

## Amendatory Ordinance 6-622

To the Honorable Iowa County Board of Supervisors:

**Whereas a petition for a land use change has been made by Daniel Esser;**

For land being in the NE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 26, Town 7N, Range 1E in the Town of Highland affecting tax parcel 012-0900;

**And, this petition is made to rezone 4.347 acres from A-1 Agricultural to C-1 Conservation.**

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

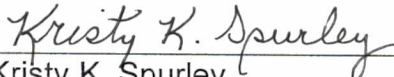
Whereas a public hearing, designated as zoning hearing number **3266** was last held on **May 26, 2022** in accord with said notice, and as a result of said hearing action has been taken by the Iowa County Planning & Zoning Committee to **approve** said petition with the condition that the associated certified survey map is duly recorded with the Register of Deeds 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.

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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 **June 21, 2022**. The effective date of this ordinance shall be **June 21, 2022**.

  
Kristy K. Spurley  
Iowa County Clerk

Date:   6-21-2022



## IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT

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### Planning & Zoning Committee Recommendation Summary

Public Hearing Held on May 26, 2022

Zoning Hearing 3266

Recommendation: **Approval**

**Applicant(s):** Daniel Esser

**Town of Highland**

**Site Description:** NE/SE S26-T7N-R1E also affecting tax parcels 012-0900

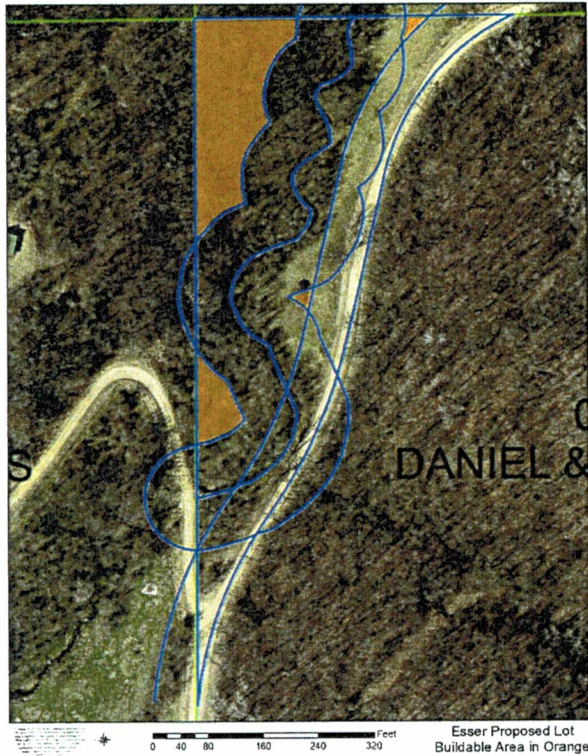
**Petition Summary:** This is a request to rezone 4.347 acres from A-1 Ag to either AR-1 Ag Res or C-1 Conservancy, depending upon the feasibility of being able to be developed.

#### Comments/Recommendations

1. The reason for the possibility of either the AR-1 or C-1 districts is due to Smokey Hollow Creek bisecting the proposed lot. The creek is considered navigable, which means State shoreland zoning regulations apply 300 feet landward of the creek.

This includes a minimum 75-foot setback for any structure from the ordinary high water mark of the creek. When that is taken into account along with the minimum setback off Smokey Hollow Rd, there is very little available building area.

Taking the required setbacks, the map below shows in brown/orange the potential buildable areas. However, the WDNR interprets a driveway/field road as a "structure", meaning it is not possible to cross the waterway...the drive would encroach on the 75-foot setback...unless a variance is granted. This makes the largest potential buildable areas questionable, unless access can be gained without crossing the creek.



2. If there is no intent to build on the lot, the C-1 district would be the best option, as no development requiring a zoning permit would be allowed. Rezoning to AR-1 provides for a residence and other buildings, so it should be determined that there is a feasible buildable site before rezoning. If there isn't interest to do this now, the lot can be zoned C-1 and petitioned in the future to be zoned AR-1 with the verification of a buildable site.
3. The associated certified survey map has been submitted for formal review.
4. 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 Highland is recommending approval of rezoning to AR-1.

**Staff Recommendation:** Given the buildable area/shoreland zoning issues, staff recommends approval of rezoning to the C-1 district with condition the associated certified survey map is duly recorded within 6 months of County Board approval. Open space uses and limited use of camping units is permitted in the C-1 district.

