



## IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT

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Pursuant to Section 19.84 and 59.69, Wisconsin Statutes, notice is hereby given that the Iowa County Planning & Zoning Commission will hold a public meeting on **Wed., July 16, 2008 at 6:00PM**, or as soon thereafter as possible, in the **County Board Room, 2<sup>nd</sup> Floor** of the Iowa County Courthouse in the City of Dodgeville, Wisconsin. For information regarding access for the disabled, please call 935-0399. Additional information about the petitions, including maps, can be obtained from the Office of Planning & Development.

### Minutes

Approved July 23, 2008

1. Call to order. Ehr called to order at 6:02pm
2. Roll Call. Godfrey read roll

Present: Bill Ehr; Tom Mueller; Diane McGuire; Jerry Dorscheid; Carol Anderson;  
Dwayne Hiltbrand  
Not Present: Brad Wells (called in absence)  
Staff Present: Scott A. Godfrey; Mike Bindl

3. Certification of notice for this meeting

Motion to approve by Diane McGuire  
Second by Tom Mueller  
Motion carries unanimously

4. Review and approval of last meeting minutes.

Motion to approve Jerry Dorscheid  
Second by Tom Mueller  
Motion carries unanimously

5. Approval of agenda.

Motion to approve by Jerry Dorscheid  
Second by Diane McGuire  
Motion carries unanimously

6. Consideration of appeal by Terry Askevold for consideration of a legal nonconforming campground use of property in S10-T8N-R4E in the Town of Arena.

Also present: Terry Askevold, 3 others at table, 30+ in audience

Mr. Askevold presented a spiral bound handout and referred to it in his presentation.

Ehr asked if Mr. Askevold maintains this to be a campground. Askevold stated it is a primitive campground without structures but is not licensed by the state. Godfrey stated he does not know what the state licensing standards are.

Carol Anderson asked for clarification by Mr. Askevold's rebuttal on page 6 of his handout. Mr. Askevold stated that, when attempting to rezone a few years ago, he felt the term "campground" was not appropriate as it was not clearly defined. Therefore, he did not at that time consider the recreational camping taking place on his property as a "campground". Mr. Askevold stated it can be called anything provided it is recognized that, whatever it is called, the use has existed prior to the enactment of zoning.

Ehr asked if it is advertised as a camping area. Mr. Askevold said it is as limited camping with the fee included in the canoe rental rates. Ehr asked if one can only camp if they rent canoes. Askevold's associate stated some friends camp for free in return for their assistance.

Carol Anderson asked why the application requires maintaining the yard if they are just renting canoes. Mr. Askevold said that pertains only to about six people who have had trailers there since before he owned the property and caretakers of the property.

Ehr asked if camping was allowed to the public in conjunction with canoe rentals prior to the enactment of zoning, when the land was zoned to R-1. Mr. Askevold stated the prior bar owner, Charlie White, allowed camping on the property and the boat landing has always been open to the public. Ehr wanted to know if canoe rentals existed with camping at that time. Askevold said he is sure there was canoeing and camping at that time. Ehr asked again if the same canoe renting and camping existed in 1969 when zoning took effect. Mr. White said he cannot answer that question, but camping had been taking place on the property since the early 1960's.

Others in the audience testified that camping took place on the property prior to 1969.

Mr. Johnson testified that Mr. Askevold is a generous man and camping has taken place prior to 1969.

Sally (last name?) testified to using the property all of her 50 years.

Mr. Askevold's nephew testified that everyone associated with this business closely monitors the water levels so that evacuation can take place prior to flooding. He said he calls for water elevation levels daily.

John Rasmussen testified that he has done business with Mr. Askevold for sixteen years and that there are very few places along the Wisconsin River where people can use and enjoy the resource. He emphasized the important positive economic impact of the business.

William Hogan testified that, in his 56 years, he cannot remember a time when that property was not a recreational property.

Doug White testified that he can further document with Ken Palzkill's (former zoning administrator) assistance the use of the property.

Lady (name?) testified using the property recreationally for years.

Lady (name?) testified that "as a taxpayer" wants to see this business continue, regardless of what it is officially called.

Jerry Dorscheid asked if anyone present has a home in that area. (no responses) Mr. Askevold added that all have signed the petition.

Tom Mueller asked for background summary of how this issue became an issue. Bill Ehr said the 2000 statements in a previous zoning petition to B-2 by Mr. Askevold was that there was not a campground at the property.

Tom Mueller asked for clarification of the allowance for camping outside a campground under the zoning ordinance.

Tom Mueller stated the purpose of zoning is to maintain safety, not to prevent commerce, and stated there may need to be reconsideration of this situation.

Jerry Dorscheid stated he would like to hear from the adjacent homeowners and was referred to the letters included in the presentation. Bill Ehr stated for clarification that the adjacent residences and lots are not Mr. Askevold's.

Bill Ehr asked to hear from the Town Board of Arena. Dave Lucey and Terry Denruiter stepped forward. Mr. Lucey stated his appreciation of Mr. Askevold's efforts in explanation and asked whether there is a consideration of rezoning to commercial. He also asked if this "opens the door" to other property owners who allow camping. Lucey asked if this can be approved on a temporary basis and reviewed for renewal. Ehr stated the declaration of a grandfathered use cannot be temporary and remains as long as the use remains the same.

Mueller asked if the use of this property has been an issue for the town. Lucey said it has not, but would like to know the decision on this matter. Denruiter added that Mr. Askevold is trying to make everything work and has provided additional information now that wasn't known last month.

(Recorder unplugged at 7:15pm for use at the Board of Adjustment.)

Godfrey said that the issue is that the use needs to be determined as preexisting zoning and, if it is, he recommends that the property be zoned commercial with the understanding that it to accommodate only the uses that existed when zoning was adopted.

Ehr stated that any decision must be justified in the case of a challenge.

Dwayne Hiltbrand asked for clarification on the prior statements that this property was never a campground. Mr. Askevold said he placed his faith in an inexperienced attorney at

that time and didn't understand the land use regulations as he does now. He stated he acted on bad advice and didn't want to jeopardize the existing situation.

Ehr stated that the transition from friends/family camping use to public may be a consideration in the decision.

Diane McGuire, referring to the campsite application in the handout, asked if there are identified campsites. Askevold said there are spots designated as campsites. McGuire asked for clarification on "family and friends" using the property. Askevold said that there are no trailers visible from the river in order to maintain the view. The issue here is the three areas along the river where we allow tents and have customer appreciation parties. McGuire asked if there is advertising to which it is all repeat business built up over the years. Askevold said the three sites are tent camping and the cost is built into the canoe rental, being actually less than \$5 per person. The trailers are used by people who take care of the property and pay for their electrical use.

Tom Mueller moves to recognize the grandfathered status of the camping use on this property and reverse decision from last month.

Hiltbrand seconds.

Motion carries unanimously.

Motion by Tom Mueller that the committee petition to change the zoning from R-1 to a more appropriate zoning district

Second by Carol Anderson.

Motion carries unanimously.

Ehr declares a short break at 7:38pm.

Ehr called the meeting back to order at 7:46pm

7. Consideration of a special exception shoreland zoning permit requested by the Town of Arena for the proposed bridge replacement along River Road in S8-T8N-R5E in the Town of Arena.

Motion to approve by Hiltbrand to approve

Mueller seconds

Motion carries unanimously

8. Consideration of a special exception shoreland zoning permit requested by the Iowa County Highway Department for the proposed bridge replacement along County Road H over Knight Hollow Creek in S31-T8N-R5E in the Town of Arena.

Motion to approve by Dorscheid to approve with condition that a LOMR be sought as required under the provisions of the National Flood Insurance Program and the federal floodplain regulations

Anderson seconds

Motion carries unanimously

9. Consideration of fee schedule for public projects in the floodplain and/or shoreland zoning jurisdiction.

Godfrey clarified that land use permits are currently \$100 and there really is no special exception permit fee as the past fee was actually a filing fee for hearing before the Board of Adjustment. Since the procedure has changed to have the permits reviewed by this committee, there is no filing fee.

Tom Mueller moves to establish a \$100 fee for a land use or special exception permit for public projects to offset administrative costs

Hiltbrand seconds

Motion carries unanimously

10. Consideration of fee waivers for permits associated with natural disasters.

Ehr suggested we define “natural disaster” and designate who makes the declaration.

Godfrey suggested the definition can relate to a federal, state or county board declaration and that the permit is to only allow rebuilding to pre-event condition.

Hiltbrand moves to have Godfrey draft some language to provide the County Administrator with the authority to make a disaster declaration

Mueller seconds

Motion carries unanimously

11. Consideration of wind and alternate energy development standards

Godfrey reminded the committee of the parameters outlined by WI Stat that limit the extent to which such systems can be regulated.

Carol Anderson stated the need to consider wind, solar and other alternative energy systems separately as all are becoming more popular.

Jerry Dorscheid offered for the committee to join the Lower Wisconsin Riverway Board to canoe the river. Ehr stated his interest. Hiltbrand suggested it be done at next month’s business meeting starting at 5pm.

12. Director’s Report.

Godfrey handed out report.

13. Discussion of next meeting date and agenda.

Aug. 20<sup>th</sup> meeting at 5pm hosted by LWSRB with arrangements made through Jerry to canoe along WI River as only agenda item. The purpose is to consider a request to restrict wind turbines from being sited in view from the river.

14. Adjournment.

Motion to adjourn by Tom Mueller

Second by McGuire

Motion carried unanimously. Adjourned at 8:48pm

Scott A. Godfrey  
Director