

## Amendatory Ordinance 3-1223

To the Honorable Iowa County Board of Supervisors:

**Whereas a petition for a land use change has been made by Larry & Margaret Monson;**

For land being in the SE ¼ of the SW ¼ of Section 5 and E ½ of the NE ¼ of Section 8, all in Town 6N, Range 5E in the Town of Brigham affecting tax parcels 004-0459, 004-0515 and 004-0520,

**And, this petition is made to zone 24.246 acres from A-1 Agricultural to AR-1 Agricultural Residential and 15.996 acres from A-1 Agricultural to B-3 Heavy Business.**

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

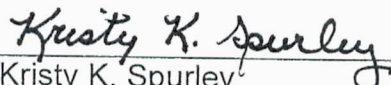
Whereas a public hearing, designated as zoning hearing number **3381** was last held on **November 30, 2023** in accord with said notice, and as a result of said hearing action has been taken by the Iowa County Planning & Zoning Committee to **approve** with the condition that the associated certified survey map is duly recorded within 6 months of County Board approval.

Now therefore be it resolved that the 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 **December 19, 2023**. The effective date of this ordinance shall be **December 19, 2023**.

  
Kristy K. Spurley  
Iowa County Clerk

Date:   12-19-2023



## IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT

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### Planning & Zoning Committee Recommendation Summary

Public Hearing held on November 30, 2023

Zoning Hearing 3381

Recommendation: **Approval**

**Applicant(s):** Larry & Margaret Monson

**Town of Brigham**

**Site Description:** SE/SW of S8-T6N-R5E also affecting tax parcels 004-0459, 0515, 0520

**Petition Summary:** This is a request to zone 24.246 acres from A-1 Ag to AR-1 Ag Res and 15.996 acres from A-1 Ag to B-3 Hvy Bus for warehouse storage use with associated residence.

#### Comments/Recommendations

1. The A-1 district has a minimum 40-acre lot size, so rezoning is required in order for the proposed lots to be legally created.
2. If approved, the AR-1 lot would allow one single family residence (existing), accessory structures and limited ag uses, including up to 8 animal units as defined in the Iowa County Zoning Ordinance. The B-3 lot would allow cropping and uses approved by Conditional Use Permit. The applicants are requesting a warehouse storage use with associated residence (existing).
3. The associated certified survey map has not yet 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 those services.
  - 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).
5. Per Section 4.0 of the Iowa County Zoning Ordinance, the following standards are to be considered for a CUP:
- 1) The proposed use complies with all applicable provisions of this Ordinance.
  - 2) The proposed use is compatible with adjacent legal 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 anticipated measurable 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, services and utility facilities exist or will be available to serve the subject property while maintaining sufficient levels of service for existing development.
  - 6) Adequate assurances by the applicant of continuing maintenance are provided.
  - 7) The proposed use is consistent with the Iowa County Comprehensive Plan.

**Town Recommendation:** The Town of Brigham is recommending approval of the zoning change and the CUP with the conditions that the residence must be related to the warehouse storage operation and the WDOT completed a traffic impact analysis.

**Staff Recommendation:** Staff recommends approval of the zoning change with the conditions that the associated CUP is granted and the certified survey map is duly recorded within 6 months of County Board approval.

**CUP:** Scot Hinkle, WDOT, provide the following in terms of a traffic impact analysis:

The Wisconsin Department of Transportation (DOT) traffic section made a few comments on the IHM Harris Road intersection.

"It does not sound like they will be adding much traffic based on the seasonal nature of the storage that they plan." Looking at the few properties along this town road, there really isn't much traffic so overall a right turn lane might not be required if it was a newly proposed road connection. I would say that the 100 ft length of this right turn lane is the absolute minimum and the DOT would prefer the turn lane be extended, but that would be a Township or County decision and the final comment I got was there would not be a huge concern if it remains as is based on the low volume existing and what is being proposed.

I also feel if the farming operations will cease or decrease this turn lane should be adequate.

Thanks

Scot Hinkle  
Planning  
SW Region Madison  
Madison, WI 53704  
608 246-5334

When asked who is responsible to pay for an extension of the turn lanes, Mr. Hinkle responded:

We make the owner/developer do the work when we require an extension with a new development. In this case the locals could require it if so desired. If they require an extension they would need to coordinate any work with DOT. They could cost share as well.

I guess that is up to the locals. If nothing is done and this intersection becomes an issue, the DOT could require the locals to extend the lane as well. I know sometimes the DOT finds an improvement project to cover the work as well. I don't see that happening in this case.

Given there are several similar intersections, including one or more regularly used by Blue Mounds State Park campers and farmers, Staff finds it hard to justify requiring lane extension for this proposal. However, the possibility that the WDOT may require the county and/or town to improve the intersection if it becomes an issue is a concern. Staff recommends approval with the following conditions:

- 1) The CUP shall terminate if the WDOT determines the use to be an issue and requires the town or county to make improvements.
- 2) The residence can only be occupied in association with the warehouse storage operation, meaning by an owner or employee.
- 3) All lighting shall be shielded from traffic and the neighboring residence.
- 4) The warehouse use shall be for open-space storage and not the division into individual storage units.

