

Amendatory Ordinance 4-0523

To the Honorable Iowa County Board of Supervisors:

Whereas a petition for a land use change has been made by Mike Klein, John Beiler and Malinda Beiler;

For land being in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 16, Town 4N, Range 1E and SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 17, Town 4N, Range 1E in the Town of Mifflin affecting tax parcels 016-0901, 016-0901.02, 016-0905 and 016-0918.

And, this petition is made to zone 25.89 acres from A-1 Agricultural to C-1 Conservancy and 1.0 acre from A-1 Agricultural to AB-1 Agricultural Business.

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

Whereas a public hearing, designated as zoning hearing number **3339** was last held on **April 27, 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 the transfer of land from Klein to Beiler takes place and Beiler consolidates the acquired land by deed with their existing land and that the associated certified survey map is duly recorded within 6 months of County Board approval.

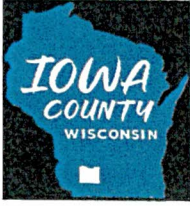
Now therefore be it resolved that official county zoning map be amended as recommended by the Iowa County Planning and Zoning Committee.

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 **May 16, 2023**. The effective date of this ordinance shall be **May 16, 2023**.


Kristy K. Spurley
Iowa County Clerk

Date: 5-16-2023



IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT

222 N. Iowa Street, Suite 1223

Dodgeville, WI 53533

608-935-0333/608-553-7575/fax 608-935-0326

Scott.Godfrey@iowacounty.org

Planning & Zoning Committee Recommendation Summary

Public Hearing held on April 27, 2023

Zoning Hearing 3339

Recommendation: **Approval**

Applicant(s): Mike Klein and John & Malinda Beiler

Town of Mifflin

Site Description: SW/NW & NW/SE of S16-T4N-R1E and SE/NE of S17-T4N-R1E also affecting tax parcels 016-0901; 0901.02; 0905; 0918

Petition Summary: This is a request to zone 25.89 acres from A-1 Ag to C-1 Conservancy and 1.0 acre from A-1 Ag to AB-1 Ag Bus. Included is a request for a Conditional Use Permit to allow a cemetery on the AB-1 lot.

Comments/Recommendations

1. This petition involves the intent of Mr. Klein to sell land to the Beilers which would leave him with the 25.89 acres. Since the 25.89 acres is separated from the rest of Mr. Klein's land, it will not meet the minimum 40-acre lot size to remain zoned A-1 Ag. The Beilers intend to combine by deed the land acquired from Mr. Klein with the land they currently own.
2. This petition also involves creating a cemetery lot. A cemetery was approved by CUP in 2022 on the Beilers' entire farm. The intent now is to separate the cemetery from the farm, which necessitates the petition to rezone with a new CUP.
3. If approved, the C-1 lot would allow open spaces but prohibit any development requiring a county zoning permit. If approved, the AB-1 lot would allow cropping and any use approved by CUP.
4. The associated certified survey map has not yet 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 on rezoning: The Town of Mifflin is recommending approval.

Staff Recommendation on rezoning: Staff recommends approval with the following conditions:

- 1) the associated Conditional Use Permit is approved for the AB-1 lot (P&Z approved), and
- 2) the transfer of land from Klein to the Beilers take place and the Beilers consolidate it by deed with their existing land within 6 months of Count Board approval, and
- 3) the associated certified survey map is duly recorded within 6 months of County Board approval

