

Iowa County Planning & Zoning Committee Minutes – approved 4-27-2023

Thursday, March 23, 2023 at 6:00 PM

Conference Call 1-312-626-6799

Zoom meeting ID: 840 538 2607

<https://us02web.zoom.us/j/8405382607>

Health and Human Services Center – Community Room

303 West Chapel St., Dodgeville, WI 53533

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

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

Committee Present: Curt Peterson, David Gollon, Tim Lease, Don Leix, Mel Masters

Committee Absent: none

Staff Present: Scott Godfrey

Other Supervisors Present: Gerald Galle

3. Approve of this agenda.

Motion by Supervisor Gollon

Second by Supervisor Leix

Motion carries unanimously.

4. Approve the minutes of the February 23, 2023 meeting.

Motion by Supervisor Lease

Second by Supervisor Leix

Motion carries unanimously.

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

Motion by Supervisor Gollon

Second by Supervisor Masters

Motion carries unanimously.

6. Petition by James & Cheryl Kelley to zone 10.88 acres from AR-1 Ag Res & B-3 Hvy Bus to all AR-1 Ag Res in the NE/NW of S14-T6N-R1E in the Town of Eden.

Mr. & Mrs. Kelley were present.

Director Godfrey gave the staff report.

Public Comment: none

Motion to approve by Supervisor Lease
Second by Supervisor Gollon
Motion carries unanimously.

7. Petition by Paul & Audrey Gaynor to zone 14.345 acres from A-1 Ag to AR-1 Ag Res in the NW1/4 of S4-T6N-R3E in the Town of Dodgeville.

Mrs. Gaynor were present by Zoom.

Director Godfrey gave the staff report.

Supervisor Lease asked what happens if the conditions are not met. Director Godfrey replied that the consolidation deed should be recorded first with the CSM immediately following to assure both conditions will be met. Otherwise, the zoning would become null and void.

Public Comment: none

Motion to approve with the conditions that the associated certified survey map is duly recorded and remaining land consolidated by deed within 6 months of County Board approval by Supervisor Gollon
Second by Supervisor Lease
Motion carries unanimously

8. Petition by JMF Properties WI LLC and Loren & Laura Schaaf to zone 2.784 acres from A-1 Ag & B-3 Hvy Bus to AR-1 Ag Res and 5.816 acres from A-1 Ag & B-3 Hvy Bus to B-3 Hvy Bus in the NE/SW of S23-T6N-R3E in the Town of Dodgeville.

Director Godfrey gave the staff report.

Public Comment: none

Motion to approve with the conditions that the associated Conditional Use Permit is approved and the associated certified survey map is duly recorded within 6 months of County Board approval by Supervisor Gollon
Second by Supervisor Leix
Motion carries unanimously.

9. Petition by JMF Properties WI LLC and Loren & Laura Schaaf for a Conditional Use Permit on a 5.816-acre B-3 Hvy Bus lot to allow light manufacturing in the NE/SW of S23-T6N-R3E in the Town of Dodgeville.

Director Godfrey gave the staff report.

Supervisor Masters asked if the proposed easement is acceptable. Supervisor Peterson replied that it does go through the existing building but there is adequate space to the west for vehicles to pass.

Public Comment: none

Motion to approve by Supervisor Gollon with the following conditions:

- 1) A shared driveway agreement must be recorded with the Register of Deeds.
 - 2) A shared well agreement must be recorded with the Register of Deeds.
 - 3) The dimensions between the shed and lot line shall be put on the CSM.
 - 4) Lighting must be direct lighting.
 - 5) Water must be detained so that there is no increased impacts to adjacent properties than what exists today.
 - 6) Dumpsters and scrap piles must be within an enclosure and not visible from the public road
- Second by Supervisor Masters

Motion carries unanimously.

10. Petition by the Patricia Fillbach Estate c/o Patrick Fillback to zone 3.94 acres & 7.11 acres from A-1 Ag to AR-1 Ag Res in the SE/NE & NE/SE of S32-T7N-R2E in the Town of Highland.

Mr. Fillback was present.

Director Godfrey gave the staff report.

Public Comment: none

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

Second by Supervisor Lease

Motion carries unanimously.

11. Petition by Robert Nelson for a Conditional Use Permit to divide an existing AR-1 Ag Res lot into 1.369 acres & 19.631 acres in the SW/NW & NW/SE of S1-T5N-R4E in the Town of Ridgeway.

Mr. Nelson was present by Zoom.

Director Godfrey gave the staff report.

Supervisor Peterson asked if smaller lot meets standards. Director Godfrey said it meets the minimum lot width and acreage.

Supervisor Gollon asked if there will be adequate area on the smaller lot for a septic system and replacement area. Director Godfrey replied a soil test has been filed identifying both.

Supervisor Leix asked if both lots will share the same access to the road. Director Godfrey replied they will with the smaller lot by easement.

Public Comment: none

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

Second by Supervisor Leix

Motion carries unanimously.

12. Petition by John & Angela Olson and George & Julie McConnell to zone 26.22 acres, 1.24 acres, & 1.0 acre from AR-1 Ag Res & R-1 Single Family Res to all AR-1 Ag Res in the SW/NE of S17-T4N-4E in the Town of Waldwick.

Mr. Olson was present.

Director Godfrey gave the staff report.

Public Comment: none

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

Second by Supervisor Lease

Motion carries unanimously.

13. Petition by Wildwood Whitetails LLC c/o Scott Faust for a Conditional Use Permit to operate a Tourist Cottage on a 16.8-acre B-2 Hwy Bus lot in the NE/SE of S11-T7N-R3E in the Town of Wyoming.

Mr. Scott Faust was present representing Wildwood Whitetails LLC.

Director Godfrey gave the staff report.

Supervisor Gollon stated his concern over the potential staff time and resources necessary to enforce the conditions recommended by the Town.

Public Comment:

- Randy Manning spoke on behalf of Jeff Jacobson stated this matter was not heard by the Town Plan Commission as required by the Town's comprehensive plan and requested it be sent back to the Town. Mr. Manning further requested that the existing uses allowed by Conditional Use Permit be rescinded if this new use is approved and suggested the lot should be zoned AR-1 Ag Res with a Conditional Use Permit for the Tourist Cottage considered to more consistent with the surrounding zoning.
- Mike Degen spoke as a Town of Wyoming Supervisor and Chair of the Town Plan Commission stating he had been working closely with the applicant on this matter and made the recommendation that it go to the Board, which has been a past practice.
- Mr. Faust stated he has owned the property for about 15 years, owns all land around the B-2 lot except across the road, and feels there is value to keeping the B-2 zoning. He added Mr. Jacobson has multiple rental houses in the valley, none of which has the conditions being proposed by the Town.

Supervisor Masters asked for clarification if this matter was heard by the Town plan commission. Mr. Degen responded that, as Chair of the commission, he recommended it to go to the Town Board for action.

Supervisor Gollon stated he has no issue with the proposed short-term rental use but doesn't like the number of conditions being proposed.

Supervisor Peterson asked Mr. Faust if renters will be required to sign a rental agreement acknowledging the conditions. Mr. Faust replied they will and that he has experience in renting properties so will be actively enforcing the policies.

Motion by Supervisor Gollon to approve with the following conditions:

- No Fireworks
- No use of any recreational vehicles, such as but not limited to ATV /UTV vehicles, etc. by renters is allowed
- No parties or events
- Maximum number of guests will not exceed the septic system design capacity based on 2 persons per bedroom
- Person booking the property must be 25 years of age
- No target shooting of firearms by the renters
- Quiet hours after 10:30 pm on rentals
- A map of the property boundaries will be included in all rental orientation packages
- Rules will be posted in the house as well as online for all rentals
- One housing unit of no more than two stories on the footprint of the current dwelling
- Dark sky lighting on the new building
- The Conditional Use Permit shall terminate upon the sale of the property including the structure used as a Tourist Cottage

Second by Supervisor Lease

Motion carries unanimously.

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

Motion by Supervisor Leix

Second by Supervisor Masters

Motion carries unanimously.

15. Discussion of Conditional Use Permit compliance per ZH2855 affecting Scenic Sales LLC at 6530 US Highway 14 in the Town of Arena.

Director Godfrey gave the staff report.

Attorney James Graham, appearing by Zoom, spoke on behalf of the property owners, Mr. and Mrs. Durrer. He stated their intention is to sell the property and Mr. Bertrang, the owner of the auto business, is the logical first to have that option. He added Mr. Bertrang is currently seeking financing.

Supervisor Leix asked for the history of the property to which Director Godfrey summarized.

David Lucey, Chair of the Town of Arena, stated the Town is interested in having the rear part of the property cleaned up quickly as it has been a constant source of complaints.

Supervisor Peterson asked why a salvage yard hasn't been contacted to take away the junked vehicles. Mr. Bertrang replied stating it is difficult to remove vehicles in the winter and he is planning to do so now that the weather has improved.

Supervisor Leix asked how long Mr. Bertrang has operated at the site and if he is aware of the imposed conditions. Mr. Bertrang responded he has been at the site since 2008 or 2009 and is aware of the conditions.

Supervisor Gollon made a motion to schedule a public hearing for April to consider suspending or revoking the Conditional Use Permit

Second by Supervisor Masters

Motion carries unanimously.

16. Discussion of the current provisions of the Iowa County Zoning Ordinance and potential revisions.

Director overviewed the potential revisions included in the packet. The consensus of the Committee was to:

- a) Revise the definition of “camping unit” to read: Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, or tent.
- b) Maintain the status quo on the use of camping units outside approved campgrounds as listed in Section 2.3 of the zoning ordinance.
- c) Consider a minimum of standards to be imposed on proposals of short-term rental uses.

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

Supervisor Leix stated his support for the committee to review resolutions relating to wind and solar energy systems passed by Clark and Columbia counties at a future meeting. Supervisor Peterson was agreeable.

Kathy Ladd presented a handout suggesting revisions to the county’s wind siting ordinance. Supervisor Peterson stated this committee has twice decided not to include all the provisions of PSC128 in the county ordinance due to the staffing it would require to administer and that it would only apply to systems under 100 megawatts.

Rick Zemlicka said he supports Mrs. Ladd’s proposals.

18. Director’s report

Director Godfrey overviewed the report included in the packet.

19. Next meeting date and time: April 27th at 6pm

20. Motion to adjourn

Motion to adjourn by Supervisor Gollon

Second by Supervisor Lease

Motion carries unanimously. Adjourned at 7:36pm

Scott A. Godfrey, Director