

## Amendatory Ordinance 2-1124

To the Honorable Iowa County Board of Supervisors:

**Whereas a petition for a land use change has been made by Ivey Construction, Inc.;**

For land being in the W ½ of the NW ¼ of Section 31, Town 6N, Range 3E in the Town of Dodgeville affecting tax parcels 008-1378, 008-1378.A and 008-1379;

**And, this petition is zone 67.94 acres from A-1 Agricultural and AB-1 Agricultural Business to all 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 Dodgeville,**

Whereas a public hearing, designated as zoning hearing number **3447** was last held on **October 31, 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.**

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 **November 12, 2024**. The effective date of this ordinance shall be **November 12, 2024**.

*Kristy K. Spurley*

Kristy K. Spurley  
Iowa County Clerk

Date:   11-12-2024





## IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT

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### Planning & Zoning Committee Recommendation Summary

Public Hearing held on October 31, 2024

Zoning Hearing 3447

Recommendation: **Approval**

**Applicant(s):** Ivey Construction Inc.

**Town of Dodgeville**

**Site Description:** W1/2-NW of S31-T6N-R3E also affecting tax parcels 008-1378; 1378.A; 1379

**Petition Summary:** This is a request to zone 67.94 acres from A-1 Ag & AB-1 Ag Bus to all AB-1 Ag Bus.

#### Comments/Recommendations

1. This same petition was made in 2023 and approved with the condition that the associated reclamation plan was approved within 12 months of county board approval of the zoning change. This deadline was not met.
2. The intended use of the 67.94 acres is the expansion of an existing nonmetallic mining operation. An associated conditional use permit is being requested for nonmetallic mining.
3. Per Section 11.0 of the Iowa County Zoning Ordinance, the following standards are to be considered when deciding on 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 Dodgeville recommended approval in 2023.

**Staff Recommendation:** Staff recommends approval with the condition that the associated conditional use permit is approved.

### 3. Comments on Conditional Use Permit

1. The applicant proposes the following conditions, which are the same as were accepted in 2023:
  - 1) The applicant shall apply for and receive all required local, state and federal permits.
  - 2) The reclamation plan will meet the requirements of NR135.
  - 3) Hours of Operation will be from 6:00 am to 6:00 pm Monday through Friday, and 6:00 am to 4:00 pm on Saturdays. No operations will take place on Sundays.
  - 4) The operation will require all trucks and excavation equipment to have muffler systems that meet or exceed the current industry standard for noise abatement.
  - 5) The operator shall meet or exceed DNR standards to particulate emissions as described in NR 415.075 and NR415.076.
  - 6) A seismograph will be installed for the first two shots to all adjoining land owner with or without a residence, and abutting land owners, if requested.
  - 7) Reclamation activities shall be phased with respect to the phasing of the mining operation and shall be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance.

- 8) Interim reclamation may also be required to mined lands that have been disturbed and will be disturbed again in future operations. Reclamation may be done on an annual basis, or in stages compatible with continuing operations, or on completion of all excavation.
- 9) The nonmetallic site must comply with all provisions of this ordinance, the Iowa County Nonmetallic Mining Reclamation Ordinance, and Wisconsin Administrative Code Ch. NR135.
- 10) The establishment, maintenance, or operation of the mining use will not substantially affect the existing use of adjacent properties and will not have a substantial adverse effect on the most suitable long term future use for the area.
- 11) That the mining use shall conform to all government regulations and standards pertaining to the activity, including air and water quality standards and storm and waste water permit discharge requirements.
- 12) That the noise, vibration, and dust levels be within the standards as established by the State.
- 13) That the reclamation plan, which shall similarly be imposed as a condition of approval, will be enforceable and, and as enforced, will result in the property being in a final condition which is reasonably safe, attractive and, if possible, conducive to productive new uses for the site.
- 14) That the operation and reclamation shall be conducted in a manner that meets groundwater quality standards pursuant to Wisconsin admin. Code ch. NR140.
- 15) That the operations and reclamation shall be conducted in a manner that does not cause a permanent lowering of the groundwater table that results in adverse effects on surface waters or a significant reduction in the quality of groundwater available for reasonable use to future users.
- 16) The mining site shall be enclosed by at least a 3-strand barbed wire fence, maintained at all times, with warning signs posted to indicate the presence of a nonmetallic mining site at intervals agreeable to the affected Town and County.
- 17) Water from site dewatering and washing operations will meet the conditions of the required Wisconsin Pollution Discharge Eliminations System (WPDES) permit from the WDNR.
- 18) Any noise shall comply with all applicable OSHA standards. Verification of this requirement shall be provided to the office upon written request.
- 19) Blasting shall, at a minimum, comply with the provisions listed in SPS 307. Wis. Admin. Rule. At sites where there is a principal structure on neighboring property within 500 feet of the shared property line with the mining site, blast charges may be required to be reduced in size as blasting activities near the property line.

- 20) The permit shall be in effect for 5 years and may be renewed by application to the County. All permitted operations may be inspected at least once every year by the Office and may be inspected at the time a request for renewal is submitted for the purpose of determining if all conditions of the operations are being complied with. Renewed permits shall be modified to be in compliance with all state, county, and local law in effect at the time of renewal. Permits may be amended on application to the Commission to allow extensions or alterations in operations under new Ownership or Management.
- 21) An address shall be required for the mining site assigned under the provisions of the Iowa County Address and Road Naming Ordinance.

2. The application includes a proposed reclamation plan for when the mining use ceases, including:
- a) Proposed financial assurance (consistent with existing operation)
  - b) A post-mining land use of wildlife habitat and storage.
  - c) All other requirements of NR135.19 WI Adm Rule
3. 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:** The Town of Dodgeville recommended approval in 2023.

**Staff Recommendation:** Staff recommends approval of the conditional use permit and the proposed reclamation plan with the condition that the zoning change is approved by the County Board.

