# Amendatory Ordinance 1-0824

To the Honorable Iowa County Board of Supervisors:

**Whereas a petition for a land use change has been made by Jean Thousand;**

For land being in the NE ¼ of the NW ¼ and NW ¼ of the NE ¼ of Section 3, Town 6N, Range 5E in the Town of Brigham affecting tax parcels 004-0404 and 004-0045

**And, this petition is zone 3.73 acres from A-1 Agricultural and AR-1 Agricultural Residential and 23.29 acres with the AC-1 Agricultural Conservancy overlay district.**

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 **3433** was last held on **July 25, 2024** 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.

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 **August 20, 2024**. The effective date of this ordinance shall be **August 20, 2024**.

*Kristy K. Spurley*
Kristy K. Spurley
Iowa County Clerk

Date: _8·20 - 2024_

# IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT

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## Planning & Zoning Committee Recommendation Summary

Public Hearing held on July 25, 2024                    Zoning Hearing 3433

### Recommendation: **Approval**

**Applicant(s)**: Jean Thousand                    **Town of** Brigham

**Site Description**: NE/NW & NW/NE of S3-T6N-R5E also affecting tax parcels 004-0404; 0405

**Petition Summary**:  This is a request to zone 3.73 acres from A-1 Ag to AR-1 Ag Res and 23.29 acres with the AC-1 Ag Conservancy overlay.

## Comments/Recommendations

1. The existing A-1 district has a minimum 40-acre lot size, so rezoning is required to legally create the proposed lot.  The AC-1 overlay is proposed to comply with the town's residential density standard.
2. If approved, the AR-1 lot would be eligible for one single-family residence, accessory buildings and limited ag uses, not including any livestock unless approved by Conditional Use Permit.  The AC-1 district would allow open space uses but prohibit any development.
3. A Conditional Use Permit is also being requested to allow cattle to continue traversing portions of the proposed lot in association with pasturing on adjacent lands.
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).

4. 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 – zoning change:** The Town of Brigham is recommending approval.

**Staff Recommendation – zoning change:** Staff recommends approval with the condition that the associated certified survey map is duly recorded within 6 months.

**Town Recommendation – CUP:** The Town of Brigham is recommending approval for up to 10 animal units on the proposed lot.

**Staff Recommendation – CUP:** Staff recommends approval of the 10 animal units with the conditions that it is only in association of pasturing neighboring land and that the associated zoning change is approved.

Top image labels:
- 004-0296 DANIEL & VICKIE KRUSE
- 004-0301 HAKE & KASTNER
- 004-0386 C
- 004-0386 A JEAN THOUSAND
- 004-0386.03
- 004-0386.02 & KATHY SCHULTING
- County Road K
- 004-0413 MARK MEIVES
- 004-0405 JEAN THOUSAND 40.600
- proposed AR-1 lot
- 004-0404 JEAN THOUSAND
- Thousand Rd
- AC-1 overlay
- 004-0406 JEAN THOUSAND
- 004-0410 JEAN THOUSAND 12.000
- 004-0387 JEAN THOUSAND
- 004-0387.01 KAREN PROCHASKA
- 004-0416 MARK MEIVES
- W. Blue Mounds Rd
- 004-0409
- 004-0412 DOUGLAS & MARLENE REESON
- 004-0389

Bottom image labels:
- 004-0405 THOUSAND 40.600
- 004-04 JEAN THOU 40.760