



IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT

Courthouse - 222 N. Iowa St. - Dodgeville, WI 53533
Telephone: (608) 935-0398 Fax: (608) 930-1205 Mobile: (608) 553-7575
e-mail: scott.godfrey@mail.iowacounty.org

Pursuant to Section 19.84, Wisconsin Statutes, notice is hereby given that the Iowa County Zoning, Planning, Sanitation and Rural Planning Commission will hold a public meeting on **Wed., Feb. 15, 2006 at 6PM**, or as soon thereafter as possible, in the **County Board Room** of the Iowa County Courthouse in the City of Dodgeville, Wisconsin. For information regarding access for the disabled, please call 935-0399.

Minutes

1. Call to order. Ehr called the meeting to order at 6:03pm
2. Roll Call. Godfrey read the roll
Committee Present: Bill Ehr; Curt Peterson; Dale Theobald; Diane McGuire
Committee Absent: John Lind
Staff Present: Scott A. Godfrey; Michael Bindl
3. Certification of notice for this meeting. Godfrey stated this meeting has been duly posted and noticed as required by law.

Motion to approve by McGuire
Second by Theobald
Motion carries unanimously.

4. Review and approval of the January 25, 2006 meeting minutes.

Motion to approve by Peterson
Second by McGuire
Motion carries unanimously.

5. Approval of agenda

Godfrey asked to add a discussion on the basis for establishing zoning permit fees.

Motion to approve with the suggested addition by Theobald
Second by Peterson

Motion carries unanimously.

6. Conceptual review of proposed Primates Incorporated Primate Sanctuary. Possible action.

Present on behalf of Primates Incorporated: Amy Kerwin; also Josh Johnson of Renschler Company (architect)

Present: Joe Meudt, Town Plan Commission Chair

Kerwin passed out some information on the proposal.

Adjourned business portion of meeting until approximately 7:30pm

Motion by McGuire

Second by Peterson

Motion carries unanimously

7. Discussion on the allowance of animal units on lots less than 40 acres. Possible action.

Present:

Peterson moves to suspend and move on to item 9.

Theobald seconds.

Motion carries.

8. At approximately 6:45pm, the Commission will adjourn for a public hearing on the proposed Iowa County Airport Ordinance. This meeting will reconvene following the public hearing.

Present: Iowa County Airport Commission

Public Present: approximately 50 people; Paula Dail of the Press; John Dorcey of the WI DOT BOA

Godfrey provided an overview of the proposed ordinance.

King provided an overview of the purpose of the planning effort.

The Ad-Hoc Citizens Group provided a statement questioning: Stash Potacki; Kate Martin; Robert Goodweiler

- Potacki: The need for the runway extensions (Zone 2 A & B) versus a more circular zone relating to crash data; alleging their input was not considered; alleging the true reasons for the Zone 2 zones have not been provided; complaining that there has not been true representation of landowners on the commission itself
- Martin: Group made a presentation in fall, after much discussion with the public, recommending additional ordinances only if there was compensation to property owners, the area zoned is to be surveyed, if the landowners agreed to a need for the airport, that the Commission hear the public needs versus the needs of the airport and that the airport needed to grow in proportion to the growth of the county itself.
- Goodweiler: Why is the Fair Disclosure Statement being required? Proposed idea to have some of the Commission plus some of the affected land owners meet with the FAA and get in writing what requirements will be in place impacting our airport to use as a basis for crafting an ordinance, if needed. He stated that noise pollution has been a big problem.

Public comments (summarized):

Maureen from Mineral Point: There are no restrictions in the ordinance that limit the use or expansion of the airport. Concerned that the scheme is to promote the expansion of the airport.

- King: There are no plans at present to expand.
- Ehr: Rezoning would be required under the underlying general zoning to which Godfrey confirmed.

Bill Garfoot: Can eminent domain be used to bypass zoning requirements.

- Godfrey stated that eminent domain refers to the acquisition of property and does not, to his knowledge, supersede the underlying zoning.

Peter Pfothenhauer, City of Min Pt Attorney: Pfothenhauer read letter from Mayor Greg Bennett asking to not impose this ordinance within the extraterritorial zoning district. The letter suggested that the City and Town be represented in determining different ways to protect the airport while providing for the continued planned growth of the city. Pfothenhauer also suggested that there are legal issues with the way the ordinance has been drafted, in particular the empowering statute being cited as the authority for the ordinance.

- Larry Steffes asked if the ETZ has been formally established and stated that the Mayor has been invited but has not participated.

Coleman: Asked the questions of what would be gained and what would be lost if the ordinance was passed. He added that many of the proposed restricted uses are currently prohibited by the underlying zoning ordinance and asked if the committee would like the discretion to make these decisions taken away with this proposed ordinance.

John Dorcey: Referred to a 1968 letter requesting of the Attorney General his opinion on the validity of 116.136 to be used as the authority to adopt an ordinance such as this. He stated the Attorney General felt it was. Dorcey added that there is also WI Supreme Court Case Law that disputes Attorney Pfothenhauer's position and added the WI DOT Bureau of Aeronautics attorney has discussed this issue with the Iowa County Corporation Counsel.

- Pfothenhauer rebutted with his interpretation of the aforementioned case law.

Jim Kackley: He said he has spent much time working in the "Economic Development Office of Mineral Point" and recognizes that an airport is an engine to drive economic development. His concern is that the proposed restrictions may hinder economic development. He added that he is concerned that the opportunity to propose uses to the committee would be gone if this ordinance is adopted. He likes the existing zoning in place and the mechanism for reviewing proposed development.

Bill Garfoot: He stated that the county has already purchased air space easements to protect land. He states that the landowners in the area are not happy with the proposed additional controls on land use and feels it is "way overboard for what Iowa County needs".

Ehr closed the public hearing at 8:00pm with the assurance that all concerns will be taken into consideration.

9. Consideration of the proposed Iowa County Airport Ordinance. Possible action.

Ehr submitted thirty written letters that had been mailed to him to be added to the record.

Issues discussed:

- Existing residential density in place
- Existing zoning controls in place
- Participation of city, village and town officials
- Potential controversy over where exactly the proposed zones are located
- The proposed ordinance is less restrictive than the Town of Mineral Point plan
- The Town of Linden plan has been amended to remove any density
- Zone 2 A & B area consideration to allow minimum town plan lot sizes with condition that the balance of the proposed airport ordinance minimum lot size be restricted from development by conservancy zoning
- Experience has shown that most land sold in the county is 15 acres or more
- Intent of “Any other construction that would encourage the concentration of bird (avian) populations” needs clarification. Suggestion to remove this restriction from the ordinance or add a clause that the use would pose a threat to navigation.
- Intent of “Any use that may cause a navigation hazard, such as smoke, dust, lighting, etc.” needs clarification. Suggestion to add “continuous” between “as” and “smoke”.
- Intent or definition of “wildlife sanctuaries and game preserves”. Suggested pertains to pheasants and other game birds released where they could be a navigation hazard. Suggested to define in definitions as limited to birds.
- Proposed ordinance provides a basis for Commission recommendations on rezoning petitions
- Proposed ordinance has been revised to be less strict than originally proposed
- Proposed ordinance provides the Committee some basis for decision-making although it also removes discretion
- Residential development is already occurring within 300 feet of the runways
- Coleman was asked how, if at all, ordinance could be drafted to be more acceptable to the homeowner’s group. He responded:
 - Base zones on actual accident scatterplots
 - “fuzzy science” being used
 - Why “magical” three mile authority?
 - Feels like “the tail wagging the dog” here
 - Work with the city and village
 - Conclusion: “probably not”
- Verification that the ordinance is required to secure federal funding in the future
 - Dorsey commented that it has always been encouraged as the future will bring strings attached to funding, one of which will be zoning in place
- Lack of federally recommending standards for such ordinances
- Fair Disclosure Statement inclusion of “subjected to varying noise levels” is an issue with landowners
- Proposed ordinance will help to protect the public dollars invested in the airport
- Why is safety an issue here but apparently not in Madison or Chicago?

Motion by Peterson to hold over until the March 15th business meeting
Second by McGuire

Ehr commented that any changes to the draft will necessitate another public hearing.

Motion carries unanimously

McGuire was excused at 8:58pm.

10. Consideration of proposed NR135 administration contract extension with Northern Environmental. Possible action.

The consensus was to have Corporation Counsel review the proposed extensions and comment.

11. Discussion on the draft Iowa County Floodplain Ordinance revision. Possible action.

No discussion occurred or action taken.

12. Consideration of amending the Iowa County Address Ordinance. Possible action.

Godfrey handed out a draft for review and commented that there may need to be a provision that addresses multiple use driveways and how to assign numbers in order to be compatible with the computer aided dispatch. No action taken.

13. Consideration of management training opportunities. Possible action.

Discussion was that this opportunity may be provided through the Personnel Committee.
No action taken

14. Consideration of technical assistance from ADC on geodatabase synchronization with GIS website. Possible action.

Motion to approve by Peterson
Second by Theobald
Motion carries

Ehr said to notify the IS Director of this decision but not to delay for IS review as the training had previously been recommended by IS and approved by Finance.

15. Review and action on expenditures/vouchers.

Motion to approve by Peterson
Second by Theobald
Motion carries

16. The Committee shall entertain motion to go into Executive Session pursuant to Sec. 19.85(1)(c) consideration of employment, promotion, compensation, and performance evaluation data of any public employee over which the government body has jurisdiction or exercises responsibility. (Performance Evaluation)

Ehr said to postpone until next month as there are only three members present.

17. Return to open session. Possible action.

18. Discussion of next meeting agenda. Possible action.

March 15th:

- Airport Ordinance
- Animal Units
- Performance Evaluation
- Address Ordinance
- NR135 contract extension
- Zoning permit fee calculation
- Any other issue deemed necessary by Godfrey

19. Discussion of changing basis of zoning permit fees to be on total square footage versus footprint.

Discussion occurred over changing the basis upon which zoning permit fees are calculated. Currently, they are based on a structure's footprint footage. The suggestion is to change the calculation to be based upon the total area of the structure as confusion often arises over what constitutes the footprint.

Ehr suggested bringing some draft language back for review. Godfrey noted that the change in calculation does not necessarily mean there will be an increase in fees.

20. Adjournment.

Motion to adjourn by Theobald
Second by Peterson
Motion carries. Adjourned 9:30pm

Scott A. Godfrey
Director