

# **GRANT COUNTY CONSERVATION, SANITATION, & ZONING COMMITTEE MEETING**

March 6, 2018

9:00 a.m.

Grant County Board Room (#264)

Lancaster, Wisconsin

The Grant County Conservation, Sanitation & Zoning Committee meeting was called to order on March 6, 2018 at 9:00 a.m. by Dwight Nelson, the Conservation, Sanitation, and Zoning Committee Chairman, in the Grant County Board Room #264, 111 S. Jefferson St., Lancaster.

Board members present: Dwight Nelson, Mark Stead, Lester Jantzen, Grant Loy, Dale Hood, Roger Guthrie, and Gabe Loeffelholz, absent. Others present: Lynda Schweikert, Annette Lolwing, Kevin Lange, Justin Johnson, Josh Bushee, Bob Keeney, Chrissy Shaw, Ben Schroeder, Jeff Braudt, Ronald Harvey, and Laura Lee.

## **Certification of Open Meeting Law**

Annette Lolwing sent the agenda to Karla Schwantes and Linda Gebhard to post in the Administration Building and at the Courthouse, also sent an agenda to Bob Middendorf, WGLR, and was posted in the front of the Ag Service Center Building. Media notices were sent to Karla Schwantes, Linda Gebhard, Herald Independent, Tri County Press, Platteville Journal, Muscoda Progressive, and the Boscobel Dial.

## **Approval of Agenda**

Motion by Lester Jantzen seconded by Dale Hood to approve the March 6, 2018 agenda. Motion carried.

## **Approval of the Minutes**

Motion by Roger Guthrie, seconded by Grant Loy to approve the February 6, 2018 minutes. Motion carried.

## **Review & Accept the Bills**

Motion by Roger Guthrie, seconded by Lester Jantzen to accept the bills. Motion carried.

## **Public Hearing for Rezones**

Chairman Nelson opened the Public Hearing:

#18-03 Jeffrey Braudt, Boscobel Twp. is requesting to change the zoning classification on PIN: 006-00322-0000 of +/- 12.0 ac. from C2 to M2. To allow for the use of a quarry/sandpit operation.

In Favor: Jeff Braudt, Ronald Harvey, and Boscobel Twp. approved on February 6, 2018. Jeff Braudt spoke in favor of the sand mine for bedding sand, and to start a new business. Ronald Harvey also spoke in favor of the sand mine. Will be providing sand for dairy operations. He stated that there will be less trucking time and less wear and tear on the roads.

In Opposition: Had 1 person who registered in opposition but changed opinion after hearing it will be used for ag purposes.

In Interest: None

Applicant Rebuttal: None

Committee Discussion: Lester and Roger both asked if there is a legal easement to get to the property?

Yes, there is a 66 foot easement that can be used for the business, but not for any structures. Jeff stated that he owns all the land that the easement is located on, from the highway to the quarry.

Dwight Nelson closed the Public Hearing:

Motion by Roger Guthrie, seconded by Mark Stead to recommend approval of the rezone to the full County Board, contingent upon them providing either a certified survey map or a plat of survey before this goes to the full County Board meeting. Motion carried.

### **Public Hearing for Conditional Use Permits**

Chairman Nelson opened the Public Hearing:

#CUP 18-004 Thomas & Mary Droessler, Potosi Twp. is requesting a Conditional Use Permit on PIN: 052-01063-0000 of +/- 4.0 ac. to allow for nonmetallic mineral extraction: extracting, dredging, processing, and stockpiling sand and rock, under Chapter 3.05 E (3) of the Grant County Comprehensive Zoning Ordinance. This is a 5 year renewal for this CUP. The town of Potosi did impose 9 conditions on this permit. Refer to "Attachment A".

In Favor: Potosi Twp., approved the request on February 12, 2018. Thomas Droessler called in to register in favor of the CUP. Ben Schroeder from Bard Materials, registered to speak in favor the CUP. This was originally rezoned in 2008 with the 9 conditions attached, the CUP was renewed in 2013 which kept those same conditions, and is now up for renewal in 2018, keeping those same 9 conditions for the stockpile area.

In Opposition: None

In Interest: None

Applicant Rebuttal: None

Committee Discussion: None

Chairman Nelson closed the Public Hearing:

Motion by Mark Stead, seconded by Lester Jantzen to approve the Conditional Use Permit to allow for nonmetallic mineral extraction, extracting, dredging, processing, and stockpiling sand and rock, under Chapter 3.05 E (3) of the Grant County Comprehensive Zoning Ordinance. Motion carried.

Chairman Nelson opened the Public Hearing:

#CUP 18-005 Kowalski Kieler Inc., Potosi Twp. is requesting a Conditional Use Permit on PIN: 052-01076-0000 & PIN: 052-01065-0000 of +/- 30.54 ac. to allow for nonmetallic mineral extraction: extracting, dredging, processing, and stockpiling sand and rock, under Chapter 3.05 E (3) of the Grant County Comprehensive Zoning Ordinance. This is a 5 year renewal for this CUP. The town of Potosi did impose 15 conditions on this permit. Refer to "Attachment B".

In Favor: Potosi Twp. approved the request on February 12, 2018.

In Opposition: None

In Interest: None

Applicant Rebuttal: None

Committee Discussion: Lester shared a concern about the weed mowing around the quarry site.

Chairman Nelson closed the Public Hearing:

Motion by Mark Stead, seconded by Grant Loy to approve the Conditional Use Permit to allow for nonmetallic mineral extraction, extracting, dredging, processing, and stockpiling sand and rock, under Chapter 3.05 E (3) of the Grant County Comprehensive Zoning Ordinance. Motion carried.

Chairman Nelson opened the Public Hearing:

#CUP 18-006 Scanlan Brothers LLC, Liberty Twp. Postponed.

### **Zoning and Sanitation Report**

Lynda presented the Zoning and Sanitation report. The 2017 fees totaled \$4747.00, compared to the 2018 total fees of \$8285.50, an increase of \$3538.50 from 2017. The 11 maintenance and late fees in 2017 were at \$275.00, in 2018 there were 24 maintenance and late fees totaled \$2185.00 that's an increase of \$1910.00. Out of 47 2<sup>nd</sup> round citations we have 30 remaining to get in to compliance, 17 have come in to compliance. If they don't pay their citations, this does go on their court record.

There were 3 rezones in 2017, \$1200.00 and 1 rezone in 2018, \$400.00, a decrease in \$800.00. The rewrite and update of the ordinance cleaned up many of the erroneous zoned parcels.

We have sent out 2699, 2018, 3 year maintenance forms. August 31<sup>st</sup> is the deadline to get their maintenance forms in.

Had the Pumpers and Plumbers meeting and reminded them to reach out to their customers and get them scheduled throughout the summer, and not wait until August.

The religious waiver, POWTS exemption, was approved by the house and the senate. Assembly Bill #483 is awaiting the governors' signature.

Motion by Mark Stead, seconded by Roger Guthrie to accept the Zoning/Sanitation Report. Motion carried.

### **Set Biennium Cost Share Priorities**

Lynda had asked the committee to review the Cost Sharing Policy to see if there were any changes that they would like to make. The rankings stayed the same for the High and Medium and the Low Priorities had the roofs and livestock watering facilities flipped around. Roofs are ranked at a 3 and the Livestock Watering Facility is now ranked as a 4. Motion by Mark Stead, seconded by Roger Guthrie to approve the cost sharing policy. Motion carried.

### **County Cost Sharing**

Lynda reported that there are no County Cost Share Requests, Extension or Cancellations. Ending balance is \$20,536.09.

### **SWRM Cost Sharing**

**2017 DATCP Cost Sharing** – Beginning/Ending balance is \$9,718.45

None to report.

**2018 DATCP Cost Sharing** – Starting Balance: \$31,380.75 from DATCP

Lynda presented tentative approval request for 2018 DATCP Cost Sharing on a grade stabilization structure for Riverview Aspin Wall LLC, Larry Newman, Watterstown Twp., \$1,787.00. Motion by Lester Jantzen, seconded by Dale Hood to approve Riverview's request. Motion carried.

Ending Balance: \$29,593.75

### **Storage Permit Approval**

Lynda reported that Winch's Pine Grove Farm is looking to install a concrete storage facility with water stop for a 250 dairy facility. Construction plan was submitted by Andrew Horn, Outland Engineering, reviewed by Dave Russell, DATCP Engineer. NMP was submitted and approved. They have paid their \$200.00 permit fee. Motion by Roger Guthrie, seconded by Grant Loy to approve the permit. Motion carried.

### **WI Land+Water Conservation Board Election**

Lynda asked the committee to select 3 candidates per ballot for the Land and Water Conservation Board. The top 3 votes on the ballot are; Monte G, Osterman, Russell Rindsig, and David Solin. Lynda will submit the ballot on behalf of the committee at the Wisconsin Land+Water Conference. Motion by Mark Stead, seconded by Lester Jantzen to take the ballot to the WLWCA Conference. Motion carried.

### **CSZD Administrator Report**

Lynda reported that the WLWCA Conference will be held at Lake Geneva on March 14-16. Those attending need to bring a donation item for the silent auction.

Lynda reported that the Annual Report will be sent to the paper in March. Should be published the end of March first part of April.

**Lean Update** – No Report

**FPP Report**

Kevin reported that he has been working on CREP.

Kevin reported that he has been taking phone calls from tax preparers and landowners to update their Certificate of Compliance Certificates.

Kevin is receiving requests for church litanies, conservation activity booklets, and Arbor Day trees.

**NRCS Report – Josh Bushee**

Josh reported that the FY18 EQIP contracts have been obligated. They are having a second 2018 sign up for EQIP, batching pools. May 18<sup>th</sup> is the application deadline for some special initiatives; soil health, cover crops, honeybee sign up, honeybee habitat, grazing and Trout Unlimited Partnership batching cycle for streambank projects.

Josh reported that the deadline for Conservation Stewardship Program is March 2<sup>nd</sup>. Had approximately 9,000 acres that were applied for through the CSP program.

Josh reported that they have received their annual compliance report list. There are 39 names on that list. There will be additional names added to the list from loan borrowers and FSA committee members.

**FSA Report** – No Report

**Forestry Report** – Chrissy Shaw

Chrissy reported that in the last couple of months they have had a couple of forest walk thru's with the DNR. She has met with some Grant County landowners regarding their woods. She is working on a couple of Stewardship plans for landowners in Grant County. She has had a couple of new WFLGP (WI Forest Landowner Grant Program) applications with landowners in Grant County. She has been setting up WFLGP projects that have been awarded funding. Her job duties are shifting towards the fire season with DNR. She has had several fire department trainings with new firefighters and existing firefighters. She will be working with the control burns as well.

**RC&D & WI Land+Water Report** – Dale Hood – No Report

Motion by Mark Stead, seconded by Roger Guthrie to adjourn to April 3, 2018 at 9:00 a.m. Motion carried.

Respectfully Submitted by Annette Lolwing for Lester Jantzen.

Public hearing was convened (Ch. 59.69-5e) to hear the request of David & Cindra Riemenapp to rezone 2+-ac. from Exclusive Agriculture EAZ to Commercial C-2. The land is located in SW ¼ of SW ¼ in Section 21 T6N R4W of Mt Hope Township.

Appearance in Favor: Township approved on May 13, 2010.

Appearance in Opposition: none

Appearance in Interest: Terry Loeffelholz, Grant County Administrator.

Dwight Nelson made a motion to close the hearing, seconded by John Patcle. Motion carried.

Bob Keeney made a motion to send it to the Grant County Board for approval, in reference to Sec. 3.045 (5) page 16 of the Grant County Zoning Ordinance. That the Committee finds that there are adequate facilities to accommodate development, that provision of public facilities will not place an unreasonable burden on local government to provide them, and that the land proposed for rezoning is suitable for development and development will not result in undue water or air pollution, cause unreasonable soil erosion or have an unreasonable adverse effect on natural area, seconded by Pat Schroeder. Motion carried.

Unclassified Land Use Review: none

*June 25, 2010 Attachment - A*

**Conditional Use Permit:**

Condition Use Permit for Bard Materials to stock piling sand and sand material on Tom Droessler property. This property is in Sec 10 T2N R3W in Potosi Township.

Potosi Township approved the Condition Use Permit on May 3, 2010, with the following conditions,

1. Dumps will only travel North on River Lane from Droessler property to State Hwy 133 unless making a local deliver.
2. Bard Materials will not operate equipment or dump trucks on holiday weekends.
3. Dump trucks will operate only from 7:30 am to 4:30 pm, Monday through Friday except during the period of time between Memorial Day and Labor Day the hours of Operation Fridays shall be only from 7:00 am to 3:00 pm.
4. Backup warning on all dump trucks and equipment shall comply with MSHA regulations.
5. Dump Trucks shall not use compression breaks on River Lane Road.
6. Any damage done by Bard materials to River Lane Road at the entrance to the Droessler site shall be repaired at the expense of Bard Materials.
7. The Droessler property shall not be used for an Asphalt plant or a concrete plant.
8. The conditional use permit is for the processing of sand and gravel and stockpile of such until it is hauled out.
9. Bard Materials shall immediately clean up any spilt sand on River Lane Road as a result of its hauling operation. This permit is to expire on **August 8, 2013 at the same time as the KK Bard sand pit property conditional permit.**

John Patcle made a motion to approve the Conditional Use Permit #10-06 for Bard Materials and they follow the Grant County Zoning Ordinance in reference to Sec. 3.27 (c). And the condition that the Potosi Township requested, seconded by Pat Schroeder. Motion carried.

~~Township of Millville approved the Conditional Use Permit for Harvey Rock LLC (Wachter Quarry) on September 1,~~

*Please read the 15 Conditions for Sand and Pit -*

*Attachment B*

## Grant County Zoning

State of Wisconsin

Grant County Zoning  
Terry Loeffelholz  
Zoning Administrator

111 S. Jefferson Street  
Lancaster, WI 53813  
Phone (608) 723-2848

August 27, 2008

To: Potosi Township & Kowalski-Kieler Inc.  
From: Terry Loeffelholz  
Re: Conditional Use Permit for Kowalski-Kieler Inc./BWRD

This is to notify the Potosi township and Kowalski-Kieler, Inc. that on August 8, 2008 the Grant County Board of Supervisors has approved a 5 year Conditional Use Permit for Kowalski-Kieler Inc. (Sand Pit). The following conditions for Kowalski-Kieler, Inc.'s are for the Non-Metallic Mining on River Lane, in Section 10 of Potosi Township.

1. Dump trucks will only travel north on River Lane Road from mining site to State Highway 133 unless making a local delivery.
2. Kowalski-Kieler, Inc. will not operate equipment or dump trucks on holiday weekends.
3. Dump trucks will operate only from 7:30 a.m. to 4:30 p.m., Monday through Friday, except during the period of time between Memorial Day and Labor Day the hours of operation for Fridays shall be only from 7:00 a.m. until 3:00 p.m.
4. Backup warning on all dump trucks and equipment shall comply with MSHA regulations. Repetitive motion machines (like loaders and skidsteers) shall have non-audible backup alarms.
5. Dump trucks shall not use compression brakes on River Lane Road.
6. Kowalski-Kieler, Inc. will plant trees on berm to be constructed at the mining site.
7. Kowalski-Kieler, Inc. will maintain trees planted on the berm at the mining site.
8. Any damage done by Kowalski-Kieler, Inc. to River Lane Road at the entrance to the mining site shall be repaired at the expense of Kowalski-Kieler, Inc.
9. Kowalski-Kieler, Inc. will meet no less than two times annually with residents of Potosi Township to address any issues or concerns relating to their operation of the mining site.
10. All weeds shall be cut and/or sprayed or otherwise maintained on the mining site no less 3-4 times per year.
11. The mining site shall not be used for any concrete plant or asphalt plant operations.
12. The Conditional Use Permit shall be used for the removal of sand, river gravel, and black dirt only.
13. Kowalski-Kieler, Inc. shall provide the Grant County Administrator with a copy of all complaints filed by Potosi Township residents which can be considered in regard to any proposed renewal or extension of Kowalski-Kieler, Inc. Conditional Use Permit.
14. The pond to be constructed at the mineral site shall have a 4 to 1 slope.
15. Kowalski-Kieler, Inc. shall immediately clean up any sand spilt on River Lane Road as a result of its mining operations.

Sincerely yours,

Terry Loeffelholz  
Grant County Zoning Administrator