



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., Sept. 17, 2008 at 6:00PM**, or as soon thereafter as possible, in the **County Board Room, 2nd 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 Sept. 24, 2008

1. Call to order. Ehr called the meeting to order at 6:02pm
2. Roll Call. Godfrey read the roll.
Committee present: Bill Ehr, Tom Mueller, Diane McGuire, Gerald Dorscheid, Carol Anderson
Committee absent: Dwayne Hiltbrand and Brad Wells
Staff present: Scott A. Godfrey and Mike Bindl
Others present: Randy Terronez, Mark Cupp, Dean Wepking, Mrs. Wepking
3. Certification of notice for this meeting. Godfrey noted this meeting has been properly noticed as required by law.

Motion to accept by McGuire
Second by Mueller
Motion carries unanimously.
4. Review and approval of last meeting minutes.

Motion to approve by Dorscheid
Second by Mueller
Motion carries unanimously.
5. Approval of agenda.

Motion to accept by Mueller
Second by McGuire
Motion carries unanimously.
6. Request by Dean Wepking to review adjacent property land use for compliance with

existing land use regulations in S9-T7N-R1E in the Town of Highland.

Mr. Dean Wepking presented testimony, photographs and videotape to support his request that the Committee consider his neighbor's use of property for all terrain vehicles inconsistent with the property's current A-1 Agricultural zoning designation.

- Mr. Wepking overviewed a complaint of a neighbor starting an ATV track with up to 20 riders using it at one time. Other agencies have been contacted but the result has only been to slow the use of the track. A civil suit resulted in the judge suggesting zoning look at the situation and placed a temporary injunction to limit the use of the tract to 12 hours.
- The track is less than ¼ mile southwest of Wepking's buildings with no sound barrier.
- DNR cannot regulate if machines modified to exceed the width definition of ATV.
- Godfrey briefly stated there is no definition of ATV track in the ordinance and it may be more of a question of a conforming use in the A-1 district.
- Mr. Wepking stated that the neighbor's testimony at trial referenced the track as not being used as part of the farming operation.
- Noise, dust and erosion is a concern of Mr. Wepking's.
- Mr. Wepking showed video to demonstrate noise and dust.
- Noise causes cattle to eventually lose hearing without significant impact on production.
- Town of Highland letter passed out.
- LCD stated no significant offsite erosion.
- Godfrey stated there may be zoning leverage in that this is not an agricultural use as defined by Chapter 91 Stats and the land is enrolled in the Farmland Preservation Program. Ehr asked if non-farmed land, such as wetland, is excluded from the FPP. Godfrey did not think so.
- Mr. Wepking reviewed determinations of the Land Conservation Department on erosion and FPP compatibility. He stated the LCD determined erosion to not be leaving the property.
- Mueller asked if the track users are family to the property owner. Wepking said the owner stated during the court case that it is used to test machines from a Madison racing shop and used by kids from all over the area.
- Mueller stated the question is whether this track is being used commercially or not. Ehr stated there is no proof of compensation.
- Mr. Wepking handed out parts of the court case transcription indicating testimony that the track is used by persons from all over.
- Godfrey suggested we could request the property owner to provide evidence how this is an agricultural use per exclusive agricultural zoning requirements.
- There was discussion as to whether the noise is an issue under the county's noise ordinance.
- Property owner's liability was discussed.
- Godfrey stated regulations can be created to define such a use and establish acceptable noise levels for any use to that of an existing legal use, but this specific use already exists. Regulations could establish a maximum length of time that the nonuse of the track would render the "grandfathered" status void.

- Mueller stated feeling that we do not have authority now but should consider future regulation.
- Ehr stated his opinion that we should get legal advice before determining if this is an agricultural use or not.

Godfrey to look into Racine County court case from 2007 relating to an ATV track in A-1 district.

Ehr suggested the Law Enforcement Committee consider modification of the county's noise ordinance to include decibel levels.

Godfrey to look into existing regulation of tracks and on what basis they are constructed, ie. noise, commercial, number of users, etc. He also suggested that the noise ordinance be reviewed as it conceivably could be revised and enforced in a more timely manner.

Anderson and Dorscheid were asked to take the question about a noise ordinance to the justice committee.

It was the consensus of the Committee that there is not presently a zoning issue with the neighboring property use.

7. Consideration of Lower Wisconsin State Riverway Board request to restrict wind turbines visible from the Wisconsin River.

Mark Cupp, Executive Director of the Lower Wisconsin State Riverway Board, presented his organization's request for the county to consider restricting wind turbine projects within the viewshed of the Wisconsin River.

Godfrey referred to Ch. 66.0401 Stats which limits the reasons a wind energy system can be restricted by the county of which one is not aesthetics.

Mr. Cupp stated the LWSRB has authority to regulate utility facilities and have an issue where the base of a tower or turbine may not be within the jurisdictional boundary but is visible from the river, which leaves the local government regulations to apply. Mr. Cupp says the Board's goal is to get people to begin thinking about the proliferation of wind turbines with the state and federal mandates on using renewable energy.

Anderson commented that the Riverway isn't an area that would be conducive to wind turbine development, at least on a commercial basis.

Godfrey stated if we devise aesthetic standards that do not significantly increase the cost of a wind system or decrease the efficiency; we may withstand a challenge per 66.0401. Godfrey added that systems generating more than 100kW are only under the jurisdiction of the Public Service Commission.

Dorscheid said the LWSRB could consider some aesthetic standards to suggest.

8. Consideration of wind and alternate energy development standards

Ehr suggested our only public health and safety issues with wind are setbacks to other property.

Mueller suggested a safety issue with solar to be glare factor from public roads from which the system is visible.

Godfrey suggested to simply look at reasonable setbacks and any other issues that area a public health and safety issue.

Anderson suggested looking at nrel.gov (national renewable energy lab) site

Godfrey to look into any public health and safety issue with wind and solar system proposals.

9. Discussion of possible revisions to the Iowa County Zoning Ordinance relating to revision appeals, late permit fees, violation processing, ordinance revision review criteria, principal uses in all zoning districts and a new district to allow non-residential structures and open spaces only.

Godfrey overviewed proposals to revise the Iowa County Zoning Ordinance relating to:

- the threshold at which time a petition opposing a rezoning request would impose a supermajority vote of the Board
- elimination of the late permit “grace period” and imposing a straight late permit fee of 3X the normal fee
- including the option of small claims court action as an enforcement alternative
- establishing criteria on which every amendatory ordinance relating to rezoning be considered by the Board
- establishing principal permitted uses in each zoning district
- allowing nonresidential structures only within the CR-1 district

The Committee agreed to review Godfrey’s proposals and discuss at a future meeting.

10. Review of the Town of Brigham Comprehensive Plan.

Godfrey confirmed that there will be a public hearing, as required by statutes, on October 22nd and asked the Committee to review the Brigham Plan in the meantime.

11. Director’s Report.

There was no discussion on this item.

12. Discussion of next meeting date and agenda.

The next meeting will be September 24th at which petitions for rezoning will be heard.

13. Adjournment.

Motion to adjourn by Mueller

Second by Anderson

Motion carries unanimously. Adjourned at 8:21pm

Scott A. Godfrey

Director