



Minutes – approved July 26, 2018
Iowa County Planning & Zoning Committee
Thursday, June 28, 2018 – 6:00PM
2nd Floor Conference Room - Courthouse
222 N. Iowa Street
Dodgeville, Wisconsin

**Iowa
County
Wisconsin**

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

1 Call to order.

Roll Call.

2 Members Present: Curt Peterson, Steve Deal, Doug Richter, Don Leix
Members Absent: David Gollon
Staff Present: Scott A. Godfrey
Other Supervisors Present: Bruce Paull

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

Motion by Supervisor Leix to approve
Second by Supervisor Richter
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

Continued petition by Shannon Leitzke for a conditional use permit to allow up to 2 animal units on a 1-acre AR-1 Ag Res lot in the NE/SW of S23-T8N-R4E in the Town of Arena.

Applicant Present: Shannon Leitzke and Atty Edwards
Town Present: Bill Guager and Wayne Schutte

Director Godfrey provided the staff report and showed a video of the property provided by the applicant

5 Supervisor Deal asked if the applicant would agree to a condition of approval that, when one of the existing horses is either sold or dies, the CUP will revert to a single animal unit allowance and to provide an annual health report of the animals to the Office.

Atty Edwards objected to the annual health report but agreed to the reversion of the CUP to a single animal unit as proposed.

Motion by Supervisor Leix to approve with the condition that when either of the existing horses is either sold or dies the maximum animal unit allowance reverts to one;
Second by Supervisor Deal
Motion carries with Supervisor Richter voting against

6	Petition by Brad Yager to rezone 3.2 acres from A-1 Ag to AR-1 Ag Res in the SE/SE of S32-T6N-R4E in the Town of Dodgeville. This petition includes zoning tax parcel 008-0339 (39.97 acres) with the AC-1 Ag Conservancy overlay. Applicant Present: Brad Yager Town Present: none Director Godfrey provided the staff report Public comment: none Motion by Supervisor Deal to approve with the condition that the associated certified survey map is duly recorded with the Register of Deeds within 6 months of the County Board approving the zoning change. Second by Supervisor Richter. Motion carries unanimously
7	Petition by Lori Reising-Lipska to rezone 16.2 acres from A-1 Ag to AB-1 Ag Bus in the NW/SW of S19-T6N-R4E in the Town of Dodgeville. This petition includes a request for a conditional use permit to allow a Commercial Livestock on the 16.2-acre lot. Applicant Present: Lori Reising-Lipska Town Present: none Director Godfrey provided the staff report Public comment: none Motion by Supervisor Deal to approve with the conditions that the associated certified survey map is duly recorded with the Register of Deeds within 6 months of the County Board approving the zoning change and that the animal units be limited to 20. Second by Supervisor Richter. Motion carries unanimously
8	Petition by John McWilliams to rezone from A-1 Ag to AR-1 Ag Res to create two lots of 5 & 37 acres in S28, 29, 32, 33-T7N-R5E in the Town of Brigham. Applicant Present: John McWilliams Town Present: Jeff Zander Director Godfrey provided the staff report Public comment: none Motion by Supervisor Deal to approve with the condition that the associated certified survey map is duly recorded with the Register of Deeds within 6 months of the County Board approving the zoning change. Second by Supervisor Richter. Motion carries unanimously
9	Petition by Doug & Marlene Reeson to rezone 10.067 acres from A-1 Ag to AR-1 Ag Res in the E1/2-SE of S3-T6N-R5E in the Town of Brigham. Applicant Present: Doug Reeson Town Present: Jeff Zander Director Godfrey provided the staff report Public comment: none

	Motion by Supervisor Leix to approve with the condition that the associated certified survey map is duly recorded with the Register of Deeds within 6 months of the County Board approving the zoning change. Second by Supervisor Deal. Motion carries unanimously
10	Petition by Randy & Karla Larson to rezone from A-1 Ag to AR-1 Ag Res to create two lots of 19.88 & 19.89 acres in the NW/SE of S1-T4N-R5E in the Town of Moscow. Applicant Present: Randy Larson Town Present: Charles Schriber and Joe Hendrickson Director Godfrey provided the staff report Public comment: none Motion by Supervisor Richter to approve with the condition that the associated certified survey map is duly recorded with the Register of Deeds within 6 months of the County Board approving the zoning change. Second by Supervisor Leix. Motion carries unanimously
11	Petition by Ivey Construction Inc. and Ralph Proctor to rezone 92.64 acres from A-1 Ag to AB-1 Ag Bus in the NE/SE of S10 & NW/SW of S11 all in T5N-R4E in the Town of Ridgeway. This petition includes a request for a conditional use permit to allow nonmetallic mining and a residence on the 92.64 acres. Applicant Present: Dan Ivey and another of Ivey family Town Present: Joe Thomas Supervisor Peterson stated he has a conflict of interest and turned the hearing over to Supervisor Richter to run. Supervisor Peterson abstained from any participation and action on this matter. Director Godfrey provided the staff report Dan Ivey handed out a draft reclamation plan giving overview of proposal. Public comment: • Jim Roth spoke in opposition out of concern over impacts to his property value and aesthetic concerns • Mike Foy spoke in opposition out of concern over Town meetings complying with Open Meetings Law and the lack of studies to show impacts of the proposal Dan Ivey said there is only sand resource at the site involving up to 33 acres, berms will be constructed to shield visibility, and all adjacent neighbors were personally delivered a notice of the Town meetings. Joe Thomas stated the Town meetings were properly noticed. Director Godfrey explained there will be a future meeting to consider the proposed required reclamation plan at which time issues such as phased reclamation and high-wall stability can be addressed. Motion by Supervisor Deal to approve the zoning change. Second by Supervisor Leix. Motion carries with Supervisor Peterson abstaining Motion by Supervisor Deal to approve the conditional use permit with the following conditions proposed by the Town, Staff and that are included in Section 4.5 of the Iowa County Zoning Ordinance: 1) The applicant shall apply for and receive all required local, state and federal permits. 2) The reclamation plan will meet the requirements of NR135. 3) Hours of operation will be from 6am to 6pm Monday through Friday, and 6am to 4pm on Saturdays. No

operations will take place on Sundays.

- 4) The operator will require all trucks and excavation equipment to have muffler systems that meet or exceed the current industry standard for noise abatement.
- 5) The operator shall meet or exceed DNR standards for particulate emissions as described in NR415.075 and NR415.076.
- 6) A seismograph will be installed for the first two shots to any adjoining land owner with a residence and even if not a residence or abutting land owner if requested.
- 7) Solely and exclusively for extraction of sand only.
- 8) Reclamation activities shall be phased with respect to the phasing of the mining operation and shall be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance.
- 9) Interim reclamation may also be required for mined lands that have been disturbed and will be disturbed again in future operations. Reclamation may be done on an annual basis, or in stages compatible with continuing operations, or on completion of all excavation, removal or fill.
- 10) Ivey will construct berms around the work areas during the stripping process. These berms will be placed to help hide the mining process. Trees will be planted on top of the berms and also seeded down with number four grass seed to protect the berms from erosion.
- 11) The nonmetallic mining site must comply with all provisions of this ordinance, the Iowa County Nonmetallic Mining Reclamation Ordinance, and Wis. Admin. Code Ch. NR135.
- 12) The establishment, maintenance, or operation of the mining use shall not endanger the public health, safety, or general welfare, nor impair significant aesthetic, scientific, educational, or agricultural values.
- 13) The establishment, maintenance, or operation of the mining use will not substantially affect the existing use of adjacent properties and will not have a substantial adverse effect on the most suitable long term future use for the area.
- 14) That adequate utility, access roads, drainage, traffic plans, and other site improvements are or will be provided.
- 15) That the mining use shall conform to all government regulations and standards pertaining to the activity, including air and water quality standards and storm and waste water permit discharge requirements.
- 16) That the noise, vibration, and dust levels be within the standards as established by the State.
- 17) That an undeveloped buffer zone adjacent to extraction operations, extending not less than 50 feet from a property line into the mining site, or up to any other distance as the Commission finds necessary for the protection and safety of adjacent properties from mineral extraction sites, with a stable angle of repose being provided along property lines.
- 18) That the reclamation plan, which shall similarly be imposed as a condition of approval, will be enforceable and, as enforced, will result in the property being in a final conditional which is reasonably safe, attractive and, if possible, conducive to productive new uses for the site.
- 19) That the operation and reclamation shall be conducted in a manner that meets groundwater quality standards pursuant to Wis. Admin. Code ch. NR140.
- 20) That the operations and reclamation shall be conducted in a manner that does not cause a permanent lowering of the groundwater table that results in adverse effects on surface waters or a significant reduction in the quantity of groundwater available for reasonable use to future users.
- 21) The mining site shall be enclosed by at least a 3-strand barbed wire fence, maintained at all times, with warning signs posted to indicate the presence of a nonmetallic mining site at intervals agreeable to the affected Town and County.
- 22) Water from site dewatering and washing operations will meet the conditions of the required Wisconsin Pollution Discharge Elimination System (WPDES) permit from the WDNR.
- 23) Any noise shall comply with all applicable OSHA standards. Verification of this requirement shall be provided to the Office upon written request.
- 24) Blasting shall, at a minimum, comply with the provisions listed in SPS 307, Wis. Administrative Rule. At sites where there is a principal structure on neighboring property within 500 feet of the shared property line with the mining site, blast charges may be required to be reduced in size as blasting activity nears the property line.
- 25) The permit shall be in effect for 5 years and may be renewed by application to the County. All permitted operations may be inspected at least once every year by the Office and may be inspected at the time a request for renewal is submitted for the purpose of determining if all conditions of the operations are being complied with. Renewed permits shall be modified to be in compliance with all state, county, and local law in effect at the time of renewal. Permits may be amended on application to the Commission to allow extensions or alterations in operations under new ownerships or managements.
- 26) An address shall be required for the mining site assigned under the provisions of the Iowa County Address & Road Naming Ordinance.

Second by Supervisor Leix

Motion carries with Supervisor Peterson abstaining

	Supervisor Peterson resumed as Chair
12	Petition by Casey, Rodney & Diana Michek to rezone 6.35 acres from A-1 Ag to AR-1 Ag Res in the SW1/4 of S28-T8N-R1E in the Town of Pulaski. Applicant Present: Casey and Rodney Michek Town Present: none Director Godfrey provided the staff report Public comment: none Motion by Supervisor Leix to approve with the condition that the associated certified survey map is duly recorded with the Register of Deeds within 6 months of the County Board approving the zoning change. Second by Supervisor Richter. Motion carries unanimously
13	Supervisor Peterson called a 5-minute break and resumed at 7:29pm Petition by Allied Stone LLC and Michael Kessenich to rezone 12.21 acres from A-1 Ag & AR-1 Ag Res to AB-1 Ag Bus and 52.36 acres from A-1 Ag & AR-1 Ag Res to all A-1 Ag in S10-T8N-R1E in the Town of Pulaski. This petition includes a request for a conditional use permit to allow nonmetallic mining on the 12.21 acres. Applicant Present: John Rutkowski and brother of Allied Stone LLC Town Present: none Director Godfrey provided the staff report John Rutkowski explained the site is not visible from the road and the post-mining land use will be a recreational fish pond. Public comment: none Motion by Supervisor Richter to approve with the following conditions proposed by Staff and that are included in Section 4.5 of the Iowa County Zoning Ordinance: 1) The associated certified survey map be duly recorded within 6 months of the County Board approving the zoning change. 2) The associated reclamation plan be approved with a post-mining land use compatible with surrounding legal uses. 3) The applicants need to provide evidence of an easement over the existing driveway on the Walsh property for the proposed mining use with a potential maintenance agreement to take into account the proposed heavy truck traffic. 4) Hours of operation should be considered in deference to the adjacent residential lot. 5) Visual/aesthetic impacts should be considered in deference to the adjacent residential lot. 6) The following standards are within the zoning ordinance: 7) The nonmetallic mining site must comply with all provisions of this ordinance, the Iowa County Nonmetallic Mining Reclamation Ordinance, and Wis. Admin. Code Ch. NR135. 8) The establishment, maintenance, or operation of the mining use shall not endanger the public health, safety, or general welfare, nor impair significant aesthetic, scientific, educational, or agricultural values. 9) The establishment, maintenance, or operation of the mining use will not substantially affect the existing use of adjacent properties and will not have a substantial adverse effect on the most suitable

	long term future use for the area. 10) That adequate utility, access roads, drainage, traffic plans, and other site improvements are or will be provided. 11) That the mining use shall conform to all government regulations and standards pertaining to the activity, including air and water quality standards and storm and waste water permit discharge requirements. 12) That the noise, vibration, and dust levels be within the standards as established by the State. 13) That an undeveloped buffer zone adjacent to extraction operations, extending not less than 50 feet from a property line into the mining site, or up to any other distance as the Commission finds necessary for the protection and safety of adjacent properties from mineral extraction sites, with a stable angle of repose being provided along property lines. 14) That the reclamation plan, which shall similarly be imposed as a condition of approval, will be enforceable and, as enforced, will result in the property being in a final conditional which is reasonably safe, attractive and, if possible, conducive to productive new uses for the site. 15) That the operation and reclamation shall be conducted in a manner that meets groundwater quality standards pursuant to Wis. Admin. Code ch. NR140. 16) That the operations and reclamation shall be conducted in a manner that does not cause a permanent lowering of the groundwater table that results in adverse effects on surface waters or a significant reduction in the quantity of groundwater available for reasonable use to future users. 17) The mining site shall be enclosed by at least a 3-strand barbed wire fence, maintained at all times, with warning signs posted to indicate the presence of a nonmetallic mining site at intervals agreeable to the affected Town and County. 18) Water from site dewatering and washing operations will meet the conditions of the required Wisconsin Pollution Discharge Elimination System (WPDES) permit from the WDNR. 19) Any noise shall comply with all applicable OSHA standards. Verification of this requirement shall be provided to the Office upon written request. 20) Blasting shall, at a minimum, comply with the provisions listed in SPS 307, Wis. Administrative Rule. At sites where there is a principal structure on neighboring property within 500 feet of the shared property line with the mining site, blast charges may be required to be reduced in size as blasting activity nears the property line. 21) The permit shall be in effect for 5 years and may be renewed by application to the County. All permitted operations may be inspected at least once every year by the Office and may be inspected at the time a request for renewal is submitted for the purpose of determining if all conditions of the operations are being complied with. Renewed permits shall be modified to be in compliance with all state, county, and local law in effect at the time of renewal. Permits may be amended on application to the Commission to allow extensions or alterations in operations under new ownerships or managements. 22) An address shall be required for the mining site assigned under the provisions of the Iowa County Address & Road Naming Ordinance. Second by Supervisor Deal. Motion carries unanimously
14	Petition by Allied Stone LLC and Michael Kessenich for review and approval of a Nonmetallic Mining Reclamation Plan and Permit for a proposed mine on a 12.21-acre AB-1 Ag Bus lot in S10-T8N-R1E in the Town of Pulaski. Applicant Present: John Rutkowski and brother of Allied Stone LLC Town Present: none Director Godfrey provided the staff report John Rutkowski explained the site is not visible from the road and the post-mining land use will be a recreational fish pond.

	Public comment: none Motion by Supervisor Richter to approve as proposed. Second by Supervisor Deal. Motion carries unanimously
15	Consideration of revisions to the Iowa County Zoning Ordinance to be consistent with 2017 WI Act 67 relating to decisions on conditional use permits. Director Godfrey overviewed the proposed changes included in the packet. Supervisor Peterson said to place this on next month's agenda for a public hearing.
16	Consideration of testimony submission deadlines for hearings. Supervisor Peterson led a discussion on reasonable deadlines for applicants to submit testimony supporting petitions to allow time for the Committee to review versus providing at the hearing. He asked Director Godfrey to check with other counties for their policies and to place on next month's agenda.
17	Director's Report a) Office activity and programs Director Godfrey overviewed the report provided in the packet
18	Next meeting date and time – July 26 th at 6pm
19	Adjourn Motion to adjourn by Supervisor Richter. Second by Supervisor Leix. Motion carries unanimously. Adjourned at 8:12pm