

Iowa County Planning & Zoning Committee Minutes – approved May 25, 2023

Thursday, April 27, 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

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1. Call to order. Chair Peterson called the meeting to order at 6:00pm and said Supervisor Kevin Butteris has been appointed by County Board Chair Meyers to fill in for Supervisor Gollon who is excused for this meeting.

2. Roll Call.

Committee Present: Curt Peterson, Tim Lease, Mel Masters, Kevin Butteris, Don Lex

Committee Absent: David Gollon was excused

Staff Present: Scott Godfrey

Other Supervisors Present: Justin O'Brien

3. Approve of this agenda.

Motion by Supervisor Lease

Second by Supervisor Leix

Motion carries unanimously.

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

Motion by Supervisor Masters

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 Leix

Second by Supervisor Butteris

Motion carries unanimously.

6. Petition by Tom Frischmann to zone 30 acres from A-1 Ag to AR-1 Ag Res in the SW/SE of S35-T8N-R4E in the Town of Arena.

Applicant present: Tom Frischmann

Town present: David Lucey, Bill Gauger

Director Godfrey gave the staff report.

Public Comment: none

Motion to approve by Supervisor Lease

Second by Supervisor Leix

Motion carries unanimously.

7. Petition by Marc Nelson, Terry Lyght & Donald Hastings to zone 3.83 acres from A-1 Ag to C-1 Conservancy in the E1/2-NE of S13-T6N-R3E & W1/2-NW of S18-T6N-R4E in the Town of Dodgeville.

Applicant present: Marc Nelson

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 from County Board approval by Supervisor Masters

Second by Supervisor Lease

Motion carries unanimously.

8. Petition by RH Family LLC to replat Lots 5 & 6 of Black Diamond Subdivision into a single 4.16-acre lot in the W1/2-NW of S28-T6N-R3E in the Town of Dodgeville.

Applicant present: Frank Hallada

Director Godfrey gave the staff report.

Public Comment: none

Motion to approve by Supervisor Masters

Second by Supervisor Lease

Motion carries unanimously.

9. Continued petition by Megan Meuer for a Conditional Use Permit to operate a Residential Kennel and allow animal units as defined in the Iowa County Zoning Ordinance, and for the division of an AR-1 Ag Res lot being Lot 2, CSM1029 in the Town of Eden.

Applicant present: Mr. and Mrs. Meuer

Director Godfrey gave the staff report.

Public Comment:

- Rod and Roger Mueller stated their opposition due to the close proximity of the kennel to Roger's house and the number of dogs
- Mr. Meier said they plan to have a concrete pad poured so the kennel can be moved where required and plan to construct a privacy fence so the dogs cannot see the neighboring property or the road.

Motion to approve the lot division by Supervisor Leix
Second by Supervisor Butteris
Motion carries unanimously

Motion by Supervisor Leix to approve up to 3 animal units with the condition that it terminates should access to the applicants' parents' neighboring land
Second by Masters
Motion carries unanimously

Mrs. Meier said they currently have 4 non-breeding adult dogs, 7 breeding adult dogs and plan to have only one litter per year for each breeding female adult dog.

Motion by Supervisor Leix to approve with a maximum of 12 adult dogs of which up to 4 can be breeding adult females to have 1 litter per year and that the CUP terminates if the land is sold to a non-relative,
Second by Supervisor Butteris
Motion carries unanimously

10. Petition by Rodney Wardell to zone 3.0 acres & 7.0 acres from AR-1 Ag Res to A-1 Ag and 9.99 acres from A-1 Ag to AR-1 Ag Res in the NE/NW & NW/NE of S24-T7N-R1E in the Town of Highland.

Applicant present: Rodney Wardell

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 from County Board approval by Supervisor Lease
Second by Supervisor Masters
Motion carries unanimously.

11. Petition by Mike Klein and John & Malinda Beiler to zone 25.89 acres from A-1 Ag to C-1 Conservancy and 1.0 acre from A-1 Ag to AB-1 Ag Bus in the SW/NW, NW/SE & NE/SW of S16 & SE/NE of S17 all in T4N-R1E in the Town of Mifflin.

Applicant present: none

Director Godfrey gave the staff report.

Public Comment: none

Motion to approve by Supervisor Leix with the following conditions:

- 1) the associated Conditional Use Permit is approved for the AB-1 lot
- 2) the transfer of land from Klein to Beiler takes place and Beiler consolidates by deed with their existing land within 6 months of County Board approval

3) the associated certified survey map is duly recorded within 6 months from County Board

Second by Supervisor Butteris

Motion carries unanimously.

12. Petition by Mike Klein and John & Malinda Beiler for a Conditional Use Permit for a cemetery to be on a 1-acre AB-1 lot being in the NE/SW of S16-T4N-R1E in the Town of Mifflin.

Applicant present: none

Director Godfrey gave the staff report.

Public Comment: none

Motion to approve with the condition that the associated zoning change is approved by the

County Board approval by Supervisor Leix

Second by Supervisor Masters

Motion carries unanimously.

13. Petition by Neil & Joni Ripp to zone 3.0 acres from A-1 Ag to AR-1 Ag Res and 40 acres with the AC-1 Ag Conservancy overlay district in the N1/2-SE of S29-T5N-4E in the Town of Waldwick.

Applicant present: Joni Ripp

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 from County Board approval by Supervisor Leix

Second by Supervisor Lease

Motion carries unanimously.

14. Consideration to suspend, modify or revoke the Conditional Use Permit granted per ZH2103 and modified per ZH2855 that allows used vehicle sales with conditions on a B-2 Hwy Bus lot being parcel 002-1043.AA in the Town of Arena as provided for in Section 4.0 of the Iowa County Zoning Ordinance.

Applicant present: James Bertrang

Town present: David Lucey, Bill Gauger

Director Godfrey gave the staff report.

Public Comment:

- Mr. Lucey said the issue has always been the fenced in area of the rear of the property being full of junked vehicles and parts
- Rick Peterson said he has video of the applicant using a skidsteer to tip vehicles on their sides so parts can be removed and is concerned about potential fluid leaks.

- Supervisor Lease asked the applicant how many vehicles have been removed since he was here last. Mr. Bertrang said about 40 have been removed to which Mr. Gauger disagreed.

Chair Peterson asked for Director Godfrey's opinion. Director Godfrey replied that the fenced in area should be required to have all non-operable vehicles and parts removed by a set deadline or the CUP may be revoked. He added suspending the CUP now means he could not sell vehicles and that would be a workload to track and monitor.

Supervisor Masters told the applicant he doesn't want to take away his business but feels he has had ample time to achieve compliance and will support revocation if need be.

Motion by Supervisor Masters to modify the existing CUP conditions imposed in 2017 by eliminating "d)" and keeping the following:

- a) A maximum of 80 units for sale on the property, which includes a car, truck, trailer, motorcycle, lawnmower, boat or camper intended for sale
- b) All dismantled or no-running vehicles must be removed from the property or stored inside a building
- c) Dismantling of vehicles must be done inside a building

Supervisor Masters included in the motion that the applicant has 60 days to achieve compliance with the conditions

Second by Supervisor Leix

Motion carries unanimously.

Chair Peterson stated this will be on the agenda of the next meeting following the 60-day deadline for potential modification, suspension or revocation of the CUP.

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

Motion by Supervisor Lease

Second by Supervisor Masters

Motion carries unanimously

16. Consideration to revise Nonmetallic Mining Permit 03-11-18 and the corresponding Reclamation Plan to include 2.0 acres, being parcel 018-0294.A, in the NE/NW of S22-T5N-R3E in the Town of Mineral Point.

Dan Ivey was present as the applicant.

Chair Peterson stated a conflict to interest so turned this item over to Supervisor Masters

Motion to approve by Supervisor Leix

Second by Supervisor Lease

Motion carries with all aye votes and Chair Peterson abstaining

Supervisor Masters turned the meeting back over to Chair Peterson

17. * Request for a Temporary Use Permit by Etienne White for short-term rental and associated uses at 4476 Plank Rd in S5-T6N-R2E in the Town of Highland.

Etienne White said she plans to have only one unit at the start due to the unanticipated costs of improving the driveway to the town's standards, but eventually would like three units if the venture proves to be viable. She asked if the permit could run from August 1, 2023 until September 30, 2024.

Motion to approve by Supervisor Leix as requested

Second by Supervisor Masters

Motion carries unanimously

18. Review of Clark County Resolution 3-1-23 and a proposed Columbia County Resolution both relating to solar and wind energy systems.

Supervisor Leix said these resolutions show there are concerns over industrial wind and solar outside this county and stated his support for the committee to draft a resolution that the County Board can consider.

Chair Peterson stated his opposition to a resolution as it would have little if no effect.

Supervisor Leix said he has been given a draft resolution and handed out copies.

Supervisor Lease asked for an explanation of the process to enact a resolution and what impacts it may have.

Supervisor O'Brien suggested making the effort to show the county is listening to its constituents regardless of whether it may ultimately cause the intended effect.

Supervisor Masters thanked the chair for having this on the agenda and said his main concern is for the county to assume any additional liability.

Chair Peterson agreed to have the draft resolution provided by Supervisor Leix on the next agenda for review.

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

- Kathy Ladd stated her support for a resolution addressing industrial wind and solar energy systems.
- Mark Lepinski encouraged the county to do anything possible to protect the citizens from potential negative health impacts of industrial wind and solar
- Rick Zemlicka said people want to be heard and said the 2009 Act 40 was pushed through without public involvement
- Michael Anderson said he opposes wind and solar as they are inconsistent energy sources as compared to fossil fuels
- Michael Goff of Pattern Energy introduced himself and stated his willingness to be available and to work with citizens and the county on their concerns

20. Director's report

Director Godfrey overviewed the report included in the packet.

21. Next meeting date and time: May 25, 2023 at 6pm.

22. Motion to adjourn

Motion to adjourn by Supervisor Lease

Second by Supervisor Leix

Motion carries unanimously. Adjourned at 7:57pm

Scott A. Godfrey, Director