

Amendatory Ordinance 3-922

To the Honorable Iowa County Board of Supervisors:

Whereas a petition for a land use change has been made by Jeff and Erika Applegate;

For land being in the W ½ of the NW ¼ of Section 21, Town 6N, Range 5E and SW ¼ of the SW ¼ of Section 16, Town 6N, Range 5E in the Town of Brigham affecting tax parcels 004-0755, 004-0773.A and 004-0774;

And, this petition is made to rezone 2.023 acres and 38.21 acres from A-1 Agricultural to AR-1 Agricultural Residential.

Whereas notice of such petition has been properly advertised and notice has been given to the **Clerk of the Town of Brigham,**

Whereas a public hearing, designated as zoning hearing number **3287** was last held on **August 25, 2022** in accord with said notice, and as a result of said hearing action has been taken by the Iowa County Planning & Zoning Committee to **approve** said petition with the condition that the associated certified survey map is duly recorded within 6 months.

Now therefore be it resolved that official county zoning map be amended as recommended by the Iowa County Planning and Zoning Committee.

Respectfully submitted by the Iowa County Planning & Zoning Committee.

I, the undersigned Iowa County Clerk, hereby certify that the above Amendatory Ordinance was X approved as recommended approved with amendment denied as recommended denied or rereferred to the Iowa County Planning & Zoning Committee by the Iowa County Board of Supervisors on **September 20, 2022**. The effective date of this ordinance shall be **September 20, 2022**.


Kristy K. Spurley
Iowa County Clerk

Date: 9-20-2022



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Planning & Zoning Committee Recommendation Summary

Public Hearing Held on August 25, 2022

Zoning Hearing 3287

Recommendation: **Approval**

Applicant(s): Jeff & Erika Applegate

Town of Brigham

Site Description: W ½ - NW of S21 & SW/SW S16-T6N-R5E also affecting tax parcels 004-0755; 0773.A; 0774

Petition Summary: This is a request to zone 2.023 acres & 38.21 acres from A-1 Ag to AR-1 Ag Res.

Comments/Recommendations

1. The original preliminary CSM included an outlier that the Town of Brigham prefers be eliminated so there are just 2 AR-1 lots. The total acreage and perimeter remain unchanged.
2. The minimum lot size for the A-1 district is 40 acres, so the proposed lots require zoning approval in order to be legally created.
3. If approved, each lot would be eligible for one single family residence, accessory structures, and limited ag uses including up to 11 livestock type animal units on the 38.21 acre lot.
4. The associated certified survey map has been submitted for formal review.
5. Per Section 11.0 of the Iowa County Zoning Ordinance, the following standards are to be considered when deciding a zoning change:
 - 1) The petition is consistent with the Iowa County Comprehensive Plan and the comprehensive plan of any Town affected by said petition.
 - 2) Adequate public facilities and services (including sewage and waste disposal, water, gas, electricity, schools, police and fire protection, and roads and transportation, as applicable) will be available as required by the petition while maintaining adequate levels of service to existing development.
 - 3) Provisions of public facilities to accommodate the petition will not place an unreasonable burden on the ability of affected local units of government to provide the.
 - 4) The petition will not result in significant adverse impacts upon surrounding properties or the natural environment, including air, water, noise, stormwater management, soils, wildlife and vegetation.
 - 5) The land associated with the petition is suitable for the proposed development and said

development will not cause unreasonable soil erosion or have an unreasonable adverse effect on rare or irreplaceable natural areas.

- 6) The petition will not be used to legitimize a nonconforming use or structure.
- 7) The petition is the minimum action necessary to accomplish the intent of the petition, and an administrative adjustment, variance, or Conditional Use Permit could not be used to achieve the same result.
- 8) The petition will not result in illegal "spot zoning" (i.e. use is inconsistent with surrounding properties and serves only a private, rather than public interest).

Town Recommendation: The Town of Brigham is recommending approval

Staff Recommendation: Staff recommends approval with the condition that the associated certified survey map is duly recorded within 6 months of County Board approval

