

NOTICE OF ELECTRONIC MEETING

This meeting will be conducted via electronic videoconferencing/teleconferencing. As such, it is likely that some or all members of, and a possible quorum, may be in attendance via electronic means and not physically present.

In accordance with Wisconsin law, the meeting will remain open to the public. The public may attend in person at the location noted on the agenda. **All public who attend in person are required to wear a face covering and adhere to social distancing.**

The public is encouraged and requested to attend via electronic means.
Pursuant to Section 19.84, Wisconsin Statutes, notice is hereby given to the public that the Iowa County Planning & Zoning Committee will hold a meeting and hearings

Wednesday, December 2, 2020 at 6:30 PM

Conference Call 1-312-626-6799

Zoom meeting ID: 881 0130 7795

<https://us02web.zoom.us/j/88101307795?pwd=TKMwU3N6aTJJUHJwOVBUV21HM2dUUT09>

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.

AGENDA

1. Call to order.
2. Roll Call.
3. Approve of this agenda.
4. Approve the minutes of the October 22, 2020 meeting.
5. Report from the committee members and an opportunity for members of the audience to address the Committee. No action will be taken.
6. Motion to enter into public hearings associated with zoning and/or conditional use permit petitions.
7. Petition by Patricia Ihm to rezone 29.872 acres from A-1 Ag to C-1 Conservancy in the NW1/4 & SW1/4 of S18-T6N-R4E in the Town of Dodgeville.
8. Petition by Terrill Rule to rezone 17.48 acres from A-1 Ag to AR-1 Ag Res in the NE/NE of S9-T5N-R2E in the Town of Linden.
9. Petition by Paul Horvat to rezone 2.021 acres from A-1 Ag to AR-1 Ag Res in the SW/SW of S27-T5N-R2E in the Town of Linden.
10. Petition by John & Vern Halverson to create two lots of 21.68 acres & 38.45 acres by rezoning from A-1 Ag to AR-1 Ag Res in the NE1/4 of S31-T8N-R5E in the Town of Arena.

11. Petition by Bill Whitmire and Michael von Stein to rezone 3.06 acres from AR-1 Ag Res to A-1 Ag to be combined with adjacent A-1 land; and a Conditional Use Permit to approve the reduction of an existing AR-1 Ag Res lot to 20.41 acres in the NW/SE of S30-T8N-R2E in the Town of Pulaski.
12. Petition by Bickford Farms Inc. to rezone 9.59 acres from nonconforming A-1 Ag to C-1 Conservancy in the E1/2-NE of S21 and W1/2-NW of S22 all in T6N-R4E in the Town of Ridgeway.
13. Petition by Bickford Farms Inc. to rezone 9.55 acres from nonconforming A-1 Ag to C-1 Conservancy in the E1/2-NE of S21 and W1/2-NW of S22 all in T6N-R4E in the Town of Ridgeway.
14. *Petition by Richard & Judy Strutt to create two lots of 1.15 acres & 3.52 acres by rezoning from A-1 Ag to AR-1 Ag Res in the NE/SW of S11-T6N-R4E in the Town of Ridgeway. This petition includes a Conditional Use Permit request for animal units on each proposed lot.
15. Recommend adoption of three dam failure analyses for the Twin Parks #4 Dam, Twin Parks #6 Dam, and Otter Creek #12 Dam. Adoption is by reference within Section 1.5(2)(b) of the Iowa County Floodplain Zoning Ordinance #400.03A.
16. Motion to end the public hearings and resume the regular meeting.
17. Discussion of revisions to Ordinance No. 400.17 Iowa County Wind Energy System Siting Ordinance.
18. Director's report
19. Next meeting date and time
20. Motion to adjourn


Scott A. Godfrey, Director

Posted 11/10/2020

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.

* revised November 12, 2020



Minutes - unapproved
Iowa County Planning & Zoning Committee
Thursday, October 22, 2020 – 6:10 PM
Community Room, HHS Building
303 W. Chapel Street
Dodgeville, Wisconsin

**Iowa
County
Wisconsin**

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

Any subject on this agenda may become an action item unless otherwise noted.

All who attend must wear a face covering as required by Governor Evers' Emergency Order #1 effective August 1, 2020.

1 Call to order. Chair Peterson called to order at 6:10pm.

Roll Call.

2 Members Present: Curt Peterson, Kevin Butteris, Don Leix, Dave Gollon, Mel Masters
 Members Absent: none
 Staff Present: Scott A. Godfrey
 Other Supervisors Present: none

3 Consent Agenda:
 a) Approve the agenda for this meeting.
 b) Approve the minutes of the last meeting.

Motion to approve by Supervisor Butteris
 Second by Supervisor Leix
 Motion carries unanimously

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

None

Petition by Stephen & Cheryl Delventhal to rezone 2.809 acres from AR-1 Ag Res to B-2 Hwy Bus and 30.685 acres from AR-1 Ag Res to AB-1 Ag Bus in S12-T8N-R1E in the Town of Pulaski. This petition includes a request for a Conditional Use Permit to allow a Home Décor Shop with associated residence on the 2.809 acres and a Conditional Use Permit to allow Agritainment on the 30.685 acres.

Applicant Present: none
 Town Present: none

5 Director Godfrey said the applicants are available by phone, if needed, then gave the staff report.

Public Comment: none

Motion to approve the zoning changes with the condition that the associated certified survey map is duly recorded within 6 months of the County Board approval and to approve the Conditional Use Permits for each lot as proposed with by Supervisor Leix with the following conditions: by Supervisor Leix

- 1) The residence on the B-2 lot must be occupied by the owner of the business or someone affiliated with it.

	2) No parking shall be permitted on the public road unless approved by the Town of Pulaski. 3) Only those uses outlined in an email from the applicants dated September 29, 2020 (3:12pm) shall be allowed any additional uses will require revision of the Conditional Use Permits. 4) Portable toilets shall be provided for the Agritainment events with the number of toilets determined by the Iowa County Sanitarian and a copy of the service agreement provided to the County. These toilets shall be removed at the conclusion of the event and shall not remain year-round. Second by Supervisor Gollon Motion carries unanimously
6	Petition by Bethel Horizons Foundation Inc. to revise the Conditional Use Permit on a 542.62-acre B-2 Hwy Bus lot in Sections 26, 27, 34, 35-T7N-R3E in the Town of Dodgeville to include a Welcome Center, Camping Cabins, and Staff housing. Applicant Present: Eric Knueve and Leon Gander Town Present: none Director Godfrey gave the staff report. Supervisor Gollon asked if the roads are adequate for emergency protection. Mr. Knueve said has met with Brian Cushman of EMS on that issue to assure all is adequate. He added the roads are two lane throughout the property. Supervisor Peterson added the town driveway ordinance does apply to the property. Supervisor Leix confirmed these are private and not public roads. Supervisor Masters asked about the maintenance of the roads during the winter. He also asked if the septic system is adequate to which Mr. Knueve said new systems and upgrades made where required. Public Comment: none Motion to approve as proposed by Supervisor Gollon Second by Supervisor Leix Motion carries unanimously
7	Petition by Cedar Valley Preserve and Daniel & Anitra Townsend to rezone 7.02 acres from A-1 Ag to RB-1 Rec Bus and 6.49 acres from RB-1 Rec Bus to A-1 Ag in the NE/NW & NW/NE of S30-T8N-R3E in the Town of Clyde. This petition includes revision and clarification of the existing Conditional Use Permit related to the operation of a hunting preserve. Applicant Present: Jeffrey Maier Town Present: none Director Godfrey gave the staff report Supervisor Masters asked if the septic system is adequate for the weddings and events. Mr. Maier said that was updated in 2014.

	Public Comment: none Motion to approve the zoning changes and revised Conditional Use Permit as proposed and recommended by the Town of Clyde by Supervisor Gollon Second by Supervisor Masters Motion carries unanimously
8	Discussion of revisions to Ordinance No. 400.17 Iowa County Wind Energy System Siting Ordinance. Director Godfrey outlined the revisions proposed by Chris Klopp of SOUL (Save Our Unique Lands). He stated the county can implement all the provisions under PSC 128 or some, but cannot be more restrictive. He asked for the committee to first decide what the goals of the county when regulating these types of developments. Supervisor Leix said the proposal is what is within PSC 128 and feels the biggest issues to look at are noise and flicker. Supervisor Gollon said he agrees with some of the changes but is unsure if the county wants to be enforcer and what amount of responsibility and workload will there be. Supervisor Butteris said placement is an issue in many areas and told of a site that impacts internet signals. Supervisor Leix suggested having Director Godfrey review the proposal and research potential issues, liabilities, benefits, etc. Director Godfrey added he wants to research if any of the PSC128 provisions must be followed if they were not in a local ordinance and, if yes, who is the enforcer. Supervisor Peterson added to research the options for financial assurance for decommissioning. Supervisor Masters expressed his opinion to keep this on the agenda and to take the necessary time to thoroughly review the issues. Supervisor Gollon would like to know if the PSC requires decommissioning and enforces it.
9	Director's Report a) Office activity and programs b) Remote/virtual participation for future meetings and hearings Director Godfrey overviewed the report provided in the packet.
10	Next meeting dates and times for November and December Director Godfrey said the usual meeting date in November falls on Thanksgiving and in December it falls on Christmas Eve. He provided alternate dates, times and available meeting rooms. The decision was for the next meeting to be December 2nd at 6:30 pm in the Community Room and the following meeting December 30th at 6pm in the Community Room.

	Adjourn
11	Motion to adjourn by Supervisor Gollon Second by Supervisor Butteris Motion carries unanimously. Adjourned at 7:02pm



Hearing Date: Dec. 2, 2020
Town of Dodgeville
NW & SW S18-T6N-R4E
PIN: 008-0203; 0209.A; 0211.03

[illegible]

1. The applicant is proposing to sell 40 acres, leaving 29.872 acres. The current zoning is A-1 Ag, which has a minimum 40-acre lot size.
2. If approved, the C-1 lot would allow open space uses.
3. The associated certified survey map has 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.

OFFICE OF PLANNING & DEVELOPMENT

Courthouse - 222 N. Iowa St. - Dodgeville, WI 53533

Telephone: (608) 935-0398 Fax: (608) 935-3024

e-mail: 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: TRICIA IHM Address: 5468 IHM ROAD
City/Zip Code: DODGEVILLE WI 53533

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

Applicant Phone: (608) 935-0829 Landowner Phone: () _____

Email: ihmtricia8@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 DODGEVILLE Acreage of proposed lot(s) ± 31 29.872

Section 18 Town 6 N Range 4 E SW 1/4 of the SW 1/4 PIN 008-0202, 008-0203

Have you contacted your Town Board about this proposal? ☒ Yes ☐ No 008-0209.A
Does this request involve any proposed land division? ☒ Yes ☐ No 008-0211.03 202.

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: C-1 for the proposed use(s) of: FARMING

Requested Conditional uses (s):

NONE

I. Please list any improvements currently on the land: NONE

II. Please explain the reason for the request and proposed plans: ZONING CHANGE
NECESSARY TO MAKE A CONFORMING PARCEL

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?

C-1 ZONING WOULD STILL
BE 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?

C-1 ZONING ALWAYS FOR AGRICULTURAL
USE AND IS MORE RESTRICTIVE
FOR FUTURE 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?

N/A

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)?

N/A

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?

N/A

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

N/A

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?

N/A

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

N/A

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

N/A

****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:

Patricia J. [Signature]

Date:

8/31/20

Landowner(s) Signature:

Patricia J. [Signature]

Date:

8/31/20

For Office Use Only: Rcv'd by SL Date 10-20-2020 Fee 500 - Check # 1416 Cash
A-1 present zoning ☒ floodplain ☒ shoreland/wetland

Scott Godfrey

From: twnclerk@mhtc.net
Sent: Friday, September 25, 2020 12:08 PM
To: Scott Godfrey
Subject: Recommendation - Ihm

Importance: Low

Scott,

Here is the recommendation for the Patricia Ihm application:

Planning Commission:

Curt Peterson made a motion to recommend the approval of the rezoning application of Patricia Ihm to rezone 31 acres more or less from A-1 to C-1 located in the fractional NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, and the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 18, Town 6 North, Range 4 East located near 5450/5452 Ihm Road (Vacant Land). Krista Dolan seconded the motion. Motion carried.

Town Board:

David Gollon made a motion to recommend the approval of the rezoning application of Patricia Ihm to rezone 31 acres more or less from A-1 to C-1 located in the fractional NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, and the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 18, Town 6 North, Range 4 East located near 5450/5452 Ihm Road (Vacant Land). David Pope seconded the motion. Motion carried.

Thanks,
Sara Olson

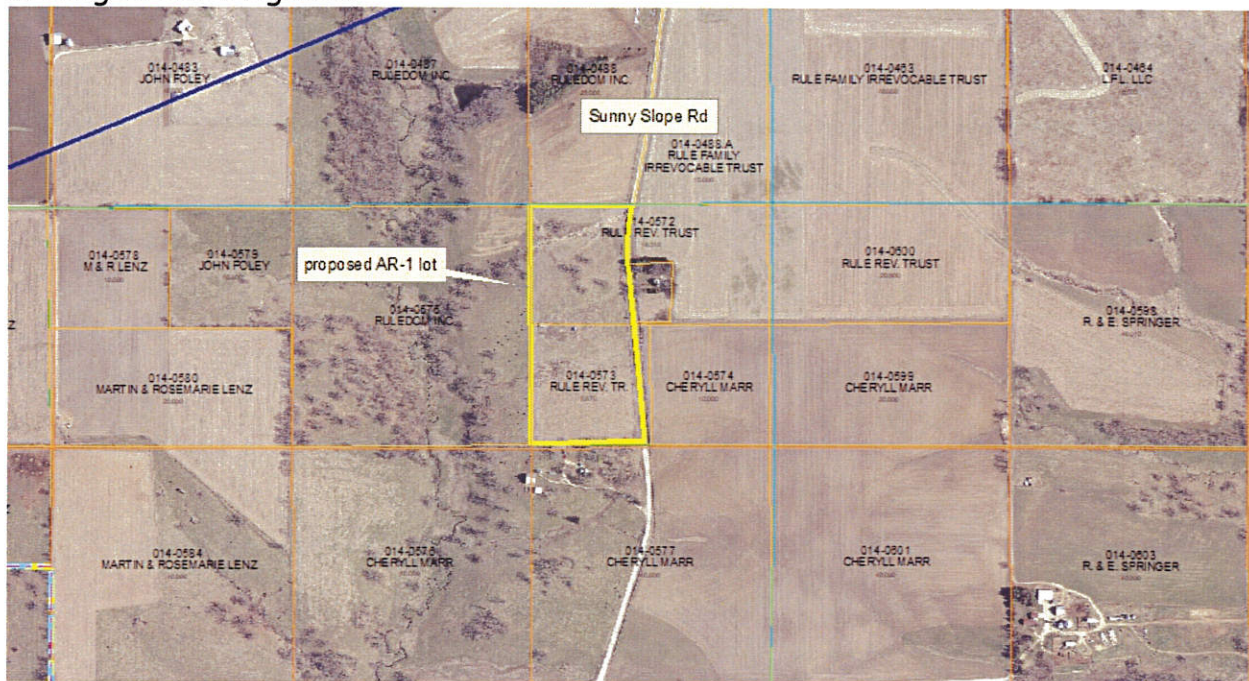


IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT STAFF REPORT

Zoning Hearing: 3135
Terrill Rule
2574 Sunny Slope Rd
Mineral Point, WI 53565

Hearing Date: Dec. 2, 2020
Town of Linden
NE/NE S9-T5N-R2E
PIN: 014-0572; 0573

Request: This is a request to create a residential lot by rezoning 17.48 acres from A-1 Ag to AR-1 Ag Res.



2. Comments

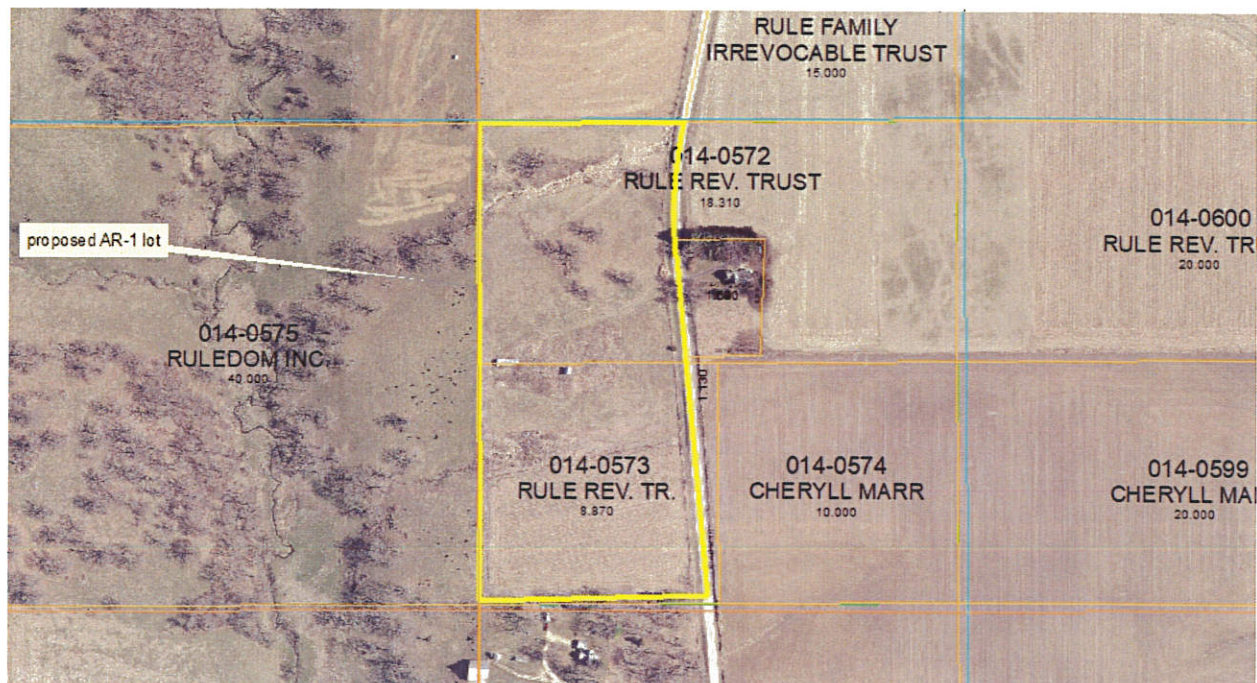
1. The proposed lot doesn't meet the minimum 40-acre lot size in the A-1 Ag district to remain zoned A-1 Ag.
 2. If approved, the lot would be eligible for one single family residence, accessory structures and up to 8 livestock type animal units.
 3. The proposed lot is within Zone 5 of the Iowa County Airport Zoning overlay. The proposed lot size and use is consistent with that overlay zoning.
 4. The remaining 30.4 +/- of the parent farm is planned to either be subsequently petitioned to be rezoned or combined with adjacent A-1 Ag land.
 5. The associated certified survey map has been submitted for formal review.
-

6. 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 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.



OFFICE OF PLANNING & DEVELOPMENT

Courthouse - 222 N. Iowa St. - Dodgeville, WI 53533

Telephone: (608) 935-0398 Fax: (608) 935-3024

e-mail: 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: Terrill L. Rule Address: 2574 Sunnyslope Rd.
Trustee City/Zip Code: Mineral Point, WI
53565

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

Applicant Phone: (608) 553-2852 Landowner Phone: ()

Email: _____ 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) 17.48

Section 9 Town 5N Range 2 E NE1/4 of the NE1/4 PIN 014-0572; 0573

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 for the proposed use(s) of: CREATING RESIDENTIAL LOT

Requested Conditional uses (s):

NONE

I. Please list any improvements currently on the land: there are 2
old wooden sheds - not much value
here

II. Please explain the reason for the request and proposed plans: my nephew
want to build a house and live on
part of the family farm

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?
construction of a home to live
on the family farm pasture land

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?
see above

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?
see above

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)?
see above

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?

I see no adverse impacts

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?

Already in

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: Terrill L. Rule Date: 11-5-2020
Trustee

Landowner(s) Signature: _____ Date: _____

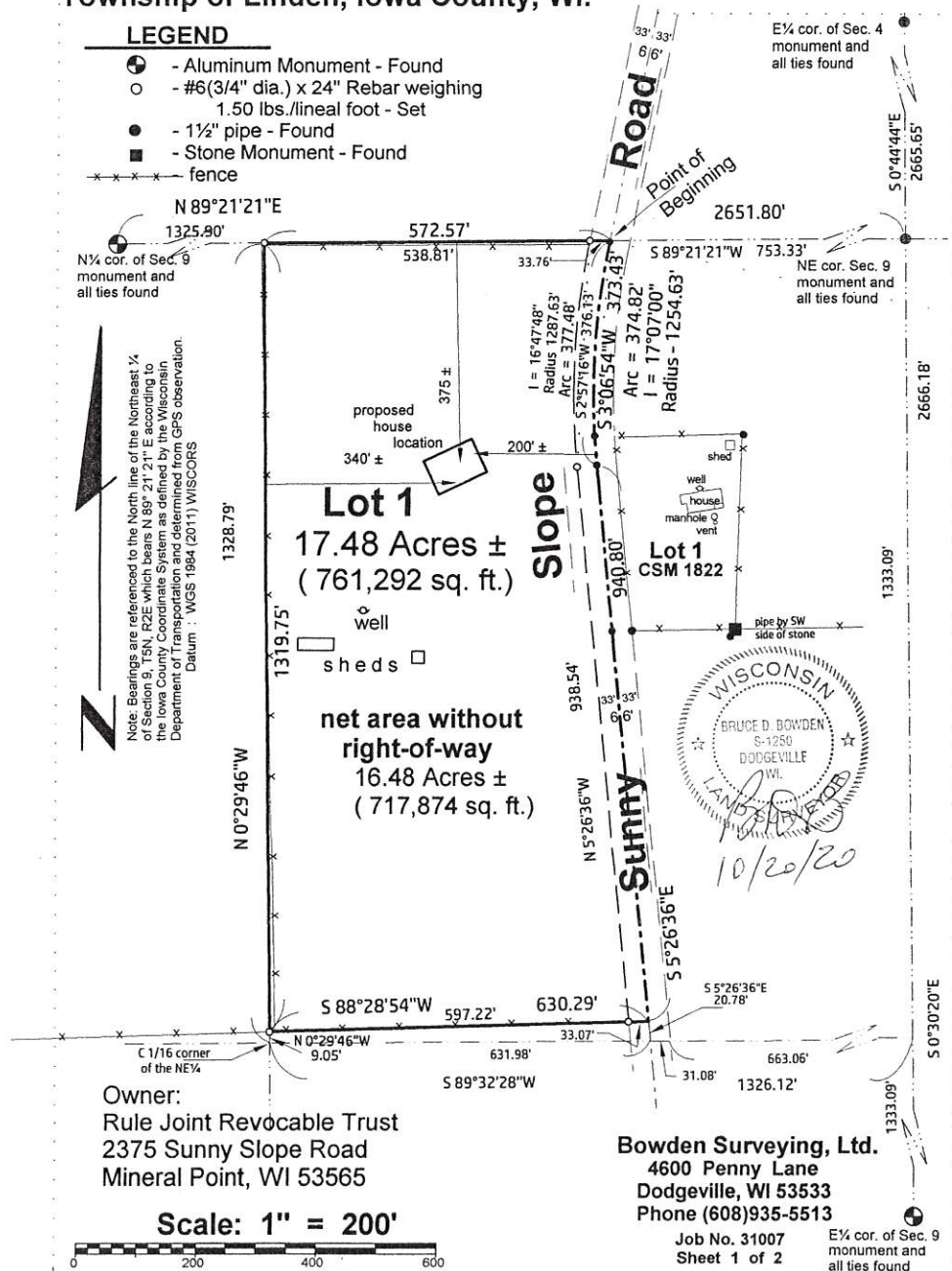
=====

For Office Use Only: Rcv'd by SR Date 11-5-2020 Fee SDU Check # 974 Cash
A-1 present zoning N/A floodplain N/A shoreland/wetland

Certified Survey Map No. _____
of Iowa County, being located in the North-
east Quarter of the Northeast Quarter of
Section 9, Town 5 North, Range 2 East,
Township of Linden, Iowa County, WI.

LEGEND

- - Aluminum Monument - Found
- - #6(3/4" dia.) x 24" Rebar weighing
1.50 lbs./lineal foot - Set
- - 1 1/2" pipe - Found
- - Stone Monument - Found
- fence





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 Linden Rural 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

Applicant's Name: Lance Norman Rute

Town Board Meeting Date: 11-20-2018

Complies	Criteria	How (does it meet the town's standards)
☒ Y ☐ N	Minimum Lot Size	<u>> 2 acres (15 acres)</u>
☒ Y ☐ N	Driveway Standards	<u>will be built to town standards</u>
☒ Y ☐ N	Compliance with Town Land Use Map	<u>scattered rural housing</u>
☒ Y ☐ N	Compatibility with Surrounding Land Uses	<u>not adjacent to scattered rural housing</u>
☒ Y ☐ N	Prime Soils	<u>pasture, not prime soil</u>
☒ Y ☐ N	Slope	<u>< 10%</u>

Comments: _____

over

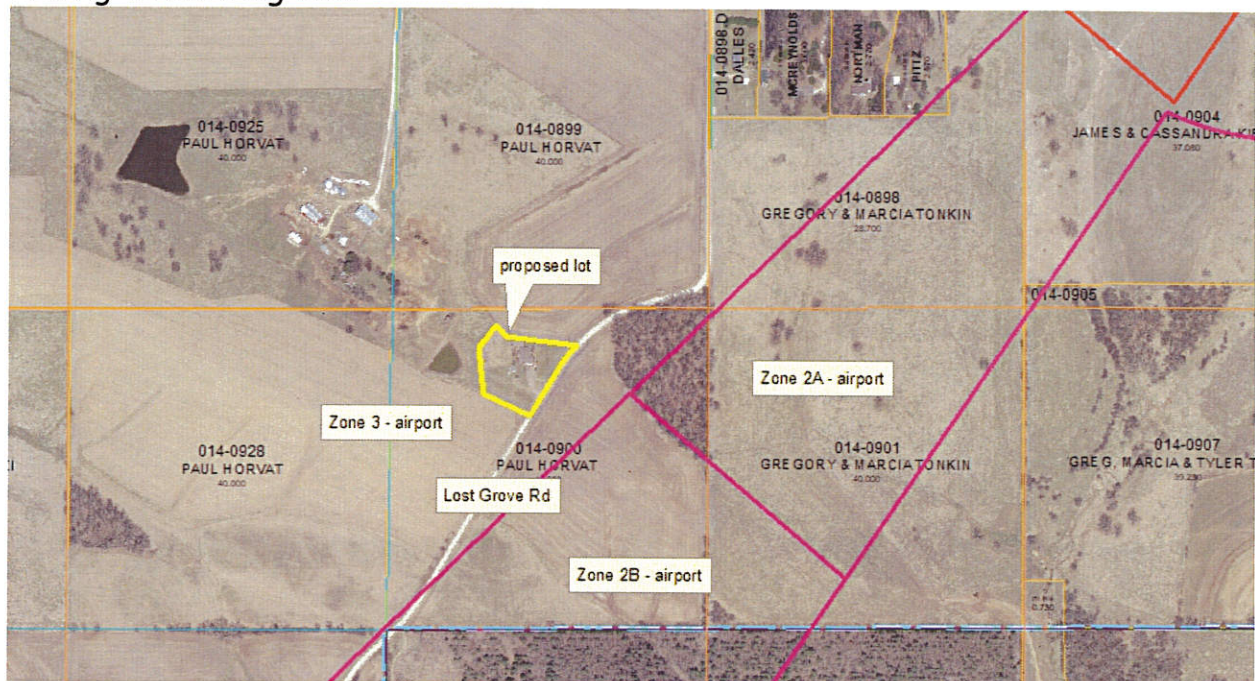


IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT STAFF REPORT

Zoning Hearing: 3136
Paul J. Horvat
1268 Lost Grove Rd
Mineral Point, WI 53565

Hearing Date: Dec. 2, 2020
Town of Linden
SW/SW S27-T5N-R2E
PIN: 014-0900

Request: This is a request to create a 2.021-acre residential lot by rezoning from A-1 Ag to AR-1 Ag Res.



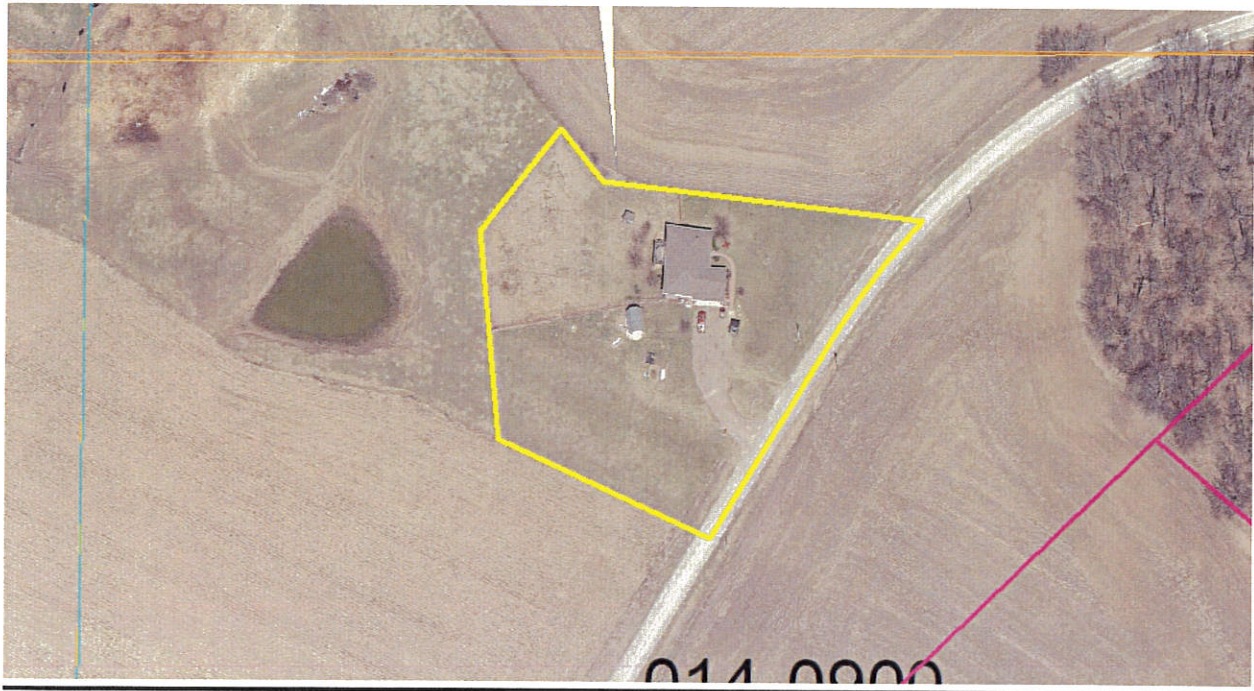
2. Comments

1. The proposed lot doesn't meet the minimum 40-acre lot size in the A-1 Ag district to remain zoned A-1 Ag.
2. If approved, the lot would be eligible for one single family residence, accessory structures and limited ag uses, but no livestock type animal units.
3. The proposed lot is within Zone 3 of the Iowa County Airport Zoning overlay. The proposed lot size and use is consistent with that overlay zoning.
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 Linden 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.



OFFICE OF PLANNING & DEVELOPMENT

Courthouse - 222 N. Iowa St. - Dodgeville, WI 53533

Telephone: (608) 935-0398 Fax: (608) 935-3024

e-mail: 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: Paul J. Horvat Address: 1268 Lost Grove Rd.
City/Zip Code: Mineral Point WI 53565

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

Applicant Phone: (608) 574-8892 Landowner Phone: (____) _____

Email: _____ 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) 2 1/2 ACRES 2.021

Section 27 Town 5 N Range 2 E SW 1/4 of the SW 1/4 PIN 014-0900

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: AG Requested zoning district: R1 for the proposed
use(s) of: Paul owns 215 ACRES AND WANTS TO SELL OFF EVERYTHING EXCEPT HIS HOUSE AND 2+ ACRES.

Requested Conditional uses (s):

✓ LEGAL (mike R. D. D.)

I. Please list any improvements currently on the land: _____

II. Please explain the reason for the request and proposed plans: SELLING OFF 212 ACRES
AND KEEPING HIS HOUSE AND 2+ ACRES

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?

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: 10/21/2020

Landowner(s) Signature: _____ Date: _____

=====

For Office Use Only: Rcv'd by SL Date 10/23/2020 Fee \$500 Check # 3114 Cash
A-1 present zoning N/A floodplain N/A shoreland/wetland

1 AIRPORT ZONE 3

Scott Godfrey

From: Linden Town Clerk <lindentownclerk@gmail.com>
Sent: Friday, October 16, 2020 9:38 AM
To: Scott Godfrey; adam@loridroessler.com
Subject: Horvat property

Hi Scott,

The Linden Town Board approved the rezoning of the 2 acre parcel as Residential at the October 14, 2020 meeting

If you need something other than this, please let me know.

Sam

PRELIMINARY 11/4/2020

IOWA COUNTY CERTIFIED SURVEY MAP #

Being part of the SW 1/4 of the SW 1/4 of Section 27,
T5N, R2E, Town of Linden, Iowa County, Wisconsin.

FOR: PAUL J HORVAT
1268 LOST GROVE ROAD
MINERAL POINT, WI 53565

SURVEYOR'S CERTIFICATE:

I, Michael G. Rochon, professional land surveyor, hereby certify:

THAT under the direction of Paul J Horvat, I have surveyed, divided and mapped the following described parcel of land:

Being part of the SW 1/4 of the SW 1/4 of Section 27, T5N, R2E, Town of Linden, Iowa County, Wisconsin, to wit:

Commencing at the SW corner of said Section 27;
thence N 21°59'31" E, 1062.60' to the POINT OF BEGINNING;
thence N 5°30'06" W, 193.73';
thence N 37°38'06" E, 121.03';
thence S 38°51'49" E, 62.70';
thence S 83°13'23" E, 298.90' to the beginning of traverse along the centerline of Lost Grove Road and to the beginning of a curve, concave to the southeast, having a central angle of 11°40'07", a radius of 665.02', and whose long chord bears S 37°18'55" W, 135.20';
thence along the arc of said curve 135.43';
thence S 31°28'52" W, 219.01' to the end of said centerline traverse;
thence N 65°18'40" W, 214.80' to the POINT OF BEGINNING;
containing 88,020 square feet or 2.021 acres, more or less.
Parcel is subject to a public right of way easement for Lost Grove Road on the easterly side thereof.
Parcel is subject to any easements of record and/or usage.

THAT the description and plat is a correct representation of all exterior boundaries of the land surveyed and the division thereof made. That I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes in surveying, dividing, mapping and dedicating of the same and that the survey is correct to the best of my knowledge and belief.

Michael G. Rochon, S-2767

Date

**CERTIFICATE OF IOWA CO.
REGISTER OF DEEDS**

Received for recording this ____ day of
_____, 2020 at ____ o'clock __M, and
recorded in Volume ____ of Certified Survey
Maps, on Page(s) ____.

**APPROVED FOR RECORDING BY IOWA COUNTY
OFFICE OF PLANNING AND DEVELOPMENT**

SCOTT GODFREY - DIRECTOR

Date

DIXIE EDGE, IOWA COUNTY REGISTER OF DEEDS



FULLCIRCLE
ENGINEERING & SURVEYING

3462 Spring Valley Road | Dodgeville, WI 53533
608-935-0294 | www.fullcircleES.com

SHEET 2 OF 2
JOB ID: 2010231C
FIELD CREW: MGR

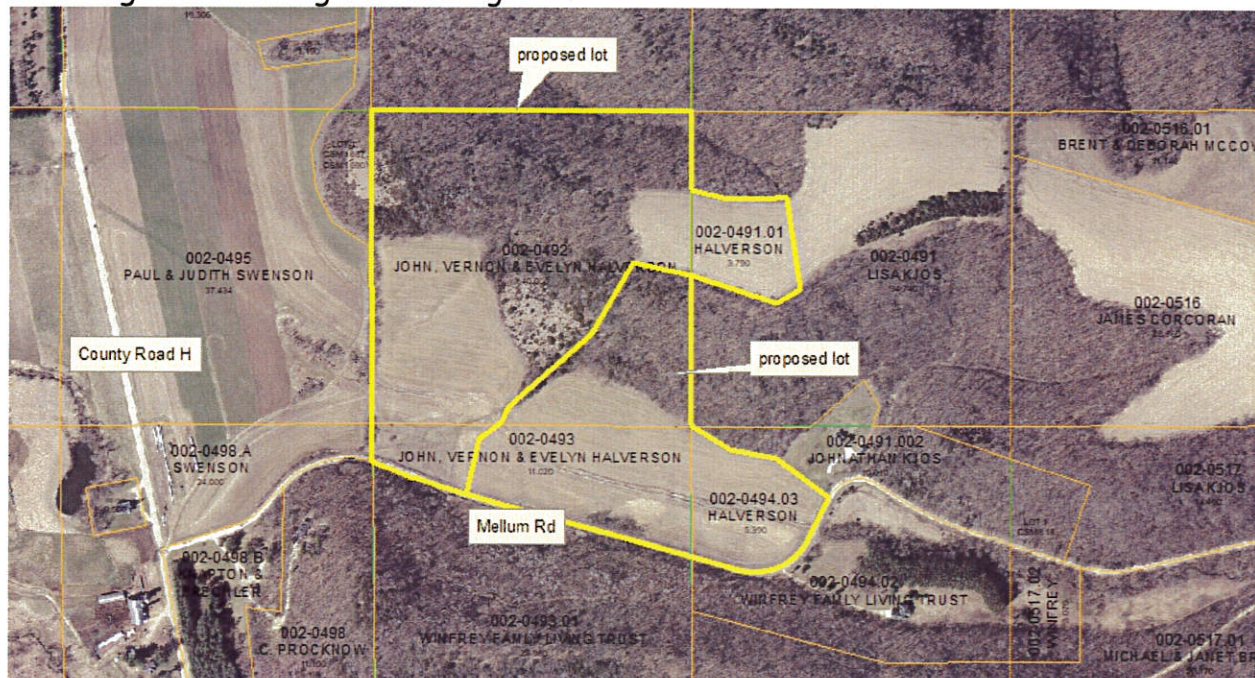


IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT STAFF REPORT

Zoning Hearing: 3137
John & Vern Halverson
6381 Coon Rock Rd
Arena, WI 53503

Hearing Date: Dec. 2, 2020
Town of Arena
NE1/4 S31-T8N-R5E
PIN: 002-0492; 0191.01; 0493;
0494.03

Request: This is a request to create two residential lots of 21.68 & 38.45 acres by rezoning from A-1 Ag to AR-1 Ag Res.



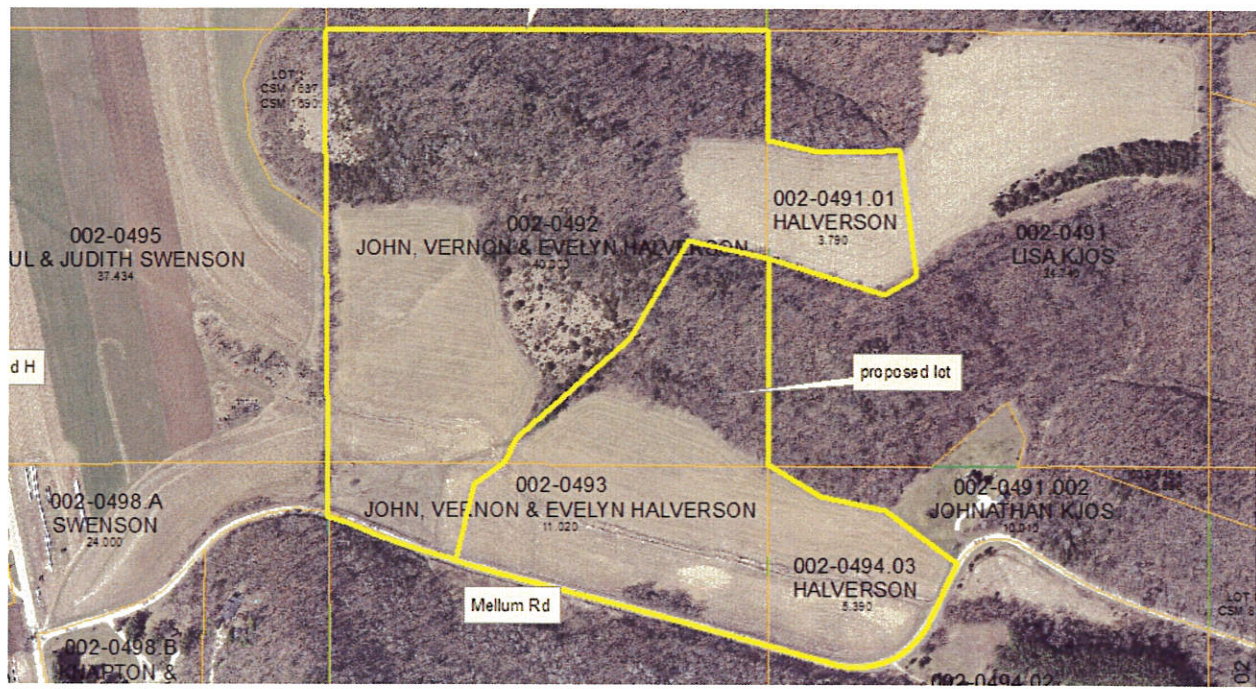
2. Comments

1. The proposed lots do not meet the minimum 40-acre lot size in the A-1 Ag district to remain zoned A-1 Ag.
2. If approved, each lot would be eligible for one single family residence, accessory structures and limited ag uses, including up to 8 livestock type animal units on the smaller lot and 11 on the larger.
3. The associated certified survey map has not 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).

Town Recommendation: The Town of Arena 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.



OFFICE OF PLANNING & DEVELOPMENT

Courthouse - 222 N. Iowa St. - Dodgeville, WI 53533

Telephone: (608) 935-0398 Fax: (608) 935-3024

e-mail: 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: John Halverson Address: 6381 Coon Rock Rd
City/Zip Code: Arena, 53503

Landowner: John & Vern Halverson Address: _____
(if other than applicant) EW City/Zip Code: _____

Applicant Phone: (608) 843-7498 Landowner Phone: () _____

Email: JohnHalversonsurveying.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 Arena Acreage of proposed lot(s) 60 + AC L1 21.48
L2 38.45

Section 31 Town 8 N Range 5 E NW 1/4 of the NE 1/4 PIN 002-0492; 0491.01; 0493;
SW 1/4 NE NE-NE 0494.03

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: AG Requested zoning district: AR1 for the proposed
use(s) of: 2 building sites

Requested Conditional uses (s):

None

I. Please list any improvements currently on the land: None

II. Please explain the reason for the request and proposed plans: Split into two parcels

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) The petitioned land is better suited for a non-agricultural use.
woods AND crop mixed
- 2) The rezoning is consistent with the Iowa County Comprehensive Plan.
yes
- 3) The rezoning is substantially consistent with the Iowa County Farmland Preservation Plan.
yes
- 4) The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
no

IV. Please submit a list of all landowners with addresses that abut the affected property.

****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: [Signature] Date: 11/04/2020

Landowner(s) Signature: [Signature] Date: 11/04/2020

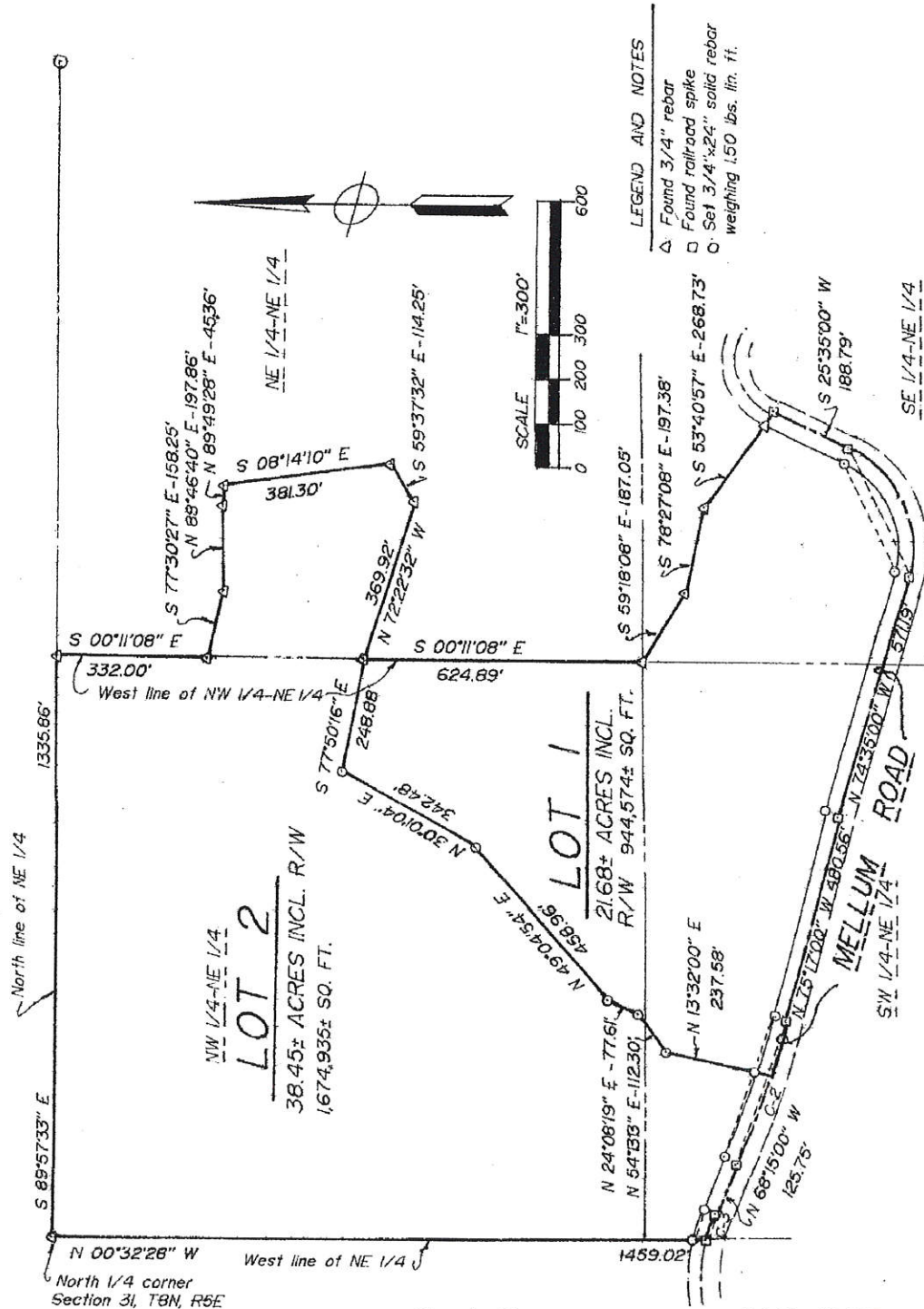
For Office Use Only: Rcv'd by _____ Date _____ Fee _____ Check # _____ Cash
_____ present zoning _____ floodplain _____ shoreland/wetland

Information needed yet for completion of application:

_____ complete date: _____

IOWA COUNTY CERTIFIED SURVEY MAP NO. _____

LOCATED IN THE NORTHEAST 1/4 OF THE NORTHEAST 1/4, THE NORTHWEST 1/4 OF THE NORTHEAST 1/4, THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4, AND THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 31, TOWN 8 NORTH, RANGE 5 EAST, TOWN OF ARENA, IOWA COUNTY, WISCONSIN.



IOWA COUNTY CERTIFIED SURVEY MAP NO. _____

LOCATED IN THE NORTHEAST ¼ OF THE NORTHEAST ¼, THE NORTHWEST ¼ OF THE NORTHEAST ¼, THE SOUTHWEST ¼ OF THE NORTHEAST ¼, AND THE SOUTHEAST ¼ OF THE NORTHEAST ¼ OF SECTION 31, TOWN 8 NORTH, RANGE 5 EAST, TOWN OF ARENA, IOWA COUNTY, WISCONSIN.

IOWA COUNTY PLANNING AND DEVELOPMENT COMMITTEE

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

Scott Godfrey, Director

Date

REGISTER OF DEEDS CERTIFICATE:

Received for recording this _____ day of _____, 2020 at _____ o'clock ____M. and recorded in Volume _____ of Certified Survey Maps of Iowa County on pages _____.

Dixie Edge – Iowa County Register of Deeds

Town of Arena Monthly Board Meeting

November 9, 2020

Present: David Lucey, Bill Gauger, John Wright, Minnie Gauger (treasurer), Joni Johnson-Kropp (clerk), James Whitaker (patrolman).

Call to Order at 6:00pm

Roll Call

Verification of proper public notice

Approval of previous month's meetings: motion made by Gauger, seconded by Wright.

Approval of tonight's agenda, motion made by Gauger, seconded by Wright.

Blue Ridge Trail fence issue was brought to the board's attention by Lucey. Nothing will be done for resolution at this time, residents will take care of themselves.

Randy Dilley is seeking a building permit at 6882 Willison Rd. Dilley absent from meeting.

Garrett Peck needed the board, specifically the clerk, to sign off the county forms for driveway. Copies were made.

General review of EMT salaries will be held off until a later date after the Village meeting.

John and Vern Halverson permits for the rezoning on Mellum road properties were approved by the Planning and Zoning board. Paperwork will be filed and fee paid.

New website news from Clerk- should be completed by the following week. A new website address may need to be used. Board agreed to do whatever it takes to get current.

Recognition for the Election workers. The 2020 election went smoothly especially considering the safety steps implemented. Very few complaints. Board reviewed

the payments for the workers, Gauger made motion to approved payment, Wright seconded. Two poll workers, donated their pay to be donated to the Arena Food Pantry. The clerk will cut a check for the pantry.

Patrolman Report: Banked hours need a resolution. More research by Lucey will be done on the findings by Jim Whitaker.

More money is needed for road repair. Lucey will check with the bank concerning a \$150,000 loan. The board will check on other avenues to find additional funding.

No public comments

Meeting adjourned by Wright, seconded by Gauger.

Dated: 11/9/2020

Joni Johnson-Kropp

Arena Town Clerk



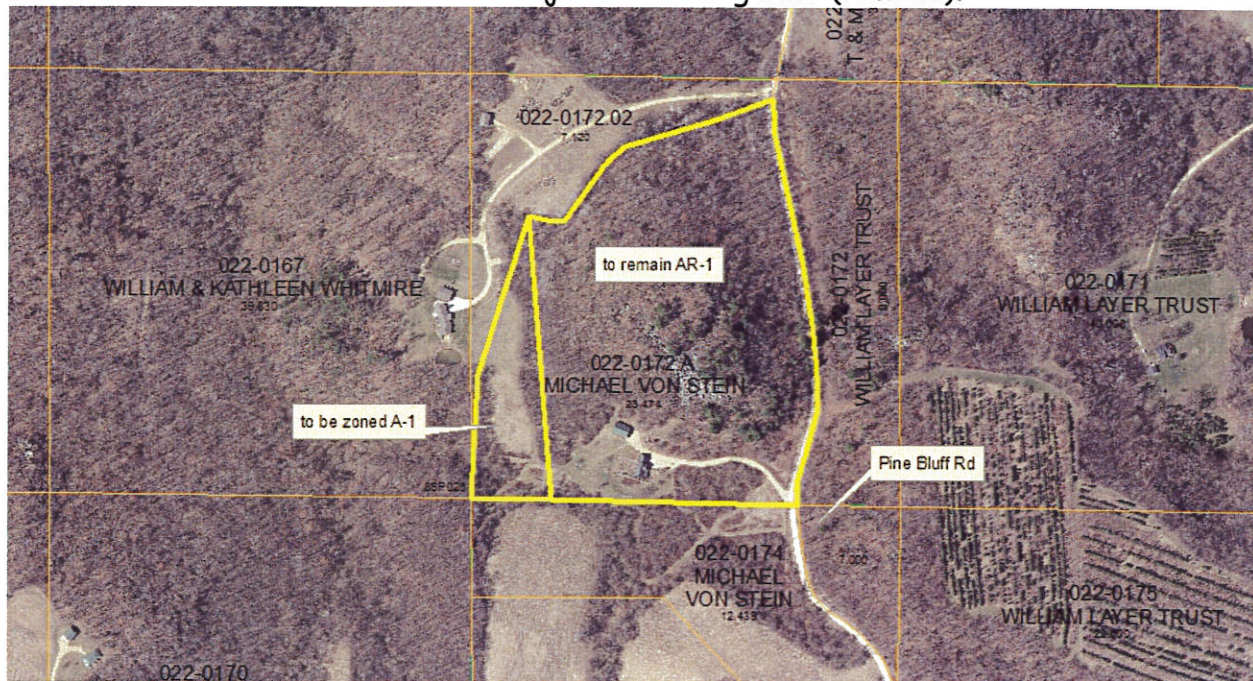
IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT STAFF REPORT

Zoning Hearing: 3138
Bill Whitmire
6748 Pine Bluff Rd
Avoca, WI 53506

Hearing Date: Dec. 2, 2020
Town of Pulaski
NW/SE S30-T8N-R2E
PIN: 022-0172.A

Mike von Stein
6676 Pine Bluff Rd
Avoca, WI 53506

Request: This is a request to reduce an existing AR-1 lot (CUP) by 3.05 acres and for the 3.05 acre to be added to adjacent A-1 Ag land (rezone).



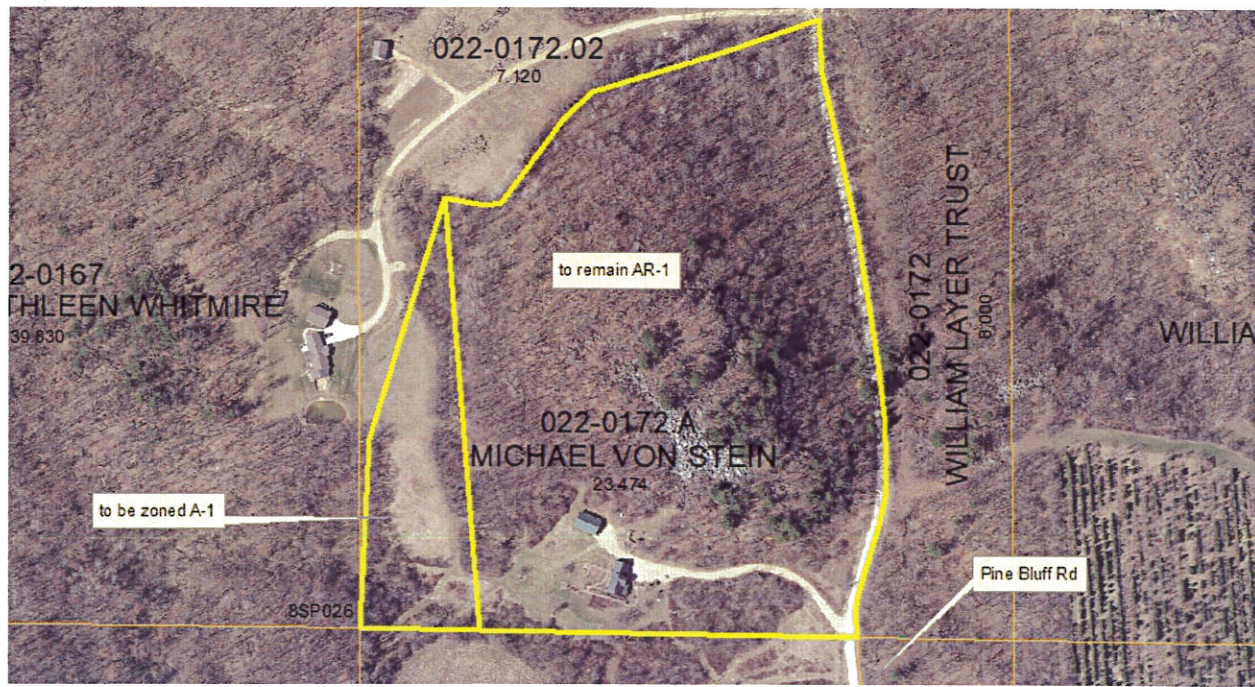
2. Comments

1. This is a sale between adjacent landowners each with different zoning, thus the rezone of the 3.05 acres and Conditional Use Permit to formally approve the reduced AR-1 lot.
 2. If approve, no new or additional land uses would result.
 3. The associated certified survey map has not 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).

Town Recommendation: The Town of Pulaski is recommending approval.

Staff Recommendation: Staff recommends approval with the conditions that the associated certified survey map is duly recorded and the 3.05 acres be consolidated by deed with the adjacent A-1 land within 6 months of County Board approval.



OFFICE OF PLANNING & DEVELOPMENT

Courthouse - 222 N. Iowa St. - Dodgeville, WI 53533

Telephone: (608) 935-0398 Fax: (608) 935-3024

e-mail: 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: Bill Whitmire

Address: 6748 Pine Bluff Rd.

City/Zip Code: Avoca, WI 53506

Landowner: Mike von Stein

(if other than applicant)

Address: 6676 Pine Bluff Rd

City/Zip Code: Avoca, WI 53506

Applicant Phone: (608) 532-6102

Landowner Phone: (608) 532-6090

Email: Wjw96962sbglobal.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

20.41 STAYS
AR-1

in the Town of Pulaski Acreage of proposed lot(s) 3.05 TO A-1

Section 30 Town 8 N Range 2 E SW 1/4 of the SE 1/4 PIN 022-0172. A1

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: AR-1 Requested zoning district: A-1 for the proposed use(s) of: additional woods & meadow

Requested Conditional uses (s):

To rezone Bill's 3.05 acres
to ~~A-1~~ A-1 and to reduce Mike's parcel
022-0172 by the same 3.05 acres.

f uson

I. Please list any improvements currently on the land: None

II. Please explain the reason for the request and proposed plans: To purchase 3.05 acres in order to own a total of 50 acres which has hunting license advantages.

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?

It does as this is a simple transfer of approximately 3.05 acres from Mike to me. No change of land use is anticipated now or in the future.

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 land to be transferred is approximately 1 acre of a overgrown meadow and 2 acres of woods. No change of land use is anticipated now or in the future.

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?

None

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

No change in land use.

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?

N/A

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

No change in land use.

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

No change in land use

****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: [Signature]

Date: 10/29/20

Landowner(s) Signature: [Signature]

Date: 10/23/20

For Office Use Only: Rcv'd by SL Date 11-2-2020 Fee 500 Check # 1071 Cash
AR-1 present zoning N/A floodplain N/A shoreland/wetland

Scott Godfrey

From: William Whitmire <wjw9696@sbcglobal.net>
Sent: Thursday, October 29, 2020 8:55 AM
To: Scott Godfrey
Cc: Mvonstein6615
Subject: Von Stein to Hamilton and Von Stein to Whitmire land transfers

Good morning Scott,

The Town of Pulaski board met on Monday October 26th, and I made the board aware of the proposed transactions to transfer ownership of 6.5 acres of AR-1 land from Mike Von Stein to Brian Hamilton. The resulting land owned by Mr. Hamilton will total 15 acres that will be contiguous and will meet the Town of Pulaski density standards for building a residential structure in the future. The board has recommended approval of this transaction.

The board also recommended approval of the transfer of the 3.5 acres to myself from Mike Von Stein with the required rezoning from AR-1 to A-1 and consolidating the land with my existing A-1 property.

If you have any questions or concerns regarding this information please contact me by email or my home telephone number @ 608-532-6102.

Thank you,

--Bill Whitmire



IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT STAFF REPORT

Zoning Hearing: 3139

Paul Bickford/Bickford Farms Inc.

3630 Ridgevue Rd

Ridgeway, WI 53582

Hearing Date: Dec. 2, 2020

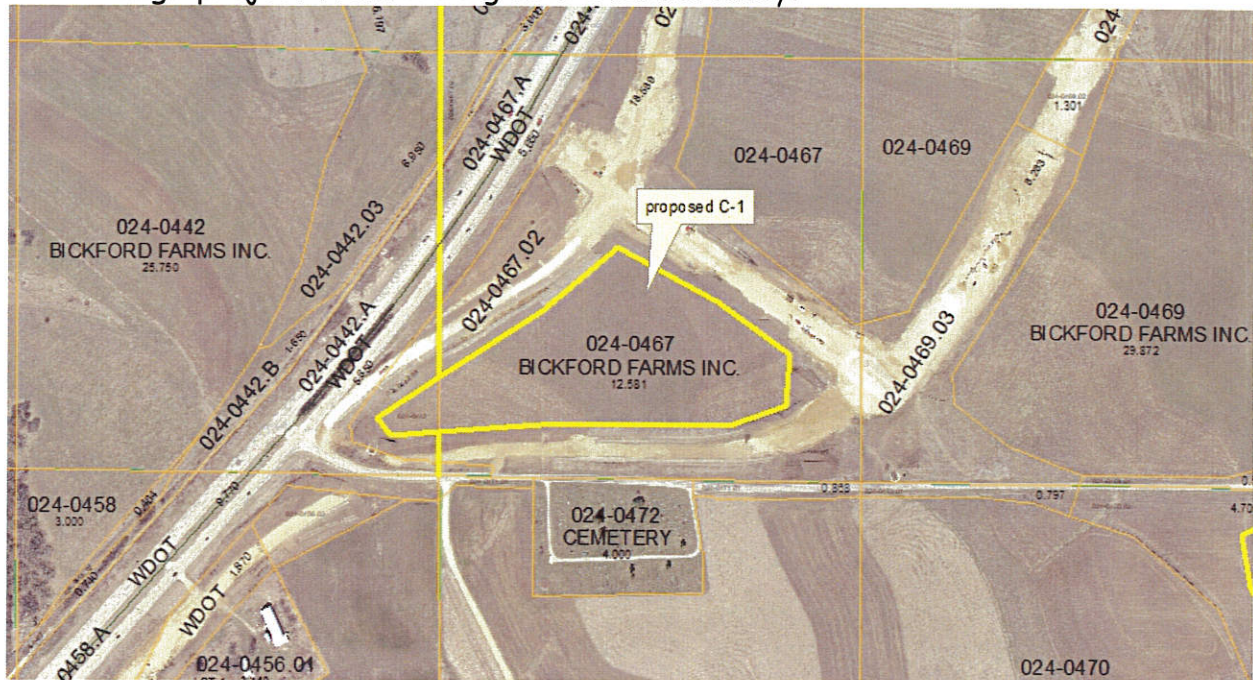
Town of Ridgeway

E1/2 NE S21-T6N-R4E

W1/2 NW S22-T6N-R4E

PIN: 024-0467

Request: This is a request to zone a nonconforming lot created by the US 18/151 interchange project from A-1 Ag to C-1 Conservancy.



2. Comments

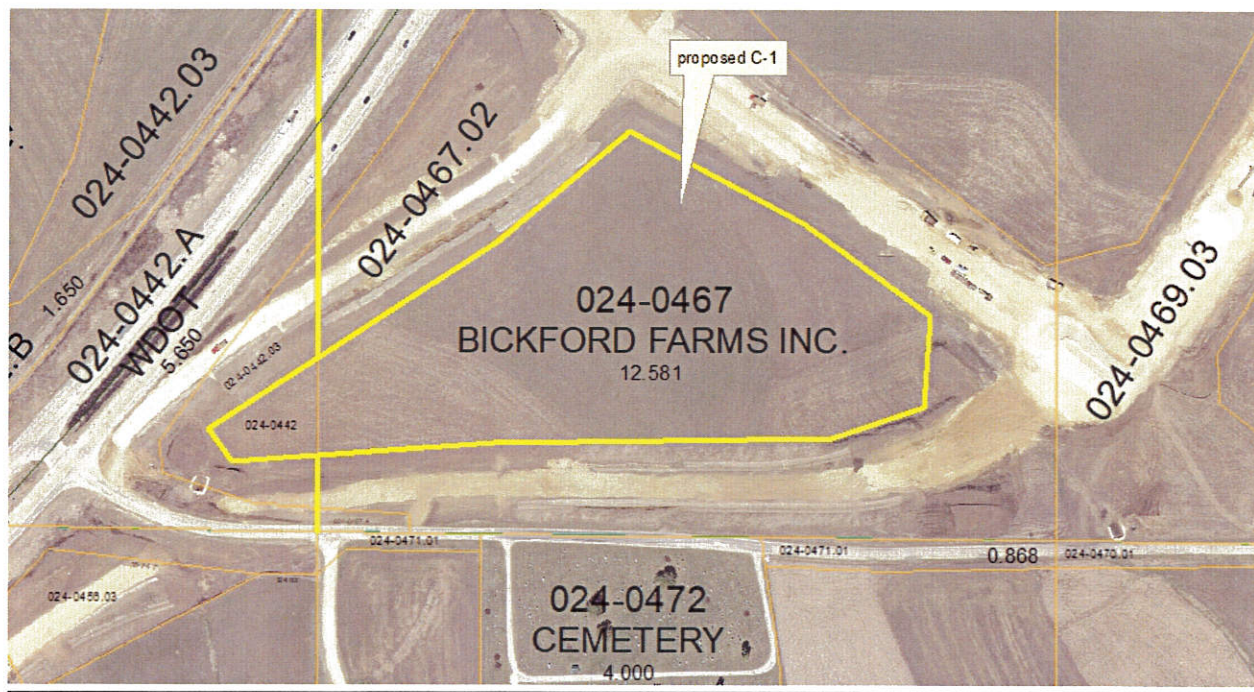
1. This lot was created from the 18/151 interchange project and is subject to the county's land division and zoning ordinances. It is less than the minimum 40-acre lot size for the A-1 district, so the C-1 district
2. If approved, open space uses are allowed. If/When development is proposed, rezoning will be required.
3. 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 Ridgeway is recommending approval.

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



OFFICE OF PLANNING & DEVELOPMENT

Courthouse - 222 N. Iowa St. - Dodgeville, WI 53533

Telephone: (608) 935-0398 Fax: (608) 935-3024

e-mail: 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: PAUL BICKFORD Address: 3630 RIDGEVIEW RD
City/Zip Code: RIDGEWAY, WI 53582

Landowner: BICKFORD FARMS INC Address: 3630 RIDGEVIEW RD
(if other than applicant) City/Zip Code: RIDGEWAY, WI 53582

Applicant Phone: (608) 574-2307 Landowner Phone: (608) 574-2307

Email: _____ 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 RIDGEWAY Acreage of proposed lot(s) 9.59
Section 22 Town 6 N Range 4 E NE NE SE NE SW NW PIN 024-0439-A
024-0442
024-0465
024-0467

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: C-1 for the proposed use(s) of: continue crops

Requested Conditional uses (s):

I. Please list any improvements currently on the land: GROWING CROPS.

II. Please explain the reason for the request and proposed plans: LAND WAS
DIVIDED BY STATE OF WISC HWY
CONSTRUCTION.

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?

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: Paul B. [Signature] Date: 10-1-20

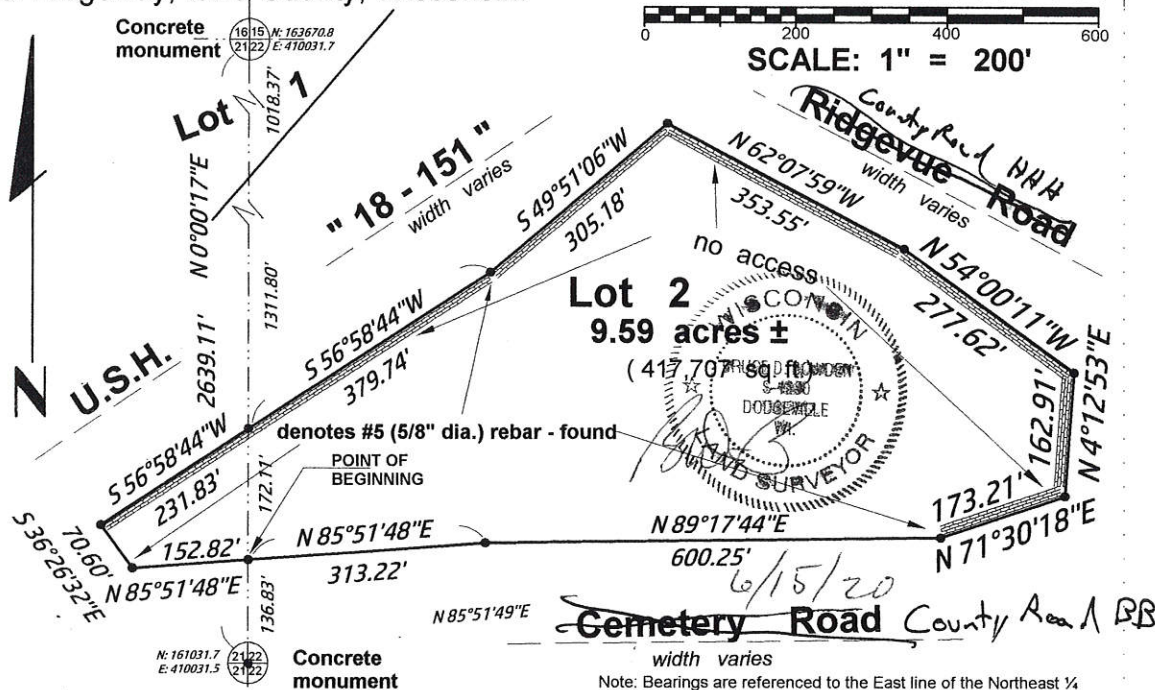
Landowner(s) Signature: Paul B. [Signature] Date: 10-1-20

For Office Use Only: Rcv'd by SL Date 10/5/20 Fee 500 Check # 15028 Cash
AL present zoning / floodplain / shoreland/wetland
NC

PRELIMINARY

Certified Survey Map No. _____

of Iowa County, being part of the Southeast ¼ and Northeast ¼ of the Northeast ¼ of Section 21 and of the Southwest ¼ and Northwest ¼ of the Northwest ¼ of Section 22, Town 6 North, Range 4 East, Town of Ridgeway, Iowa County, Wisconsin.



Owners Certificate

As owner, I hereby certify that I have caused the lands described hereon to be surveyed, described, mapped and monumented as represented hereon.

Dated this _____ day of _____, 2020.

Paul Bickford, owner

STATE OF WISCONSIN)

Iowa County) ss

Personally came before me this _____ day of _____, 2020, the above named owner, to me known to be the same persons who executed the foregoing instrument and acknowledged the same.

Bruce D. Bowden, Notary Public, Ridgeway, Wisconsin

My commission expires August 15, 2021.

Local Government Approval

Approved for recording by the Town Board of the Town of Ridgeway on this _____ day of _____, 2020.

Joe Thomas, Chairman

Approved for recording by Iowa County Planning and Development on this _____ day of _____, 2020.

Scott Godfrey, Director

Register of Deeds

Received for recording this _____ day of _____, 2020 at _____ o'clock _____ m and recorded in Volume _____ of Certified Survey Maps of Iowa County on Pages _____ and _____.

Bowden Surveying, Ltd.

4600 Penny Lane

Dodgeville, WI 53533

Phone (608)935-5513

Job No. 24013-B

Town of Ridgeway
6300 Town Hall Road
Ridgeway, WI 53582-9686

Phone/Fax: 608/924-2247

Email: TWNRIDGE@MHTC.NET

TO: Ridgeway Town Board Members
FROM: Land Use Commission
RE: Paul Bickford (Bickford Farms, Inc.) Owner/Applicant

On October 20, 2020 the Land Use Commission met to review Land Use/Rezone Application.

Land Use/Rezone: Rezone 9.55 (+/-) acres & 9.59 (+/-) acres from A-1 Agriculture to C-1 Conservancy (Parcels 024-0439.A, 024-0442, 024-0465, 024-0467 – non conforming less than 40 acre parcels.)

A motion was made & seconded by Land Use Commission Members to approve rezoning request as stated above.

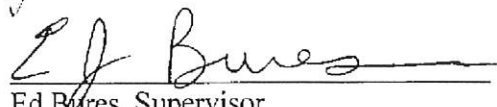
Nancy Parkos/Clerk

Presented at the Ridgeway Town Board Monthly Meeting on Tuesday, November 10, 2020. A motion was made & seconded to accept the Land Use Commissions approval of above request on NOV. 10 2020.

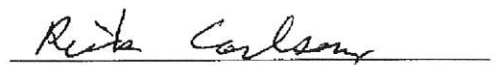
Upon approval this request will be sent to Scott Godfrey, Director, Iowa County Planning & Development.



Joe Thomas, Chair



Ed Bures, Supervisor



Rick Carlson, Supervisor



IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT STAFF REPORT

Zoning Hearing: 3140
Paul Bickford/Bickford Farms Inc.
3630 Ridgevue Rd
Ridgeway, WI 53582

Hearing Date: Dec. 2, 2020
Town of Ridgeway
E1/2 NE S21-T6N-R4E
W1/2 NW S22-T6N-R4E
PIN: 024-0467

Request: This is a request to zone a nonconforming lot created by the US 18/151 interchange project from A-1 Ag to C-1 Conservancy.

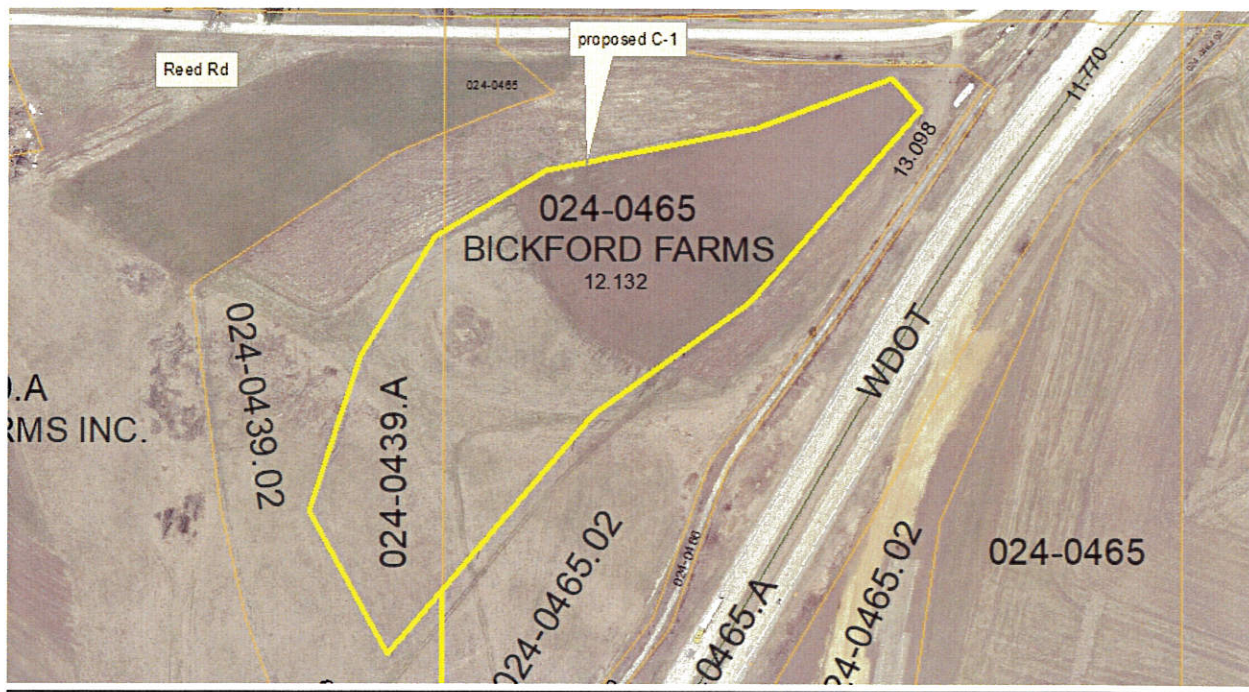


2. Comments

1. This lot was created from the 18/151 interchange project and is subject to the county's land division and zoning ordinances. It is less than the minimum 40-acre lot size for the A-1 district, so the C-1 district
2. If approved, open space uses are allowed. If/When development is proposed, rezoning will be required.
3. 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

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).

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



OFFICE OF PLANNING & DEVELOPMENT

Courthouse - 222 N. Iowa St. - Dodgeville, WI 53533

Telephone: (608) 935-0398 Fax: (608) 935-3024

e-mail: 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: PAUL BICKFORD Address: 3630 RIDGEVIEW RD
City/Zip Code: RIDGEWAY, WI 53582

Landowner: BICKFORD FARMS INC Address: 3630 RIDGEVIEW RD
(if other than applicant) City/Zip Code: RIDGEWAY, WI 53582

Applicant Phone: (608) 574-2307 Landowner Phone: (608) 574-2307

Email: _____ 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 RIDGEWAY Acreage of proposed lot(s) 9.55
Section 21 Town 6 N Range 4 E NE NE 024-0439-A
SE NE 024-0442
NW NW 024-0465
024-0467

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: C-1 for the proposed use(s) of: continue crops

Requested Conditional uses (s):

I. Please list any improvements currently on the land: GROWING CROPS.

II. Please explain the reason for the request and proposed plans: LAND WAS
DIVIDED BY STATE OF WISC HWY
CONSTRUCTION.

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?

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: Paul B. [Signature] Date: 10-1-20

Landowner(s) Signature: Paul B. [Signature] Date: 10-1-20

For Office Use Only: Rcv'd by SL Date 10/5/20 Fee 500 Check # 15144 Cash
A-1 present zoning / floodplain / shoreland/wetland
NC

A circular diagram divided into four quadrants by a vertical and a horizontal line. The top-left quadrant contains the number 21, the top-right quadrant contains 22, the bottom-left quadrant contains 21, and the bottom-right quadrant contains 22.

Town of Ridgeway
6300 Town Hall Road
Ridgeway, WI 53582-9686

Phone/Fax: 608/924-2247

Email: TWNRIDGE@MHTC.NET

TO: Ridgeway Town Board Members
FROM: Land Use Commission
RE: Paul Bickford (Bickford Farms, Inc.) Owner/Applicant

On October 20, 2020 the Land Use Commission met to review Land Use/Rezone Application.

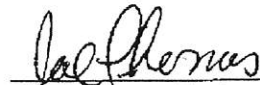
Land Use/Rezone: Rezone 9.55 (+/-) acres & 9.59 (+/-) acres from A-1 Agriculture to C-1 Conservancy (Parcels 024-0439.A, 024-0442, 024-0465, 024-0467 – non conforming less than 40 acre parcels.)

A motion was made & seconded by Land Use Commission Members to approve rezoning request as stated above.

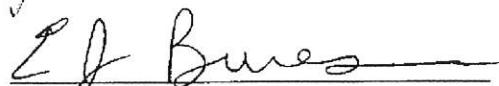
Nancy Parkos/Clerk

Presented at the Ridgeway Town Board Monthly Meeting on Tuesday, November 10, 2020. A motion was made & seconded to accept the Land Use Commissions approval of above request on NOV. 10 2020.

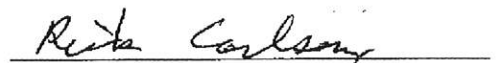
Upon approval this request will be sent to Scott Godfrey, Director, Iowa County Planning & Development.



Joe Thomas, Chair



Ed Bures, Supervisor



Rick Carlson, Supervisor



IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT STAFF REPORT

Zoning Hearing: 3141
Richard & Judy Strutt
4045 County Road H
Ridgeway, WI 53582

Hearing Date: Dec. 2, 2020
Town of Ridgeway
NE/SW S11-T6N-R4E
PIN: 024-0349

Request: This is a request to create two residential lots of 1.15 and 3.52 acres by rezoning from A-1 Ag to AR-1 Ag Res.



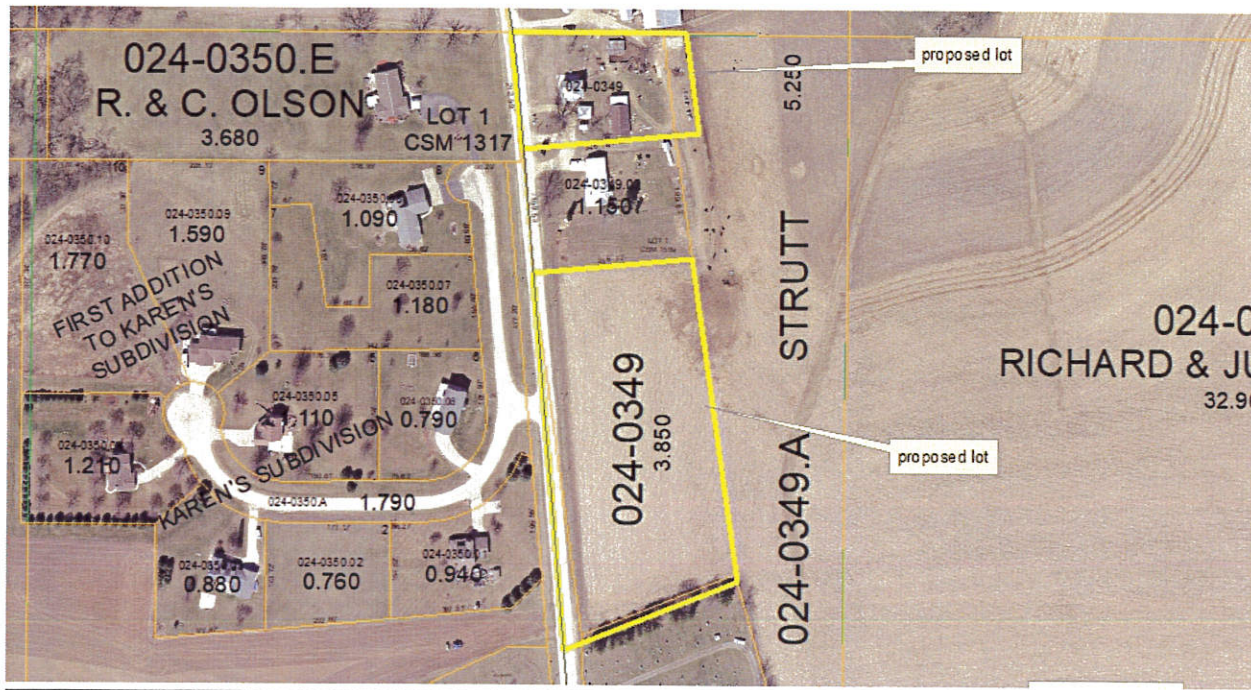
2. Comments

1. The proposed lots don't meet the minimum 40-acre lot size in the A-1 Ag district to remain zoned A-1 Ag.
2. If approved, each lot would be eligible for one single family residence, accessory structures and limited ag uses, but no livestock type animal units without the associated Conditional Use Permit request.
3. The associated certified survey map has not 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).

Town Recommendation: The Town of Ridgeway 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. The CUP for animal units may be conditioned to expire if the ownership of the proposed lots becomes non-family to the ownership of the surrounding A-1 land.



OFFICE OF PLANNING & DEVELOPMENT

Courthouse - 222 N. Iowa St. - Dodgeville, WI 53533

Telephone: (608) 935-0398 Fax: (608) 935-3024

e-mail: 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: Richard + Judy Strutt

Address: 4045 County Road H

City/Zip Code: Ridgeway / 53582

Landowner: _____
(if other than applicant)

Address: _____
City/Zip Code: _____

Applicant Phone: (608) 576-7424

Landowner Phone: () _____

Email: rbstrutt@landolakes.com Please contact by: ☒ email ☐ postal mail

This application is for: _____ Land use change/Rezone only --- \$500 filing fee 1.15
_____ Conditional Use only ----- \$500 fee if no land use change 3.52
☒ Both ----- \$600

in the Town of Ridgeway Acreage of proposed lot(s) (1.285) John Halverson
is to get you the
Section 11 Town 6 N Range 4 E NE 1/4 of the SW 1/4 PIN 024-0349 Survey

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: A1 Requested zoning district: AR 1 for the proposed use(s) of: Correcting the zoning on existing House and to build a new house

Requested Conditional uses (s):

To have some animal units

I. Please list any improvements currently on the land: House, Garage
20'x50' shed, 20'x22' shed

II. Please explain the reason for the request and proposed plans: Selling the house
and farm to my son, so Judy + I need/want
to build a new house on the farm.

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?

we intend to keep farming all of it
except for the house + yard.

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?

we would build close to the building
cluster to minimize crop land loss

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?

With the house being on the farm we
would want the option to graze animal
like we presently do on the farm.

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)?

we are a small family farm and we
intend to keep it that way. We are making it
two smaller farm out of my farm. The
farm has been in our family since 1893.

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, there has been no opposition to
it.

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)

Is consistent with the Ridgeway
Land element.

****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: Richard B. Strutt Date: 10-20-2020
Landowner(s) Signature: Judy Strutt Date: 10/20/2020

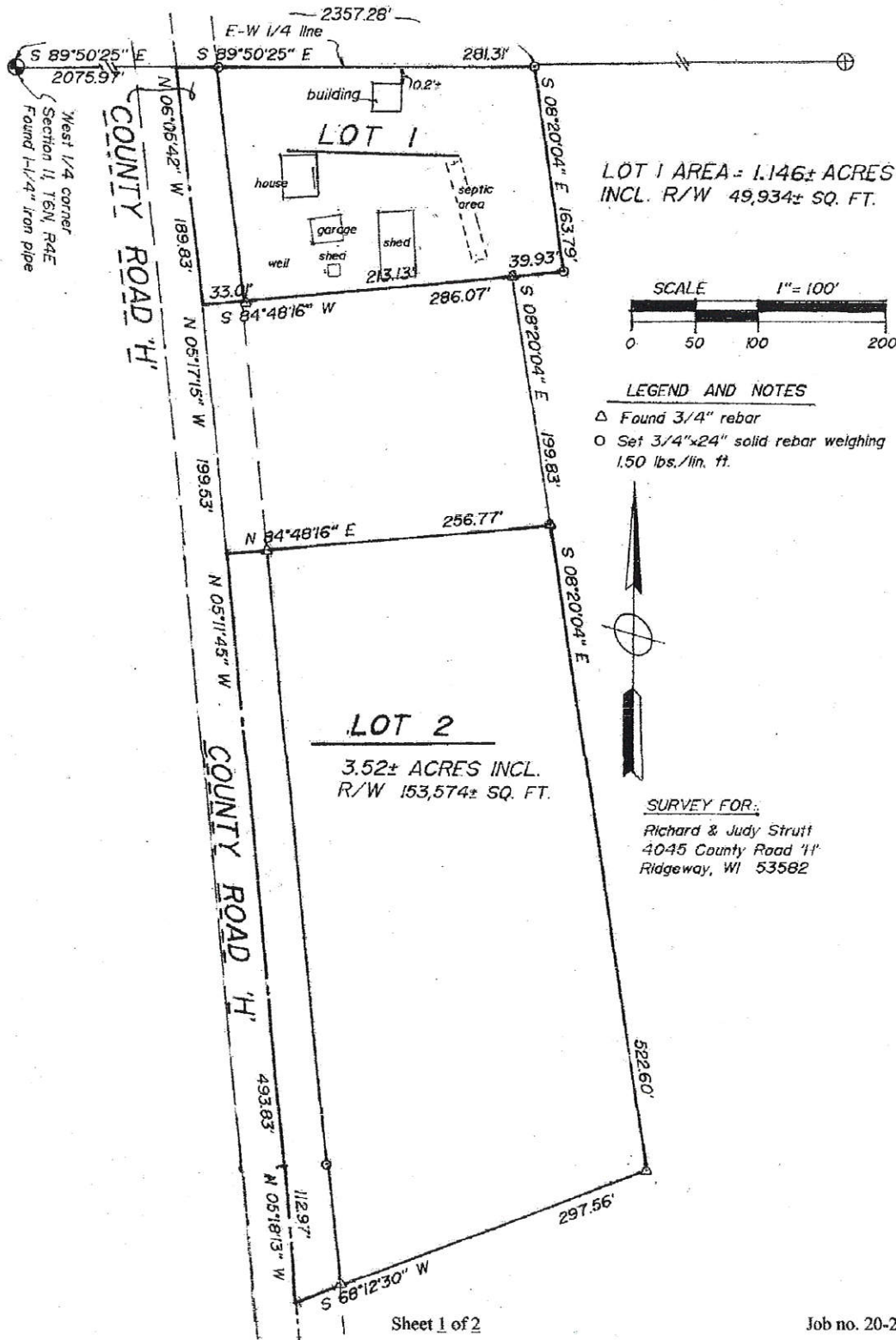
=====

For Office Use Only: Rcv'd by SL Date 10-21-2020 Fee 600 Check # 2585 Cash
1 present zoning / floodplain / shoreland/wetland

STRUETT

IOWA COUNTY CERTIFIED SURVEY MAP NO. _____

LOCATED IN THE NORTHEAST 1/4 -SOUTHWEST 1/4 OF SECTION 11, TOWN 6 NORTH,
RANGE 4 EAST, TOWN OF RIDGEWAY, IOWA COUNTY, WISCONSIN.



Town of Ridgeway
6300 Town Hall Road
Ridgeway, WI 53582-9686

Phone/Fax: 608/924-2247
Email: TWNRIDGE@MHTC.NET

TO: Ridgeway Town Board Members
FROM: Land Use Commission
RE: Richard & Judy Strutt, Landowner

On September 14, 2020 the Land Use Commission met to review Land Use/Rezone Application.

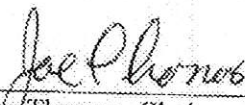
Land Use/Rezone: Strutt requested a land use change to build a house on the north end of 4045 County Road H which is in the 3.85 acres. Rezone 3.85 from A1 to AR-1 Parcel 024-0349 Section 11, T6N, R4E, NE ¼, SW ¼.

A motion was made & seconded by Land Use Commission Members to approve rezoning request as stated above.

Nancy Parkos/Clerk

Presented at the Ridgeway Town Board Monthly Meeting on Tuesday, October 6, 2020. A motion was made & seconded to accept the Land Use Commissions approval of above request on Oct. 6 2020.

Upon approval this request will be sent to Scott Godfrey, Director, Iowa County Planning & Development.



Joe Thomas, Chair



Ed Bures, Supervisor



Rick Carlson, Supervisor

Scott Godfrey

From: Nancy - Town Of Ridgeway <twnridge@mhtc.net>
Sent: Friday, November 6, 2020 9:11 AM
To: Scott Godfrey; rbstrutt@landolakes.com
Subject: RE: zoning application - 2 lots

The Town recommendation is still valid. If change needed Board meets Tuesday.

Nancy

From: Scott Godfrey <Scott.Godfrey@iowacounty.org>
Sent: Friday, November 06, 2020 8:24 AM
To: rbstrutt@landolakes.com
Cc: Nancy Parkos <twnridge@mhtc.net>
Subject: zoning application - 2 lots

Hi Rich,

John Halverson just sent me the legal description for your rezoning request. He has sent descriptions for two lots...1.15 acres and 3.52 acres. However, your application isn't clear that you're asking for two lots and the town recommendation isn't clear either.

I've copied Nancy on this so hopefully we can clarify today whether you're applying for two lots or one. And, if it's two lots, is the town recommendation still valid?

Thanks.

Scott A. Godfrey, Director
Office of Planning & Development
222 N. Iowa Street
Dodgeville, WI 53533
608-935-0333

Please note: The Office of Planning & Development remains locked due to the Coronavirus pandemic with services provided by phone, email, mail or online. A directory and forms/applications can be found at www.iowacounty.org Completed forms/applications can be mailed, scanned/emailed or left in a drop box on the north side of the courthouse at the carport along Chapel St. These measures are being made promote the health and safety of the public and employees. Thank you.



IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT STAFF REPORT

Zoning Hearing: 3142

Hearing Date: Dec. 2, 2020

Request: Recommend adoption of three dam failure analyses for the Twin Parks #4 Dam, Twin Parks #6 Dam, and Otter Creek #12 Dam.

Summary:

The WDNR has informed Iowa County that it has approved dam failure analyses for three dams that impact the mapped floodway portion of the regulated floodplain.

Under Chapter 87.30 Stats, NR116 WI Adm Code and the provisions of the National Flood Insurance Program, it is the county's responsibility to adopt the revised floodway map, flood profile and floodway data table into the Iowa County Floodplain Ordinance as approved by the Dept. of Natural Resources.

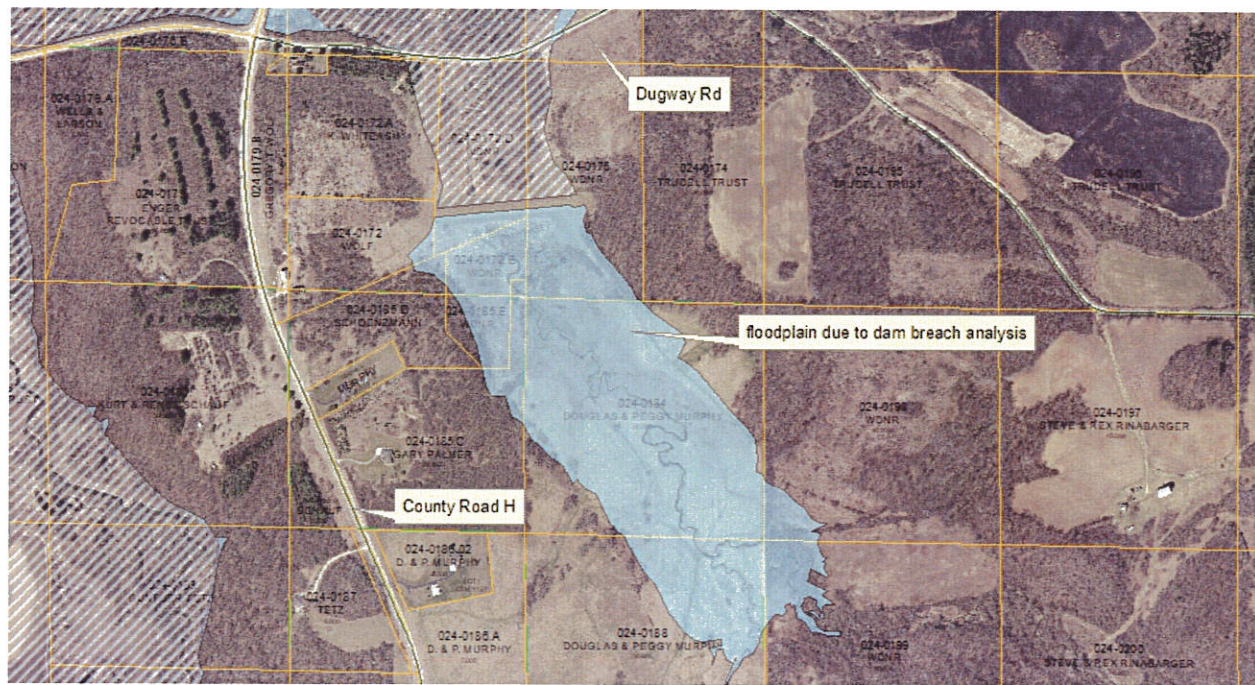
The current affected dams have an assigned High hazard rating by the WDNR. By adopting the failure analyses, this rating can be requested to be changed to Low. This would decrease the county's liability and maintenance schedule.

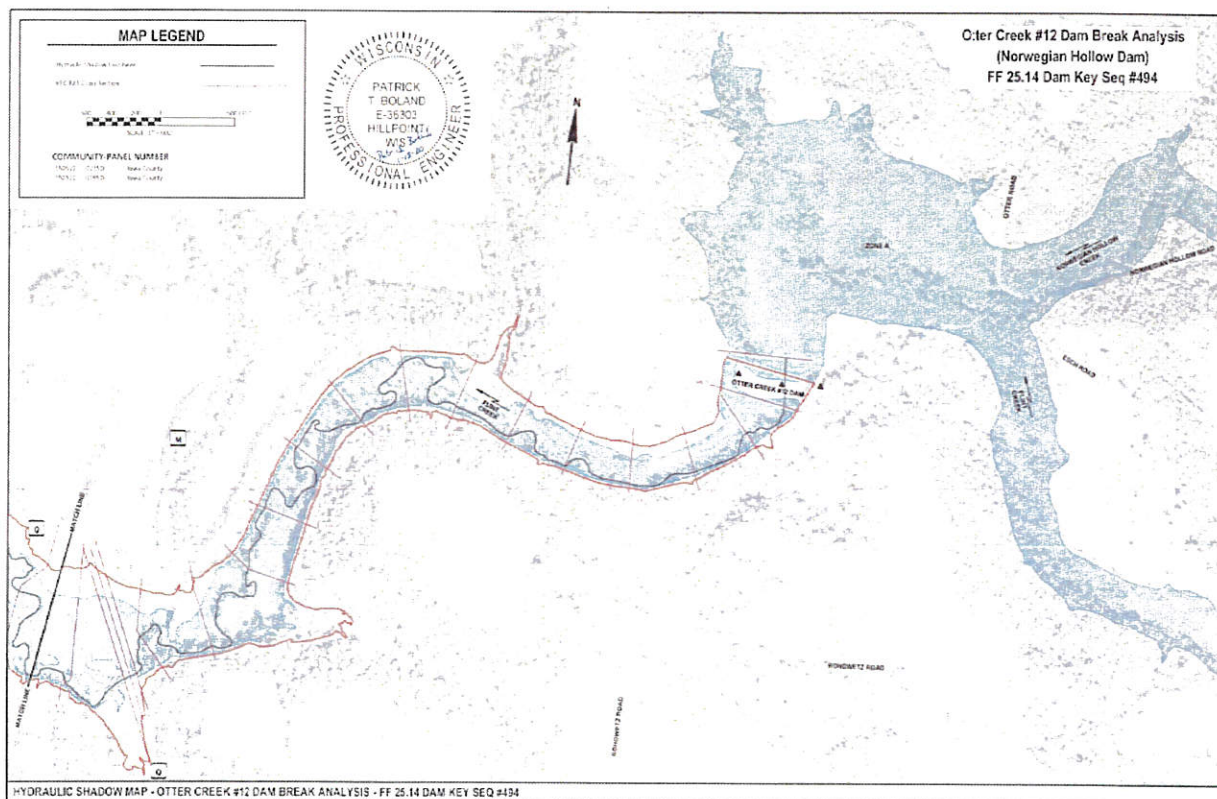
The effect of the analyses is widening the regulated floodplain to reflect where flooding is anticipated should one or more of the dams fail. These new areas will be regulated for development purposes as floodway, based on the analyses.

For the TP #4 analysis, there is only one property without impacted. No structures or buildings are impacted.



For the TP #6 analysis, there are three properties impacted. No structures or buildings are impacted.



[illegible]

The development of vacant land impacted by the analyses will have to comply with the standards in the floodplain ordinance.

Staff Recommendation: Staff recommends approval.

Ordinance No. _____

SECTION I – GENERAL PROVISIONS

1.0 Title

This ordinance is entitled the Iowa County Wind Energy System Siting Ordinance.

2.0 Purpose

The purpose of this ordinance is to adopt and incorporate the requirements of Wis. Stat. § 66.0401 and Wis. Admin. Code Ch. PSC 128 as a ~~local~~-county ordinance and to establish ~~local~~ county regulations on the installation and use of wind energy systems that are authorized by, compliant with, and no more restrictive than the rules promulgated by the Wisconsin Public Service Commission and that serve to preserve or protect the public health or safety, do not significantly increase the cost of the system or significantly decrease its efficiency, or allow for an alternative system of comparable cost and efficiency.

3.0 Authority

This ordinance is adopted pursuant to Wis. Stat. § 66.0401 and Wis. Admin. Code § PSC 128.

4.0 Applicability

This ordinance applies to all lands within the boundaries of the county lying outside the limits of incorporated cities and villages.

5.0 Severability

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

6.0 Administration

This ordinance shall be administered by the Iowa County Office of Planning & Development.

SECTION II – DEFINITIONS

“Committee” means the Iowa County Planning and Zoning Committee.

“Decommissioning” means removal of all of the following:

- a.) The above ground portion of a wind energy system, including wind turbines and related facilities, except for access roads if removal has been waived by the property owner.
- b.) All below ground facilities, except the following:
 - 1.) Underground collector circuit facilities.
 - 2.) Those portions of concrete structures 4 feet or more below grade.

“Department director” or “director” means the director of the Iowa County Office of Planning and Development or the department director’s designee.

“Maximum blade tip height” means the nominal hub height plus the nominal blade length of a wind turbine, as listed in the wind turbine specifications provided by the wind turbine manufacturer. If not listed in the wind turbine specifications, “maximum blade tip height” means the actual hub height plus the blade length.

“Occupied community building” means a school, church or similar place of worship, daycare facility or public library.

“Office” means the Iowa County Office of Planning and Development.

“Owner” means:

- a.) A person with a direct ownership interest in a wind energy system, regardless of whether the person was involved in acquiring the necessary rights, permits and approvals or otherwise planning for the construction and operation of a wind energy system.
- a.)b.) At the time of wind energy system is being developed, a person who is acting as a wind energy system developer by acquiring the necessary rights, permits and approvals for or by planning for the construction and operation of a wind energy system, regardless of whether the person will own or operate the wind energy system.

“Large wind energy system” or “large wind” means a wind energy system that has a total installed nameplate capacity of more than 300 kilowatts and that consists of individual wind turbines that have an installed nameplate capacity of more than 100 kilowatts.

“Permit” means a zoning permit issued by the Iowa County Office of Planning and Development.

“PSC 128” means Wis. Admin. Code Ch. PSC 128, Wind Energy Systems.

“Shadow flicker” means a pattern of moving shadows case on a residence or an occupied community building caused by sunlight shining through moving wind turbine blades resulting in alternating changes in light intensity.

“Small wind energy system” or “small wind” means a wind energy system that has a total installed nameplate capacity of 300 kilowatts or less and that consists of individual wind turbines that have an installed nameplate capacity of not more than 100 kilowatts.

“Wind access easement” means a written document that creates a legal interest in real property that restricts the use of the property to avoid interference with the wind resource on another property.

“Wind energy system” means equipment and associated facilities that convert and then store or transfer energy from the wind into usable forms of energy.

“Wind energy system emergency” means a condition or situation at a wind energy system that presents a significant threat of physical danger to human life or a significant threat to property or a natural event that causes damage to wind energy system facilities.

SECTION III – PERMIT, APPLICATION, AND FILING REQUIREMENTS

1.0 Permit Requirement and Fee

The owner, or his agent, ~~of the property on which a wind energy system is proposed~~ of a proposed wind system, to be installed, constructed, or expanded must apply for and receive a zoning permit from the Office before any such work can commence. The applicant shall pay an application review fee, which is applied to the cost of reviewing the application. The applicant shall pay a separate permit fee before any permit is issued by the director. All fees shall be established by ~~the~~ resolution by the Iowa County Board of Supervisors.

For large wind energy systems:

- a.) The applicant is responsible for paying all costs incurred by the county in connection with the review and processing of the application, including the cost for services provided by outside attorneys, engineers, environmental specialists, planners, and other consultants and experts deemed necessary by the county.
- b.) The county shall ~~make the applicant aware of any such costs prior to incurring the cost and, if the applicant decides not to pay the costs, the application shall be denied~~ require an owner of a wind energy system to submit up to 50 percent of the total estimated amount of the application fee or reimbursement for the wind energy system application before the county issues a written decision on the application. The county shall give the owner written notice of its intent to require the 50 percent advance payment, within 10 days of the date the application is deemed complete and the notice will contain an estimate of the amount of the fee and the relevant reimbursement requirement. If the owner decides not to pay the costs, the application shall be denied.
- c.) The county shall invoice the applicant for the actual and necessary costs incurred pursuant to this ordinance. The applicant will be provided 15 days from the date of the invoice to reimburse the county.

- d.) The office is authorized to contract with one or more engineers, environmental specialists, planners, and other consultants and experts to perform necessary services in connection with this ordinance.
- e.) The corporation counsel is authorized to contract with outside legal counsel to perform services in connection with this ordinance.

2.0 Permit Expiration and Extension

A zoning permit issued under this ordinance shall expire if at least 51% of the project construction has not been completed within 12 months of the permit issue date. An extension may be requested in writing to the director for up to 12 additional months provided the original permit has not yet expired. The director shall grant an extension provided the project is not inconsistent with any subsequently enacted law, rule or regulation under the purview of the office.

3.0 Application Requirements

- 3.1 For small wind energy systems - An owner shall file an application with the office that, at a minimum, includes the following information:
 - a.) Wind energy system description and maps showing the locations of all proposed wind energy facilities
 - b.) Technical description of wind turbines and wind turbine sites
 - c.) Timeline and process for constructing the wind energy system
 - d.) Information regarding anticipated impact of the wind energy systems on local infrastructure
 - e.) Information regarding noise anticipated to be attributable to the wind energy system
 - f.) Information regarding shadow flicker anticipated to be attributable to the wind energy system
 - g.) Information regarding the anticipated effects of the wind energy system on existing land uses adjacent to the wind energy system
 - h.) Information regarding the anticipated effects of the wind energy system on airports and airspace
 - i.) Information regarding the anticipated effects of the wind energy system on line-of-sight communications
 - j.) A list of all state and federal permits required to construct and operate the wind energy system
 - k.) Information regarding the planned use and modification of roads during the construction, operation, and decommissioning of the wind energy system, including a process for assessing road damage caused by wind energy system activities and for conducting road repairs at the owner's expense
 - L.) A representative copy of all notices issued under sub. (5) and ss. PSC 128.105(1) and 128.42(1), which are:
 - (1) PSC 128.105(1): Pre-application notice – At least 60 days before an owner files an application to construct a wind energy system, an owner shall use

commercially reasonable methods to provide written notice of the planned wind energy system to all of the following:

- Adjacent landowners to the planned wind turbine host property
- Political subdivisions within which the wind energy system may be located

3.2 For large wind energy systems - An owner shall file an application with the office that, at a minimum, includes the following information:

- a.) All information required under 3.1(a-f) and (h-k) of this ordinance
- b.) Information regarding the anticipated effects of the wind energy system on existing land uses within 0.5 miles of the wind energy system
- c.) A representative copy of all notices issued under sub. (5) and ss. PSC 128.105(1) and 128.42(1), which are:

(1) PSC 128.105(1): Pre-application notice – At least 90 days before an owner files an application to construct a wind energy system, an owner shall use commercially reasonable methods to provide written notice of the planned wind energy system to all of the following:

- Land owners within one mile of the planned wind turbine host property
- Political subdivisions within which the wind energy system may be located
- Emergency first responders and air ambulance service providers serving the political subdivisions within which the wind energy system may be located
- The Wisconsin department of transportation
- The public service commission
- The Wisconsin department of natural resources
- The Wisconsin department of agriculture, trade and consumer protection
- The office of the deputy undersecretary of the U.S. department of defense

(2) PSC 128.42(1): Notice of process for making complaints – Before construction of a wind energy system begins, an owner shall provide written notice of the process for making complaints and obtaining mitigation measures to all residents and landowners within 0.5 mile of any wind energy system facility. An owner shall include in the notice the requirements under PSC 128.40(1) for submitting a complaint to the owner, a petition for review to the political subdivision, and an appeal to the commission, and shall include a contact person and telephone number for the owner for receipt of complaints or concerns during construction, operation, maintenance and decommissioning.

- d.) A copy of all emergency plans developed in collaboration with appropriate first responders under s. PSC 128.18(4)(b). An owner may file plans using confidential filing procedures as necessary.

- e.) A decommissioning and site restoration plan providing reasonable assurance that the owner will be able to comply with s. PSC 128.19.
- 3.3 For all applications, the owner shall ensure that information contained in the application is accurate.
- 3.4 Evidence shall be included for all applications to show that, on the same day an owner filed an application under this ordinance, the owner did, ~~under~~ use commercially reasonable methods to provide written notice of the filing of the application to property owners and residents located within one mile of the proposed location of any wind energy system facility. The notice shall include all of the following:
- a.) A complete description of the wind energy system, including the number and size of the wind turbines.
 - b.) A map showing the location of all proposed wind energy system facilities.
 - c.) The proposed timeline for construction and operation of the wind energy system.
 - d.) Locations where the application is available for public review.
 - e.) Owner contact information.

SECTION IV – LOCAL REGULATIONS

4.0 Airport Approach Protection

An owner may not construct any wind energy system that does not comply with the Iowa County Airport Zoning Ordinance which, in part, controls the height of structures within close proximity of the Iowa County Airport.

4.005 Real Property Provisions

a.) Easement recording required. A wind energy system easement or wind access easement shall be recorded under ch. 706, Stats.

b.) Wind lease and waiver provisions. A wind energy system lease and any waiver under s. PSC 128.14 (5) or 128.15 (4) shall hold harmless and indemnify the real property owner for all of the following:

- 1.) Any violation of federal, state or local law by the owner of the wind energy system.
- 2.) Any damages or bodily injury caused by the construction, operation or decommissioning of the wind energy system.

4.007 Existing Property Uses

a.) Land use and commercial enterprises. An owner shall make reasonable efforts to ascertain and accommodate any land use or commercial enterprise located on a nonparticipating property within 0.5 mil of a proposed wind turbine site if the land use or commercial enterprise exists when the owner gives notice under s. PSC 128.105 (1), or if complete publicly-available plans for construction are on file with the county within 30 days of the date the owner gives notice under s. PSC 128.105 (1).

b.) Agricultural use. An owner shall design a wind energy system to reasonably minimize the conversion of land from agricultural use.

4.01 Abandonment and Decommissioning

An owner of a wind energy system shall decommission and remove the wind energy system when the system is at the end of its useful life.

4.011 For small wind energy systems:

- a.) A small wind energy system that does not generate electricity for a continuous period of 540 days will be deemed abandoned and the office may issue a Notice of Abandonment to the owner.
- b.) If, within 30 days of receipt of a Notice of Abandonment, the owner provides the office with information showing that the small wind energy system has not been abandoned, the office will withdraw the Notice.
- c.) Unless the office withdraws the Notice of Abandonment, a small wind energy system tower must be decommissioned as prescribed by PSC 128.19. If the owner fails to remove a small wind energy system and reclaim the site, the county may remove or cause the removal of the small wind energy system and arrange for the reclamation of the site. The cost of removal and reclamation will become a lien upon the property and may be collected in the same manner as property taxes.

4.012 For large wind energy systems:

- a.) An owner with a nameplate capacity of one megawatt or larger shall provide the county with financial assurance of the owner's ability to pay the actual and necessary ~~cost~~ to decommission costs of decommissioning the wind energy system and shall ensure the availability of funds necessary for decommissioning throughout the expected life of the wind energy system and through to completion of the decommissioning activities before commencing major civil construction activities.
- b.) An owner shall provide the county with 3 estimates of the actual and necessary cost to decommission the wind energy system. The cost estimates shall be prepared by third parties agreeable to the owner and the county. The amount of financial assurance required by the county will be the average of the 3 estimates.
- c.) An owner shall establish financial assurance that is acceptable to the county and that places the county in a secured position. The financial assurance must provide that the secured funds may only be used for decommissioning the wind energy system until such time as the county determines that the wind energy system has been decommissioned, as provided for in PSC 128.19~~39~~(5)(b), or the county approves the release of the funds, whichever occurs first. The financial assurance must also provide that the county may access the funds for the purpose of decommissioning the wind energy system if the owner does not decommission the system when decommissioning is required.
- d.) The county may periodically request information from the owner regarding industry costs for decommissioning the wind energy system. If the county finds that the future anticipated cost to decommission the wind energy system is at least 10 percent more or

less than the amount of financial assurance provided under this section, the county may correspondingly increase or decrease the amount of financial assurance required.

e.) The county may require an owner to submit a substitute financial insurance of the owner's choosing if an event occurs that raises material concern regarding the viability of the existing financial assurance.

f.) An owner shall, within 30 days of consulting with any federal or state agency about the construction, operation, or decommissioning of the wind energy system, provide the county with information about the reason for the consultation.

ge.) An owner shall, within 30 days of receiving any non-binding recommendation for the construction, operation, ~~or~~ decommissioning, or design of the wind energy system from any federal or state agency, provide the county with information about the consultation

4.02 Lighting

~~4.021 For small wind energy systems:~~

a.) A ~~small~~ wind energy wind system may be artificially lighted only if lighting is required by the Federal Aviation Administration and only to the minimum level required for lighting.

b.) An owner shall use shielding or control systems approved by the Federal Aviation System to reduce visibility of light when viewed from the ground.

4.03 Noise

4.031 For small wind energy systems:

a.) The noise generated by the operation of a small wind energy system may not exceed 50 dB(A) during the daytime hours and 45 dB(A) during the nighttime hours as measured at the outside wall of a nonparticipating residence or occupied community building that existed when the owner gave notice pursuant to PSC 128.105(1) or for which complete publicly available plans for construction were on file with a political subdivision within 30 days of the date when the owner gave notice pursuant to PSC 128.105(1).

b.) The owner of an adjacent nonparticipating residence or adjacent occupied community building may relieve the owner of the small wind energy system of the requirement to meet any of the noise limits in this section by written contract as provide in PSC 128.14(5) and (6).

c.) The owner shall provide the notice as prescribed by PSC 128.61(4).

d.) If an owner receives a complaint of a violation of the noise standards contained in PSC 128.14 and the owner has not provided the department with the results of an accurate test conducted within 2 years of the date of the complaint showing that the small wind energy system is in compliance with the noise standard at the location relating to

the complaint, the owner shall promptly conduct a noise study to evaluate compliance with the noise standards at that location using the most current version of the noise measurement protocol as described in PSC 128.50(2).

4.032 For large wind energy systems:

~~a.) If an owner receives a complaint of a violation of the noise standards contained in PSC 128.14 and the owner has not provided the office with the results of an accurate test conducted within 2 years of the date of the complaint showing that the wind energy system is in compliance with the noise standard at the location relating to the complaint, the owner shall promptly conduct a noise study to evaluate compliance with the noise standards at that location using the most current version of the noise measurement protocol as described in PSC 128.50(2).~~

Noise Criteria

a.) Definitions. In this section, nighttime hours are the hours beginning at 10:00 p.m. and ending at 6:00 a.m. daily and daytime hours are the hours beginning at 6:00 a.m. and ending at 10:00 p.m. daily.

b.) Planning

- 1.) The noise limits in this section apply at the outside wall of a nonparticipating residence or occupied community building that exists when the owner gives notice under s. PSC 128.105 (1) or for which complete publicly-available plans for construction are on file with the county within 30 days of the date on which the owner gives notice under s. PSC 128.105 (1).
- 2.) An owner shall design the proposed wind energy system to minimize noise at a residence or occupied community building to the extent reasonably practicable.
- 3.) An owner shall design a wind energy system to comply with the noise standards in this section under planned operating conditions.

c.) Noise limits

- 1.) Except as provided in par. (2) and subs. (d) (3), an owner shall operate the wind energy system so that the noise attributable to the wind energy system does not exceed 50 dBA during daytime hours and 45 dBA during nighttime hours.
- 2.) In the event audible noise due to wind energy system operations contains a steady pure tone, such as a whine, whistle, screech, or hum, the owner shall promptly take corrective action to permanently eliminate the noise. This paragraph does not apply to sound the wind energy system produces under normal operating conditions.

d.) Compliance

- 1.) If an owner uses sound level measurements to evaluate compliance with this section at a nonparticipating residence or occupied community building, those measurements shall be made as near as possible to the outside wall nearest to the closest wind turbine, or at an alternate wall as specified by the owner of the nonparticipating residence or occupied community building. The owner may take additional measurements to evaluate compliance in addition to those specified by this section.
- 2.) Upon receipt of a complaint regarding a violation of the noise standards in sub. (c) (1), an owner shall test for compliance with the noise limits in sub. (c) (1). The county or its monitoring committee (if established under s. PSC 128.41) may not require additional

- testing to show compliance with sub. (c) (1) if the owner has provided the results of an accurate test conducted within 2 years of the date of the complaint showing that the wind energy system is in compliance with sub. (c) (1) at the location relating to the complaint.
- 3.) Methods available for the owner to comply with sub. (c) shall include operational curtailment of one or more wind turbines. Upon receipt of a complaint about noise under sub. (c) (2), the owner shall use operational curtailment to eliminate the noise until the owner permanently corrects the problem.
- 4.) Methods available for the owner to comply with sub. (c) shall include operational curtailment of one or more wind turbines. Upon receipt of a complaint about a noise under sub. (c) (2), the owner shall use operational curtailment to eliminate the noise until the owner permanently corrects the problem.
- 5.) An owner shall evaluate compliance with sub. (c) (1) as part of a pre and post construction noise studies. An owner shall conduct pre and post construction noise studies under the most current version of the noise measurement protocol as described in s. PSC 128.50 (2).

4.035 Shadow Flicker

a.) Planning

- 1.) The shadow flicker requirements in this section apply to a nonparticipating residence or occupied community building that exists when the owner gives notice under s. PSC 128.105(1) or for which complete publicly-available plans for construction are on file with the county within 30 days of the date on which the owner gives notice under s. PSC 128.105(1).
- 2.) An owner shall design the proposed wind energy system to minimize shadow flicker at a residence or occupied community building to the extent reasonably practicable.
- 3.) An owner shall use shadow flicker computer modeling to estimate the amount of shadow flicker anticipated to be caused by a wind energy system and shall design the wind energy system so that computer modeling indicates that no nonparticipating residence or occupied community building will experience more than 30 hours per year of shadow flicker under planned operating conditions.
- b.) Shadow flicker limits. An owner shall operate the wind energy system in a manner that does not cause more than 30 hours per year of shadow flicker at a nonparticipating residence or occupied community building. If a nonparticipating residence or occupied community building experiences more than 30 hours per year of shadow flicker under the wind energy system's normal operating conditions, the owner shall use operational curtailment to comply with this subsection.
- c.) Shadow flicker mitigation
- 1.) An owner of a wind energy system shall work with an owner of a nonparticipating residence or occupied community building to mitigate the effects of shadow flicker to the extent reasonably practicable.
- 2.) An owner shall provide reasonable shadow flicker mitigation at the owner's expense for a nonparticipating residence or occupied community building experiencing 20 hours or more per year of shadow flicker.
- 3.) An owner shall model shadow flicker and a nonparticipating residence or occupied community building is eligible for mitigation if computer modeling shows that

shadow flicker at the nonparticipating residence or occupied community building will be 20 hours or more per year. An owner of a nonparticipating residence or occupied community building is not required to document the actual hours per year of shadow flicker if modeling indicates the nonparticipating residence or occupied community building is eligible for mitigation. A nonparticipating residence or occupied community building that experiences 20 hours or more per year of shadow flicker based on records kept by the resident of a nonparticipating residence or the occupant of an occupied community building shall also be eligible for mitigation.

4.) An owner may provide shadow flicker mitigation for any residence or occupied community building in addition to the mitigation required under par. (2)

5.) The requirement under par. (2) to mitigate shadow flicker applies when the owner receives a complaint or request for mitigation regarding shadow flicker for an eligible nonparticipating residence or occupied community building. If shadow flicker mitigation is required, the owner of the wind energy system shall allow the owner of the nonparticipating residence or occupied community building to choose a preferred reasonable mitigation technique, including installation of blinds or plantings at the wind energy system owner's expense.

4.037 Signal Interference

a.) Planning

1.) Except as provided in sub. (d), the signal interference requirements in this section apply to commercial communications and personal communications in use when the wind energy system begins operation.

2.) An owner shall use reasonable efforts to avoid causing interference with commercial communications and personal communications to the extent practicable.

3.) An owner may not construct wind energy system facilities within existing line of sight communication paths that are used by government or military entities to provide services essential to protect public safety. The county may require an owner to provide information showing that wind turbines and other wind energy system facilities will be in compliance with this paragraph.

b.) Commercial communications interference mitigation. An owner shall use reasonable and commercially available technology to mitigate interference caused by a wind energy system with commercial communications in use when a wind energy system begins operation. Before implementing mitigation measures, the owner shall consult with affected parties regarding the preferred mitigation solution for commercial communications interference problems. Except as provided in sub. (d), an owner shall mitigate commercial communications interference caused by the wind energy system by making the affected party's preferred reasonable mitigation solution effective until either the wind energy system is decommissioned or the communication is no longer in use, whichever is earlier.

c.) Personal communications interference mitigation

1.) An owner shall use reasonable and commercially available technology to mitigate interference with personal communications in use when a wind energy system begins operation caused by a wind energy system. The county may require an owner to use reasonable and commercially available technology to mitigate interference with personal communications that were not in use when the wind energy system began commercial

operation, if a wind energy system is causing the interference and the interference occurs at a location at least 0.5 mile from a wind turbine.

2.) Before implementing mitigation measures, the owner shall consult with affected parties regarding the preferred mitigation solution for personal communications interference problems. Except as provided in sub. (d), an owner shall mitigate personal communications interference caused by the wind energy system by making the affected party's preferred reasonable mitigation solution effective until either the wind energy system is decommissioned or the communication is no longer in use, whichever is earlier.

d.) Mitigation protocol. The county may, under a protocol established under s. PSC 128.50 (2), require an owner to implement a new mitigation solution that becomes commercially available before the wind energy system is decommissioned to address interference for which mitigation is required under sub. (b) or (c) and for which the original mitigation solution implemented is only partially effective.

4.039 Stray voltage

a.) Testing required

1.) An owner shall work with the local electric distribution company to test for stray voltage at all dairy and confined animal operations within 0.5 mile of a wind energy system facility pursuant to the stray voltage protocol established by the commission before any wind energy system construction activity that may interfere with testing commences and again after construction of the wind energy system is completed, except as otherwise specified by commission staff under par. (2).

2.) Before any testing under par. (1) begins, an owner shall work with commission staff to determine the manner in which stray voltage testing will be conducted and on which properties. The electric distribution company serving a dairy or confined animal operation where testing is required under par. (1) shall conduct or arrange to conduct all required testing at the expense of the owner.

b.) Results of testing. An owner and the electric distribution company shall provide to commission staff the results of all stray voltage testing in writing.

c.) Requirement to rectify problems. An owner shall work with the electric distribution company and farm owner to rectify any stray voltage problems attributable to the construction and operation of the wind energy system, in compliance with the commission's stray voltage protocol.

4.04 Ownership Change

An owner shall provide the county with notice of any change in ownership of the small wind energy system on or before the effective date of the change.

For large wind energy systems, a notice of change in ownership of the wind energy system shall include information showing that the financial responsibility specified under section 4.012 of this ordinance will be met by the new owner.

4.05 Setbacks

Siting Criteria

- a.) An owner shall measure wind turbine setback distances as a straight line from the vertical centerline of the wind turbine tower to the nearest point on the permanent foundation of a building or residence or to the nearest point on the property line or feature, as applicable.
- b.) An owner shall work with the county and owners of participating and nonparticipating properties to site wind turbines to minimize individual hardships.

4.051 For small wind energy systems:

- a.) A small wind energy system must be set back at least 1.0 times the maximum blade tip height from any nonparticipating property line, nonparticipating residence, occupied community building, or overhead communication and electrical transmission line, not including utility service lines to individual houses or outbuildings.
- b.) The owner of an adjacent nonparticipating residence or adjacent occupied community building may waive the required setback distance by providing a written agreement with the owner to the office and if the director is in agreement.

4.052 For large wind energy systems:

- a.) A large wind energy system shall comply with the setback distances shown in Table 1 in PSC 128.13, which are:

<u>Setback Description</u>	<u>Setback distance</u>
Occupied Community Buildings	The lesser of 1,250 feet or 3.1 times the maximum blade tip height
Participating Residences	1.1 times the maximum blade tip height
Nonparticipating Residences	The lesser of 1,250 feet or 3.1 times the maximum blade tip height
Participating Property Lines	none
Nonparticipating Property Lines	1.1 times the maximum blade tip height
Public Road Right-of-Way	1.1 times the maximum blade tip height
Overhead Communication and Electric	1.1 times the maximum blade tip

Transmission or Distribution Lines – not including utility service lines to individual houses or outbuildings	height
Overhead Utility Service Lines – Lines to Individual houses or outbuildings	None

SECTION V – LOCAL PROCEDURE

5.0 Application Processing

- 5.1 Within ~~no later than 45~~ 40 days of receiving the application, the office shall notify the applicant whether the application is complete and, if it is not, what the applicant must do in order to make it complete.
- a.) The applicant shall provide the additional information specified in the notice ~~from~~ the office within 60 days of the date of the notice. An additional 45-day completeness review period shall begin the day after the office receives responses to all items identified in the notice.
 - b.) If the applicant fails to provide additional information specified in the notice to complete the application within 60 days of the date of the notice, the application shall be deemed abandoned. The owner may file a new application at a later date, subject to payment of a new application fee. There is no limit to the number of times that an owner may file an application.
 - c.) An application shall be deemed complete if it complies with the filing requirements of section 3.0 of this ordinance and of PSC 128.50.
- 5.2 ~~As soon as possible after receiving a complete application, the office shall publish a class 1 notice, under ch. 985 Stats., stating that an application for approval has been filed with the county. If the application is deemed incomplete, the notice shall state the reason for the determination. The office will accept written comments on the application for a period of 10 days following the date of the published notice.~~
Notice to property owners and residents. After the office receives an application for a wind energy system, a notice will be published pursuant to s. 66.401 (4) (a) 1., Stats., and shall include:
- a.) A brief description of the proposed wind energy system and its proposed location.
 - b.) The locations where the application is available for public review.
 - c.) A 30 day period for submission of public comments and the method that the public is required to use for submitting comments.
 - d.) The approximate schedule for the county's review of the application.

5.22 Public participation

- a.) The county shall make an application for a wind energy system available for public review at a local library and at the county's business office.
- b.) The county may make the application available for review at any other publicly accessible locations it deems convenient for public participation
- c.) The county will provide public access to the application electronically.
- d.) The county shall establish a process for accepting and considering written public comments on an application for a wind energy system and include them in the notice published under Section V, 5.2(c).
- e.) The county shall hold at least one public meeting to obtain comments on and to inform the public about a proposed wind energy system.

5.24 Requests for additional information. The county may request additional information necessary to understand the wind energy system after determining that an application is complete. An owner shall provide additional information in response to all reasonable requests. An owner shall respond to all inquiries made subsequent to a determination of completeness in a timely, complete, and accurate manner.

5.26 Review of application. The county may use any of the following means to establish a basis for approval of an application to construct a wind energy system:

- a) Information. Require information about whether an owner has consulted with and received any non-binding recommendations for constructing, operating or decommissioning the wind energy system from a state or federal agency, and whether the owner has incorporated such non-binding recommendations into the design of the wind energy system.
- b) Studies. Require an owner to cooperate with any study of the effects of wind energy systems coordinated by a state agency.
- c) Monetary compensation. Require an owner of a wind energy system to offer an agreement that includes annual monetary compensation to the owner of a nonparticipating residence, if the residence is located within 0.5 mile of a constructed wind turbine. For one turbine located within 0.5 mile of a nonparticipating residences, the initial annual monetary compensation may not exceed \$600. For two turbines located within 0.5 mile of a nonparticipating residence, the initial annual monetary compensation may not exceed \$800. For three or more turbines located within 0.5 mile of a nonparticipating residence, the initial annual monetary compensation may not exceed \$1,000. The initial annual monetary compensation under this subsection shall apply to agreements entered into in 2011. For agreements entered into in 2012 and thereafter, the initial annual amounts shall increase each year by the greater of two percent or the increase in the Consumer Price Index, as described in s. 196.374 (5) (bm) 2. b., Stats., from the previous year.
- d) Aerial spraying. Require an owner of a wind energy system to offer an agreement that includes monetary compensation to a farm operator farming on a nonparticipating property located within 0.5 mile of a constructed wind turbine if the farm operator demonstrates all of the following:
 - 1) Substantial evidence of a history, before the wind energy system owner gives notices under s. PSC 128.105(1), of using aerial spraying for pest control or

disease prevention for growing potatoes, peas, snap beans or sweet corn on all or part of a farm field located within 0.5 mile of a constructed wind turbine.

- 2) A material reduction in potato, pea, snap pea or sweet corn production or a material increase in application costs on all or part of a farm field located within 0.5 mile of a constructed wind turbine as a result of the wind energy system's effect on aerial spraying practices.

e) Permits. Require the owner to submit to the county, copies of all necessary state and federal permits and approval.

f) Annual reports. Require the owner to file an annual report with the county, documenting the operation and maintenance of the wind energy system during the previous calendar year.

- 5.3 The county shall make a record of its decision making on an application for approval, including a recording of any public hearing, copies of documents submitted at any public hearing, and copies of any other documents provided to the political subdivision in connection with the application for approval.

Record of decision:

a.) Recordkeeping

- 1.) The county shall keep a complete written record of its decision-making relating to an application for a wind energy system.
- 2.) If the county denies an application, the county shall keep the record for at least 7 years following the year in which it issues the decision.
- 3.) If the county approves an application, the county shall keep the record for at least 7 years after the year in which the wind energy system is decommissioned.
- 4.) The county shall provide public access to all records used in its decision-making process.

b.) Record contents. The record of a decision shall include all of the following:

- 1.) The approved application and all additions or amendments to the application.
- 2.) A representative copy of all notices issued under ss. PSC 128.105 (1) (a), 128.30 (5), and 128.42 (1).
- 3.) A copy of any notice or correspondence that the county issues related to the application.
- 4.) A record of any public meeting under s. PSC 128.30 (6) (c) and any hearing related to the application. The record may be an electronic recording, a transcript prepared from an electronic recording, or a transcript by a court reporter or stenographer. The record shall include any documents or evidence submitted by meeting or hearing participants.
- 5.) Copies of any correspondence or evidentiary material that the county considered in relation to the application, including copies of all written public comments filed under s. PSC 128.30 (6) (b) and verbal communications between county board members and the applicants or their agents.
- 6.) Minutes of any county board or county committee meetings held to consider or act on the application.
- 7.) A copy of the written decision under s. PSC 128.32 (3) (a) (h). Other materials that the county prepared to document its decision-making process.
- 1-8.) A copy of any county ordinance cited in or applicable to the decision.

- 5.4 ~~The county shall base its decision on an application for approval on written findings of fact that are supported by the evidence in the record of any public hearing. The county's written decision shall include findings of fact supported by evidence in the record. The decision shall specify the reason for the denial or approval. If the county approves the wind energy system, it will be subject to the conditions in s. PSC 128.33.~~
- 5.5 The county shall approve or disapprove an application for approval no later than 90 days after the day on which it notifies the applicant that the application for approval is complete. The county may extend this time period in writing provided the extension is done during the initial 90-day period, except the total amount of time for all extensions granted may not exceed 90 days. Any combination of the following extensions may be granted:
- a.) An extension of up to 45 days if the county needs additional information to determine whether to approve or deny the application.
 - b.) An extension of up to 90 days if the applicant makes a material modification to the application.
 - c.) An extension of up to 90 days for other good cause specified in writing by the county.
- If the county fails to act within the initial 90 days, or within any extended time period, the application is considered approved.
- 5.6 For large wind energy systems, the county may deny an application if the proposed site of the wind energy system is in an area primarily designated for future residential or commercial development as shown in an adopted comprehensive plan.
- 5.7 The denial by the county of any application shall be made in writing to the applicant and must include the reasons for denial. ~~Any denial by the county of an application may be appealed to the Iowa County Board of Adjustment following the procedure outlined in Chapter 10 of the Iowa County Zoning Ordinance.~~ Any decision made by the county may be appealed to the Iowa County Board of Adjustment following the procedure outlined in Chapter 10 of the Iowa County Zoning Ordinance.
- 5.8 The county shall provide a written decision to the applicant, ~~to and~~ the public service commission and make it available to the public. Said decision shall contain findings of fact supported by evidence in the record.

SECTION VI – MODIFICATIONS TO AN APPROVED SYSTEM

6.0 Material change

An owner may not make a material change in the approved design, location or construction of a wind energy system without the prior written approval of the office. An owner shall submit an application for a material change to an approved wind energy system to the county. The county

may not reopen the merits of the earlier approval, but shall consider only those issues relevant to the proposed change.

An application for material change is subject to PSC 128.35.

At its discretion, the county may hold at least one public meeting to obtain comments on and to inform the public about a proposed material change to an approved wind energy system.

SECTION VII – THIRD PARTY CONSTRUCTION INSPECTOR

The office may contract with a third party inspector to monitor and report to the office regarding the owner's compliance with permit requirements during construction. The inspector monitoring compliance under this section shall also report to a state permitting authority upon the state permitting authority's request. The inspector shall make monthly written reports to the office. The owner shall reimburse the county for the actual and necessary cost of the inspector.

SECTION VIII – CONSTRUCTION AND POSTCONSTRUCTION FILING REQUIREMENTS

~~Within 90 days of the date a wind energy system commences operation, the owner shall file with the office and the public service commission an as-built description of the wind energy system, an accurate map of the wind energy system showing the location of all wind energy system facilities, geographic information system information showing the location of all wind energy system facilities, and current information identifying the owner of the wind energy system.~~

~~An owner shall label each wind turbine location described in its filing and shown on the map of the wind energy system with a unique identifier consistent with the information posted at the wind turbine location under PSC 128.18 (1).~~

~~8.0 Construction and operation. An owner shall install lighting at a wind energy system that complies with standards established by the federal aviation administration. The county may require use of shielding or control systems approved by the federal aviation administration to reduce visibility of lighting to individuals on the ground.~~

~~8.1 Electrical standards.~~

- ~~a) An owner shall construct, maintain, and operate collector circuit facilities in a manner that complies with the national electrical safety code and ch. PSC 114 and shall construct, maintain, and operate all wind energy system facilities in a manner that complies with the national electrical code.~~
- ~~b) An owner shall construct collector circuit facilities for a wind energy system underground to the extent practicable.~~

- c) An owner shall establish an inspection schedule for all overhead collector circuits to ensure that third-party facilities, including cable television and telecommunications cables, are not attached or bonded to overhead collector circuit grounding. If third-party facilities are found attached to the overhead collector facilities, the owner shall ensure that the third-party facilities are promptly removed.

8.2 Construction, operation, and maintenance standards.

- a) An owner shall construct, operate, repair, maintain and replace wind energy system facilities as needed to keep the wind energy system in good repair and operating condition and in a manner that protects individuals from injury.
- b) An owner shall minimize soil compaction, topsoil mixing and damage to drainage systems on agricultural land during the construction or decommissioning of the wind energy system. The county may establish reasonable requirements designed to minimize soil compaction, topsoil mixing and damage to drainage systems on agricultural land.
- c) Except for the area physically occupied by the wind energy system facilities, an owner shall restore the topography, soils and vegetation of the project area to original condition after construction is complete, unless otherwise provided in a contract signed by the affected landowner, considering any modifications needed to comply with DNR requirements.
- d) An owner shall carry general liability insurance relating to claims for property damage or bodily injury arising from the construction, operation or decommissioning of the wind energy system and shall include turbine host property owners as additional insured persons on the policy.

8.3 Emergency procedures.

- a) An owner shall notify the county of the occurrence and nature of a wind energy system emergency within 24 hours of the wind energy system emergency.
- b) The county may require the owner to provide annual training for fire, police and other appropriate first responders regarding responding to a wind energy system emergency until the wind energy system has been decommissioned.
- c) An owner of a wind energy system shall do all of the following:
 - 1) Furnish its operator, supervisors and employees who are responsible for emergency action a copy of the current edition of the emergency procedures established under this subsection to ensure compliance with those procedures.
 - 1+2) Train the appropriate operating personnel to ensure they have knowledge of the emergency procedures and verify that the training is effective.

SECTION IX – COMPLIANCE MONITORING

This subsection applies to large wind energy systems only. An owner shall maintain a maintenance log for each wind turbine. The log must contain the following information:

- a.) date and time maintenance was performed
- b.) nature of the maintenance performed
- c.) reason for the maintenance

An owner shall, at the owner's expense, provide the office with a copy of the maintenance log for each wind turbine for each month upon the request of the county.

The office may retain such consultants or experts as it deems necessary to assess and determine whether the wind energy system facilities are compliant or to assess whether the wind energy system facilities are being maintained in good repair and operating condition.

The county may charge reasonable fees for conducting an assessment, and provide for notifications to the public.

SECTION X – DECOMMISSIONING REVIEW

~~An owner shall file a notice of decommissioning completion with the county and any political subdivision within which its wind energy system facilities are located when a wind energy system approved by the county has been decommissioned and removed.~~

~~The office shall conduct a decommissioning review to determine whether the owner has decommissioned and removed the wind energy system as required by PSC 128.29(1)(a) and whether the owner has complied with its site restoration obligation under PSC 128.29(4).~~

~~The owner shall cooperate with the county by participating in the decommissioning review process.~~

10.0 A wind energy system is presumed to be at the end of its useful life if the wind energy system generates no electricity for a continuous 360-day period.

10.1 Upon application by the owner, and except as provided in subsection 10.2, the county shall grant an extension of the time period for returning the wind energy system to service by one or more additional 180-day periods if the owner demonstrates it is likely the wind energy system will operate again in the future and any of the following occur:

- a) The owner submits a plan to the county that demonstrates an ongoing good faith effort to return the wind energy system to service and outlines the steps and schedule for returning the wind energy system to service in a reasonable period of time, including by repairing, replacing or repowering the wind energy system facilities as necessary to generate electricity.
- b) The owner demonstrates that the wind energy system is part of a prototype or other demonstration project being used for ongoing research or development purposes.
- c) The owner demonstrates that the wind energy system is being used for educational purposes.

10.2 The county may deny a request for an extension under subsection 10.1 if the wind energy system has not generated any electricity for a continuous period of 540 days or more and the county finds the owner is not capable of returning the wind energy system to service within a reasonable period of time.

10.3 A wind energy system is irrefutably presumed to be at the end of its useful life if the wind energy system generates no electricity for a period of 540 days and any of the following occur:

- a) The owner does not request an extension of the time period for returning the wind energy system to service under subsection 10.1.
- b) The county denies a request for an extension under subsection 10.2 and any appeal rights have expired.

10.4 When decommissioning is required, the owner shall begin decommissioning within 360 days after the wind energy system has reached the end of its useful life. The owner shall complete decommissioning and removal of the wind energy system within 540 days after the wind energy system has reached the end of its useful life.

10.5 The office shall conduct a decommissioning review to determine whether the owner has decommissioned and removed the wind energy system as required by PSC 128.19 (1) and whether the owner has complied with its site restoration obligation under PSC 128.19 (4).

10.6 An owner shall file a notice of decommissioning completion with the county, with any political subdivision within which its wind energy system facilities are located and with the commission when a wind energy system approved by the county has been decommissioned and removed.

10.7 The owner shall cooperate with the county by participating in the decommissioning review process.

10.8 Within 360 days of receiving a notice of decommissioning, the county shall determine whether the owner has satisfied the requirements of PSC 128.19 subs. (1) (a) and (4).

SECTION XI – APPEALS

~~A decision by the office that the application is not complete, to approve or disapprove the application, or to impose a restriction on a small wind energy system may be appealed to the public service commission.~~

~~Any action by the county to enforce a restriction on a small wind energy system may be appealed to the public service commission.~~

~~An appeal must be filed with the public service commission within 30 days after the date of the decision or the start of the enforcement action that is being appealed.~~

11.1 A decision by the county on any of the following, may be appealed to the public service commission:

- a) Completeness of wind energy system application.
- b) Approval or disapproval of a wind energy system application.
- c) Modifications to an approved wind energy system.

- d) Enforcement action taken by the county in connection with the requirements of this ordinance.

An appeal to the public service commission under s. 66.0401 (5) (b), Stats., of the county's decision on any of the items listed in subsection 11.1, must be made within 30 days after the decision or initiation of the enforcement action and shall be treated as a petition to open a docket under s. PSC 2.07, except the time provisions of that section do not apply.

11.2 Petitioner filing requirements. An aggrieved person under s. 66.0401 (5) (a), Stats., may file a petition with the commission. The petition shall be submitted to the commission in writing or filed using the commission's electronic filing system and shall contain all of the following:

- a) The petitioner's name, address, and telephone number.
- b) The name, address, and telephone number of the political subdivision that is the subject of the petition.
- c) A description of the wind energy system that is the subject of the petition.
- d) A description of the petitioner's relationship to the wind energy system.
- e) The information specified in s. PSC 2.07 (2).

11.3 The county shall file a certified copy of the information required under s. 66.0401 (5) (c), Stats., using the commission's electronic regulating filing system.

11.4 Service and notice.

- a) An owner submitting a petition under subsection 11.2, shall serve a copy of the petition on the county and on any other person specified in s. PSC 2.07 (3).
- b) Any person other than an owner submitting a petition under subsection 11.2 shall serve a copy of the petition on the owner, the county, and any other person specified in s. PSC 2.07 (3).
- c) The county shall make a copy of the petition available for public inspection and, in the manner in which it is required to publish notice of a public meeting, publish notice of that petition.

11.5 If the county fails to complete its administrative review process within 90 days after an aggrieved person begins the review process, the county is considered to have completed the process on the 90th day after the person began the process.

11.6 Rather than beginning an administrative review with the county, an aggrieved person seeking to appeal a decision or enforcement action specified in subsection 11.1, may file an appeal directly with the commission. No appeal to the commission under this subdivision may be filed later than 30 days after the decision or initiation of the enforcement action.

11.7 Judicial review is not available until the commission issues its decision or order. Judicial review shall be of the commissioner's decision or order, not of the county's decision or enforcement action. The commission's decision or order is subject to judicial review under ch. 277. Injunctive relief is available only as provided in s. 196.43.

SECTION XII – COMPLAINTS

12.1 Complaint process for wind energy systems

- 12.11 An aggrieved person who has made a complaint to an owner in accordance with PSC 128.40 may petition the county for review of the complaint if it has not been resolved within 45 days of the day the owner received the original complaint.

12.113 Monitoring Committee.

- a) Committee. Except as provided in sb. (c), the county may establish a monitoring committee to oversee resolution of complaints regarding a wind energy system. A monitoring committee shall include on the committee a member who is a local employee of an owner of a wind energy system and, if in existence, at least one nonparticipating landowner residing in the county within 0.5 mile of a wind turbine that is located in the county.
- b) Duties. A monitoring committee established under sub. (a) may do any of the following:
 - 1) Maintain a record of all complaints brought to it.
 - 2) Require the owner to provide the committee with information regarding the owner's response to any complaint forwarded to the owner by the committee.
 - 3) Recommend to the county a reasonable resolution to a complaint based upon the information gathered by the committee.
- c) Multiple jurisdictions. If a wind energy system is located in more than one political subdivision with jurisdiction over the wind energy system and multiple political subdivisions decide to establish a monitoring committee, the political subdivisions shall jointly establish a single monitoring committee to oversee resolution of complaints regarding the wind energy system.

12.115 Complaint resolution

- a) An owner shall use reasonable efforts to resolve complaints regarding a wind energy system and shall investigate complaints regarding a wind energy system at the owner's expense.
- b) Upon receipt of a complaint, an owner shall provide the complainant with a copy of the notice described in s. PSC 128.42 (1). Within 30 days of receiving a complaint, an owner shall provide an initial response to the complainant.
- c) An owner shall make a good faith effort to resolve complaints within 45 days of receiving a complaint. An owner shall notify the county of a complaints that have not been resolved within 45 days of the date the owner received the original complaint.
- d) An owner shall maintain a log of all complaints received regarding the wind energy system. The owner shall include in the log the name and address of each complainant, the nature of each complaint, and the steps taken to resolve each complaint. An owner shall provide a copy of a complaint log monthly, at no cost, either to a monitoring committee established under s. PSC 128.41 or, if a monitoring committee has not been established, to the county. An owner shall make any complaint log available to the commission upon request.
- a)e) An owner shall develop a complaint resolution process that is consistent with this subsection.

12.12 The petition for review must be filed with the office within 90 days of the date of the original complaint and shall contain the following:

- a.) name, address, and telephone number of the person filing the petition
- b.) copy of the original complaint to the owner
- c.) copy of the owner's original response
- d.) statement describing the unresolved complaint
- e.) statement describing the desired remedy
- f.) any other information the complainant deems relevant to the complaint
- g.) notarized signature of the person filing the petition

12.13 The office shall forward a copy of the petition to the owner by certified mail within 10 days of the office receiving the petition.

12.14 The owner shall file an answer to the petition with the office and provide a copy of its answer to the complainant within 30 days of its receipt of the petition.

12.15 The answer must include the following:

- a.) name, address, and telephone number of the person filing the answer
- b.) statement describing the actions taken by the owner in response to the complaint
- c.) statement of the reasons why the owner believes that the complaint has been resolved or why the complaint remains unresolved
- d.) statement describing any additional action the owner plans or is willing to take to resolve the complaint
- e.) any other information the owner deems relevant to the complaint
- f.) notarized signature of the person filing the answer

12.16 The complainant and the owner may, within 30 days following the owner's filing of its answer, file such additional information with the office as each deems appropriate.

12.17 The office may request such additional information from the complainant and the owner as it deems necessary to complete its review.

12.18 The office may retain such consultants or experts as it deems necessary to complete its review.

12.19 The office shall issue a written decision and may take such enforcement action as it deems appropriate with respect to the complaint.

12.20 The decision of the office and enforcement action is subject to review under Wis. Stat. § 66.0401(5) and PSC 128.51.

12.21 Additional process for large wind energy systems

- 12.2~~21~~ An owner shall comply with the notice requirements contained in PSC 128.42(1).
- 12.2~~32~~ An owner shall, before construction of a large wind energy system begins, provide the office with a copy of the notice issued pursuant to PSC 128.42(1), along with a list showing the name and address of each person to whom the notice was sent and a list showing the name and address of each political subdivision to which the notice was sent.
- 12.2~~43~~ An owner shall, before construction of a large wind energy system begins, file with the office the name and telephone number of the owner's contact person for receipt of complaints or concerns during construction, operation, maintenance, and decommissioning. The owner shall keep the name and telephone number of the contact person on file with the office current.

SECTION XIII – VIOLATIONS, ENFORCEMENT, AND PENTALTIES

13.0 Violations

- 13.01 It is unlawful for any person to violate any provision of this ordinance.
- 13.02 It is unlawful for any person to knowingly provide false information, make a false statement, fail to provide, or misrepresent any material fact to a county agent, board, commission, committee, department, employee, official, or officer acting in an official capacity under this ordinance.
- 13.03 It is unlawful for a person to disobey; fail, neglect, or refuse to comply with; or otherwise resist a permit or order issued pursuant to this ordinance.
- 13.04 A separate offense is deemed committed on each day that a violation occurs or continues.

13.1 Enforcement

- 13.11 Office Authority. The office shall enforce this ordinance and may conduct inspections and investigate complaints relating to compliance with this ordinance.
- 13.12 Inspection Authority. The office may request permission to inspect, at a reasonable time and date, any premises or structure for which a permit has been applied for or granted to determine compliance with this ordinance. Refusal to grant permission is grounds for denial or revocation of a permit. If permission is not given, the office may apply for, obtain, and execute a special inspection warrant pursuant to Wis. Stat. § 66.0119.
- 13.13 Notice of Noncompliance. If the office finds a violation of any provision of this ordinance, the office may issue a written notice to the owner stating the conditions of non-compliance, specifying the action required to come into compliance, and providing a reasonable amount of time within which compliance is required.

- 13.14 Permit Revocation Authority. The office may revoke a permit for substantial noncompliance with any provision of this ordinance, refusal to permit inspection of wind energy systems facilities for which a permit has been granted, or failure to comply with the action requirement contained in a notice of noncompliance.
- 13.15 Citation Authority. The office may issue a citation for any violation of this ordinance. The office is not required to issue a notice of noncompliance or take any other action prior to issuing a citation.
- 13.16 Legal Referral. The office may refer a violation of this ordinance to corporation counsel for legal action, including an action seeking injunctive relief. The office is not required to issue a notice of noncompliance or take any other action prior to referring a violation to corporation counsel.
- 13.17 Other Enforcement Means. Nothing in this section may be construed to prevent the county from using any other lawful means to enforce this ordinance.

13.2 Penalties

- 13.21 A person will, upon conviction for any violation of this ordinance, forfeit not less than \$100 nor more than \$1,000 for each offense, together with the costs of prosecution for each violation, and may be ordered to take such action as is necessary to abate the offense within a specified time.
- 13.22 The minimum and maximum forfeitures specified in this section are doubled each time that a person is convicted for the same violation of this ordinance within any 12 month period.
- 13.23 A person who has the ability to pay a forfeiture entered pursuant to this ordinance, but who fails or refuses to do so may be confined in the county jail until the forfeiture and costs are paid, but the period of confinement may not exceed 30 days. In determining whether a person has the ability to pay, all items of income and all assets may be considered regardless of whether the income and assets are subject to garnishment, lien, or attachment by creditors.
- 13.24 The failure of a county employee, official, or officer to perform an official duty imposed by a section of this code will not subject the employee, official, or officer to a penalty unless the section imposing the duty also specifies the penalty.

SECTION XIV - EFFECTIVE DATE

This ordinance is effective on the day following publication per Wisconsin Statute.

Adopted this ____ day of _____, 20__.

John Meyers
Iowa County Chairman

ATTEST:

Gregory T. Klusendorf
Iowa County Clerk

CERTIFICATION OF ADOPTION

This is to certify that the above ordinance was duly adopted by the County Board of Iowa County on the _____ day of _____, 20__.

Gregory T. Klusendorf
Iowa County Clerk
Iowa County, Wisconsin



**IOWA COUNTY
OFFICE OF PLANNING & DEVELOPMENT**

Courthouse - 222 N. Iowa St. - Dodgeville, WI 53533

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Director's Report: November 2020

	Since last report	Year to date	same time 2019	Comments
Zoning permits	22	250	231	
Permit project value	\$2,263,586	\$22,280,494	\$22,044,596	
New residences	6	54	34	
Accessory structures	6	108	95	
Ag buildings	7	71	77	
Other	3	19	25	
Of note				
Floodplain/Shoreland pts	2	20	22	
Complaints/Violations	1	26	80	
Certified survey map review	5	41	43	
Zoning Hearings	3	54	75	
Board of Adj hearings	0	2	4	
Sanitary Permits	11	116	71	
Soil Tests Reviewed	9	68	56	
as of Nov. 17, 2020				

Other Updates

- Driveway approval requirement of mobile telecommunication facility ordinance and consistency with Statutes
 - WCPZD position paper on solar siting – systems over 100 megawatts
 - 55 citations issued for failure to submit POWTS maintenance reports – Dec. 7th deadline to dismiss – about 31 remain unresolved
 - Submitted FPP revision application to DATCP
 - Starting annual inspection and report process for NR135 mines – 27
-

Siting Solar Facility Over 100 Megawatts in Wisconsin

ISSUE

Wisconsin Counties have little to no input in the placement of Large Solar Facilities

County regulation of large-scale solar projects is entirely controlled by the State. Currently, State Statute provides that solar generating facilities designed for nominal operation at a capacity of 100 megawatts (MW) or more require a certificate of public convenience and necessity from the Public Service Commission. The same statute also provides that if a solar facility has been issued a "certificate of convenience and necessity" a local ordinance cannot preclude or inhibit the installation and utilization of a solar facility. The current legislative purpose is clear, local ordinances, such as zoning, cannot impede what has been determined to be of public convenience and necessity.

SCOPE AND LAND USE CONCERNS

Large Solar Facility siting in Wisconsin is increasing, as well as the size of individual facilities

To date, large solar facilities have been, or currently are being, installed in Iowa, Jefferson, Kenosha, Sheboygan, Manitowoc and Wood Counties. In addition, large Solar Facilities are currently being planned for Calumet, Outagamie and Waupaca Counties. The average size of existing and proposed facilities is 1835 acres. This acreage is normally fragmented over a slightly larger area for each facility. Approximate individual project sizes are as follows;

○ Badger Hollow	Iowa County	3500 acres
○ Badger State	Jefferson County	1203 acres
○ Two Creeks	Manitowoc County	1020 acres
○ Wood County Solar	Wood County	1882 acres - Proposed
○ Paris Solar Project	Kenosha County	1500 acres - Proposed
○ Onion River Solar	Sheboygan County	1900 acres - Proposed

Land Use Concerns Identified

The Wisconsin County Planning Directors convened two meetings of Counties that have, or are in the process of, a solar farm siting project over 100 MW to discuss the issue and bring recommendations to the group as a whole. Land use issues identified through the meeting were further discussed and ranked by the group as follows;

1. Developer's agreements to address concerns are optional. What happens if the energy company doesn't want to engage in an agreement with a County?
2. What happens to buildings and lots once the facility is decommissioned? This will, or has the potential to, create non-conforming buildings and lots.
3. Takes / removes highly productive and valued farmland out of production and increases the cost and rental rates for remaining lands near the solar facility.
4. Lack of Consideration of Comprehensive Plans. Is the placement of a large solar facility the highest and best use of the property?
5. Damage to County and Local Roads.

6. Vegetation management planning. How is the vegetation maintained?
7. Poorly drained fields that are tiled and the potential to disturb the tile system during construction. This is especially a concern when a non-participating property is drained through a participating property.
8. General aesthetic concerns and screening requirements.
9. What happens, after decommissioning, if poorly drained agricultural land used for solar facilities reverts into a wetland during the life of the project?

REGULATORY APPROACH

Existing Regulatory Approach Discussed

As identified previously, in Wisconsin a developer needs a Certificate of Public Convenience and Necessity (CPCN) to construct a solar facility that generates over 100 megawatts from the Wisconsin Public Service Commission (WPSC). The WPSC coordinates with the Wisconsin Department of Natural Resources (WDNR) to review the environmental impacts of proposed energy construction projects, including electric generating facilities and high-voltage transmission line projects pursuant to a Cooperative Agreement that specifies procedures to coordinate WPSC and WDNR compliance with the Wisconsin Environmental Policy Act (WEPA).

Recommended Additions to Regulatory Approach

The Wisconsin County Planning Directors support renewable / clean energy projects throughout the State under reasonable and minimal proactive requirements that consider local concerns and land use impacts. The current process employed by the Wisconsin Public Service Commission addresses most of the environmental concerns but can be improved upon with minor adjustments in the current law that address land use impacts. These adjustments would provide a regulatory approach that;

- Considers some, or all, of the land use issues identified.
- Provides reasonable statewide siting standards.
- Requires some sort of process for town and county input.
- Considers local plans (Comprehensive, Farmland Preservation, etc.).
- Provides a mechanism for addressing local concerns.
- Flexible so it can serve varying counties with differing land use characteristics.

UPCOMING ACTION / DATES

- Friday, October 30, 2020 – Wisconsin County Planning Directors Meeting
- Friday, November 6, 2020 – WCA Agriculture, Environment and Land Use Steering Committee