

Minutes – Iowa County Planning & Zoning Committee

****revised****

Approved June 23, 2022

Thursday, May 26, 2022 at 6:00 PM

Conference Call 1-312-626-6799

Zoom meeting ID: 811 7525 0541

<https://us02web.zoom.us/j/81175250541>

Health and Human Services Center – Community Room

303 West Chapel St., Dodgeville, WI 53533

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1. Call to order. Director Godfrey called the meeting to order at 6

2. Roll Call.

Committee Present: Curt Peterson, Mel Masters, Don Leix

Committee Absent: Tim Lease (excused); David Gollon

Other Supervisors Present: Kevin Butteris (appointed by County Board Chair to act in the stead of Tim Lease for this meeting)

3. Election of Committee Chair

Director Godfrey called for nominations. Supervisor Butteris nominated Supervisor Curt Peterson. Director Godfrey called for nominations three more times and, hearing none, called for a unanimous ballot to elect Supervisor Peterson. All voted aye. He turned the meeting over to Chair Peterson

4. Election of Committee Vice Chair

Chair Peterson called for nominations. Supervisor Masters nominated Supervisor Gollon. Chair Peterson called for any other nominations. Supervisor Leix nominated Supervisor Masters. Supervisor Masters respectfully declined.

Supervisor Butteris moved to elect Supervisor Gollon as Vice Chair. Second by Supervisor Leix. All voted aye.

5. Approve of this agenda.

Motion by Supervisor Leix

Second by Supervisor Butteris

Motion carried unanimously

6. Approve the minutes of the April 28, 2022 meeting.

Motion by Supervisor Butteris

Second by Supervisor Masters
Motion carried unanimously

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

Motion by Supervisor Leix
Second by Supervisor Butteris
Motion carried unanimously

8. Petition by Randy & Mary Pitman to zone 18.54 acres from A-1 Ag to AB-1 Ag Bus and 17.32 acres from A-1 Ag to C-1 Conservancy in the W ½ -SW of S31-T8N-R5E in the Town of Arena.

Director Godfrey gave the staff report.

Public comments: none

Supervisor Leix asked how much waste can be spread and Supervisor Master asked who enforces the spreading. Mary Pitman replied the WDNR sets the amount and enforces.

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

Second by Supervisor Butteris

Motion carries unanimously

9. Petition by Randy & Mary Pitman for a Conditional Use Permit on an 18-54-acre AB-1 Ag Bus lot for the spreading of cheese factory waste water in the W ½ -SW of S31-T8N-R5E in the Town of Arena.

Director Godfrey gave the staff report.

Public comments: none

Motion by to approve pending the zoning change is approved by Supervisor Masters

Second by Supervisor Leix

Motion carries unanimously

10. Petition by Mark DeSmet, Christopher Dodge, and Maryam Heydari to zone 8.346 acres & 26.656 acres from A-1 Ag & AR-1 Ag Res to all AR-1 Ag Res in the NW/NE of S8-T7N-R5E in the Town of Brigham. The intent is for any balance of the existing AR-1 Ag Res lots not included in the new description to revert to A-1 Ag.

Director Godfrey gave the staff report.

Public comments: none

Chair Peterson asked if this is a shared driveway. Town of Brigham Chair Jason Carden said it is and is up to standards.

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

Second by Supervisor Leix
Motion carries unanimously

11. Petition by Megan Van Hecker & Christopher Handel to zone 10.22 acres each from AR-1 Ag Res to B-3 Hvy Bus in the SW/NW of S20-T6N-R5E in the Town of Brigham.

Director Godfrey gave the staff report, including the request by the applicants to postpone action on the Conditional Use Permit to allow for a revision and further town review.

Public comments: Mary Diman stated her concern of the impact commercial traffic may have on Ceely Road. Town of Brigham Chair Jason Carden said a likely recommended condition will be that access must to be to County Road T if the business grows.

Motion by to approve with the condition that the associated Conditional Use Permit is approved within 6 months by Supervisor Leix
Second by Supervisor Butteris
Motion carries unanimously

12. Petition by Megan Van Hecker & Christopher Handel for a Conditional Use Permit to operate a lumber yard business with associated residence on a 10.22-acre B-3 Hvy Bus lot in the SW/NW of S20-T6N-R5E in the Town of Brigham.

Motion to postpone action until the application is revised and the town has provided a recommendation by review by Supervisor Leix
Second by Supervisor Butteris
Motion carries unanimously

13. Petition by Chad & Katie Mosley to zone 2.68 acres from A-1 Ag to AR-1 Ag Res in the NW/NE of S4-T6N-R3E in the Town of Dodgeville.

Director Godfrey gave the staff report.

Public comments: none

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

14. Petition by Mike & Tracy Vanden Heuvel to rezone 3.67 acres from A-1 Ag & AR-1 Ag Res to all AR-1 Ag Res in the SW/NW of S7-T6N-R1E in the Town of Highland.

Director Godfrey gave the staff report.

Public comments: none

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

15. Petition by Daniel Esser to zone 4.347 acres from A-1 Ag to AR-1 Ag Res or C-1 Conservancy in the NE/SE of S26-T7N-R1E in the Town of Highland.

Director Godfrey gave the staff report.

Public comments: none

Mr. Esser stated the buyer would prefer the zoning be changed to AR-1. Director Godfrey stated concern that zoning to AR-1 will imply there can be a residence built, which is a permitted use, however the navigable waterway will require a variance to construct a drive to cross or within 75 feet.

Motion by to approve rezoning to AR-1 Ag Res by Supervisor Leix
Second by Supervisor Butteris

Chair Peterson said this action could cause liability if a variance is not granted and suggested either action be postponed to give time for the applicant to seek the variance now or zone to C-1 and the buyer can pursue a variance, then seek the zoning to AR-1.

Motion fails on a tie vote: in favor – Supervisor Leix and Supervisor Butteris; against – Supervisor Peterson and Supervisor Masters

Motion by Supervisor Leix to rezone to C-1 Conservancy.
Second by Supervisor Masters.
Motion carries unanimously

16. Petition by Jeff Ihm and David Conlin to zone 5 acres from B-2 Hwy Bus to AR-1 Ag Res in the NW/SW of S20-T5N-R5E in the Town of Moscow.

Director Godfrey gave the staff report.

Supervisor Leix asked if access is gained by an easement. Mr. Ihm said yes, over the existing shared driveway.

Supervisor Leix asked if there is an existing business? Mr. Ihm said the lot was originally owned by an adjacent landowner who had run a business but it has long since ceased.

Public comments: none

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

17. Petition by Doug Gust for a Conditional Use Permit to operate an ag-related private air strip in the N ½ NE of S33-T5N-R5E in the Town of Moscow.

Director Godfrey gave the staff report.

Public comments: Town of Moscow Supervisor Langfoss said there will not be any lighting allowed so use has to be during daylight hours.

Motion to approve with the following condition that it be used only for ag purposes by
Supervisor Leix
Second by Supervisor Masters

Mr. Gust asked if a shower may be allowed in a proposed shed as the State requires a facility in case of exposure to the chemicals he uses for his crop spraying business. Director Godfrey said accessory structures generally only are allowed a toilet and sink as a convenience, but a shower can be included in this case as part of the Conditional Use Permit approval.

Supervisor Leix added the allowance of a shower to his motion.
Supervisor Masters concurred

Motion carries unanimously

18. Petition by Daniel & Randy Toay to zone 2.85 acres from A-1 Ag & AR-1 Ag Res to all AR-1 Ag Res in the SE/SE of S11-T5N-R4E and 13.63 acres from A-1 Ag to AR-1 Ag Res in the W ½ SW of S11-T5N-R4E in the Town of Ridgeway.

Director Godfrey gave the staff report.

Public comments: none

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

19. Petition by Jewell Associates Engineers and The House of Wyoming Valley Inc. to zone 8.33 acres from A-1 Ag & B-2 Hwy Bus to B-2 Hwy Bus; 40.3 acres from A-1 Ag & B-2 Hwy Bus to A-1 Ag; and 1.75 acres from A-1 Ag to C-1 Conservancy in the N ½ NW & NW/NE of S15-T7N-R3E in the Town of Wyoming.

Director Godfrey gave the staff report.

Public comments: none

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

20. Petition by Jewell Associates Engineers and The House of Wyoming Valley Inc. for a Conditional Use Permit to use an 8.33-acre B-2 Hwy Bus lot for parking, shop, and accessory buildings in association with the House on the Rock business.

Director Godfrey gave the staff report.

Public comments: none

Motion by to approve with the condition the associated zoning change is approved by
Supervisor Leix
Second by Supervisor Butteris
Motion carries unanimously

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

Motion by Supervisor Leix
Second by Supervisor Masters
Motion carried unanimously

22. Petition by R and M Enterprises Inc. and Farm & Fleet for a Temporary Use Permit to allow a retail fireworks stand at 4894 County Road YZ in the Town of Dodgeville.

Director Godfrey gave the staff report.

Motion by to approve with the conditions that the permit shall expired July 7, 2022 and the proposed liability insurance shall remain in good standing through the permit duration by
Supervisor Leix
Second by Supervisor Masters
Motion carries unanimously

23. **Petition by Bard Materials for a Temporary Use Permit to allow the operation of a temporary ready mix plant at the "Cobb Quarry" at 3725 State Road 80 in the Town of Eden.

Director Godfrey gave the staff report.

Supervisor Masters asked if there is to be a high-capacity well. Ben Schroeder of Bard Materials said there will be a 50-gallon-per-day well with a holding tank instead of a high-capacity well.

Supervisor Butteris asked if trucks will be washed onsite. Mr. Schroeder said there will be a designated washing area that complies with WDNR requirements.

Motion by to approve by Supervisor Masters
Second by Supervisor Butters
Motion carries with four votes in favor and Supervisor Leix abstaining

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

- Rick Zemlicka handed out a 2020 letter from the Public Service Commission to a number of State legislators regarding the Wind Siting Council.
- Richard Jenkins handed out information relating to industrial wind turbine trespass zoning.
- Alan Jewell spoke against industrial solar and wind.
- Supervisor Leix acknowledged a letter was sent to neighboring landowners by the White Tail Wind Project developers notifying of the intent to seek Public Service Commission approval. This is a project in Grant County.

25. Director's report

Director Godfrey overviewed the report in the packet. He asked if there is support to start a monthly discussion on potential revisions to the Iowa County Zoning Ordinance. Supervisor Masters stated his support.

Director Godfrey provided a request by Karen Klosterman for the county to revise the ordinance to include privacy fence standards due to a recently constructed fence in close proximity to her property. He added the ordinance currently does not regulate this type of fence. Chair Peterson cautioned about new regulations that are primarily for aesthetic purposes, which are hard to define.

26. Next meeting date and time: June 23, 2022 at 6pm

27. Motion to adjourn

Motion by Supervisor Leix

Second by Supervisor masters

Motion carries unanimously. Adjourned at 7:20 pm

Scott A. Godfrey, Director