

Amendatory Ordinance No. 3-1019

To the Honorable Iowa County Board of Supervisors:

Whereas a petition for a land use change has been made by John Scullion;

For land in the SW 1/4 of the SW 1/4 of Section 3 and SE 1/4 of the SE 1/4 of S4 in T6N-R1E in the Town of Highland; affecting tax parcels 012-1153 and 012-1123,

And, this petition is made to rezone approximately 81 acres from A-1 Agricultural to RB-1 Recreational Business;

Whereas notice of such petition has been properly advertised and notice has been given to the **Clerk of the Town of Highland** and the Town is recommending denial as it has been deemed to be inconsistent with the goals and intent of its adopted comprehensive plan and the intended Hunting Preserve use an unreasonable health and safety risk to adjacent properties,

Whereas a public hearing, designated as zoning hearing number **3062** was last held on **September 26, 2019** in accord with said notice,

Whereas this Amendatory Ordinance shall constitute the report specified in §59.69(5)4 WI Stats. and the required proof of publication of the notice of the public hearing and proof of the giving of notice to the town clerk is attached;


Whereas as a result of said hearing, action has been taken by the Iowa County Planning & Zoning Committee to **deny** said petition based on the intended Hunting Preserve use not satisfying the standards of Section 4.4 of the Iowa County Zoning Ordinance that requires:

- *The proposed use is compatible with adjacent uses in terms of scale, site design, operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust and other external impacts):* The Committee found the proposed use would likely create unreasonable noise due to the Applicant refusing to agree to conditions on the operation.
- *There are no significant adverse impacts to the surrounding legal uses and environment resulting from the proposed conditional use:* The Committee found the proposed use would pose an unreasonable public health and safety risk due to the Applicant refusing to agree to a shooting buffer from the adjacent neighboring farm buildings to the north.
- *Any adverse impacts resulting from the use will be mitigated or offset to the maximum practical extent:* The Committee proposed conditions that the Applicant refused to agree to.
- *The proposed use is consistent with the Iowa County Comprehensive Plan:* The Committee found the proposed use is not consistent with the following provisions of the Iowa County Comprehensive Plan:

- a) Table H.1e 2 – Protect active agricultural lands from encroachment by incompatible uses.
- b) Table H.1e 4 – Restrict location of new development from areas shown to be unsafe or unsuitable for development due to natural hazards, contamination, access, or incompatible problems.
- c) Table H.1e 7 – Assure to the greatest extent possible that all proposals for future development or redevelopment enhance the overall quality of life.

Respectfully submitted by the Iowa County Planning & Zoning Committee.

I, the undersigned Iowa County Clerk, hereby certify that action was taken by the Iowa County Board of Supervisors on **October 15, 2019** on the above Amendatory Ordinance to X deny as recommended or _____refer to the Iowa County Planning & Zoning Committee with directions to draft an ordinance to effectuate the petition and report the ordinance back to the Board.


Greg Klusendorf
Iowa County Clerk

Date: 10/16/19



IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT

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

Telephone: (608) 935-0398 Fax: (608) 935-0326 Mobile: (608) 553-7575

e-mail: scott.godfrey@iowacounty.org

Planning & Zoning Committee Recommendation Summary

Public Hearing Held on Sept. 26, 2019

Zoning Hearing 3062

Recommendation: **Denial**

Applicant(s): John Scullion

Town of Highland

Site Description: part of the SW/SW of S3 & SE/SE of S4; T6N-R1E also affecting tax parcels 012-1153 and 012-1123

Petition Summary: This request was held over from last month and is to rezone from A-1 Ag to RB-1 Rec Bus with a Conditional Use Permit for a hunting preserve with dog training. It was held over for the Applicant to consider a new description that may address the Town of Highland's safety concerns and to address the 7 CUP standards in Section 4.4 of the zoning ordinance.

Comments/Recommendations

1. The Applicant is applying for a Class B Bird Hunting Preserve License from the WDNR which would allow the in-season and off-season raising, release and hunting of game birds. The minimum licensed are is 40 acres of the entirety must be eligible for the legal discharge of a firearm.
2. Although hunting within an open WI game season is an allowed use in the A-1 district, the licensing of land as a hunting preserve requires the RB-1 district with a Conditional Use Permit. The reason is primarily because the frequency and scale of hunting can be much greater on licensed land versus unlicensed land.
3. The Applicant revised the original description to cut out a buffer from the north neighboring residence (State law prohibits discharge of a firearm when hunting within 300 feet of a neighboring residence) and to add land across Tower Rd to the east.
4. The following considerations are in Section 4.4 for CUPs which the Applicant must provide substantial evidence that they are currently or can be complied with:

1. *The proposed use complies with all applicable provisions of this Ordinance.*
2. *The proposed use is compatible with adjacent uses in terms of scale, site design, operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust and other external impacts).*
3. *There are no significant adverse impacts to the surrounding legal uses and environment resulting from the proposed conditional use.*
4. *Any adverse impacts resulting from the use will be mitigated or offset to the maximum practical extent.*
5. *Public safety, transportation and utility facilities and services will be available to serve the subject property while maintaining sufficient levels of service for existing development.*
6. *Adequate assurances of continuing maintenance are provided.*
7. *The proposed use is consistent with the Iowa County Comprehensive Plan.*

Town Recommendation: The Town of Highland does not feel the proposal is consistent with its comprehensive plan and is recommending denial due to safety concerns at this site and that Mr. Scullion has other land that may be better suited from a safety point.

Staff Recommendation: Staff agrees with the Town's recommendation unless the Applicant is willing to conditions that may mitigate the potential safety concerns, such as to establish a buffer from the Windswept Acres Inc. property line to minimize the likelihood of a stray pellet crossing the line. This would necessitate a change in the zoning description. Additional conditions to consider include:

- a) Appropriate signage be installed to prevent hunters from leaving the property
- b) Compliance with the Town of Highland driveway ordinance for any required or proposed driveway off of Tower Rd
- c) The inclusion of the residence on tax parcel 012-1123 needs to be included in the CUP as an associated permitted use
- d) The Applicant must provide adequate evidence to satisfy Section 4.4 standards listed above, especially numbers 2, 3 and 4.
- e) Findings should be made that the proposal is consistent with the following Land Use policies in Section H of the Iowa County Comprehensive Plan:
 - Table H.1e 2 – Protect active agricultural lands from encroachment by incompatible uses.
 - Table H.1e 4 – Restrict location of new development from areas shown to be unsafe or unsuitable for development due to natural hazards, contamination, access, or incompatible problems.

- [illegible]

