

AGENDA – Iowa County Planning & Zoning Committee

Thursday, August 26, 2021 at 6:00 PM

Conference Call 1-312-626-6799

Zoom meeting ID: 846 0046 6384

<https://us02web.zoom.us/j/84600466384>

Health and Human Services Center – Community Room

303 West Chapel St., Dodgeville, WI 53533

For information regarding access for the disabled, please call 608-935-0399.

1. Call to order.
2. Roll Call.
3. Approve of this agenda.
4. Approve the minutes of the July 29, 2021 meeting.
5. Motion to enter into public hearings associated with zoning and/or conditional use permit petitions and ordinance revisions.
6. Petition by Curt & Amy James for a Conditional Use Permit to allow up to 22 animal units a 35.637-acre AR-1 Ag Res lot being Lot 3 of CSM 1774 in S29-T7N-R1E in the Town of Highland.
7. Petition by Paula Griffiths to rezone an existing 7.44-acre lot from A-1 Ag to AR-1 Ag Res in the NE/NE of S16-T5N-R2E in the Town of Linden.
8. Petition by Ronald Ferrell and Cory & Darlene Palzkill to rezone 5.943 acres from A-1 Ag to AR-1 Ag Res, 5.934 from A-1 Ag to C-1 Conservancy, and 40 acres with the AC-1 Ag Conservancy overlay all in the SE/NE & E1/2-SE of S10-T4N-R3E in the Town of Mineral Point.
9. Petition by Brad Grundahl to rezone 6.068 acres from A-1 Ag to AB-1 Ag Bus in part of the NE/SE & SE/NE in S24-T5N-R5E in the Town of Moscow.
10. Petition by Brad Grundahl for a Conditional Use Permit to allow a grain drying and storage facility on a 6.058-acre AB-1 Ag Bus lot in part of the NE/SE & SE/NE in S24-T5N-R5E in the Town of Moscow.
11. Petition by Thomcor Homestead Inc. for a Conditional Use Permit to allow Recreational Residential Rental use of an existing house in the NE/NE of S23-T5N-R5E in the Town of Moscow.
12. Petition by Joyce Berning to rezone 11.58 acres from A-1 Ag to AR-1 Ag Res in the NW1/4 of S33-T5N-R4E in the Town of Waldwick. This petition includes zoning 40 acres being tax parcel 026-0366 with the AC-1 overlay district to comply with residential density standards.

13. Consideration of revisions to the Iowa County Manure Storage and Management Ordinance primarily pertaining to reuse of existing structures and nonconforming structures.
14. Motion to end the public hearings and resume the regular meeting.
15. Report from the committee members and an opportunity for members of the audience to address the Committee. No action will be taken.
16. Director's report
17. Next meeting date and time
18. Motion to adjourn

Scott A. Godfrey, Director

Posted 08/10/2021

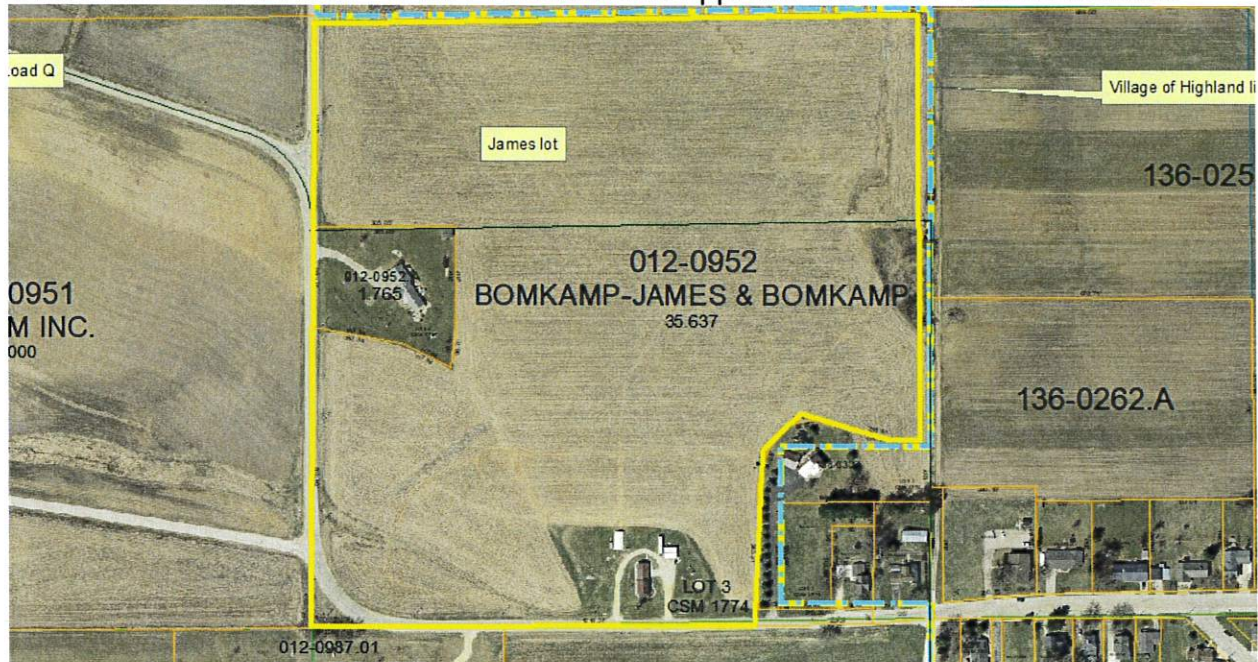
You may attend via videoconference by downloading the free Zoom program to your computer at <https://zoom.us/download> At the date and time of the meeting, you log on through the Zoom program and enter the Meeting ID from the above agenda. You may also attend via conference call by dialing the phone number listed on the agenda above.

1. The size of the lot provides for 11 livestock-type animal units automatically but up to twice that number can be requested by Conditional Use Permit.
2. The applicants propose to have steers.
3. Per Section 4.0 of the Iowa County Zoning Ordinance, the following standards are to be considered for a CUP:
 1. The proposed use complies with all applicable provisions of this Ordinance.
 2. The proposed use is compatible with adjacent legal uses in terms of scale, site design, operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust and other external impacts).
 3. There are no significant anticipated measurable adverse impacts to the surrounding legal uses

- and environment resulting from the proposed conditional use.
4. Any adverse impacts resulting from the use will be mitigated or offset to the maximum practical extent.
 5. Public safety, transportation, services and utility facilities exist or will be available to serve the subject property while maintaining sufficient levels of service for existing development.
 6. Adequate assurances by the applicant of continuing maintenance are provided.
 7. The proposed use is consistent with the Iowa County Comprehensive Plan.

Town Recommendation: The Town of Highland is recommending approval with the condition that the permit remain valid as long as the applicants have an agreement with the neighbor for spreading manure.

Staff Recommendation: Staff recommends approval with the Town condition.





IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT

222 N. Dodgeville Street, Suite 1223

Dodgeville, WI 53533

608-935-0333/608-553-7575/fax 608-935-0326

Scott.Godfrey@iowacounty.org

IOWA COUNTY LAND USE CHANGE/CONDITIONAL USE APPLICATION

Filing Fee: See below: payable to Office of Planning & Development
(non-refundable upon publication)
Filing Deadline: 1st Friday of each month for the next hearings – **must be complete**

Applicant: Curt & Amy James Address: 41805 Cty Rd A
City/Zip Code: 53543

Landowner: _____ Address: _____
(if other than applicant) City/Zip Code: _____

Applicant Phone: (608) 341-0086 Landowner Phone: () _____

Email: James + Amy Report @ gmail . com Please contact by: ☒ email ☐ postal mail

This application is for: _____ Land use change/Rezone only --- \$500 filing fee
☒ Conditional Use only ----- \$500 fee if no land use change
_____ Both ----- \$600

in the Town of Highland Acreage of proposed lot(s) 35.437
23 csm 1774
Section 29 Town 2 N Range 1 E _____ 1/4 of the _____ 1/4 PIN 012-0952

Have you contacted your Town Board about this proposal? ☒ Yes ☐ No
Does this request involve any proposed land division? ☐ Yes ☒ No

All land use change/rezoning requests must include an exact metes and bounds or survey plat legal description of the proposed lot or lots. This description must be identical to any proposed parcel to be created by sale or transfer.

**Present zoning district: A-1 Requested zoning district: CH for the proposed use(s) of: _____

Requested Conditional uses (s):
would like to Double animal units
up to 22

I. Please list any improvements currently on the land: Have added Roof
Over Feeding area To Reduce Run off
From Rain

II. Please explain the reason for the request and proposed plans: To raise
Steers For Sale and meat For our
Family

III. If this is a petition to zone land from A-1 Agricultural, please explain how each of the following are satisfied (attach additional sheets if necessary):

- 1) How is this land better suited for a non-agricultural use?

- 2) How will rezoning 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?

IV. For all Conditional Use Permit Requests please describe how the following are either currently being complied with or can be complied with. Feel free to attach additional documentation. (Incomplete applications will not be scheduled for a hearing until complete.)

1. How do you feel the proposed use complies with all applicable provisions of this Ordinance?

We are very particular on The
Appearance of our property and have
a agreement with Mike Esser to
Be able to spread manure on his property if needed

2. How do you feel the proposed use is compatible with adjacent legal uses in terms of scale, site design, operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust and other external impacts)?

There is farm land surrounding
The cattle area

3. Do you feel there will be significant anticipated measurable adverse impacts to the surrounding legal uses and environment resulting from the proposed conditional use and why?

no , Due To our Location

4. How can any adverse impacts resulting from the use will be mitigated or offset to the maximum practical extent?

Shouldn't Be any

5. Are public safety, transportation, services and utility facilities exist or will be available to serve the subject property while maintaining sufficient levels of service for existing development?

No

6. What assurances can be provided for potential continuing maintenance associated with the use?

Property will be kept in a
neat and orderly manner

7. How do you feel the proposed use is consistent with the Iowa County Comprehensive Plan? (available at www.iowacounty.org)

Yes

****NOTE** The signature of the land owner and applicant below gives consent for Office of Planning & Development personnel to enter his/her property for purposes of on-site investigative report in relation to this application. Denial of consent must be submitted in writing as part of this application.**

Applicant(s) Signature:  Date: 8-3-2021
Landowner(s) Signature: _____ Date: _____

=====

For Office Use Only: Rcv'd by SL Date 8/9/21 Fee 500 Check # 1285 Cash
____ present zoning ____ floodplain ____ shoreland/wetland

Scott Godfrey

From: Daniel Nankee <hilonank@mhtc.net>
Sent: Tuesday, August 10, 2021 10:24 AM
To: Scott Godfrey
Subject: Re[2]: James recommendation

Good Morning Scott:

Curt James request to double animal units on Parcel 952 was approved to 22 with the condition that James have an agreement with a neighboring farmer for spreading manure. Curt filed an agreement he has with a neighbor, Mike Esser, for allowing him to spread manure on their fields. Thank you. Lois

From: Scott Godfrey (Scott.Godfrey@iowacounty.org)
Date: 08/09/21 16:29
To: Daniel Nankee (hilonank@mhtc.net)
Subject: **RE: James recommendation**

Thank you!

From: Daniel Nankee <hilonank@mhtc.net>
Sent: Monday, August 9, 2021 11:39 AM
To: Scott Godfrey <Scott.Godfrey@iowacounty.org>
Subject: Re: James recommendation

HI SCOTT: THIS MATTER IS ON THE BOARD AGENDA TONIGHT. I'LL GET BACK TO YOU TOMORROW (TUESDAY) THANK YOU. LOIS

----- Original Message -----



IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT

222 N. Iowa Street, Suite 1223

Dodgeville, WI 53533

608-935-0333/608-553-7575/fax 608-935-0326

Scott.Godfrey@iowacounty.org

Zoning Hearing: 3194
Paula Griffiths
2067 Sunny Slope Rd
Mineral Point, WI 53565

Hearing Date: August 26, 2021
Town of Linden
NE/NE S16-T5N-R2E
PIN: 014-0709

Request: This is a request to rezone an existing 7.44-acre lot from A-1 Ag to AR-1 Ag Res to make it a conforming lot eligible for permits.



2. Comments

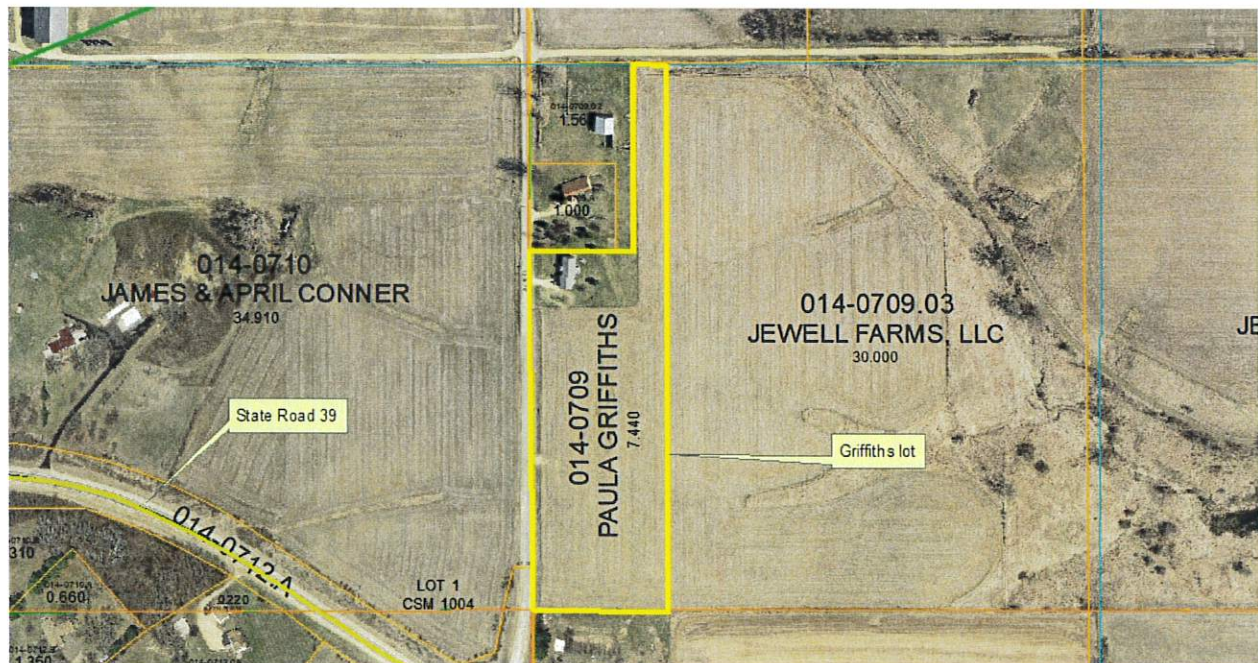
1. This is currently a nonconforming A-1 Ag lot created by Land Contract in 1999 when the minimum 40-acre lot size was in effect. The applicant plans to build an addition on the existing residence and a permit cannot be issued unless the lot is made to be conforming.
2. If approved, the lot would be eligible for one single family residence, accessory structures and limited ag uses, including up to 3 livestock-type animal units.
3. Since this does not involve a land division, there is no associated certified survey map.

4. Per Section 11.0 of the Iowa County Zoning Ordinance, the following standards are to be considered when deciding a zoning change:

1. The petition is consistent with the Iowa County Comprehensive Plan and the comprehensive plan of any Town affected by said petition.
2. Adequate public facilities and services (including sewage and waste disposal, water, gas, electricity, schools, police and fire protection, and roads and transportation, as applicable) will be available as required by the petition while maintaining adequate levels of service to existing development.
3. Provisions of public facilities to accommodate the petition will not place an unreasonable burden on the ability of affected local units of government to provide the.
4. The petition will not result in significant adverse impacts upon surrounding properties or the natural environment, including air, water, noise, stormwater management, soils, wildlife and vegetation.
5. The land associated with the petition is suitable for the proposed development and said development will not cause unreasonable soil erosion or have an unreasonable adverse effect on rare or irreplaceable natural areas.
6. The petition will not be used to legitimize a nonconforming use or structure.
7. The petition is the minimum action necessary to accomplish the intent of the petition, and an administrative adjustment, variance, or Conditional Use Permit could not be used to achieve the same result.
8. The petition will not result in illegal "spot zoning" (i.e. use is inconsistent with surrounding properties and serves only a private, rather than public interest).

Town Recommendation: The Town of Linden recommends approval.

Staff Recommendation: Staff recommends approval as it would make the existing use conforming and it is consistent with the Comprehensive Plan.





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Dodgeville, WI 53533
608-935-0333/608-553-7575/fax 608-935-0326
Scott.Godfrey@iowacounty.org

IOWA COUNTY LAND USE CHANGE/CONDITIONAL USE APPLICATION

Filing Fee: See below: payable to Office of Planning & Development
(non-refundable upon publication)
Filing Deadline: 1st Friday of each month for the next hearings – **must be complete**

Applicant: Paula Griffiths Address: 2067 Sunny Slope Road
City/Zip Code: Mineral Point 53565

Landowner: _____ Address: _____
(if other than applicant) City/Zip Code: _____

Applicant Phone: (312)-805-0857 Landowner Phone: () _____

Email: paulagriffiths7@gmail.com Please contact by: ☒ email ☐ postal mail

This application is for: ☒ Land use change/Rezone only --- **\$500 filing fee**
☐ Conditional Use only ----- **\$500 fee if no land use change**
☐ Both ----- **\$600**

in the Town of Linden Acreage of proposed lot(s) 7.44 acres

Section 16 Town 5 N Range 2 E NE 1/4 of the NE 1/4 PIN 250140709

Have you contacted your Town Board about this proposal? ☒ Yes ☐ No
Does this request involve any proposed land division? ☐ Yes ☒ No

All land use change/rezoning requests must include an exact metes and bounds or survey plat legal description of the proposed lot or lots. This description must be identical to any proposed parcel to be created by sale or transfer.

**Present zoning district: A-1 UC Requested zoning district: AE-1 for the proposed use(s) of: make lot conforming

Requested Conditional uses (s):

N/A

I. Please list any improvements currently on the land: Land currently has house
located on it.

II. Please explain the reason for the request and proposed plans: Seeking approval to
rezone to allow for building of small addition to east side of home. Addition to be an
18'x20' room.

III. **If this is a petition to zone land from A-1 Agricultural**, please explain how each of the following are satisfied (attach additional sheets if necessary):

- 1) How is this land better suited for a non-agricultural use?
Property already has a house located on it.
Request to rezone to allow for small addition to existing home.
- 2) How will rezoning 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?
Rezoning request is for small family room addition on the back of existing home
Proposed addition does not nearly approach surrounding crop land.

IV. **For all Conditional Use Permit Requests** please describe how the following are either currently being complied with or can be complied with. Feel free to attach additional documentation. (Incomplete applications will not be scheduled for a hearing until complete.)

1. How do you feel the proposed use complies with all applicable provisions of this Ordinance?
2. How do you feel the proposed use is compatible with adjacent legal uses in terms of scale, site design, operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust and other external impacts)?
3. Do you feel there will be significant anticipated measurable adverse impacts to the surrounding legal uses and environment resulting from the proposed conditional use and why?

4. How can any adverse impacts resulting from the use will be mitigated or offset to the maximum practical extent?

5. Are public safety, transportation, services and utility facilities exist or will be available to serve the subject property while maintaining sufficient levels of service for existing development?

6. What assurances can be provided for potential continuing maintenance associated with the use?

7. How do you feel the proposed use is consistent with the Iowa County Comprehensive Plan? (available at www.iowacounty.org)

****NOTE** The signature of the land owner and applicant below gives consent for Office of Planning & Development personnel to enter his/her property for purposes of on-site investigative report in relation to this application. Denial of consent must be submitted in writing as part of this application.**

Applicant(s) Signature:



Date:

~~7/10/21~~ 7/16/21

Landowner(s) Signature:

Date:

For Office Use Only: Rcv'd by XL Date 7/16/21 Fee 500 - Check # 3192 Cash

A-1 MC present zoning NA floodplain NA shoreland/wetland

TOWN OF LINDEN
MINUTES BOARD MEETING

APRIL 14, 2021

Meeting was called to order at 7:00pm by Chairman, Dean Liddicoat.

Present: Dean Liddicoat, Mark Sieling, Jeff Lindner, Michelle Wendhausen, Sam Palzkill

Others present: Cash Reichling, Angie Reichling, Mark Wasley, Amy Wasley, Jim Jewell representing Paula Griffiths, Stosh Potacki, Kathy Swanson, Bob Daentl, Jeff Oxnem

Confirmed compliance with open meeting law.

Minutes approved on a motion by Mark, second by Jeff

Treasurer's report approved on a motion by Mark, second by Jeff

Bob Daentl: wants to rezone property in Edmund to residential. Approx 3/4A. It is in the Hamlet of Edmund. It will be surveyed to make an acre. Motion to approve rezoning of an acre by Mark, second by Jeff.

★ Jim Jewell for Paula Griffiths: House and 7A on Sunny Slope Rd. wants to add a 18 x 20 room. Per County needs to rezone. Motion to approve rezoning by Mark, second by Jeff.

Cash Reichling: Building a house on Springer Road. Kathy Swanson gave committee approval. Old house will be torn



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608-935-0333/608-553-7575/fax 608-935-0326

Scott.Godfrey@iowacounty.org

Zoning Hearing: 3195

Ronald Ferrell

9524 Lost Pine Trail

Verona, WI 53593

Hearing Date: August 26, 2021

Town of Mineral Point

NE1/4 & SE1/4 S10-T4N-R3E

PIN: 018-0785; 0796; 0799

Cory & Darlene Palzkill

4704 County Road S

Mineral Point, WI 53565

Request: This is a request to rezone 5.943 acres to AR-1 Ag Res and 5.934 acres to C-1 Conservancy, both from A-1 Ag.



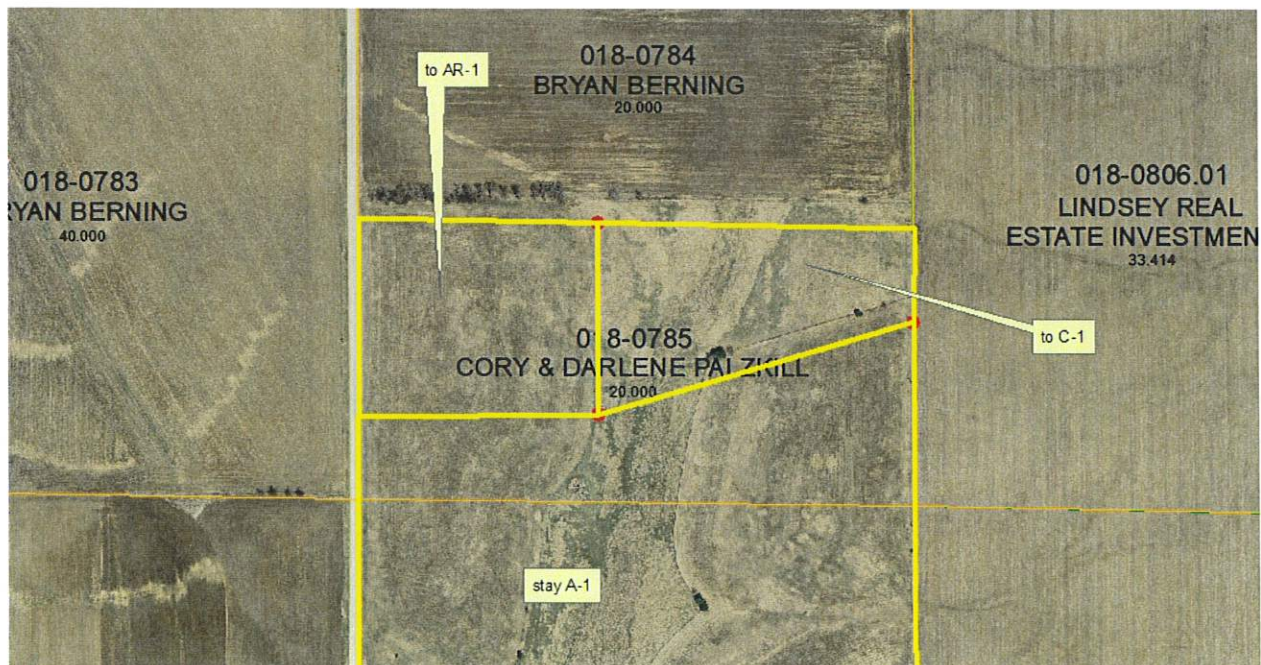
2. Comments

1. The current A-1 zoning has a minimum 40-acre lot size so the proposed lots require rezoning to a different district.
2. If approved, the AR-1 lot would allow one single family residence, accessory structures and limited ag uses, including up to 3 livestock type animal units. The C-1 lot would only allow open space uses and prohibit any development requiring a zoning permit.

3. The associated certified survey map has been submitted for review.
4. Per Section 11.0 of the Iowa County Zoning Ordinance, the following standards are to be considered when deciding a zoning change:
 1. The petition is consistent with the Iowa County Comprehensive Plan and the comprehensive plan of any Town affected by said petition.
 2. Adequate public facilities and services (including sewage and waste disposal, water, gas, electricity, schools, police and fire protection, and roads and transportation, as applicable) will be available as required by the petition while maintaining adequate levels of service to existing development.
 3. Provisions of public facilities to accommodate the petition will not place an unreasonable burden on the ability of affected local units of government to provide the.
 4. The petition will not result in significant adverse impacts upon surrounding properties or the natural environment, including air, water, noise, stormwater management, soils, wildlife and vegetation.
 5. The land associated with the petition is suitable for the proposed development and said development will not cause unreasonable soil erosion or have an unreasonable adverse effect on rare or irreplaceable natural areas.
 6. The petition will not be used to legitimize a nonconforming use or structure.
 7. The petition is the minimum action necessary to accomplish the intent of the petition, and an administrative adjustment, variance, or Conditional Use Permit could not be used to achieve the same result.
 8. The petition will not result in illegal "spot zoning" (i.e. use is inconsistent with surrounding properties and serves only a private, rather than public interest).

Town Recommendation: The Town of Mineral Point is recommending approval.

Staff Recommendation: Staff recommends approval with the condition that the associated certified survey map is duly recorded within 6 months of County Board approval.





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Dodgeville, WI 53533
608-935-0333/608-553-7575/fax 608-935-0326
Scott.Godfrey@iowacounty.org

IOWA COUNTY LAND USE CHANGE/CONDITIONAL USE APPLICATION

Filing Fee: See below: payable to Office of Planning & Development
(non-refundable upon publication)
Filing Deadline: 1st Friday of each month for the next hearings – **must be complete**

Applicant: Ronald Ferrell Address: 9524 Lost Pine Trl
City/Zip Code: Verona, WI 53593
Landowner: Cory and Darlene Palzkill Address: 4704 Cty Hwy S
(if other than applicant) City/Zip Code: Mineral Point, WI 53565
Applicant Phone: (608) 695-1321 Landowner Phone: (608) 987-4325
Email: Ronfer@charter.net Please contact by: ☒ email ☐ postal mail

This application is for: ☒ Land use change/Rezone only --- \$500 filing fee
☐ Conditional Use only ----- \$500 fee if no land use change
☐ Both ----- \$600 AR-1 C-1 A-1 AC-1
in the Town of Mineral Point Acreage of proposed lot(s) 5.943 5.934 44.085 40.001
Section 10 Town 4 N Range 3 E S6 1/4 of the NE 1/4 PIN 018-0785, 0796, 0799
842-56

Have you contacted your Town Board about this proposal? ☐ Yes ☐ No
Does this request involve any proposed land division? ☐ Yes ☐ No

All land use change/rezoning requests must include an exact metes and bounds or survey plat legal description of the proposed lot or lots. This description must be identical to any proposed parcel to be created by sale or transfer.

**Present zoning district: A-1 Requested zoning district: AR-1; C-1; AC-1 for the proposed use(s) of: _____

Requested Conditional uses (s): 2/A

✓ Town Rec
✓ Sid. Arns
✓ FGS

I. Please list any improvements currently on the land: Vacant Land

II. Please explain the reason for the request and proposed plans: Rezone Lot 1
as location of possible future residence, Remaining Land
to remain as is

III. If this is a petition to zone land from A-1 Agricultural, please explain how each of the following are satisfied (attach additional sheets if necessary):

- 1) How is this land better suited for a non-agricultural use?
Lot 1 is the most logical location for a building site direct
access to Pleasant View Road. Contour of land and flood plains
eliminate most other areas. The land/lot is minimally productive
farmland at the crest of a hill that has lost soil due to decades of
farming and erosion.
- 2) How will rezoning 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?
It will not prevent the land to be farmed on any of the other lots.

IV. For all Conditional Use Permit Requests please describe how the following are either currently being complied with or can be complied with. Feel free to attach additional documentation. (Incomplete applications will not be scheduled for a hearing until complete.)

1. How do you feel the proposed use complies with all applicable provisions of this Ordinance?
2. How do you feel the proposed use is compatible with adjacent legal uses in terms of scale, site design, operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust and other external impacts)?
3. Do you feel there will be significant anticipated measurable adverse impacts to the surrounding legal uses and environment resulting from the proposed conditional use and why?

4. How can any adverse impacts resulting from the use will be mitigated or offset to the maximum practical extent?

5. Are public safety, transportation, services and utility facilities exist or will be available to serve the subject property while maintaining sufficient levels of service for existing development?

6. What assurances can be provided for potential continuing maintenance associated with the use?

7. How do you feel the proposed use is consistent with the Iowa County Comprehensive Plan? (available at www.iowacounty.org)

****NOTE** The signature of the land owner and applicant below gives consent for Office of Planning & Development personnel to enter his/her property for purposes of on-site investigative report in relation to this application. Denial of consent must be submitted in writing as part of this application.**

Applicant(s) Signature: Ronald M. Farrell Date: 8/5/21
Landowner(s) Signature: Cory R. Gill Date: 8-5-21

For Office Use Only: Rcv'd by SL Date 8/9/21 Fee _____ Check # _____ Cash _____
_____ present zoning _____ floodplain _____ shoreland/wetland

PRELIMINARY CERTIFIED SURVEY MAP NO. _____

PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER, PART OF NORTHEAST QUARTER OF THE SOUTHEAST QUARTER AND PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 04 NORTH, RANGE 03 EAST, TOWN OF MINERAL POINT, IOWA COUNTY, WISCONSIN

LEGEND

- GOVERNMENT CORNER
3/4" x 24" REBAR SET (1.50 LBS/LF)
- PLAT BOUNDARY
- CHORD LINE
- CENTERLINE
- RIGHT-OF-WAY LINE
- PLATTED LOT LINE
- SECTION LINE
- EASEMENT LINE

NOTES

1. FIELD WORK PERFORMED ON JUNE 24, 2021.
2. BEARINGS ARE REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM, IOWA COUNTY. THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 10-04-03 WEST, BEARS S00°06'13"E.
3. LOTS IN THIS CERTIFIED SURVEY MAP ARE SUBJECT TO THE RIGHTS OF THE PUBLIC OVER THE WESTERLY AND SOUTHERLY PORTIONS BEING USED AS PUBLIC ROADWAYS.



LINE TABLE		
LINE	BEARING	DISTANCE
L-1	N89°24'31"W	366.40'
L-2	N00°47'44"E	501.47'
L-3	N89°24'31"W	434.33'
L-4	S00°47'44"W	501.47'
L-5	N89°24'31"W	516.95'
L-6	N00°44'50"E	635.67'
L-7	N01°34'53"E	126.29'
L-8	N14°07'38"E	92.80'
L-9	N10°54'48"W	350.20'
L-10	N00°39'18"E	455.40'
L-11	S73°34'49"W	801.79'
L-12	S89°53'37"W	560.76'

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD
C-1	109.48'	500.00'	12°32'45"	N07°51'15"E	109.26'
C-2	437.04'	1000.00'	25°02'26"	N01°36'25"E	433.57'
C-3	74.48'	1700.00'	2°30'36"	N09°39'30"W	74.47'

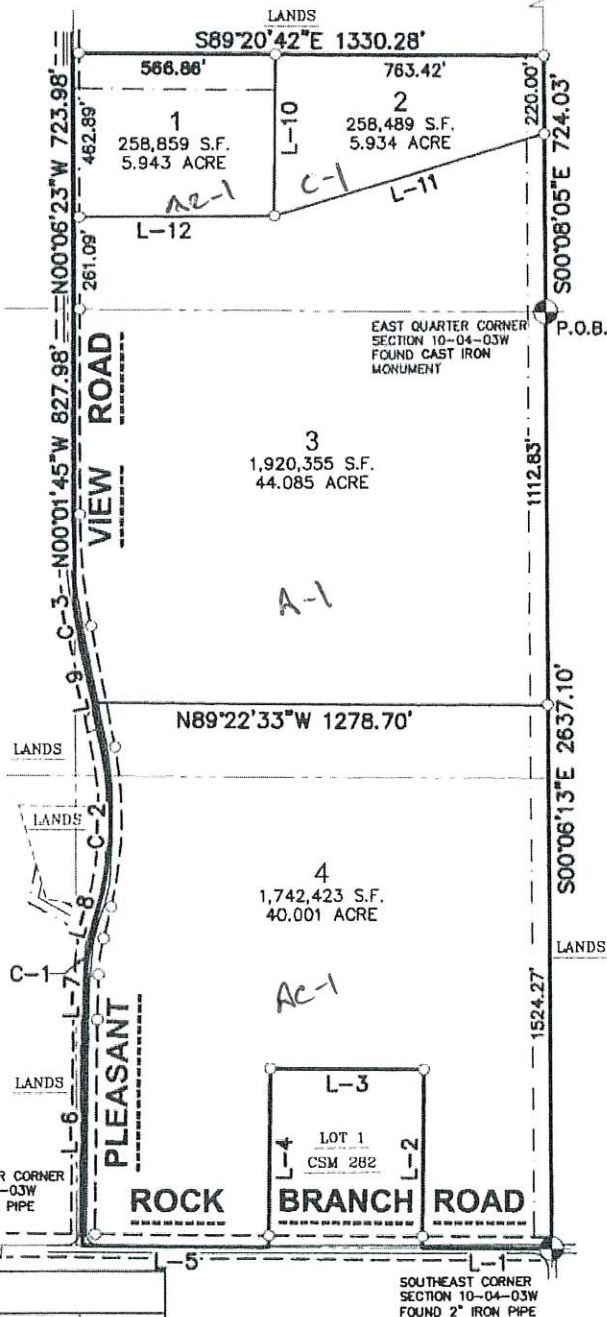
SURVEYED BY:
JSD Professional Services, Inc.
Madison Regional Office
161 HORIZON DRIVE, SUITE 101
VERONA, WISCONSIN 53593
P. 608.845.5096

SURVEYED FOR:
RONN FERREL
9524 LOST PINE TRAIL
VERONA, WI 53593

PROJECT NO: 21-10353
FIELDBOOK/PG: -
SHEET NO: 1 OF 6

SURVEYED BY: CD
DRAWN BY: JK
CHECKED BY: BK
APPROVED BY: TJB

VOL. _____ PAGE _____
DOC. NO. _____
C.S.M. NO. _____



Scott Godfrey

From: mptownclerk@gmail.com
Sent: Wednesday, July 14, 2021 8:51 PM
To: Scott Godfrey
Subject: Meeting outcome

Hi Scott

Just got word from Gary that all 3 items on tonight's agenda passed.

Tom and Linda Schaaf's rezoning
Ferrell -Palzkill rezoning and
The Comp plan was approved.

Thanks
Debi



Virus-free. www.avast.com



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222 N. Iowa Street, Suite 1223

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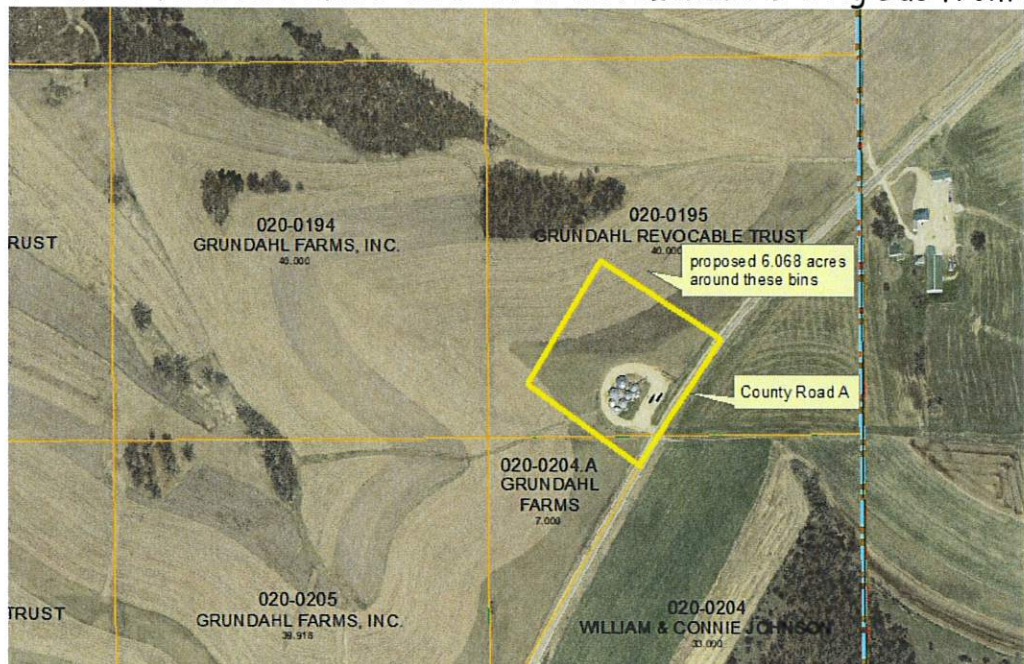
608-935-0333/608-553-7575/fax 608-935-0326

Scott.Godfrey@iowacounty.org

Zoning Hearing: 3196
Brad Grundahl
10877 County Road A
Hollandale, WI 53544

Hearing Date: August 26, 2021
Town of Moscow
NE/SE & SE/NE S24-T5N-R5E
PIN: 020-0195; 0204.A

Request: This is a request to separate an existing grain drying/storage operation from the farm on a 6.068-acre lot to be rezoned AB-1 Ag Bus from A-1 Ag.



2. Comments

1. The proposed lot does not meet the minimum 40-acre lot size for the A-1 district.
2. If approved, the lot will be eligible cropping and other uses by Conditional Use Permit (CUP). This application includes a CUP request to operate a grain drying and storage operation on the lot.
3. The associated certified survey map has not yet been submitted for formal review.
4. Per Section 11.0 of the Iowa County Zoning Ordinance, the following standards are to be considered when deciding a zoning change:

1. The petition is consistent with the Iowa County Comprehensive Plan and the comprehensive plan of any Town affected by said petition.
2. Adequate public facilities and services (including sewage and waste disposal, water, gas, electricity, schools, police and fire protection, and roads and transportation, as applicable) will be available as required by the petition while maintaining adequate levels of service to existing development.
3. Provisions of public facilities to accommodate the petition will not place an unreasonable burden on the ability of affected local units of government to provide the.
4. The petition will not result in significant adverse impacts upon surrounding properties or the natural environment, including air, water, noise, stormwater management, soils, wildlife and vegetation.
5. The land associated with the petition is suitable for the proposed development and said development will not cause unreasonable soil erosion or have an unreasonable adverse effect on rare or irreplaceable natural areas.
6. The petition will not be used to legitimize a nonconforming use or structure.
7. The petition is the minimum action necessary to accomplish the intent of the petition, and an administrative adjustment, variance, or Conditional Use Permit could not be used to achieve the same result.
8. The petition will not result in illegal "spot zoning" (i.e. use is inconsistent with surrounding properties and serves only a private, rather than public interest).

5. Per Section 4.0 of the Iowa County Zoning Ordinance, the following standards are to be considered for a CUP:

1. The proposed use complies with all applicable provisions of this Ordinance.
2. The proposed use is compatible with adjacent legal uses in terms of scale, site design, operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust and other external impacts).
3. There are no significant anticipated measurable adverse impacts to the surrounding legal uses and environment resulting from the proposed conditional use.
4. Any adverse impacts resulting from the use will be mitigated or offset to the maximum practical extent.
5. Public safety, transportation, services and utility facilities exist or will be available to serve the subject property while maintaining sufficient levels of service for existing development.
6. Adequate assurances by the applicant of continuing maintenance are provided.
7. The proposed use is consistent with the Iowa County Comprehensive Plan.

Town Recommendation: The Town of Moscow is recommending approval of both the rezoning and CUP.

Staff Recommendation: Staff recommends approval of the rezoning with the condition that the associated certified survey map is duly recorded within 6 months of County Board approval. Staff recommends approval of the CUP with the following conditions:

- a) All outdoor lighting shall be pointed downward and away from traffic on County Road A. (There have been complaints of the existing lighting being seen from distant properties.)
 - b) All associated parking shall be off the right-of-way of County Road A.
-





IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT

222 N. Dodgeville Street, Suite 1223
Dodgeville, WI 53533
608-935-0333/608-553-7575/fax 608-935-0326
Scott.Godfrey@iowacounty.org

IOWA COUNTY LAND USE CHANGE/CONDITIONAL USE APPLICATION

Filing Fee: See below: payable to Office of Planning & Development
(non-refundable upon publication)
Filing Deadline: 1st Friday of each month for the next hearings – must be complete

Applicant: Brad Grundahl Address: 10877 Co. Rd. A
City/Zip Code: Hollandale 53544

Landowner: Same Address: _____
(if other than applicant) City/Zip Code: _____

Applicant Phone: 608 225-4776 Landowner Phone: () _____

Email: blgrundahl@MHTC.NET Please contact by: ☒ email ☐ postal mail

This application is for: _____ Land use change/Rezone only --- \$500 filing fee
_____ Conditional Use only ----- \$500 fee if no land use change
☒ Both ----- \$600

in the Town of MOSCOW Acreage of proposed lot(s) 5.6 AC 6.068

Section 24 Town 5 N Range 5 E SE 1/4 of the NE 1/4 PIN 020-0195, 0204.A

Have you contacted your Town Board about this proposal? ☒ Yes ☐ No
Does this request involve any proposed land division? ☒ Yes ☐ No

All land use change/rezoning requests must include an exact metes and bounds or survey plat legal description of the proposed lot or lots. This description must be identical to any proposed parcel to be created by sale or transfer.

**Present zoning district: A-1 Requested zoning district: AB-1 for the proposed use(s) of: Grain Drying and Storage

Requested Conditional uses (s):
Continue drying and storing for Grundahl Farms and potential custom.

I. Please list any improvements currently on the land: Dryer, Scale, 8 Grain Bins, Tower and Elevator legs, 1 bldg. for electric, 1 Bldg. for office. Plus conveyors etc.

II. Please explain the reason for the request and proposed plans: Sale of Facility To Jason Grundahl To use for grain produced @ T Grundahl Farms and potential custom.

III. If this is a petition to zone land from A-1 Agricultural, please explain how each of the following are satisfied (attach additional sheets if necessary):

- 1) How is this land better suited for a non-agricultural use?

The Facility currently exists

- 2) How will rezoning 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?

Will not change

IV. For all Conditional Use Permit Requests please describe how the following are either currently being complied with or can be complied with. Feel free to attach additional documentation. (Incomplete applications will not be scheduled for a hearing until complete.)

1. How do you feel the proposed use complies with all applicable provisions of this Ordinance?

Currently in use in ag. production
and will continue as such.

2. How do you feel the proposed use is compatible with adjacent legal uses in terms of scale, site design, operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust and other external impacts)?

Fall Harvest is quite active, other
times NOT much activity.

3. Do you feel there will be significant anticipated measurable adverse impacts to the surrounding legal uses and environment resulting from the proposed conditional use and why?

Do NOT anticipate any adverse impact.

4. How can any adverse impacts resulting from the use will be mitigated or offset to the maximum practical extent?

Do not anticipate any need.

5. Are public safety, transportation, services and utility facilities exist or will be available to serve the subject property while maintaining sufficient levels of service for existing development?

All services are currently available.

6. What assurances can be provided for potential continuing maintenance associated with the use?

Have always maintained neat, clean and functional facility and no reason to change.

7. How do you feel the proposed use is consistent with the Iowa County Comprehensive Plan? (available at www.iowacounty.org)

IT will still be in ag. production.

****NOTE** The signature of the land owner and applicant below gives consent for Office of Planning & Development personnel to enter his/her property for purposes of on-site investigative report in relation to this application. Denial of consent must be submitted in writing as part of this application.**

Applicant(s) Signature: Brian Smith Date: 5-24-21

Landowner(s) Signature: Same Date: _____

=====

For Office Use Only: Rcv'd by SL Date 7-27-21 Fee 600 Check # 5476 Cash
A-1 present zoning 2/A floodplain 2/A shoreland/wetland

IOWA COUNTY CERTIFIED SURVEY MAP NO.

LOCATED IN THE NORTHEAST ¼ OF THE SOUTHEAST ¼ AND THE SOUTHEAST ¼ OF THE NORTHEAST ¼, SECTION 24, TOWN 5 NORTH, RANGE 5 EAST, TOWN OF MOSCOW, IOWA COUNTY, WISCONSIN.

CURVE DATA TABLE

CURVE NO	RADIUS	ARC	CENTRAL ANGLE	CHORD BEARING	LENGTH	TANGENT BEARING	TANGENT BEARING
1-2	2865.00'	401.65'	08°01'56"	S 33°23'28" W	405.68'	S 37°24'26" W	S 29°22'30" W
3-4	2910.00'	406.01'	07°59'38"	S 33°22'19" W	405.68'	S 33°22'19" W	S 37°22'08" W

IOWA COUNTY PLANNING AND DEVELOPMENT COMMITTEE

Approved for recording by the Iowa County Planning and Development Committee:

Scott Godfrey, Director

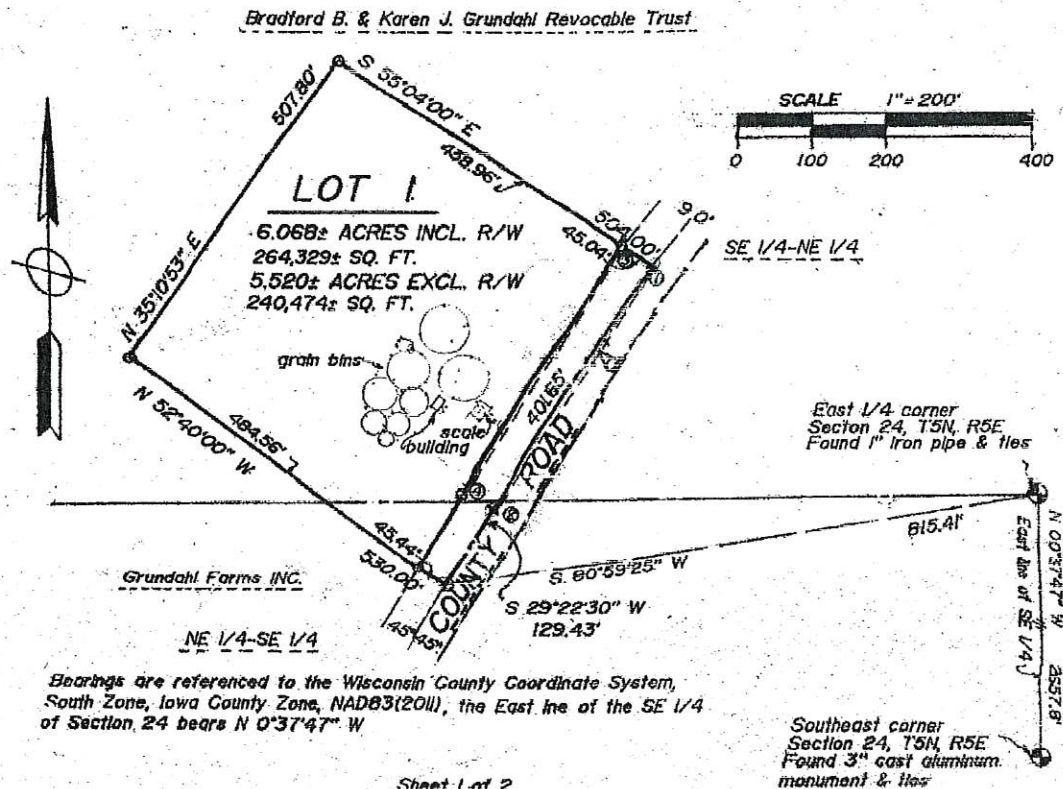
Date

OWNER:

Bradford B. & Karen J. Grundahl REVOCABLE TRUST
Grundahl Farms INC,
11083 County Road 'A'
Hollandale, WI 53544

LEGEND AND NOTES

- Set 3/4"x24" solid iron rebar, weighing 150 lbs./lin. ft.
- () Recorded as





IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT

Courthouse - 222 N. Iowa St. - Dodgeville, WI 53533
Telephone: (608) 935-0398 Fax: (608) 935-3024

Town Recommendation to Iowa County

Town of Moscow Commercial Siting Criteria

This form is required and should be attached to the Land Use Change (Rezoning)/Conditional use request form when the application is made at the county level

Applicants Name: Grundahl

Town Board Meeting Date: July 13, 2021

Complies	Criteria	How (does it meet the towns standards)
☒ Y ☐ N	Feasibility Of Business	
☒ Y ☐ N	Required Viewing of any Conditional Use site	
☒ Y ☐ N	Business Plan	
☒ Y ☐ N	Phased Development	
☒ Y ☐ N	Compliance with Town Land Use Map	
☒ Y ☐ N	Compliance with Town Ordinances	
☒ Y ☐ N	Driveway/Access Approval	
☒ Y ☐ N	Natural Resource Impacts	<u>N/A</u>
☒ Y ☐ N	Social Impacts	<u>N/A</u>
☐ Y ☐ N	Other Criteria	<u>per existing facility</u>

Comments: _____

over

Rezoning

To be used as a recommendation from the Town to the County to rezone land – please send copy of this recommendation to the Office of Planning & Development

Requested Zoning District: AB1

Number of acres requested to be rezoned 3.601

Town Board Recommendation to **APPROVE** or **DENY** zoning request (please circle one)

Conditional Use Permit

All Business Zoning requires a Conditional Use Permit that should include all proposed uses for that property. Example: beauty shop, retail sales, equipment rental, etc. – also – a residence located within a business zoned property requires a Conditional Use Permit

Request: Continue drying & storing for Grundahl Farms
and potential customers

(if none, please indicate none)

Town Board Recommendation to **APPROVE** or **DENY** Conditional Use Permit

Conditions or comments: (if any)

Substantial evidence to support recommended conditions:

Town Chairman: Joseph M. Hendrickson Date: 7-13-2021



IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT

222 N. Iowa Street, Suite 1223
Dodgeville, WI 53533
608-935-0333/608-553-7575/fax 608-935-0326
Scott.Godfrey@iowacounty.org

Zoning Hearing: 3197
Thomcor Homestead, Inc.
c/o Stephen Thompson
Hollandale, WI 53544

Hearing Date: August 26, 2021
Town of Moscow
NE/NE S23-T5N-R5E
PIN: 020-0173

Request: This is a request for a Conditional Use Permit to allow Recreational Residential Rental of an existing residence in the A-1 district.



2. Comments

1. Residential Recreation Rental is a CUP option in the A-1 district and is defined as: *the use of land or a building, whole or in part, for the temporary accommodation of visitors, but does not include the accommodation of visitors without receipt of payment or other consideration, where the accommodation is incidental to and normally associated with the permitted residential use of a dwelling unit.*
2. The septic system is sized adequately for the proposed maximum rental of 2 bedrooms.
3. The applicant is planning to upgrade the shared driveway to town standards.

4. Per Section 4.0 of the Iowa County Zoning Ordinance, the following standards are to be considered for a CUP:

1. The proposed use complies with all applicable provisions of this Ordinance.
2. The proposed use is compatible with adjacent legal uses in terms of scale, site design, operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust and other external impacts).
3. There are no significant anticipated measurable adverse impacts to the surrounding legal uses and environment resulting from the proposed conditional use.
4. Any adverse impacts resulting from the use will be mitigated or offset to the maximum practical extent.
5. Public safety, transportation, services and utility facilities exist or will be available to serve the subject property while maintaining sufficient levels of service for existing development.
6. Adequate assurances by the applicant of continuing maintenance are provided.
7. The proposed use is consistent with the Iowa County Comprehensive Plan.

Town Recommendation: The Town of Moscow is recommending approval.

Staff Recommendation: Staff recommends with the following conditions:

- a) The maximum number of bedrooms to be offered shall be two.
- b) The applicant is responsible for any State license/permit/approval as may be required by DATCP.





IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT

222 N. Dodgeville Street, Suite 1223

Dodgeville, WI 53533

608-935-0333/608-553-7575/fax 608-935-0326

Scott.Godfrey@iowacounty.org

IOWA COUNTY LAND USE CHANGE/CONDITIONAL USE APPLICATION

Filing Fee: See below: payable to Office of Planning & Development
(non-refundable upon publication)
Filing Deadline: 1st Friday of each month for the next hearings – **must be complete**

Applicant: Thorneor Homestead, INC.
by Stephen Thompson Address: 1821 Sandy Rock Rd.
(President) City/Zip Code: Hollandale, WI 53544

Landowner: _____ Address: _____
(if other than applicant) City/Zip Code: _____

Applicant Phone: (608) 967-2298 Landowner Phone: (608) 967-2298

Email: Sandyrock1821@gmail.com Please contact by: ☒ email ☐ postal mail

This application is for: _____ Land use change/Rezone only --- \$500 filing fee
☒ Conditional Use only ----- \$500 fee if no land use change
_____ Both ----- \$600

in the Town of Moscow Acreage of proposed lot(s) ~~0.20~~ ²⁴⁶ 0.036

Section 23 Town 5 N Range 5 E NE 1/4 of the NE 1/4 PIN 020-0173

Have you contacted your Town Board about this proposal? ☒ Yes ☐ No
Does this request involve any proposed land division? ☐ Yes ☒ No

All land use change/rezoning requests must include an exact metes and bounds or survey plat legal description of the proposed lot or lots. This description must be identical to any proposed parcel to be created by sale or transfer.

**Present zoning district: A-1 Requested zoning district: 2/A for the proposed use(s) of: _____

Requested Conditional uses (s):

To allow present landowner to rent the existing
second residence on the property for short-term
tourist rentals.

RECREATIONAL RESIDENTIAL RENTAL

I. Please list any improvements currently on the land: The existing residence was built in 1975 and used by family members while the dairy operation was still active.

II. Please explain the reason for the request and proposed plans: To allow the Thompson family to utilize the residence to generate income and to provide rental opportunities for tourists visiting Iowa County.

III. If this is a petition to zone land from A-1 Agricultural, please explain how each of the following are satisfied (attach additional sheets if necessary):

- 1) How is this land better suited for a non-agricultural use?

N/A

- 2) How will rezoning 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?

N/A

IV. For all Conditional Use Permit Requests please describe how the following are either currently being complied with or can be complied with. Feel free to attach additional documentation. (Incomplete applications will not be scheduled for a hearing until complete.)

1. How do you feel the proposed use complies with all applicable provisions of this Ordinance?

Please see attached.

2. How do you feel the proposed use is compatible with adjacent legal uses in terms of scale, site design, operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust and other external impacts)?

Please see attached.

3. Do you feel there will be significant anticipated measurable adverse impacts to the surrounding legal uses and environment resulting from the proposed conditional use and why?

Please see attached

4. How can any adverse impacts resulting from the use will be mitigated or offset to the maximum practical extent?

Please see attached.

5. Are public safety, transportation, services and utility facilities exist or will be available to serve the subject property while maintaining sufficient levels of service for existing development?

Please see attached.

6. What assurances can be provided for potential continuing maintenance associated with the use?

Please see attached.

7. How do you feel the proposed use is consistent with the Iowa County Comprehensive Plan? (available at www.iowacounty.org)

Please see attached.

****NOTE**** The signature of the land owner and applicant below gives consent for Office of Planning & Development personnel to enter his/her property for purposes of on-site investigative report in relation to this application. Denial of consent must be submitted in writing as part of this application.

Applicant(s) Signature: THOMCOR HOMESTEAD, INC by Stephen Thompson/Pie Date: Aug 4, 2021

Landowner(s) Signature: _____ Date: _____

For Office Use Only: Rcv'd by SL Date 8/9/21 Fee 500 Check # 7830 Cash
____ present zoning ____ floodplain ____ shoreland/wetland

Section IV For all Conditional Use Permit Requests:

1. The proposed use complies with all of the provisions of this Ordinance. The only difference being that until now, the residence has been used by members of the Thompson family engaged in the family dairy operation, and after the conditional use permit is granted, the residence will be rented on a short term basis to tourists visiting southwest Wisconsin. The landowners are presently upgrading the private driveway as per the Moscow Town Board's recommendation. All other existing facilities, including well and septic, have been checked and found to meet standards. The landowners will continue to maintain the residence and the driveway as they have in the past.
2. The request involves only an existing residence located well within the boundaries of the farm (see attached map). The occupancy is limited by only two bedrooms in the 1300 square foot house. We anticipate that any disturbances will be no greater than when members of the Thompson family lived in the house during the past 45 years.
3. We do not anticipate any adverse impacts from renting this residence to tourists. The residence is situated in a wooded area and is surrounded by ongoing conservation projects which are managed by the Thompson family. The Thompson family still lives on the property and supervises all aspects of the ongoing conservation projects. Additionally, the Thompson family will supervise all aspects of renting the residence to tourists.
4. With members of the family being actively involved in the daily activities of the property, any adverse impacts will be dealt with promptly.
5. Since this is an existing residence, public safety, transportation, and utility facilities already exist. The landowners will upgrade the private driveway as per the recommendations of the Moscow Town Planning Committee and Board. The Town Planning Committee has conducted a site visit (July 18, 2021).
6. The residence and the access to the residence all lay within the boundaries of the Thompson farm, and therefore, all maintenance will be the responsibility of the landowners.
7. The proposed use meets several of the components of the Iowa County Comprehensive Plan. The farm was established by the Thompson family in the 1850s and continues today with the sixth generation being born and raised here. The commitment to agriculture is demonstrated by the fact the farm is under a permanent USDA agricultural easement allowing for only agricultural and conservation activities and not allowing for any parceling or development. The family is presently working with FSA, NRCS, DNR, US Fish and Wildlife, and the Iowa County Land Conservation Department on a variety of conservation projects, including wildlife habitat and water conservation. Tourists visiting the farm will get a first-hand view of ongoing and completed conservation projects, and it will allow us to promote the agricultural and natural resources of Iowa County.



IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT

Courthouse - 222 N. Iowa St. - Dodgeville, WI 53533
Telephone: (608) 935-0398 Fax: (608) 935-3024

Town Recommendation to Iowa County

Town of Moscow Commercial Siting Criteria

This form is required and should be attached to the Land Use Change (Rezoning)/Conditional use request form when the application is made at the county level

Applicants Name: Steve Thompson

Town Board Meeting Date: August 7, 2021

Complies	Criteria	How (does it meet the towns standards)
----------	----------	--

☒ Y ☐ N	Feasibility Of Business	
--	-------------------------	--

☒ Y ☐ N	Required Viewing of any Conditional Use site	
--	--	--

☒ Y ☐ N	Business Plan	
--	---------------	--

☐ Y ☐ N	Phased Development	<u>N/A</u>
---	--------------------	------------

☒ Y ☐ N	Compliance with Town Land Use Map	
--	-----------------------------------	--

☒ Y ☐ N	Compliance with Town Ordinances	
--	---------------------------------	--

☒ Y ☐ N	Driveway/Access Approval	<u>silo to road 18' silo to rental R</u>
--	--------------------------	--

☒ Y ☐ N	Natural Resource Impacts	<u>N/A</u>
--	--------------------------	------------

☒ Y ☐ N	Social Impacts	<u>N/A</u>
--	----------------	------------

☒ Y ☐ N	Other Criteria	<u>N/A</u>
--	----------------	------------

Comments: _____

over

Rezoning

To be used as a recommendation from the Town to the County to rezone land -- please send copy of this recommendation to the Office of Planning & Development

Requested Zoning District: _____

Number of acres requested to be rezoned _____

Town Board Recommendation to **APPROVE** or **DENY** zoning request (please circle one)

Conditional Use Permit

All Business Zoning requires a Conditional Use Permit that should include all proposed uses for that property. Example: beauty shop, retail sales, equipment rental, etc. -- also -- a residence located within a business zoned property requires a Conditional Use Permit

Request: Recreational Rental

(if none, please indicate none)

Town Board Recommendation to **APPROVE** or **DENY** Conditional Use Permit

Conditions or comments: (if any)

Substantial evidence to support recommended conditions:

Town Chairman:

Joseph M. Hendricks Date: 8-2-2021



IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT

222 N. Iowa Street, Suite 1223

Dodgeville, WI 53533

608-935-0333/608-553-7575/fax 608-935-0326

Scott.Godfrey@iowacounty.org

Zoning Hearing: 3198

Joyce Berning

4127 Antoine Rd

Mineral Point, WI 53565

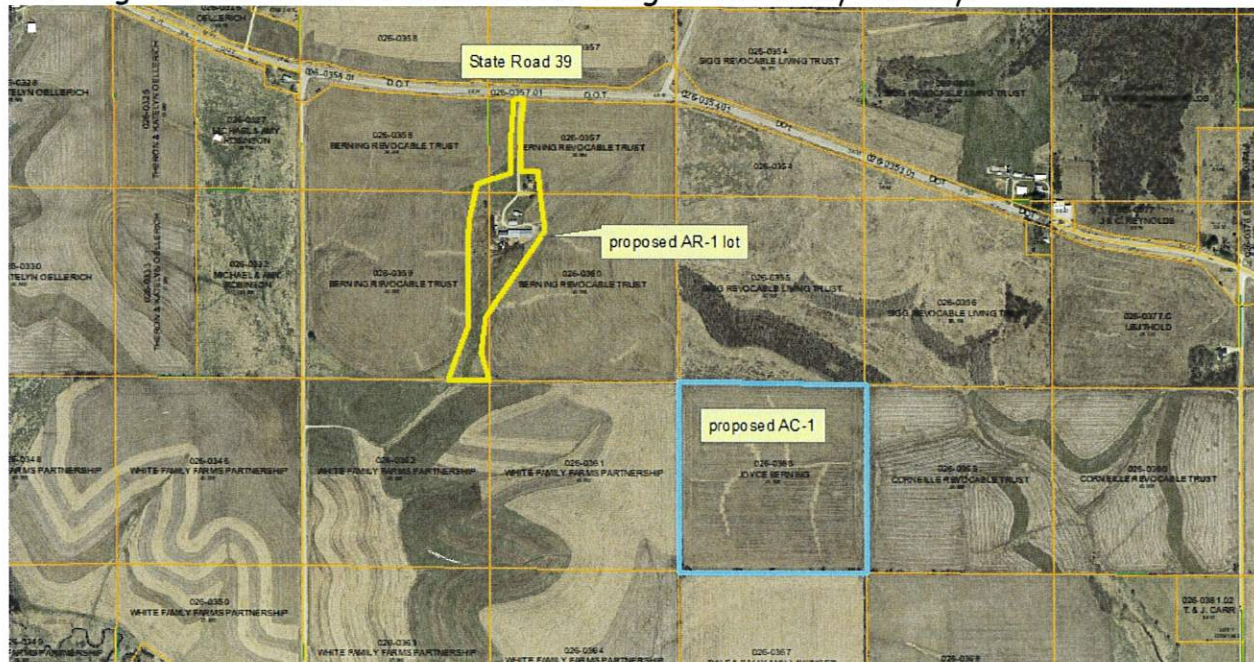
Hearing Date: August 26, 2021

Town of Waldwick

NW1/4 S33-T5N-R4E

PIN: 026-0357; 0359; 0360; 0366

Request: This is a request to create a 11.58-acre lot by rezoning from A-1 Ag to AR-1 Ag Res and 40 acres with the AC-1 Ag Conservancy overlay.



2. Comments

1. The proposed lot does not meet the minimum 40-acre lot size for the A-1 district so is being requested to be zoned AR-1 Ag Res.
2. The AC-1 Ag Conservancy overlay is being applied to meet the town's residential density. No development requiring a zoning permit will be allowed in the AC-1 district.
3. If approved, the lot will be eligible for one single family residence, accessory structures and limited ag uses, including up to 5 livestock-type animals.
4. The associated certified survey map has been submitted for formal review.
5. Per Section 11.0 of the Iowa County Zoning Ordinance, the following standards are to be considered when deciding a zoning change:

1. The petition is consistent with the Iowa County Comprehensive Plan and the comprehensive plan of any Town affected by said petition.
2. Adequate public facilities and services (including sewage and waste disposal, water, gas, electricity, schools, police and fire protection, and roads and transportation, as applicable) will be available as required by the petition while maintaining adequate levels of service to existing development.
3. Provisions of public facilities to accommodate the petition will not place an unreasonable burden on the ability of affected local units of government to provide the.
4. The petition will not result in significant adverse impacts upon surrounding properties or the natural environment, including air, water, noise, stormwater management, soils, wildlife and vegetation.
5. The land associated with the petition is suitable for the proposed development and said development will not cause unreasonable soil erosion or have an unreasonable adverse effect on rare or irreplaceable natural areas.
6. The petition will not be used to legitimize a nonconforming use or structure.
7. The petition is the minimum action necessary to accomplish the intent of the petition, and an administrative adjustment, variance, or Conditional Use Permit could not be used to achieve the same result.
8. The petition will not result in illegal "spot zoning" (i.e. use is inconsistent with surrounding properties and serves only a private, rather than public interest).

Town Recommendation: The Town of Waldwick is recommending approval.

Staff Recommendation: Staff recommends approval with the condition that the associated certified survey map is duly recorded within 6 months of County Board approval.





IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT

222 N. Dodgeville Street, Suite 1223
Dodgeville, WI 53533
608-935-0333/608-553-7575/fax 608-935-0326
Scott.Godfrey@iowacounty.org

IOWA COUNTY LAND USE CHANGE/CONDITIONAL USE APPLICATION

Filing Fee: See below: payable to Office of Planning & Development
(non-refundable upon publication)
Filing Deadline: 1st Friday of each month for the next hearings – **must be complete**

Applicant: Joyce A. Benning Address: 4127 Antoine Rd.
City/Zip Code: Mineral Point, WI 53565
Landowner: Joyce A. Benning, Trustee, Address: 4127 Antoine Rd.
(if other than applicant) Joyce A. Benning Rev. Living Trust City/Zip Code: Mineral Point, WI 53565
Applicant Phone: (608) 574-5926 Landowner Phone: () 608.574.5926
Email: jabmp9@gmail.com Please contact by: ☒ email ☐ postal mail
This application is for: ☐ Land use change/Rezone only --- \$500 filing fee
☐ Conditional Use only ----- \$500 fee if no land use change
☒ Both ----- \$600

in the Town of WALDWICK Acreage of proposed lot(s) 11.58 → AR-1

Section 33 Town 5 N Range 4 E ^{NE} _{SW} ^{SE} 1/4 of the NW 1/4 PIN 026-0357, 0359, 0360

Have you contacted your Town Board about this proposal? ☒ Yes ☐ No
Does this request involve any proposed land division? ☒ Yes ☐ No

AR-1 = NW/SE 1/4 33-5-4 0360

All land use change/rezoning requests must include an exact metes and bounds or survey plat legal description of the proposed lot or lots. This description must be identical to any proposed parcel to be created by sale or transfer.

**Present zoning district: Separating A1 Ag. Requested zoning district: AR-1 ^{AC-1} for the proposed use(s) of: a farmette with house & farm buildings already present on 11.58 acres of land from the farm's cropland.

Requested Conditional uses (s):

Increase animal units permitted

I. Please list any improvements currently on the land: Two-story house, detached 1-car garage, barn & storage / machine sheds, and other farm structures

II. Please explain the reason for the request and proposed plans: To separate house, buildings, and pasture from the cropland of the farm, for the purpose of selling

III. If this is a petition to zone land from A-1 Agricultural, please explain how each of the following are satisfied (attach additional sheets if necessary):

1) How is this land better suited for a non-agricultural use?

This area can still be used for agricultural purposes with existing house, farm buildings and acreage.

2) How will rezoning 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?

To this point, Nothing will really change, as the identified buildings & acreage have been rented out for at least 10 plus years to another party(s).

IV. For all Conditional Use Permit Requests please describe how the following are either currently being complied with or can be complied with. Feel free to attach additional documentation. (Incomplete applications will not be scheduled for a hearing until complete.)

1. How do you feel the proposed use complies with all applicable provisions of this Ordinance?

This proposal is in keeping with the 40-acre density standard with Conservancy Acreage identified.

2. How do you feel the proposed use is compatible with adjacent legal uses in terms of scale, site design, operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust and other external impacts)?

The proposed usage is how it has been operated for years.

3. Do you feel there will be significant anticipated measurable adverse impacts to the surrounding legal uses and environment resulting from the proposed conditional use and why?

No, because this is how this property has been utilized in the past up to the present

4. How can any adverse impacts resulting from the use will be mitigated or offset to the maximum practical extent?

Thru clearly-identified parameters and open communication with neighbors.

5. Are public safety, transportation, services and utility facilities exist or will be available to serve the subject property while maintaining sufficient levels of service for existing development?

This should not change.

6. What assurances can be provided for potential continuing maintenance associated with the use?

Ordinances and legal documents.

7. How do you feel the proposed use is consistent with the Iowa County Comprehensive Plan? (available at www.iowacounty.org)

This proposal is in keeping with the 40 acre density issue and is not eliminating ag use. It involves ~~not~~ no additional building of a house.

****NOTE** The signature of the land owner and applicant below gives consent for Office of Planning & Development personnel to enter his/her property for purposes of on-site investigative report in relation to this application. Denial of consent must be submitted in writing as part of this application.**

Applicant(s) Signature: Joyce A. Benning Date: 8-6-2021

Landowner(s) Signature: Joyce A. Benning Trustee Date: 8-6-2021
Joyce A. Benning Rev Living Trust

For Office Use Only: Rcv'd by SL Date 8/5/21 Fee 600 Check # 10534 Cash
____ present zoning ____ floodplain ____ shoreland/wetland

Scott Godfrey

From: Mike and Cindy Doyle <windsong@chorus.net>
Sent: Tuesday, August 10, 2021 8:46 AM
To: Scott Godfrey
Subject: Berning request to rezone

Scott,

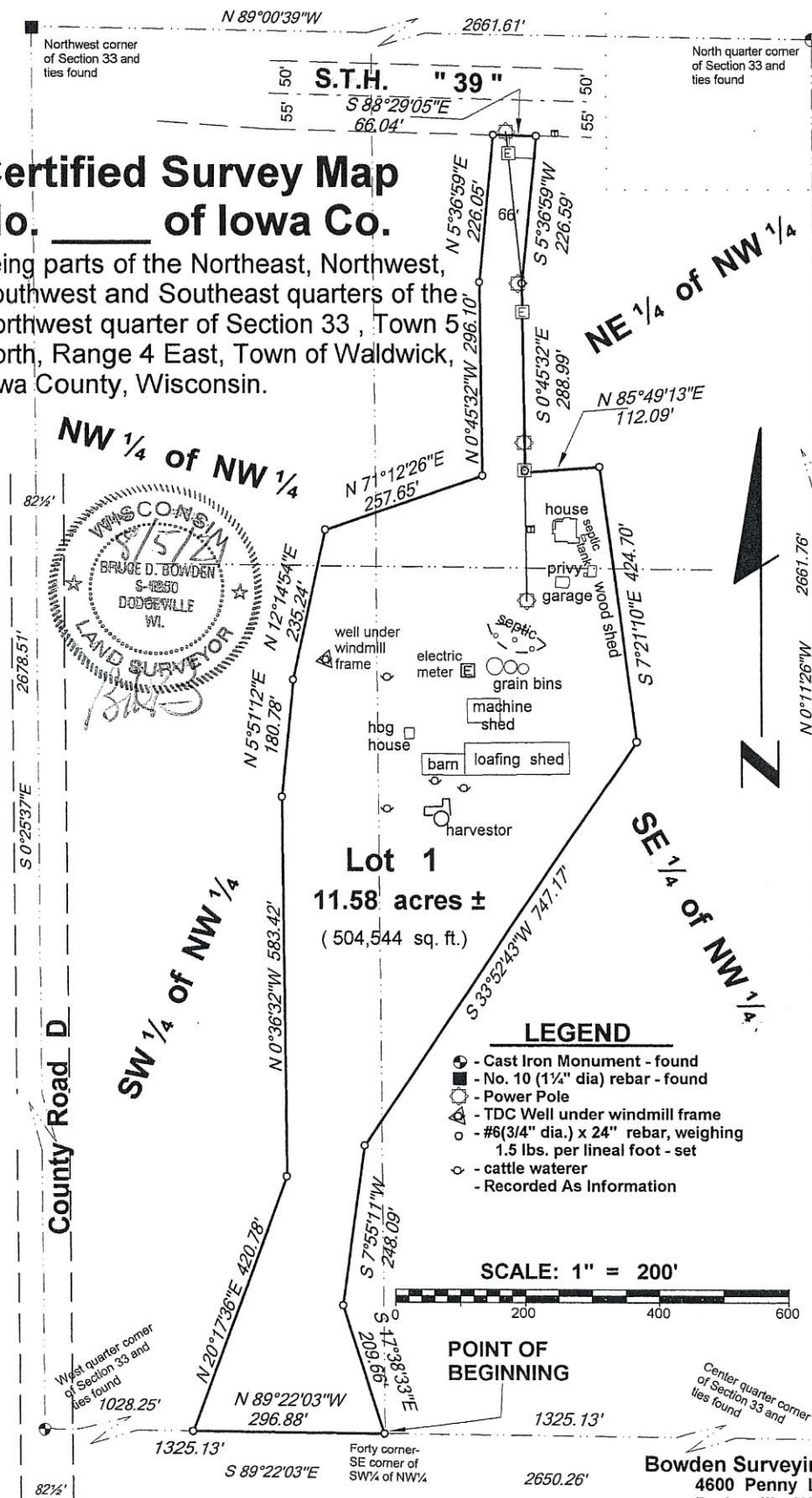
The request of Joyce Berning to rezone a portion of her property was approved by the Walldwick Town Board last night.

Mike Doyle

PRELIMINARY

Certified Survey Map No. _____ of Iowa Co.

being parts of the Northeast, Northwest,
Southwest and Southeast quarters of the
Northwest quarter of Section 33, Town 5
North, Range 4 East, Town of Waldwick,
Iowa County, Wisconsin.



Note: Bearings are referenced to the West line of the Northwest 1/4 of Section 33, T 5 N, R 4 E, which bears N 89°00'39"W according to the Iowa County Coordinate System as defined by the Wisconsin Department of Transportation and determined by GPS observation. Datum : NAD 83 (1981) WISCONSIN



IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT

222 N. Iowa Street, Suite 1223

Dodgeville, WI 53533

608-935-0333/608-553-7575/fax 608-935-0326

Scott.Godfrey@iowacounty.org

Agenda Item 13: Consideration of revisions to the Iowa County Manure Storage and Management Ordinance primarily pertaining to reuse of existing structures and nonconforming structures.

Summary: These revisions are being proposed to address issues or inadequacies found after administering the ordinance since enacted in 2019.

Repurposing: The proposed language under Section 1-4 (3) will provide the opportunity for a storage facility owner to propose a different use of the facility when no longer to be used to store manure. A permit requirement is proposed for repurposing under Section 1-5(1)(a)4.

Spreading Requirements: Section 1-5(4) is proposed to include information on the availability of adequate land to meet Technical Standard 590 spreading requirements with the required construction and nutrient management plan.

New Technology: Section 1-5(6)(h) is proposed to provide the opportunity for a permit to allow new technologies provided consistency with applicable NRCS standards included in the Technical Guide and the intent of the ordinance.

Permit Approval Conditions: Section 1-5(8)(e) is proposed to require notes or reports to be submitted by the contractor and (f) is proposed requiring the permittee to provide materials specifications for approval for any component covered by current, applicable NRCS Wisconsin construction specifications of the storage facility prior to installation.

Nonconforming Structures and Facilities: Section 1-7 is proposed to define a nonconforming structure or facility and the requirements to use, close or repurpose said facility.

Violations: Section 1-9 is proposed to clarify that an existing storage facility constructed since February 15, 2000 that does not meet the provisions of Section 1-7 for which there is no record of a permit issued at the time of construction will require a permit with evidence complying with the standards unless a variance is granted.

Staff Recommendation: The proposed revisions were reviewed by the Iowa County Land Conservation Committee at its July 21, 2021 meeting and action was taken move forward with the public hearing. The revisions have also been reviewed by DATCP.

Staff recommends approval.

Iowa County

Manure Storage and Management Ordinance

- 1-1 General Provisions
- 1-2 Definitions
- 1-3 Activities Subject to Regulation
- 1-4 Manure Storage Facilities Performance Standards and Prohibitions
- 1-5 Manure Storage Permits
- 1-6 Certificate of Use
- 1-7 Nonconforming Structures and Facilities
- 1-8 Administration and Enforcement
- 1-98 Violations and Penalties
- 1-109 Appeals and Variances

SECTION 1-1: GENERAL PROVISIONS

- (1) **Authority.** This Ordinance is adopted under authority granted by sections 59.70, 59.02, 59.03, 92.15, and 92.16, Wisconsin Statutes (Stats.), and ss. ATCP 50.56, ATCP 51.12, and NR 151.05, Wisconsin Administrative Code (“Wis. Admin. Code”)
- (2) **Title.** This Ordinance shall be known as, referred to, and may be cited as the Iowa County Manure Storage and Management Ordinance and is hereinafter known as the Ordinance.
- (3) **Findings and Declaration of Policy.** The Iowa County Board of Supervisors finds that the following conditions may threaten the county’s natural and water resources, harm to the health, safety and welfare of people within the county, and adversely impact the property tax base of the county:
 - (a) New and substantially altered manure storage facilities that fail to meet performance and technical standards for proper design, construction and operation.
 - (b) Existing manure storage facilities that are not properly functioning and pose unreasonable risks related to structural failure and leakage.
 - (c) Existing manure storage facilities that overtop or are operated in a manner that creates an unreasonable risk of discharge to waters of the state.
 - (d) Existing manure storage facilities where no manure has been added or removed for a period of 24 months, and are not slated for future use.
 - (e) Management of manure including land application that fails to meet performance and technical standards for proper handling and land application of manure.
 - (f) Additional findings may be added.

The Iowa County Board of Supervisors further finds that the technical standards developed by the USDA Natural Resources Conservation Service (“NRCS”), and performance standards, prohibitions and conservation practices codified by Wisconsin Department of Agriculture, Trade, and Consumer Protection (“DATCP”) and Department of Natural Resources (“DNR”), if adopted by the Iowa County, provide effective, practical, and environmentally protective methods for storing and managing manure.

Iowa County Board of Supervisors further finds the regulation of activities identified in this chapter will protect and promote the county's agricultural industry; prevent pollution of

surface and ground water; protect the health, safety, and general welfare of the people and communities within the county; preserve the health of livestock, aquatic life and other animals and plants; advance the appropriate use of land and water conservation resources within the community; and protect the property tax base of county.

- (4) **Purpose.** The purpose of this Ordinance is to regulate the location, design, construction, installation, alteration, operation, maintenance, closure, and use of manure storage facilities; ensure the proper application of waste and manure from all storage facilities covered by this Ordinance, and prescribe performance standards and prohibitions related to manure and other agricultural management. It is also intended to provide for the administration and enforcement of the Ordinance and to provide penalties for its violation.
- (5) **Applicability.** The permit and other requirements in this Ordinance apply to all of the unincorporated areas of Iowa County.
- (6) **Interpretation.** In its interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of Iowa County, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes (Stats.). Unless a specific provision in this Ordinance seeks to apply requirements that are more stringent than state law, this Ordinance shall be interpreted to be consistent with chs. 92 and 281.16, Stats. and chs. ATP 50 and NR 151, Wis. Admin. Code.
- (7) **Abrogation, Greater Restrictions, Severability and Repeal Clause.**
- (a) **Abrogation and Greater Restrictions.** This Ordinance is not intended to repeal, annul, abrogate, impair or interfere with any existing covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to law. However, wherever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.
- (b) **Severability.** Each section, paragraph, sentence, clause, word and provision of this Ordinance is severable and if any portion shall be deemed unconstitutional or invalid for any reason, such decision shall not affect the remainder of the Ordinance nor any part thereof other than the portion affected by such decision.
- (8) **Effective Date.** This Ordinance shall become effective upon its adoption by the Iowa County Board of Supervisors and publication.

SECTION 1-2: DEFINITIONS

- (1) **“Agricultural Waste Management Field Handbook (AWMFH)”** is a manual that provides specific guidance for planning, designing, and managing systems where agricultural wastes are involved, as published by the United States Department of Agriculture (USDA) Natural Resources Conservation Service.
- (2) **“Applicant”** means any person who applies for a permit under this Ordinance
- (3) **“DATCP”** means Wisconsin Department of Agriculture, Trade and Consumer Protection.
- (4) **“Direct Conduits to Groundwater”** means wells, sinkholes, swallets, fractured bedrock at the surface, mine shafts, non-metallic mines, tile inlets discharging to groundwater, quarries, or depressional groundwater recharge areas over shallow fractured bedrock.
- (5) **“Direct Runoff”** has the meaning in NR 151.015(7), Wis. Admin. Code, which includes any of the following:
 - (a) Runoff from a feedlot that can be predicted to discharge a significant amount of pollutants to surface waters of the state or to a direct conduit to ground water.
 - (b) Runoff of stored manure, including manure leachate, that discharges a significant amount of pollutants to surface waters of the state or to a direct conduit to ground water.
 - (c) Construction of a manure storage facility in permeable soils or over fractured bedrock without a liner designed in accordance with s. NR 154.04(3), Wis. Admin. Code.
 - (d) The criteria in s. NR 151.055(3), Wis. Admin. Code, will be used to predict or determine if a discharge is significant.
- (6) **“Land Conservation Committee (LCC)”** is a committee made up of members of the Iowa County Board of Supervisors and others who, by authority from Chap. 92, Wis. Stats., determine policy and give direction for soil and water conservation activities, and provides direction for the Land Conservation Department (LCD).
- (7) **“Manure”** means livestock excreta and the following when intermingled with excreta in normal farming operations: debris including bedding, water, soil, hair, and feathers; processing derivatives including separated sand, separated manure solids, precipitated manure sludges, supernatants, digested liquids, composted bio solids, and process water;

and runoff collected from barnyards, animal lots, and feed storage areas.

- (8) **“Manure Storage Facility”** means one or more impoundments made by constructing an embankment, excavating a pit or dugout, or fabricating a structure specifically for the purpose of temporarily storing manure and related wastes. Included in this definition is stationary equipment and piping used to load or unload a manure storage structure if the equipment is specifically designed for that purpose and is an integral part of the facility, and specifically includes components to transfer waste from milking centers, runoff from barnyards, and leachate and contaminated runoff from feed storage.
- (9) **“Margin of Safety Level”** has the meaning given in s. NR 243.03(37), Wis. Admin. Code, which means the level in a liquid storage or containment facility that is vertically one foot below the lowest point of the top of the facility or structure.
- (10) **“Natural Resources Conservation Service (NRCS)”** is an agency of the United States Department of Agriculture which, for purposes of this Ordinance, develops and maintains a technical guide with conservation practice standards and specifications, engineering manuals and handbooks, and other technical documentation related to manure storage facilities, nutrient management plans, and other technical matters covered by this Ordinance.
- (11) **“Navigable Water”** has the meaning given in s. 30.01(4m) Stats, which means any body of water which is navigable under the laws of this state.
- (12) **“Nutrient Management Plan”** means an annual written plan developed and to be implemented to ensure the proper application of manure and other nutrients to any field, including pastures. A nutrient management plan shall meet the requirements in sub. 1-5(6).
- (13) **“Overflow”** has the meaning given in s. NR 151.015 (15e), Wis. Admin. Code, which means discharge of manure to the environment resulting from flow over the brim of a facility or from flow directed onto the ground through man-made device including a pump or pipe.
- (14) **“Percent fines”** means the percentage of a given sample of soil which passes through a #200 (0.075mm) sieve.
- (15) **“Permit”** means the signed, written statement issued under this Ordinance authorizing the applicant to construct, install, reconstruct, extend, enlarge, substantially alter or close a manure storage facility, and to use or dispose of waste from the facility.

- (16) **“Permitting Authority”** means the Iowa County Land Conservation Department or Iowa County Office of Planning & Development who shall act in collaboration. The term “County” may be used in this Ordinance to represent the Permitting Authority.
- (17) **“Permittee”** means any person to whom a permit is issued under this Ordinance.
- (18) **“Person”** means any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, county or state agency within Wisconsin, the federal government, or any combination thereof.
- (19) **“Safety Devices”** means devices, which are designed to protect humans and livestock from the hazards associated with a storage facility.
- (20) **“Significant discharge”** means a discharge of process waste that is determined as “significant” in accordance with the criteria in s. NR 151.055(3), Wis. Admin. Code.
- (21) **“Site that is susceptible to groundwater contamination”** has the meaning under NR 151.015(18) Wis. Admin. Code, which means any of the following:
- (a) An area within 250 feet of a private well.
 - (b) An area within 1000 feet of a municipal well.
 - (c) An area within 300 feet upslope or 100 feet downslope of a direct conduit to groundwater.
 - (d) A channel that flows to a direct conduit to groundwater.
 - (e) An area where the soil depth to groundwater or bedrock is less than 2 feet.
 - (f) An area where the soil does not exhibit one of the following characteristics:
 - 1. At least a 2-foot soil layer with 40% fines or greater above groundwater and bedrock.
 - 2. At least a 3-foot soil layer with 20% fines or greater above groundwater and bedrock.
 - 3. At least a 5-foot soil layer with 10% fines or greater above groundwater and bedrock.

- (22) **“Stop Work Order”** means an order to cease any activity in the operation or construction of an activity subject to regulation.
- (23) **“Substantially altered”** has the meaning in s. NR 151.015(20), Wis. Admin. Code, which means a change initiated by an owner or operator that results in a relocation of a structure or facility or significant changes to the size, depth or configuration of a structure or facility including:
- (a) Replacement of a liner in a manure storage structure.
 - (b) An increase in the volumetric capacity or area of a structure or facility by greater than 20%.
 - (c) A change in a structure or facility related to a change in livestock management from one species of livestock to another such as cattle to poultry.
- (24) **“Technical Guide”** means the document provided by NRCS at the time of application which contains technical data, including the standards referenced within this Ordinance to properly and safely locate, construct, install, alter, design, operate and maintain a storage facility.
- (25) **“Technical Standard 313”** is a practice standard within the Technical Guide that covers the proper location, design, construction, installation, alteration, operation and maintenance of a manure storage facility.
- (26) **“Technical Standard 360”** is a practice standard within the Technical Guide that covers decommissioning of facilities, and/or the rehabilitation of contaminated soil, in an environmentally safe manner, where agricultural waste has been handled, treated, and/or stored and is no longer used for the intended purpose.
- (27) **“Technical Standard 634”** is a practice standard within the Technical Guide that covers the design, material types and quality, and installation of components such as conduits, pumps, valves, and other structures or devices to transfer manure and waste from buildings and yards and other sources to storage, loading areas, crop fields and other destinations. The standard establishes the minimum acceptable requirements for design, construction, and operation of waste transfer system components.
- (28) **“Technical Standard 590”** is a practice standard within the Technical Guide that covers managing the amount, form, placement and timing of plant nutrients associated with organic wastes (manure and organic by-products), commercial fertilizers, legume crops and

crop residues.

- (29) **“Unconfined Manure Stack”** means a quantity of manure that is at least 175 cubic feet in volume and which covers the ground surface to a depth of at least 2 inches and is not confined within a manure storage facility, livestock housing facility or barnyard runoff control facility or covered or contained in a manner that prevents storm water access and direct runoff to surface water or leaching of pollutants to groundwater.
- (30) **“Unpermitted manure storage facility”** means a manure storage facility constructed, modified, or placed in use without first obtaining a permit, including facilities constructed before the first date of the adoption this ordinance, and may include an earthen structure or impoundment made with a concrete liner which fully or partially covers the bottom and/or the sidewalls of the impoundment.
- (31) **“Waste Transfer System”** means components such as pumps, pipes, conduits, valves, and other mechanisms installed to convey manure, leachate and contaminated runoff, and milking center wastes from livestock structures to a storage structure, loading area, or treatment area.
- (32) **“Water Pollution”** means contaminating or rendering unclean or impure the ground or surface waters of the state, or making the same injurious to public health, harmful for commercial or recreational use, or deleterious to fish, bird, animal, or plant life.
- (33) **“Water Quality Management Area”** or “WQMA” has the meaning in s. NR 151.015(24), Wis. Admin. Code, which means the area within 1,000 feet from the ordinary high water mark of navigable waters that consist of a lake, pond or flowage, except that, for a navigable water that is a glacial pothole lake, the term means the area within 1,000 feet from the high water mark of the lake; the area within 300 feet from the ordinary high water mark of navigable waters that consist of a river or stream; and a site that is susceptible to groundwater contamination, or that has the potential to be a direct conduit for contamination to reach groundwater.
- (34) **“Waters of the State”** is the meaning specified under s. 281.01(18), Stats, which includes those portions of Lake Michigan and Lake Superior within the boundaries of this state, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within this state or its jurisdiction.

SECTION 1-3: ACTIVITIES SUBJECT TO REGULATION

- (1) **Permit Requirements.** Any person who constructs, substantially alters, changes use of or closes a manure storage facility and related transfer systems, or who employs another person to do the same, shall be subject to the permit requirements of this Ordinance in Sec. 1-5.
- (2) **Performance Standards and Prohibitions.** Any person who owns or operates cropland or livestock facilities in this county is subject to the performance standards and prohibitions in Section 1-4, regardless of whether they received a permit under this Ordinance. This Ordinance incorporates by reference the definitions in chapters ATCP 50 and NR 151, Wis. Admin. Code, to the extent that they are not explicitly referenced herein.
- (3) **Safety Devices.** All manure storage facilities shall be equipped with safety devices including fences and warning signs intended to protect humans and livestock from the hazards associated with such facilities. Safety devices shall be designed and installed as required by Technical Standard 313.
- (4) **Well, Road, and Property Line Setbacks.** A manure storage facility may not be located within 100 feet of any property line, or within 100 feet of the nearest point of any public road right-of-way, or within 250 feet of a well unless one of the following applies:
 - (a) The manure storage facility lawfully existed prior to the adoption of this ordinance. This paragraph does not authorize an expansion, toward a property line, public road right-of-way, or well of a manure storage facility that is located within 100 feet of that property line or public road right-of-way or 250 feet of that well.
 - (b) The manure storage facility is a single new facility constructed no closer to the relevant property line, public road right-of-way or well than a manure storage facility that lawfully existed on the same lot or parcel prior to the adoption of this ordinance, provided the new facility is no larger than the existing facility and is located within 50 feet of the existing facility.

The setback measurement shall be taken from the nearest point of the structurefacility, including any embankment, to the nearest point of a property line, public road right-of-way, or well. The setback to a property line may be reduced if the affected neighboring landowner is in agreement and signs an affidavit stating the agreement and reduced setback distance. The affidavit must be recorded with the Register of Deeds.

SECTION 1-4: MANURE STORAGE FACILITIES PERFORMANCE STANDARDS AND PROHIBITIONS

- (1) Manure storage facilities constructed or substantially altered after October 1, 2002 shall be designed, constructed and maintained to minimize the risk of structural failure of the facility and minimize leakage of the facility in order to comply with groundwater standards.
 - (a) Storage facilities that are constructed or significantly altered shall be designed and operated to contain the additional volume of runoff and direct precipitation entering the facility as a result of a 25-year, 24-hour storm.
 - (b) A manure storage facility located in permeable soils or over fractured bedrock must be constructed with a liner designed in accordance with Technical Standard 313.
- (2) Closure of a manure storage facility shall occur when the farm where the storage facility is located ceases operation, or manure has not been added or removed from the storage facility for a period of 24 months. Manure storage facilities shall be closed in a manner that prevents future contamination of groundwater and surface waters, and shall conform to the permit and other requirements in this Ordinance.
- (2)(3) The proposed repurposing of a manure storage facility shall require structural modifications to ensure it can no longer be used as a manure storage facility, unless converted to clean water storage according to Technical Standard 360. If there is evidence of soil contamination, contaminated soil must be removed according to Technical Standard 360, and full or partial closure standards shall be imposed. If not intended to store clean water, the facility shall modified to be incapable of storing liquids. The County shall not be responsible to verify the structural integrity of a modified storage facility.
- (3)(4) The owner or operator may avoid closure of a facility as required under this section by demonstrating to the county that all of the following conditions are met:
 - (a) The facility is designed, constructed and maintained in accordance with this section.
 - (b) The facility is designed to store manure for a period of time longer than 24 months.
 - (c) Retention of the facility is warranted based on anticipated future use.
- (4)(5) Manure storage facilities that pose an imminent threat to public health, fish and aquatic life, or groundwater shall be upgraded, replaced, or closed in accordance with this

Ordinance.

~~(5)~~(6) Manure storage facilities constructed or substantially altered after October 1, 2002 may be required to comply with subs. (2) and (4) without cost-sharing.

~~(6)~~(7) Levels of materials in manure storage facilities may not exceed the margin of safety level.

~~(7)~~(8) **Manure management prohibitions:**

- (a) A livestock operation shall have no overflow of manure storage facilities.
- (b) A livestock operation shall have no unconfined manure stack in a water quality management area.
- (c) A livestock operation shall have no direct runoff from a feedlot or stored manure into the waters of the state.
- (d) A livestock operation may not allow unlimited access by livestock to waters of the state in a location where high concentrations of animals prevent the maintenance of adequate sod or self-sustaining vegetative cover. Properly designed, installed and maintained livestock or farm equipment crossings are exempt.

~~(8)~~(9) All owners and operators of permitted manure storage facilities shall apply manure and nutrients to cropland according to a nutrient management plan prepared in compliance with ATCP 50.04(3), Wis. Admin. Code.

~~(9)~~(10) **Cost-Sharing Required:** The County shall follow the requirements of chapters ATCP 50 and NR 151, Wis. Admin. Code, to determine if a landowner of existing cropland or livestock facilities must receive a bona fide offer of cost-sharing to achieve compliance with a performance standard or prohibitions. The county shall do all of the following, notifying the landowner regarding its determinations:

- (a) Identify the specific areas where the landowner has failed to comply with the performance standards and prohibitions and the corrective actions the landowner must pursue to achieve compliance.
- (b) Determine whether that farmland that is out of compliance is “existing cropland” or an “existing livestock facility.” If cropland or a livestock facility has been determined to be in compliance with a performance standard or prohibition, it no longer qualifies as an “existing” cropland or facility for cost-share purposes under that performance

standard. If the cropland or facility later falls out of compliance with the performance standard, the landowner must restore compliance regardless of the availability of cost-sharing.

- (c) Determine whether cost-sharing is available following the requirements of ss. NR 151.09(4)(d) or NR151.095(5)(d), Wis. Admin. Code, when funding is provided under s. 281.65, Stats., and use ch. ATCP 50, Wis. Admin. Code, to make this determination when funds are from any other source.

SECTION 1-5: MANURE STORAGE PERMITS

(1) Permit Required.

- (a) No person may do any of the following without obtaining a permit in accordance with this section:

1. Construct a new manure storage facility or substantially alter an existing manure storage facility, including the construction or substantial alteration of waste transfer systems connected to a manure storage facility.
2. Upgrade, repair or replace a manure storage facility that has been identified as posing an imminent threat to public health, fish and aquatic life, or groundwater under Sec. 1-4.

3. Close an existing manure storage facility, including conversion of its use, regardless of whether the facility must be closed in accordance with Sec. 1-4.

3.4. Repurpose an existing manure storage facility.

- (b) Requirements of this Ordinance shall be in addition to any other legal requirements regulating animal waste. Specific exemptions to cost-share requirements apply to the issuance of permits. See ss. NR 151.095(5)(b)2. and ATCP 50.54(2)(b), Wis. Admin. Code. In the case of conflict, the most stringent provisions shall apply.
- (c) A person is in compliance with this section if he or she follows the application and other procedures specified in this section, receives a permit and approval from the County before beginning activities subject to regulation under this section, complies with the requirements of the permit and receives any required approvals or certifications from the county. The Permitting Authority may establish a timetable for the applicant to complete required activities to ensure compliance with requirements of this ordinance.

(2) Exception to Permit Requirement. A permit is not required for:

- (a) Routine maintenance of a manure storage facility, not including activities listed under section 1-5(1)(a) of this ordinance
- (b) Emergency equipment repairs of a manure storage facility, if the following conditions are met:
 - 1. All emergency repairs on a manure storage facility or transfer system which cause any disruption of the original construction of the storage facility shall be done so as to restore the storage facility to the original state, as determined by the technical standards set forth in sub. (6).
 - 2. Such repairs shall be further reported to the Permitting Authority within one (1) working day of the emergency for a determination on whether a permit will be required for any additional alteration or repair to the facility.
 - 3. The Permitting Authority determination shall be rendered within three (3) working days of reporting.
- (3) **Fee.** All fees associated with this ordinance shall be established by County Board resolution.
- (4) **Manure Storage Facility Construction Plan and Nutrient Management Plan Required.** Each application for a permit under par. (1)(a) shall be on a form provided by the County and include plans for the storage facility (including transfer system) and the management of manure prepared in accordance with following requirements:
 - (a) A narrative of the general criteria required within Technical Standard 313, and of other applicable Technical Standards including management and site assessments. The narrative should include, but is not limited to:
 - 1. The number and type of animals for which storage is provided, the duration for which storage is to be provided, daily gallons and/or cubic feet of waste and manure produced, bedding type, ~~and~~ manure handling practices, and availability of adequate land to meet Technical Standard 590 spreading requirements.
 - 2. A description and construction plan of the method of transferring animal waste into and from the facility.
 - 3. Soil test pit or boring logs and their locations with soil descriptions and test results. Soil test pit or boring criteria should follow Technical Standard 313 and characterize the subsurface (soils, saturation, and bedrock). This includes the elevation of redoximorphic features (mottling), gleyed soil and moisture condition.
 - (b) A general location map drawing of the site which shall include:

1. The location of structures in relation to buildings, homes, property lines, roads, wells, karst features, public or private drainage ditches and creeks, flowages, rivers, streams, lakes, or wetlands within one thousand (1000) feet of the proposed facility or system.
 2. The scale of the drawing and the north arrow with the date the general location map was prepared.
 3. The location of any floodplains.
- (c) Engineering design drawings of the manure storage facility or transfer system which shall include:
1. Specific design components that shall comply with Technical Standard 313, and additional applicable Technical Standards such as 634.
 2. A recoverable benchmark(s) including elevation(s) expressed in feet and tenths.
 3. The scale of the drawings and the north arrow. The engineering design drawing shall be drawn to a scale no smaller than one (1) inch equals one hundred (100) feet.
 4. The date the engineering design drawings were prepared.
- (d) The structural details, including but not limited to dimensions, cross-sections, concrete thickness, concrete joint design and placement, design loads, design computations, reinforcement schedules, thickness and placement of groundwater protection liners, and all material specifications.
- (e) Provisions for adequate drainage and control of runoff to prevent pollution of surface water and groundwater.
- (f) A construction site erosion control plan.
- (g) Estimated start of construction and construction schedule.
- (h) A safety plan that identifies hazards to animals and people in the production area, and design features to minimize those hazards.
- (i) An operation and maintenance plan for installed practices.
- (j) A nutrient management plan prepared in compliance requirements of this Ordinance, including sub. (6).
- (k) Other additional information requested by the county to comply with this Ordinance.

- (5) **Manure Storage Closure Plan Required.** Each application for a closure permit under subsections (1)(a)3. shall be on form provided by the county and include a closure plan. The plan shall include:

- (a) A general location map drawing of the manure storage facility which shall include:
 - 1. The location of the manure storage facility in relation to buildings, homes, property lines, roads, wells, karst features, public or private drainage ditches and creeks, flowages, rivers, streams, lakes, or wetlands within one thousand (1000) feet of the existing facility.
 - 2. The scale of the drawing and an arrow indicating north.
 - 3. The date the general location map was prepared.
- (b) A description of the method and specifications in transferring manure into and from the manure storage facility to ensure proper closure of transfer systems.
- (c) Provisions to remove or permanently plug the manure transfer system serving the manure storage facility.
- (d) Provisions to remove and properly dispose of all accumulated manure in the manure facility in compliance with applicable Technical Standards.
- (e) For all waste impoundments, plan requirements and provisions shall be in compliance and consistent with applicable Technical Standards.
- (f) The manure storage facility may be converted to other uses, where it is demonstrated the conversion will not result in a degradation of ground and/or surface waters or be a threat to public health, safety or general welfare. Approval of the proposed use may be required under general zoning regulations.
- (g) Manure storage facility closures and conversions shall implement safety measures to ensure the protection of the public from hazardous conditions.
- (h) Any other additional information required by the County to protect water quality and achieve compliance with the requirements of this Ordinance.

(6) **Permit Standards**

- (a) Manure Storage Construction. Permit applications under sub (4) shall provide sufficient documentation to demonstrate that a new or substantially altered storage facility:
 - 1. Is designed in accordance with Technical Standard 313 and Technical Standard 634.

2. Meets the performance standards in Sec. 1-4.

- (b) Manure Storage Closure. Permit applications under sub. (5) shall provide sufficient documentation to demonstrate that the plan for manure storage facility closure meets Technical Standard 360.
- (c) Manure and Nutrient Management. Nutrient management plans submitted under sub. (4) and sub. (5) shall comply with Technical Standard 590, s. ATCP 50.04 (3), Wis. Admin. Code, and s. NR 151.07, Wis. Admin. Code.
- (d) Other Standards. Other technical guides such as AWMFH or EFH may be used to evaluate compliance with the requirements of this Ordinance.
- (e) Incorporation of Standards and Specifications. All standards and specifications are incorporated by reference and made part of this Ordinance. Any future amendment, revision or modification of the standards or specifications incorporated herein are made a part of this ordinance, unless the County specifically affirmatively acts to a different version. Copies of all applicable standards and specifications may be obtained from the Iowa County Land & Conservation Department or on Iowa County's website at www.iowacounty.org.
- (f) Certification. All permit applications must include a certification provided by a qualified person that the designs and plans meet the technical standards and specifications in this subsection. A qualified person is someone who is either a Wisconsin licensed engineer, certified crop advisor, or technical service provider with state job approval authority.
- (g) Variances. Variances from these standards and specifications can only be granted in accordance with sec. 1-9 of this Ordinance.
- (g)(h) New Technology. A permit may be granted for a system or facility that employs new technology only if it can be demonstrated to meet any existing, applicable NRCS standards included in the Technical Guide and the intent of this Ordinance.

- (7) **Review of Application.** All applications are to be submitted to the Office of Planning and Development. Said Office will determine the completeness of the applications. Within 45 calendar days after deeming the application complete, the Office shall inform the applicant in writing whether the permit application is approved or disapproved. If additional information is required, the Office shall so notify the permit applicant. The Office has thirty (30) calendar days from the receipt of the additional information in which to approve

or disapprove the application. No construction may commence without the approval permit issued by the Office.

- (8) **Permit Approval Conditions.** All permits issued under this Ordinance shall be issued subject to the following conditions and requirements:
- (a) Facility and system design, construction, and closure shall be carried out in accordance with the approved plans and applicable standards.
 - (b) Permittees must obtain all required permits and authorizations before commencing construction activities.
 - (c) The permittee shall give five (5) working days written notice to the Iowa County Office of Planning and Development before starting any construction activity authorized by the permit.
 - (d) Approval in writing must be obtained from the Office of Planning and Development prior to making any changes or modifications to the approved plans and specifications.
 - (e) Following completion of construction and prior to use, practitioner Wisconsin licensed engineer, certified crop advisor, or technical service provider with state job approval authority and the permittee and, if applicable, the contractor, shall certify in writing that all facilities and systems were installed as planned, including as-built dimensions, any notes or reports, and changes or modifications as authorized per par. (8)(d) made during construction.
 - (e)(f) Permittee shall provide materials specifications for approval for any component covered by current, applicable NRCS Wisconsin construction specifications of the storage facility prior to installation.
 - (f)(g) The County shall provide onsite inspection and final approval (via a Certificate of Use) for all construction projects conducted under a permit issued under this Ordinance. To receive approval Certificate of Use, a manure storage facility must be fully constructed as designed including the marking of the maximum operating level and implementation of all safety devices.
 - (g)(h) No permitted manure storage facility may receive manure until the County provides a Certificate of Use. No manure may be emptied from permitted manure storage facility until the County approves the nutrient management plan submitted by the applicant.

- (9) **Permit Expiration.** All activities authorized by a permit shall be completed within two (2) years from the date of issuance after which time such permit shall be void. No work shall commence or continue at a site where a permit has expired unless a new, subsequent permit has been applied for and issued.
- (10) **Permit Revocation.** In addition to any other actions authorized under this ordinance, the County may revoke any permit issued under this Ordinance if the holder of the permit has misrepresented any material fact in the permit application, plan or specification, or if the holder of the permit violates any of the conditions of the permit. The decision to revoke a permit may be appealed to the Board of Adjustment.

SECTION 1-6: CERTIFICATE OF USE

- (1) **Certificate Purpose.** The purpose of a Certificate of Use is to monitor and regulate the operation of a manure storage facility and adequacy of related nutrient management practices.
- (2) **Certificate Requirement.** No person may operate or use a manure storage facility permitted under this Ordinance unless the person has a valid Certificate of Use for the storage facility or portion of the storage facility that is being operated or used.
- (3) **Issuance.** The County may issue a Certificate of Use upon the operator's compliance with conditions in Sec. 1-5(8) and the certificate shall remain in effect for as long as the manure storage facility is operated under the terms of the Certificate and this Ordinance.
- (4) **Operating Requirements.** The operator of a manure storage facility is in compliance with the Certificate of Use if the person does all of the following:
- (a) Updates and follows an annual nutrient management plan that complies with requirements in this Ordinance and covers all manure from the manure storage facility subject to the Certificate of Use.
 - (b) Provides the most current DATCP 590 Nutrient Management Checklist by March 1st annually to the Land Conservation Department to document compliance with ordinance requirements. The Department may ask the operator to submit further documentation to substantiate an answer to one or more questions on the nutrient management checklist. The County may take appropriate action authorized by this Ordinance if the submitted documentation does not reasonably substantiate a checklist answer. Checklists may be obtained from the Land Conservation

Department or the DATCP website.

- (c) Properly operates the storage facility in accordance with performance standards and prohibitions in sec. 1-4 and consistent with the recommended operating methods as defined by the Technical Guide, AWMFH and EFH.
 - (d) Properly maintains the storage facility free from visible and serious damage, erosion, or deformities that would impair the facility's safety or function as determined by the Technical Guide, AWMFH, and the EFH.
 - (e) Properly maintains the safety devices.
 - (f) Provides the Land Conservation Department proof of compliance with the requirements in (4)(c) and (d) upon request and submits to periodic inspections of the storage facility with advance notice from the Department.
 - (g) Develops and implements a plan for closure of the manure storage facility when the operator ceases use of the facility or closure is required based on conditions specified in this ordinance.
 - (h) The operating requirements shall remain with the facility regardless of property sale or transfer. In the event of a property sale or transfer, the new owner shall contact the Land Conservation Department to ensure compliance with the Certificate of Use.
- (5) **Certificate Revocation.** In addition to any other actions specified under this ordinance, the Permitting Authority may revoke a Certificate of Use if there is a misrepresentation of any material fact in the documents submitted in connection with the certificate use, a misrepresentation of any material fact in the nutrient management plan, a failure to submit required documentation or allow inspection, a condition that immediately threatens public health and safety, or for multiple or repeat violations of this ordinance. The operator will be immediately provided written notice of the revocation and the reasons for the revocation. No manure be added or removed from a manure storage facility whose certificate has been revoked.

SECTION 1-7: NONCONFORMING STRUCTURES AND FACILITIES

A storage structure or facility that lawfully existed at the time this ordinance was enacted but does not currently meet the requirements of this ordinance shall be considered nonconforming. This would include:

- 1) Any storage structure or facility built prior to February 15, 2000; or
- 2) Any storage structure or facility with a capacity of 3500 cubic feet or greater constructed on or after February 15, 2000 for which a permit had been issued at the time of construction; or
- 3) Any storage structure or facility with a capacity under 3500 cubic feet constructed before October 15, 2019.

A nonconforming structure or facility may be closed or repurposed under the provisions of this ordinance. If the nonconforming structure or facility is being used for manure storage or intends to be used for manure storage, it must be determined to be designed, constructed and maintained to minimize the risk of structural failure and minimize leakage in order to comply with groundwater standards.

Any structure of facility that does not qualify as nonconforming shall be considered a violation of this ordinance and will be subject to Section 1-9 (4).

SECTION 1-8: ADMINISTRATION AND ENFORCEMENT

- (1) **Delegation of Authority.** The Iowa County Board of Supervisors hereby designates the Land Conservation Department and Office of Planning & Development with the authority to administer and enforce this Ordinance.
- (2) **Administrative Duties.** The administration and enforcement of this Ordinance, shall entail:
 - (a) Keeping an accurate record of all permit applications, animal waste facility plans, nutrient management plans, permits issued, inspections made, and other official actions.
 - (b) Reviewing permit applications and issue permits in accordance with Section 1-5 of this Ordinance.
 - (c) Conducting, or cause to conduct, inspections of manure storage facilities to determine if the facility construction, closure or operation meet the requirements of this Ordinance.
 - (d) Conducting, or cause to conduct, reviews of the nutrient management plans.
 - (e) Implementing the performance standards and prohibitions in accordance with Section 1-4 of this Ordinance.

- (f) Reviewing certificate applications and issuing Certificates of Use in accordance with Section 1-6 of this Ordinance.
 - (g) Investigating complaints relating to compliance with the requirements of this Ordinance and act upon the findings in accordance with provisions of this Ordinance.
 - (h) Performing other duties as specified in this Ordinance.
- (3) **Inspection Authority.** The Permitting Authority or its representative, is authorized to enter upon any lands affected by this Ordinance to inspect the land, and request records to determine compliance with this Ordinance including inspection of sites prior to or after the issuance of a permit or certificate, and sites with unpermitted manure storage facilities. See s. 92.07(14), Stats. If permission cannot be received from the applicant or permittee, entry by the Permitting Authority or its representative may proceed in accordance with s. 66.0119, Stats., to obtain a special inspection warrant. Refusal to grant permission to enter lands affected by this Ordinance for purposes of inspection shall be grounds for permit or Certificate of Use denial or revocation. The county may take any action authorized by this Ordinance to enforce this right of inspection.
- (4) **Enforcement Authority.** In addition to the authority to revoke permits and certificates specified in this Ordinance, the Permitting Authority is authorized to issue Stop Work Orders for development that has started without a required permit or approval. Notice is given by mailing a copy of the order or delivering it in person to the person whose activity is in violation of this Ordinance. The order shall specify that the activity must cease immediately or be brought into compliance within a period of time agreed upon by the Permitting Authority.
- Any permit revocation or order stopping work shall remain in effect unless retracted by the appropriate authority (e.g., Board of Adjustment, Land Conservation Committee, or a court of general jurisdiction); or until the activity is brought into compliance with this Ordinance.
- Where an after-the-fact permit is required in order to bring the activity into compliance, there may be an additional fee as established by County Board resolution.
- (5) **Abatement Order Authority.** The Permitting Authority may issue an order to abate any violation of this Ordinance with proper authorization. In the event an offense is not abated as ordered, the county may take such action as is necessary to abate the offense and the cost of such abatement will become a lien upon the person's property and may be collected in the same manner as other taxes.

- (6) Failure of the permit holder to resolve the issues for which a stop work order is issued, or to seek compliance in the case of a violation, may result in an enforcement action including, but not limited to, the issuance of a citation or referring the matter to the Iowa County Corporation Counsel.
- (7) **Other Lawful Remedies.** Nothing in this section may be construed to prevent the County from using any other lawful means to enforce this Ordinance.

SECTION 1-~~98~~: VIOLATIONS AND PENALTIES

- (1) It is unlawful for a person to violate any provision of this Ordinance or any condition contained in a permit or certificate issued pursuant to this Ordinance.
- (2) It is unlawful for any person to knowingly provide false information, make a false statement, or misrepresent or fail to provide any material fact to a county agent, board, commission, committee, department, employee, officer, or official acting in an official capacity under this Ordinance.
- ~~(3)~~ It is unlawful for a person to disobey; fail, neglect, or refuse to comply with; or otherwise resist an order issued pursuant to this Ordinance.
- ~~(3)~~(4) Any existing manure storage facility constructed since February 15, 2000 that does not meet the provisions of Section 1-7 for which there is no record of a permit having been issued at the time of construction will require a permit under this ordinance and verification of complying with the standards and provisions of this ordinance unless a variance is granted.
- ~~(4)~~(5) A separate offense is deemed committed on each day that a violation occurs or continues.

SECTION 1-~~109~~: APPEALS AND VARIANCES

- (1) **Appeals**
 - (a) An appeal may be made to the Iowa County Board of Adjustment of any order, requirement, decision, or determination by the Permitting Authority in administering this Ordinance.
 - (b) Any person having a substantial interest, which is adversely affected by the order, requirement, decision, or determination made under this ordinance may file an appeal.

- (c) All appeals shall specify written evidence and the reason for the request, including which requirements from this Ordinance are involved.
- (d) The Board of Adjustment shall consider an appeal as outlined in Section 10.0 of the Iowa County Zoning Ordinance.

(2) **Variances**

- (a) The Land Conservation Committee may consider an appeal for a variance from the requirements of this ordinance.
- (b) A variance shall:
 - 1. Be consistent with the spirit and purpose of this ordinance.
 - 2. Be based on unique circumstances and not to the general conditions of the area.
 - 3. Not be granted for a self-created hardship.
 - 4. Not permit an activity or practice that may fail structurally or otherwise and cause significant water pollution or other off-site impacts.
 - 5. Not be granted if the variance will result in an outcome that is contrary to the public interest and be damaging to the rights of other persons.
 - 6. Not be granted solely on the basis of economic gain or loss.
 - 7. Not be granted solely on the fact that certain conditions existed prior to the effective date of the ordinance
- (c) No variance from the standards in Technical Guide may be approved unless the county receives a variance or waiver from the technical standards through the NRCS, DATCP, or other qualified engineering authority. If public funds are involved, this may be a program requirement.
- (d) No variance from the performance standards and prohibitions in sec. 1-4 may be granted unless the County complies with the variance requirements specified in s. NR 151.097, Wis. Admin. Code, and receives approval from the Department of Natural Resources. Requests for a variance shall be made in writing and shall provide information documenting the following:
 - 1. Compliance with the performance standard or technical standard is not feasible due to site conditions.
 - 2. The landowner or operator will implement best management practices or other corrective measures that ensure a level of pollution control that will achieve a level of water quality protection comparable to that afforded by the performance standards in ch. NR 151, Wis. Admin. Code.
 - 3. The landowner or operator or their agents or assigns did not create the conditions for which the variance is requested.

IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT

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Director's Report: August 2021

	Since last report	Year to date	same time 2020	Comments
Zoning permits	27	187	171	
Permit project value	\$5,040,860	\$22,225,250	\$14,316,258	
New residences	10	33	35	
Accessory structures	14	67	72	2 MET towers; pond
Ag buildings	1	44	56	
Solar	2	11	4	
Floodplain/Shoreland pts	6	20	20	
Complaints/Violations	4	22	22	
Certified survey map review	4	40	27	
Zoning Hearings	7	52	46	
Board of Adj hearings	0	0	2	
Sanitary Permits	11	69	62	
Soil Tests Reviewed	10	69	49	
as of Aug. 16, 2021				

Other Updates

- About 1002 of 1574 septic system maintenance reports have been returned to date...second notices will go out the second week of September
 - Working with WCCA and UW-Stevens Point CLUE on zoning leadership class
 - To start reviewing Sanitarian/Asst. Zoning Administrator position description for recruitment
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