.

COMMITTEE MEMBERS PRESENT: Cory Cassens, Dan Caswell, John Creighton, LaDon Trost, Beth Baranski, Brian Engle, Tony Jones, Joel Holland, Bill Meeker, Michael Dittmar, Steve McIntyre and LaVonne Deininger. Absent: Diane Gallagher.

OTHER BOARD MEMBERS PRESENT: Joseph Heitkamp

OTHERS PRESENT: Angela Kaiser

1. Call to Order: Chairperson Cassens called the meeting to order at 6:00 p.m.

2. Roll Call: A quorum was established.

3. Minutes Approval:

- a) Minutes of the March 18, 2025 Ad-Hoc Zoning Committee meeting – McIntyre/Meeker made a motion to approve the minutes of the March 18, 2025 Ad-Hoc Zoning Committee meeting. The motion carried by voice vote.

4. Citizens' Comments: None

5. Unfinished Business:

- a) Collect three goals from each Committee member as previously discussed, to serve as a guide of priorities for zoning regulations revisions regarding Committee recommendations to the County Board

Chair Cassens requested that all Committee members provide their top three (3) goals for review of the Zoning Ordinance, and requested that each member identify their "favorite" goal, which is highlighted.

Vice-Chair Creighton: Two schools of thought: one rooted in English Common Law, the other is Spanish Code where every nuance or situation is anticipated; our current code is Byzantine; it does not grow.

- 1. Produce a document rooted in principal, not detail.
- 2. Protect property rights.
- 3. Should have a zoning document that encourages in-bound migration and business development. The County has a severe demographic problem.

Member Deininger:

- 1. Move away from one-size fits all; not everyone wants the same thing.
- 2. Create the perception that zoning is welcoming and promotes population growth; we are all in the "going out" stage of our lives.
- 3. Encourage AirBNBs in the remote areas; there are areas where people want to do things that are not in the populous areas. Concerned about oversupply of short-term rentals; find a means of controlling the number of rentals in areas like the Galena Territory; oversupply results in a loss of value to the property.

Member Engle:

1. Streamline and clarify zoning ordinance to make it more user friendly; simplify.
2. Promote smart development while preserving the agricultural areas; preserve rural character, what makes us unique.
3. Encourage compatible neighboring developments; growth should feel like a welcome addition. Align zoning with long-term economic development goals; zoning should enable opportunity, not be a barrier to rural prosperity.

Member Meeker:

1. Simplify Zoning Ordinance.
2. Make frequent requests before the Commission that are approved administrative.
3. 40-acre issue; preserve character. Perhaps identify areas of prime agricultural land and have smaller lot areas outside of these areas, closer to the municipalities.

Member Dittmar:

1. Loose construction: untie entrepreneurs' hands from behind their backs and let them do great stuff.
2. Home businesses: review restrictions.
3. Agri-Tourism: is a business that can develop in Jo Daviess County, but it isn't defined in the ordinance.

Member Holland:

1. Simplify Zoning Ordinance.
2. Modify 40-acre rule in the Agricultural zone.
3. Encourage commercial development.

Member Caswell:

1. Favor freedom with reasonable limits; list what is prohibited, is called "negative law", as opposed to "positive law" which requires government permission which impacts time, cost, etc.
2. Simplify Zoning Ordinance.
3. Broadly promote residential building to retain young families and promote JD County as a "Mecca" for remote workers.

Member McIntyre:

1. Need more definitions to provide clarity. Feels LESA scoring is backwards: 1/3 of score address suitability of soil for agricultural, this should be the focus on the scoring to ensure development doesn't occur on prime farm land.
2. 40-acre rule; align with the Comprehensive Plan; there are three distinct agricultural areas.
3. Grandfathered properties; e.g. if you modify your property, you lose your grandfather rights; look at properties that should be exempt.

Chair Cassens:

1. Reduce need for variances without compromising County-wide respectable standards.
2. Promote residential and commercial growth while upholding standards.
3. Reduce governmental burden.

County Board Chair Trost:

1. Identify information that may jeopardize new/expanding businesses.
2. Identify confusing/ambiguous regulations.
3. Identify information that confuses potential home buyers.

Member Baranski:

1. Cooperative planning; much of the population is within the municipalities; there should be a good understanding between cities and County regarding how, together, we can achieve goals of bring back good paying jobs, promoting/retaining the younger residents, etc.
2. Promote thoughtful growth; reflect goals of the Comprehensive Plan. Direct growth towards the developed areas. The county might want to consider the cost of community services when deciding on changes to the ordinance that would foster development in unincorporated areas. I mentioned that studies have been done on this, and offer the example of one done for two Door County townships (called "towns" in Wisconsin) - I think the Nasewaupsee example might be a fair comparative reference, but moreover the point is that some cost: benefit analysis might be useful for the county board deliberations on this matter: https://www.doorcountylandtrust.org/wp-content/uploads/2015/09/COCS_FullReport.pdf
3. Enhance stormwater management.

Member Jones:

1. Make the ordinance more equitable for those not farming. Have everyone treated the same under the regulations.
2. Simplify Zoning Ordinance.
3. Create goals that are reflective of residents' interests.

Member Gallagher:

1. Improve impressions of zoning.
 2. Clarify the role of guest accommodations as a form of economics and to better understand their role in the county's future.
- b) Rank all goals as collected in item 5.a., in order of priority – Deininger/Caswell made a motion to postpone Item 5b. to the next meeting. The motion carried by voice vote.
- c) Solicit comments and editing suggestions from Committee members; emphasis on language within from sections previously assigned as follows (overall scope not limited to title listed):
- i. Title 8, Chapter 3: Ag Agricultural District – Emphasizing the 40-acre rule – Much discussion regarding the 40-acre rule and whether the original intention of the rule has had its intended consequence since implementation. Dittmar believes it has had the opposite effect. McIntyre believes more emphasis should be put on the LESA score and less on the size of the acreage. He also believes the restriction prohibits people from keeping family farms intact. Jones asked how solar fits into the plan. Baranski referenced studies that have been done showing that new rural development creates an increase in cost to provide services and has that increase been measured against any possible benefit to lower the rule.
 - ii. Title 8, Chapter 5: Use Table and Regulations – Discussion points regarding the use table and how it needs to be administered. Right now, things that are not addressed in the table are not allowed and should the change be that if it's not addressed in the table, it is allowed. It also should be modeled after the home occupation section. This will be the focus of the May 2025 meeting.
 - iii. Title 8, Chapter 7: Definitions – This will be the focus of the May 2025 meeting.

6. New Business:

- a) Discussion and possible action on recommending revising suggested edits to existing regulations – Much discussion regarding the pros and cons of changing the 40-acre rule and what the change should be. Dittmar wants an in-depth analysis on what any possible unintended consequences a

change might cause before any final decision is made. **Creighton/Deininger made a motion to recommend modifying 8-3A-2:E from “the minimum zoning lot size shall be at least forty (40) acres”, to “one (1) acre”, and are subject to all checks and balances in the zoning code. The motion carried by voice vote with a nay vote recorded for Baranski.**

- b) Discussion and possible action on identifying sections of focus for the May 2025 Committee meeting
– Title 8, Chapter 5 and Title 8, Chapter 7 will be the focus of the May 2025 committee meeting.

- 7. **Citizens’ Comments:** Joseph Heitkamp voiced his opinion that changing the forty-acre rule to one acre was a good idea.
- 8. **Committee Member Concerns:** Regarding Dittmar’s request to explore any unintended consequences of a change to the forty-acre rule, Chair Cassens asked Member Meeker to investigate before the next meeting and report back.
- 9. **Adjourn:** Trost/Jones motioned to adjourn at 8:03 p.m. The motion carried by voice vote.

The next regular meeting is Tuesday, May 20, 2025 at 6:00 p.m.