

AGENDA – Iowa County Planning & Zoning Committee

Thursday, August 22, 2024 at 6:00 PM

Conference Call 1-312-626-6799

Zoom meeting ID: 840 538 2607

<https://us02web.zoom.us/j/8405382607?omn=82966342259>

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 25, 2024 meeting.
5. Motion to enter into public hearings associated with zoning and/or conditional use permit petitions and ordinance revisions.
6. Petition by Pat, Joe & Tom Reichling to zone 9.62 acres from A-1 Ag to AR-1 Agricultural Residential and the balance of tax parcel 018-0836, being approximately 39 acres, with the AC-1 Ag Conservancy overlay in the N ½ - NW of S13-T4N-R3E in the Town of Mineral Point.
7. Motion to end the public hearings and resume the regular meeting.
8. Consideration on the revisions adopted by the Town of Brigham to its Comprehensive Plan as a revision to the Iowa County Comprehensive Plan being Appendix J1. A public hearing was held on this matter May 23, 2024.
9. Consideration of draft revisions to Section 11.0 of the Iowa County Zoning Ordinance relating to protests against a proposed amendment; basis of consideration for zoning changes/revisions; and notice procedures.
10. Report from the committee members and an opportunity for members of the audience to address the Committee. No action will be taken.
11. Director's report
12. Next meeting date and time
13. Motion to adjourn

Scott A. Godfrey, Director

Posted 08/06/2024

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.

Iowa County Planning & Zoning Committee-unapproved minutes

Thursday, July 25, 2024 at 6:00 PM

Conference Call 1-312-626-6799

Zoom meeting ID: 840 538 2607

<https://us02web.zoom.us/j/8405382607?omn=84369647885>

Health and Human Services Center – Community Room

303 West Chapel St., Dodgeville, WI 53533

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1. Call to order. Chair Peterson called the meeting to order at 6:00pm.

2. Roll Call.

Committee Present: Curt Peterson, Tim Lease, Ingmar Nelson, Don Leix

Committee Absent: David Gollon (excused)

Staff Present: Scott Godfrey

Other Supervisors Present: none

3. Approve of this agenda.

Motion by Supervisor Leix

Second by Supervisor Lease

Motion carries unanimously

4. Approve the minutes of the June 27, 2024 meeting.

Motion by Supervisor Lease

Second by Supervisor Leix

Motion carries with Supervisor Nelson abstaining

5. Motion to enter into public hearings associated with zoning and/or conditional use permit petitions and ordinance revisions.

Motion by Supervisor Nelson

Second by Supervisor Leix

Motion carries unanimously

6. Petition by the Jean Thousand to zone 3.73 acres from A-1 Ag to AR-1 Agricultural Residential and 23.29 acres with the AC-1 Ag Conservancy overlay in the NE ¼ of S3-T6N-R5E in the Town of Brigham.

Applicant present: Jean Thousand

Town present: Jerry Davis

Director Godfrey gave the staff report.

Mr. Davis stated the Town of Brigham is in support of both the zoning change and conditional use permit request.

Public comment: none

Motion to approve with the condition that the associated certified survey map is duly recorded within 6 months of County Board approval by

Supervisor Nelson

Second by Supervisor Leix

Motion carries unanimously

7. Petition by Jean Thousand for a Conditional Use Permit for animal units on a 3.73-acre AR-1 Ag Res lot in the NE ¼ of S3-T6N-R5E in the Town of Brigham.

Applicant present: Jean Thousand

Town present: Jerry Davis

Director Godfrey gave the staff report.

Public comment: none

Motion to approve up to 10 animal units with the conditions that it is only in association with pasturing on neighboring land and that the associated

zoning change is approved by Supervisor Nelson

Second by Supervisor Lease

Motion carries unanimously

8. Petition by Studio V Dance and QLF for a Conditional Use Permit to operate a dance studio/school on a 4.819-acre B-2 Hwy Bus lot being Lot 1 of CSM 1549 in S16-T6N-R3E in the Town of Dodgeville.

Applicant present: Mr. Rundhaug

Town present: none

Director Godfrey gave the staff report.

Chair Peterson said the Town of Dodgeville building inspector has confirm the facility meets state building code.

Public comment: none

Motion to approve by Supervisor Leix with the following conditions:

- 1) Limit occupancy to maximum of 50 people on site
- 2) Install lighted exist signs and egress pathway lights
- 3) Change door at top of front stairs to be a code-conforming rear exit
- 4) Install signs on exit doors to remain unlocked while the building is occupied
- 5) Install additional fire extinguishers if required by building code
- 6) Arrange for an inspection by the town building inspector to verify all code requirements have been met

Second by Supervisor Nelson

Motion carries unanimously

9. Petition by Dennis Burkeland and Charlene Burkeland Estate to zone 5.13 acres and 20.64 acres from A-1 Ag to AR-1 Ag Res in the NW ¼ and NW/SW of S34-T5N-R5E in the Town of Moscow.

Applicant present: Dennis Burkeland

Town present: Joe Hendrickson and Gary Langfoss

Director Godfrey gave the staff report.

Public comment: none

Motion to approve with the conditions that the associated certified survey map is duly recorded and the remainder of the parent lot is combined by deed with adjacent A-1 land within 6 months of County Board approval by Supervisor Leix

Second by Supervisor Lease

Motion carries unanimously

10. Petition by Mark Muench and Ian Zimmerman to zone 5.0 acres, 5.01 acres and 5.013 acres from A-1 Ag to AR-1 Ag Res in the NE ¼ of S11-T4N-R5E in the Town of Moscow.

Applicant present: Mark Muench and Ian Zimmerman

Town present: Joe Hendrickson and Gary Langfoss

Director Godfrey gave the staff report.

Public comment:

- Mr. & Mrs. Riske expressed their concern that there will be additional future residential lots proposed.
- Mr. Muench said that is not the intent at this time.
- Mr. Hendrickson said any proposed lots would have to be at least 5 acres and meet the town plan criteria.
- Chair Peterson commented a 5-acre lot offers quite a bit of space between neighbors
- Supervisor Leix added this proposal is consistent with the existing development pattern along W. Moscow Rd.

Motion to approve with the condition that the associated certified survey map is duly recorded within 6 months of County Board approval by Supervisor Leix

Second by Supervisor Nelson

Motion carries unanimously

11. Petition by Diane Yager and Pine Lawn Farms LLC to zone 2.36 acres from A-1 Ag to AR-1 Ag Res and 37.64 acres with the AC-1 Ag Conservancy overlay in the NE/SE of S17-T5N-R4E in the Town of Waldwick.

Applicant present: Diane Yager

Town present: None

Director Godfrey gave the staff report.

Public comment: none

Motion to approve with the condition that the associated certified survey map is duly recorded within 6 months of County Board approval by

Supervisor Lease

Second by Supervisor Nelson

Motion carries unanimously

12. Motion to end the public hearings and resume the regular meeting.

Motion by Supervisor Lease

Second by Supervisor Nelson

Motion carries unanimously

13. Consideration of structure setback distances requirements and Corporation Counsel comments on revisions to the Iowa County Zoning Ordinance.

Director Godfrey explained that this was a topic discussed at past meetings but no decision had been made whether to propose a revision or not. At issue is whether to revise the current side and rear yard setback for structures, which is 20 feet or the height of the structure, whichever is greater.

Discussion included reducing to 10 feet or setting setbacks related to the lot size. The conclusion was to recommend a setback of 20 feet with the opportunity to reduce up to 10 feet with a documented agreement of the affected neighbor that is recorded with the Register of Deeds.

Corporation Counsel David Morzenti led a discussion of considering revising Section 11.0 relating to the ability for adjacent neighbors to petition in opposition of a zoning change. He said this provision was removed from state statutes last year making the current ordinance provision inconsistent. The consensus was to remove this section from the ordinance.

Mr. Morzenti further expressed his concern with the eight standards for consideration in Section 11.0 as inappropriately directing the action of supervisors and suggested replacing with standards that may be considered, both to benefit supervisors and applicants. The consensus was for he and Director Godfrey to draft guidance standards.

Mr. Morzenti also proposed a revision to the application filing and noticing of applications in Section 11.0 to be consistent with current state statute.

The committee consensus was for draft revision language to be considered at the next meeting.

14. Report from the committee members and an opportunity for members of the audience to address the Committee. No action will be taken.

Supervisor Nelson told of the proposed new terminal building at the Iowa County Airport.

15. Director's report

Director Godfrey overviewed the report included in the packet.

16. Next meeting date and time: August 22, 2024 at 6pm

17. Motion to adjourn

Motion to adjourn by Supervisor Leix.

Second by Supervisor Nelson.

Motion carried unanimously. Adjourned at 7:31 pm

Scott A. Godfrey, Director



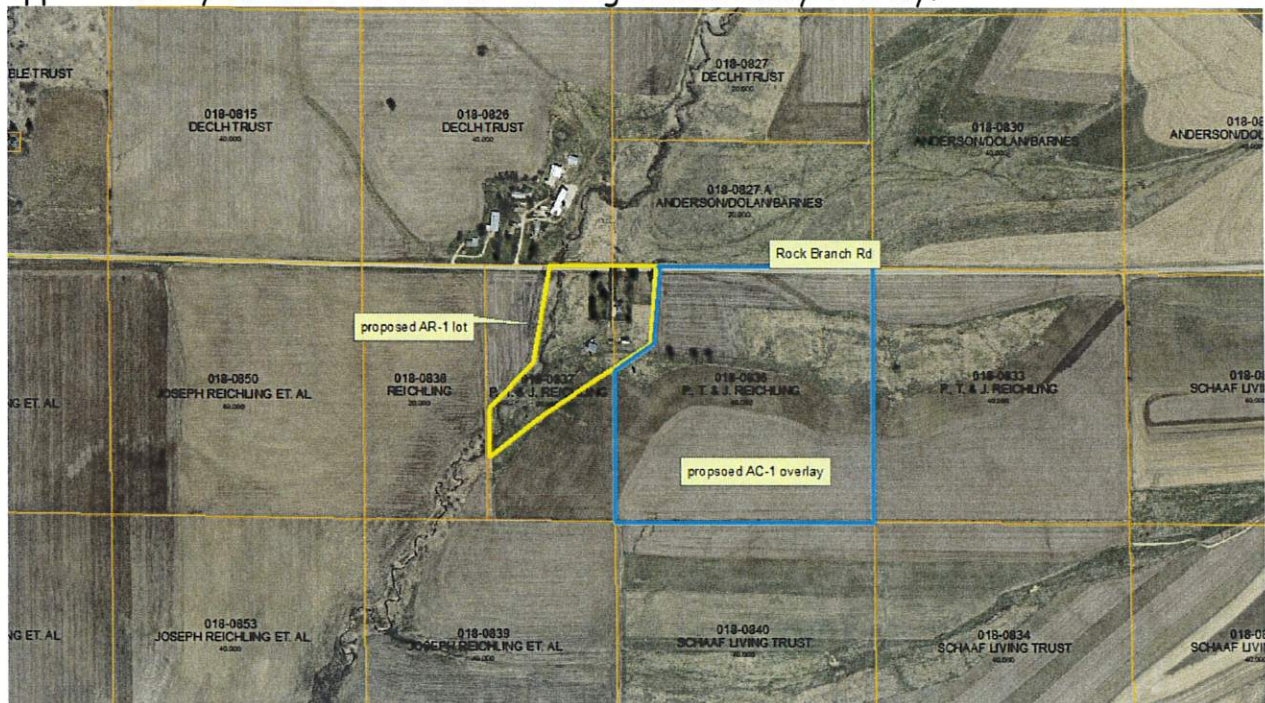
IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT

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: 3438
Pat, Joe, Tom Reichling
4998 County Road S
Mineral Point, WI 53565

Hearing Date: August 22, 2024
Town of Mineral Point
N $\frac{1}{2}$ - NW S13-T4N-R3E
PIN: 018-0836; 0837

1. Request: This is a request to zone 9.62 acres from A-1 Ag to AR-1 Ag Res and approximately 39 acres with the AC-1 Ag Conservancy overlay.



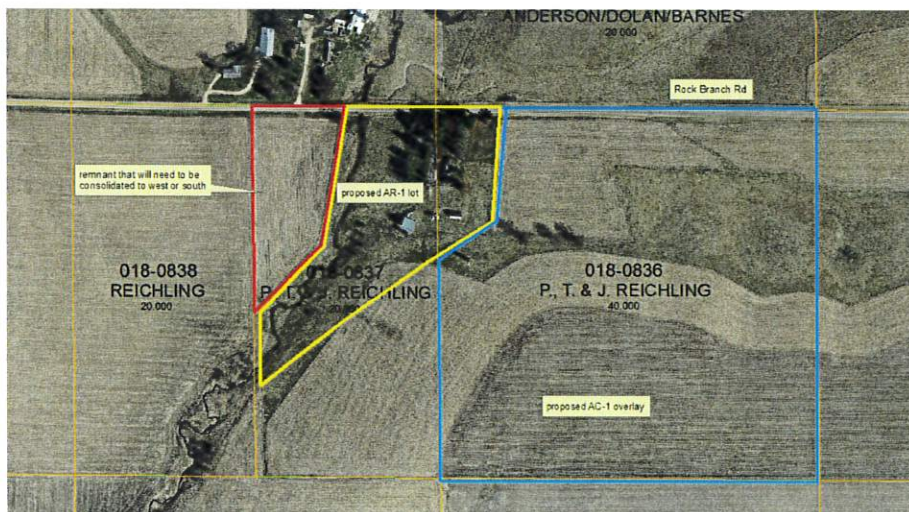
2. Comments

1. The existing A-1 district has a minimum 40-acre lot size, so rezoning is required to legally create the proposed lot. The AC-1 overlay is proposed to comply with the town's residential density standard.
2. If approved, the AR-1 lot would be eligible for one single-family residence, accessory buildings and limited ag uses, including up to 3 animal units as defined in the Iowa County Zoning Ordinance. The AC-1 district would allow open space uses but prohibit any development.

3. As described, the new lot would isolate a remnant of the parent property that would need to be consolidated by deed with land to the west or the map changed to provide a minimum contiguity of 50 feet to land to the south.
4. The associated certified survey map has not yet 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 – zoning change: The Town of Mineral Point is recommending approval.

Staff Recommendation – zoning change: Staff recommends approval with the conditions that the referenced remnant of the parent property is consolidated with adjacent land to the west or south and the associated certified survey map is duly recorded within 6 months.





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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: \$750 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: Pat Richly Address: _____
City/Zip Code: _____

Landowner: PAT, Joe, Tom Richly Address: 7990 City 3
(if other than applicant) City/Zip Code: MINERAL POINT WI,

Applicant Phone: 608 574-7619 Landowner Phone: () _____

Email: _____ Please contact by: _____ email _____ postal mail

This application is for: ☒ Land use change/Rezone only
☐ Conditional Use only
☐ Both

in the Town of Mineral Point Acreage of proposed lot(s) 9.62 ac > 39

Section 13 Town 4 N Range 3 E 1/2 1/4 of the NW 1/4 PIN 018-0836, 0837

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: A-1 for the proposed use(s) of: _____

Requested Conditional uses (s): _____

I. Please list any improvements currently on the land: HOUSE & 2 SITES

II. Please explain the reason for the request and proposed plans: DIVIDE OFF
TO SITE

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?

NO CHANGE IN 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?

NO

2/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?

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: _____

Landowner(s) Signature: *Patrick Kelly* Date: 6/26/24

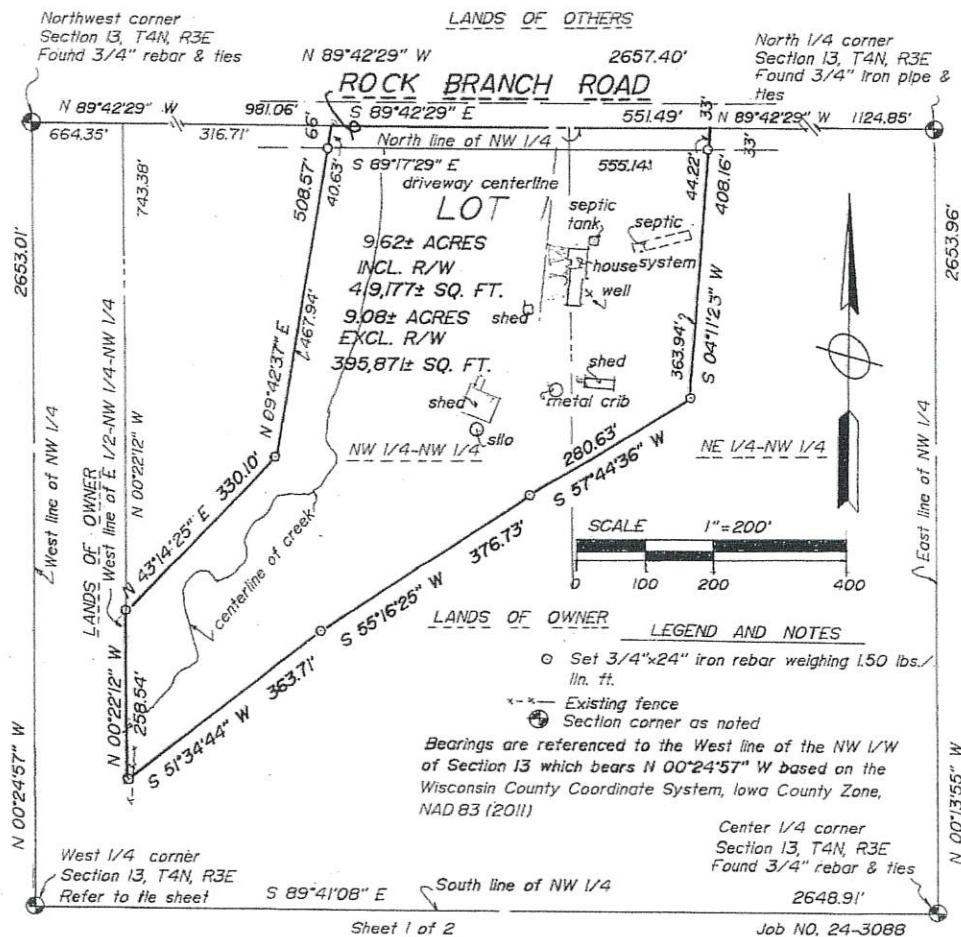
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For Office Use Only: Rcv'd by SB Date 6/26/24 Fee 78 Check # 4840 Cash
NA present zoning NA floodplain NA shoreland/wetland

IOWA COUNTY CERTIFIED SURVEY MAP NO. _____

LOCATED IN THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF AND THE NORTHWEST ¼ OF THE NORTHWEST ¼ OF SECTION 13, TOWN 4 NORTH, RANGE 3 EAST, TOWN OF MINERAL POINT, IOWA COUNTY, WISCONSIN.

OWNERS: Patrick J. Reichling
Joseph W. Reichling
Thomas D. Reichling
4998 County Road S
Mineral Point, WI 53565





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Scott.Godfrey@iowacounty.org

Agenda Item 8: Consideration of the revisions adopted by the Town of Brigham to its Comprehensive Plan as a revision to the Iowa County Comprehensive Plan being Appendix J1.

Background: A public hearing was held on this matter May 23, 2024 on the following proposed revisions:

- Updating figures, statistics and other minor language changes throughout
- Revise 8.6.1: clarifying 20-acre residential density
- Revise 8.6.3: clarifying development policies for commercial land

The Town of Brigham Plan Commission took action to approve the proposed revisions and to include the 2008 public survey within the plan.

The Iowa County Planning & Zoning Committee postponed action until after the Town of Brigham Board has taken action.

The Town of Brigham Board took action at its July 2, 2024 meeting to approve the revisions as proposed at the public hearing without including the 2008 public survey.

TOWN OF BRIGHAM

407 Business ID | Barneveld, WI 53507

Phone: (608) 924-1013, ext. 3101 | Web: www.brighamtown.com

Town Board Meeting Minutes

The Town Board of the Town of Brigham met on Tuesday, July 2, 2024, in the Barneveld-Brigham Municipal Building Meeting Room located at 407 Business ID in Barneveld, Wisconsin.

In attendance were Town Board Members: Chairperson Jason Carden, Supervisor Jerry Davis, and Supervisor Colleen Moore; and Clerk/Treasurer Megan Mieden.

Others in attendance were Mary Davis, Randy Reuter, Julie Gamradt, Adam Baumgartner, Becky Baumgartner, Ted Sawle, Jerry Zander, Jean Thousand, Dan Bowser, Tami Bowser, Royce Nelson, and Otis Nelson.

1. The meeting was called to order at 6:00 pm by Chairperson Carden.
2. A motion was made by Moore/Davis to approve the Public Notice. Motion carried.
3. Approval of Meeting Minutes

- a. Town Board Meeting Minutes from June 5, 2024

The Meeting Minutes from June 2024 were not included with the meeting packet. No action taken.

4. Public Comments

- J Davis – addressed the public comments made at the previous Town Board Meeting.

5. Discussion & Possible Action on the following:

- a. Jean Thousand – 8325 Thousand Dr, Barneveld

- i. Concept Plan
 - ii. Land Division – divide ≈ 3.73 acres from Parcels 004-0404 and 004-0405 for creation of new parcel
 - iii. Zoning Change – rezone newly created parcel from A-1 to AR-1 and rezone acreage from Parcel 004-0406 within the AC-1 Agricultural Conservancy overlay district to meet the Town's required density standard
 - iv. Conditional Use Permit – animal units on newly created parcel

A motion was made by Davis/Moore to approve the Thousand application with the CUP to include up to 10 animal units. Motion carried.

b. Ted & Barbara Sawle – vacant land near 7876 Massey Dr, Barneveld

- i. Concept Plan
- ii. Land Division – divide ≈ 20.00 acres from Parcel 004-1230 for creation of new parcel
- iii. Zoning Change – rezone newly created parcel from A-1 to AR-1
- iv. Driveway – single-user driveway
- v. Building Site – single-family residence

A motion was made by Moore/Davis to approve the Sawle application. Motion carried.

c. Request for extension of Driveway Permit for field road access for Ryan Klett – vacant land near 7750 Lakeview Rd, Barneveld

A motion was made by Moore/Davis to approve the driveway permit extension. Motion carried.

d. Public Works

i. Update: Status of Plow Truck

- Funding request from I-State Truck Center

The invoice has been processed to be approved with tonight's vouchers. Nelson will pick up the truck and then it will be delivered to Monroe to be equipped with the snowplow equipment.

ii. Wedging of bridges – review and possible approval of estimate from Iowa County

Two options were provided by Iowa County – 1 ½" wedging (\$23,120) and 2" wedging (\$30,770). The Town budgeted \$30,000 for bridge wedging. Nelson recommended the 2" wedging option.

A motion was made by Davis/Moore to approve the 2" wedging. Motion carried.

iii. Urness Rd – request for meeting re: road repairs required for return of road bond

Valley of our Lady will complete their construction project in July 2024; however, they will be doing some additional work on their driveway. Nelson does not recommend doing any road repairs until their driveway work is completed.

Nelson to follow-up with Tony Buss of CG Schmidt, the contractor for Valley of our Lady.

- e. Submission to DMA WEM WI Disaster fund for storm damage from 5/21/2024 and 5/22/2024

Mieden presented information about submitting debris clean-up expenses to the DMA WEM Disaster fund for the storm damage that took place on 5/21/2024 and 5/22/2024. Estimated expenses indicated the Town could be eligible for reimbursement of some of the costs.

A motion was made by Davis/Moore to submit the disaster fund application. Motion carried.

- f. Resolution No. 2024-002 – A Resolution Accepting Highway Easement for Massey Drive

A motion was made by Moore/Davis to approve Resolution No. 2024-002 – A Resolution Accepting Highway Easement for Massey Drive. Motion carried.

- g. Ordinance No. 7.02 – Adoption of Amendments and Updates to Town of Brigham Comprehensive Plan

A motion was made by Moore/Carden to approve Ordinance No. 7.02 – Adoption of Amendments and Updates to Town of Brigham Comprehensive Plan. Motion carried.

- h. 2025 Preliminary Budget Discussion

- i. Health insurance premiums

Mieden provided health insurance premiums costs for 2025. These rates aren't usually available until September, but ETF is beginning to make them available to Local Employers earlier in the year.

Additional information will be available at next month's meeting.

- 6. Financial Review – bank statements, budget report, journal entry report, payroll, and voucher list

The June 2024 bank statements, journal entry report, and payroll were available. The budget report through June 2024 was provided.

A motion was made by Davis/Moore to approve the vouchers as read and reviewed. Motion carried.

- 7. Items for future agendas

- 2025 budget and procedures
 - Contracts

- 8. A motion was made by Davis/Moore to adjourn the meeting at 7:17 pm. Motion carried.



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Scott.Godfrey@iowacounty.org

Agenda Item 9: Consideration of draft revisions to Section 11.0 of the Iowa County Zoning Ordinance relating to protests against a proposed amendment; basis of consideration for zoning changes/revisions; and notice procedures.

SECTION 11.0 CHANGES AND AMENDMENTS

The Board of Supervisors of Iowa County may from time to time amend, supplement or change by ordinance the boundaries of districts or regulations herein established. A petition for such amendment, supplement, or change shall first be filed with the County Clerk, (1) by any property owner in the area to be affected by the matter of such petition, (2) by the Town Board of any town wherein the ordinance is in effect, (3) by any member of the County Board, or (4) by the Committee. The County Clerk shall present such petition to the Committee for its consideration recommendation and report. The County Clerk may authorize the Office to act on his/her behalf by accepting said applications.

The Committee shall hold a public hearing on such petition for amendment, supplement or change of the county zoning ordinance, giving notice of the time and place of such hearing by publication thereof once each week for 2 successive weeks in the official newspaper of the County and in addition, if the Committee deems it essential under the circumstances, by similar publication in other newspapers of the Committee's choice, by posting or by mailing of notices to certain parties affected. A copy of such notice shall be mailed by registered mail to the Town Clerk of each town affected by the proposed amendment, supplement, or change at least 10 days prior to the date of the hearing. Such hearing may be held in the town hall or other convenient place in the town affected by the proposed change or at the option of the County may be held at the Courthouse or another convenient place in the County.

The Committee may, at its option, hold more than one public hearing in regard to any proposed change if it appears to the Committee that the number of towns affected by such change is too large or too widely distributed throughout the county to be reasonably accommodated at one place of meeting.

The Committee shall act upon the petition as soon as possible after the public hearing, and if such action is favorable to granting the change requested by such petition, the Committee shall cause an ordinance to be drafted effectuating such change. Such ordinance shall be submitted directly to the County Board with the recommendations of the Committee. If the Committee after its public hearing acts to deny the petition, it shall submit a recommendation to the County Board including the reasons for such denial. Proof of publication of the notice of the public hearing held by the Committee and proof of the giving notice to the Town Clerk of each town affected by the matter of the petition shall be attached to the report of the Committee.

Upon receipt of such Committee report the County Board may adopt the ordinance as drafted by the Committee or with amendments, or it may deny the petition for amendment, or it may refuse to deny the petition as recommended by the Committee in which case it shall re-refer the petition to the Committee with directions to draft an ordinance to effectuate the petition and report the same back to the County Board which may then adopt or reject such ordinance.

~~In case a protest against a proposed amendment be filed with the County Clerk at least 24 hours prior to the date of the meeting of the County Board at which the report of the Committee is to be considered, duly signed and acknowledged by the owners of at least 20% or more of the area proposed to be altered, or by the owners of at least 20% of the frontage directly opposite and across a public street, highway or alley, from the area proposed to be altered, action on such ordinance may be deferred until the Committee shall have had a reasonable opportunity to ascertain and report to the County Board as to authenticity of such ownership statements. Each signer shall state the amount of area of frontage owned by him and shall include a description of the lands owned by him. If such statements are found to be true, such ordinance shall not be adopted except by the affirmative vote of three fourths of the members of the County Board present and voting. If such statements are found to be untrue to the extent that the required frontage or area ownership is not present such protest may be disregarded.~~

~~In acting upon With any a petition, the County shall consider the stated purpose of the proposed zoning~~

~~district and shall approve the rezoning petition only if it finds that~~following may be considerations for the basis of a decision or action:

1. ~~Whether the~~The petition is consistent with the Iowa County Comprehensive Plan and the comprehensive plan of any Town affected by said petition.
2. ~~Whether a~~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. ~~3. Whether t~~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. ~~4. Whether t~~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. ~~5. The petition will not be used to legitimize a nonconforming use or structure. Whether the petition is to resolve a violation.~~
7. ~~6. Whether t~~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).~~

Within seven (7) days after its adoption, the County Clerk or his or her designee shall send ~~duplicate~~ copies of such amendatory ordinance by ~~registered-certified~~ mail to the Town Clerk of each town affected by such ordinance. If the amendatory ordinance relates only to the location of the boundaries of districts, ~~duplicate~~ copies thereof shall be sent as provided above only to the clerk or clerks of that town or those towns in which such ordinance causes a change in district boundaries.

The County Clerk or his or her designee may submit to a town clerk by electronic mail the materials described above provided a request is made that the town clerk promptly confirm receipt of the materials by return electronic mail. If such confirmation is not received within 2 business days, the County Clerk or his or her designee shall submit the materials to the town clerk by certified mail.

The amendatory ordinance shall be in full force and effect in all the towns affected by it after 40 days from the date of its adoption by the County Board unless, within such 40 days, a majority of the towns receiving copies of the ordinance have filed, with the County Clerk, certified copies of resolutions disapproving the ordinance.

The amendatory ordinance shall be in full force and effect within a shorter time, if, within such shorter time, a majority of such towns have filed, with the County Clerk, certified copies of resolutions approving the ordinance.

An application for a district boundary or land use change or other ordinance amendment shall be accompanied by a fee as set by County Board Resolution. An application for a district boundary or land use change to a zoning district that does not have any permitted principal uses shall include a request for conditional use permit.

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Scott.Godfrey@iowacounty.org



Director's Report: August 2024

	Since last report	Year to date	same time 2023	Comments
Zoning permits	14	131	150	
Permit project value	\$2,497,419	\$26,180,797	\$20,472,769	
New residences	3	22	30	
Accessory structures	4	63	61	
Ag buildings	4	31	54	
Solar	3	5	8	
Airport zoning permits	1	5	4	
Floodplain/Shoreland pts	1	15	14	
Complaints/Violations	3	24	29	
Certified survey map review	2	21	31	
Zoning Hearings	5	41	46	
Board of Adj hearings	0	1	2	
Sanitary Permits	5	49	54	
Soil Tests Reviewed	7	41	37	
as of July 31, 2024				

Other Updates

- LCD/NRCS conservation practices and floodplain compliance – statewide issue
 - Training taken since last report
 - Finance software on budgeting
 - Local regulation of renewable energy projects
 - Large scale solar project decision makers and criteria
 - DNR role in floodplain regulation
 - Town of Mineral Point recall election
 - WCA legal counsel analysis of model wind moratorium and licensing ordinances
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**ALERT – CONCERNS SURROUNDING RENEWABLE ENERGY “FORM”
ORDINANCE MOVEMENT**

Renewable energy project siting was the topic of July’s session of “In the Board Room with Attolles Law.” Since that session, WCA has received inquiries regarding “form” ordinances addressing wind energy system siting that groups such as “Farmland First” have been urging municipalities and counties to adopt. Attolles Law has reviewed two of the form ordinances and noted several points in the ordinances that raised legal concerns. WCA encourages counties to be aware of the potential issues if presented with “form” ordinances relating to renewable energy siting and immediately speak with corporation counsel about the forms and proposal.

As discussed at the ITB, a county may only regulate what it has statutory authority to regulate, and counties may not regulate areas in which the county has been preempted by state or federal law. While the desire to regulate land use at the local level is understandable, it is important to recognize that solar and wind energy system siting have been preempted by several Wisconsin Statutes and Wisconsin Administrative Code provisions. Indeed, a county has been left with a small number of points that it has specific authority to regulate: vegetative trimming, access to solar and wind power, and in certain instances, zoning approval. In the context of zoning approval, the regulation must satisfy one of the following: (1) serves to preserve or protect public health or safety; (2) does not significantly increase the system cost or decrease efficiency; or (3) allows for an alternate system of comparable costs and efficiency. Wisconsin courts have clearly articulated that any zoning approval must be determined on a case-by-case basis, such as through a conditional use permit, and “one size fits all” regulations of solar and wind energy systems are not acceptable.

Despite the legal parameters for local regulation of wind energy systems, some municipalities have been presented with a form ordinance entitled “Wind Energy Facility Licensing Ordinance.” The form ordinance is long and detailed, but the underlying principle is simple: the ordinance requires any operator of a wind energy system to obtain a license from the municipality and sets forth restrictions that are greater than those set forth in Wisconsin law. Of significant concern are provisions stating that the municipality may have regulations that are more restrictive than state law, such as those in Wis. Admin. Code. Ch. PSC 128. On the contrary, Wis. Admin. Code. Ch. PSC 128.03 specifically states that political subdivisions may not place restrictions on wind energy systems that are more restrictive than those in PSC 128. The form ordinance also requires an applicant to submit a site plan, economic impact study, environmental impact study (EIS), which requires multiple state and federal agency concurrences, and sound modeling. The Wisconsin Statutes, Wisconsin Administrative Code, and applicable case law do not provide a statutory basis for a county to require these submissions as part of a licensing process for wind energy systems.

Another form ordinance presented to municipalities is an “Ordinance to Establish Temporary Moratorium on Development of Wind Energy Systems.” Wisconsin law allows municipalities and counties to adopt “development moratoria” and other moratoria under certain circumstances. In any circumstance, a municipality or county must have underlying authority to regulate the

activities subject to the moratorium. Stated another way, a municipality or county may not adopt a moratorium halting activities over which it does not have authority. In situations relating to wind energy systems, a municipality's moratorium must be limited to those activities that it has underlying authority to regulate. Like the licensing ordinance, the moratorium ordinance attempts to regulate aspects of wind energy systems that are outside the scope of municipal or county regulatory authority. In addition, the moratorium ordinance contains other points that are legally questionable, such as the open-ended time frame of the moratorium and the voiding of other ordinances deemed inconsistent with the moratorium.

Advocacy groups may be assisting counties when supplying "form" resolutions to support a particular position. However, it is important to take a close look at "form" resolutions or ordinances to ensure compliance with Wisconsin law. WCA strongly encourages county officials to speak with corporation counsel in more detail regarding any form resolution or ordinance, and certainly form ordinances pertaining to complex regulatory topics such as renewable energy. If WCA and its General Counsel can be of assistance to corporation counsel in the evaluation process, please do not hesitate to contact us.