

## Amendatory Ordinance 2-0824

To the Honorable Iowa County Board of Supervisors:

**Whereas a petition for a land use change has been made by Dennis Burkeland and Charlene Burkeland Estate;**

For land being in the NE ¼ and NW ¼ of the SW ¼ of Section 34, Town 5N, Range 5E in the Town of Moscow affecting tax parcels 020-0377 and 020-0381,

**And, this petition is made to zone 5.13 acres and 20.64 acres from A-1 Agricultural to AR-1 Agricultural Residential.**

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

Whereas a public hearing, designated as zoning hearing number **3435** 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 and the remainder of the parent lot is combined by deed with adjacent A-1 Agricultural land 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 **August 20, 2024**. The effective date of this ordinance shall be **August 20, 2024**.

  
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 3435

Recommendation: **Approval**

**Applicant(s):** Dennis Burkeland and Charlene Burkeland Estate

**Town of Moscow**

**Site Description:** NW1/4 & NW/SW of S34-T5N-R5E also affecting tax parcels 020-0377; 0381

**Petition Summary:** This is a request to zone 5.13 acres and 20.64 acres from A-1 Ag to AR-1 Ag Res.

#### Comments/Recommendations

1. The A-1 district has a minimum 40-acre lot size so rezoning is required in order to legally create the proposed lots.
2. If approved, each of the AR-1 lots would be eligible for one single-family residence, accessory structures, and ag uses including up to 3 animal units, as defined in the Iowa County Zoning Ordinance, on the smaller lot and 8 on the larger.
3. 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).

**Town Recommendation:** The Town of Moscow is recommending approval.

**Staff Recommendation:** Staff recommends approval with the conditions that the associated certified survey map is duly recorded and the remainder of the parent lot is combined by deed with adjacent A-1 land within 6 months of County Board approval.

