

Amendatory Ordinance 3-0623

To the Honorable Iowa County Board of Supervisors:

Whereas a petition for a land use change has been made by Kenneth and Rhonda Iverson;

For land being in the W ½ of the NW ¼ of Section 8, Town 6N, Range 2E in the Town of Eden affecting tax parcels 010-0605 and 010-0606.

And, this petition is made to zone 17.11 acres from A-1 Agricultural to AR-1 Agricultural Residential with 23 acres having the AC-1 Agricultural Conservancy overlay.

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

Whereas a public hearing, designated as zoning hearing number **3346** was last held on **May 25, 2023** 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** with the conditions that an access easement is secured for the lot to be shown on the certified survey map and that associated certified survey map is duly recorded within 6 months of County Board approval.

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 **June 20, 2023**. The effective date of this ordinance shall be **June 20, 2023**.


Kristy K. Spurley
Iowa County Clerk

Date: 6-20-2023



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Planning & Zoning Committee Recommendation Summary

Public Hearing held on May 25, 2023

Zoning Hearing 3346

Recommendation: **Approval**

Applicant(s): Kenneth & Rhonda Iverson

Town of Eden

Site Description: NE/NW & NW/NE of S24-T7N-R1E also affecting tax parcels 012-0852; 0847.02; 0848

Petition Summary: This is a request to zone 17.11 acres from A-1 Ag to AR-1 Ag Res and 23 acres with the AC-1 Ag Conservancy overlay.

Comments/Recommendations

1. The A-1 district has a minimum 40-acre lot size so rezoning is required in order to legally create the proposed 17.11-acre lot. The AC-1 overlay is required to meet the town's 40:1 residential density requirement.
2. If approved, the AR-1 lot would allow one single family residence, accessory structures and limited ag uses, and up to 8 animal units as defined in the Iowa County Zoning Ordinance. The AC-1 area would restrict any development that requires a zoning permit.
3. The associated certified survey map has not yet been submitted for formal review. The Surveyor has found an easement will be required at the existing driveway as it crosses land owned by the State.
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 Eden is recommending approval.

Staff Recommendation: Staff recommends approval with the following conditions:

- 1) an easement is secured to cross the State land and shown on the proposed CSM
- 2) the associated CSM is duly recorded within 6 months of County Board approval

