

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

**Amended**

July 05, 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 July 5, 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, Lester Jantzen, Gabe Loeffelholz, Mike Lieurance, and Gary Northouse. Others present: Lynda Schweikert, Annette Lolwing, Justin Johnson, Bob Keeney, Shane Drinkwater, Peter James, Brain Haas, Neil Kirschbaum, Matthew Honer, Troy Maggied, Deb Melsson-Daack, and Robert Melssen.

## **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. An Amended Agenda was also posted in the Administration Building, in the Courthouse, on the website and in the front of the Ag Service Center Building.

## **Approval of Agenda**

Motion by Mike Lieurance, seconded by Lester Jantzen to approve the July 5, 2018, Amended agenda. Motion carried.

## **Approval of the Minutes**

Motion by Lester Jantzen, seconded by Gary Northouse to approve the June 7, 2018 minutes. Motion carried.

## **Review & Accept the Bills**

Motion by Gary Northouse, seconded by Mike Lieurance to accept the bills. Motion carried.

## **Public Hearing for Rezones**

Chairman Nelson opened the Public Hearing:

#18-09 Linda and Robert Melssen, Paris Twp. is requesting to change the zoning classification on PIN: 046-00637-0000 of +/- 1.0 ac. from FP to A2. To allow for the use of a non-farm residence.

In Favor: Paris Twp. approved on May 8, 2018. Robert Melssen and Deb Melssen-Daack registered that they did not wish to speak, just here for informational purposes.

In Opposition: None

In Interest: They have provided a survey map and they have an adequate easement that is 66' wide.

Committee Discussion: Dwight asked about the access to the property. It will be on the East side of the survey. Will be using the existing driveway.

Dwight Nelson closed the Public Hearing

Motion by Lester Jantzen, that the items are concurrent with all the conditions on the Farmland Preservation Worksheet and to recommend approval of the rezone to the full County Board, seconded by Gary Northouse. Motion carried. See Attachment A Worksheet.

## **Public Hearing for Reclamation Plan/Conditional Use Permits**

Chairman Nelson opened the Public Hearing

Matt Honer with the Southwest Regional Planning reported that they administer the non-metallic reclamation plans for Grant County. It is a state law that non-metallic mining reclamation plans require operators to provide a plan showing that they will reclaim the land that they are mining to a safe and productive use. To protect the landowners' rights and neighboring landowners' rights. H & J and sons provided a reclamation plan to put it back to a row crop production. They also needed to provide financial assurance in the form of a bond that they have money set aside to reclaim the land. They have also provided a storm water permit showing that this site is internally drained. They have satisfied all the requirements for NR135. Lynda asked about the internally drained area. Matt stated that there will be no pond, and no erosion, and no runoff to neighboring lands.

## **Reclamation Plan Hearing/CUP**

Chairman Nelson opened the Public Hearing:

#CUP18-006 Scanlan Brothers LLC, Liberty Twp. is requesting a Condition Use Permit on PIN: 028-00131-0000 and 028-00147-0000 of +/- 17.0 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.

In Favor: Liberty Twp. approved on January 16, 2018. Peter James was there to answer any questions.

Applicant was not in attendance.

In Opposition: None

In Interest: Justin reported that this did come to the committee in February and was postponed due to the lack of no reclamation plan was provided.

Committee Discussion: Gary Northouse asked about the driveway to the quarry. This driveway was used for the highway project. Was an existing farm road that has been graveled and improved. Justin reviewed the Conditional Use Permit for NonMetallic Mining in Farmland Preservation worksheet.

Dwight Nelson closed the Public Hearing

Motion by Gary Northouse, that the items are concurrent with all the conditions on the Nonmetallic Mining in Farmland Preservation Worksheet and to recommend approval of the rezone to the full County Board, seconded by Mike Lieurance. Motion carried. See Attachment B Worksheet.

Chairman Nelson opened the Public Hearing:

#CUP18-012 Alan and Fannie Hershberger, Clifton Twp. is requesting a Conditional Use Permit on PIN: PIN: 012-00205-0000 +/- 1.0 ac. To allow for the use of a cemetery under Chapter 3.07 (2) (b) of the Grant County Comprehensive Zoning Ordinance.

In Favor: Clifton Twp. approved on May 9, 2018. Applicant was not in attendance.

In Opposition: None

In Interest: The rezone for this property was completed at the June CSZC meeting. The County ordinance requires a cemetery to be at least 20.0 ac. according to state law. It may go under 20.0 ac. if the Twp. has an ordinance allowing a cemetery to be less than 20.0 ac.

Committee Discussion: Gary Northouse asked if they fail to maintain the cemetery, the Twp. will then be responsible to maintain it.

Dwight Nelson closed the Public Hearing

Motion by Mike Lieurance, seconded by Gabe Loeffelholz to approve the Conditional Use Permit to allow for the use of a cemetery under Chapter 3.07 (2) (b) of the Grant County Comprehensive Zoning Ordinance contingent upon Clifton Twp., approving their cemetery and burial site ordinance. Motion carried.

Chairman Nelson opened the Public Hearing:

#CUP18-013 Rebecca Smucker, Mt. Hope Twp. is requesting a Conditional Use Permit on PIN: 038-00264-0012 +/- 24.06 ac. to allow for the use of a private school under Chapter 3.07 (2) (c) of the Grant County Comprehensive Zoning Ordinance.

In Favor: Mt. Hope Twp. approved on April 11, 2018. Applicant was not in attendance.

In Opposition: None

In Interest: This property needed to be rezoned first. The rezone was approved at the June CSZC meeting.  
Committee Discussion: Bob Keeney asked why they rezoned the full +/- 24.06 ac. They chose to rezone that whole parcel as they did not want to incur the cost of a survey. Gary Northouse asked if they can move things around. They can as long as they are within the setbacks. If any other buildings are built they would need a zoning permit.

Dwight Nelson closed the Public Hearing

Motion by Lester Jantzen, seconded by Gabe Loeffelholz to approve the Conditional Use Permit to allow for the use of a private school under Chapter 3.07 (2) (c) of the Grant County Comprehensive Zoning Ordinance.

Motion carried.

Chairman Nelson opened the Public Hearing:

#CUP 18-014 Loudspeaker Components, LLC, is requesting a Conditional Use Permit on PIN: 056-00791-0000 of +/- 6.705 ac to allow for the use of using and storing flammable products under Chapter 3.14 (2) (b) of the Grant County Comprehensive Zoning Ordinance.

In Favor: South Lancaster Twp. approved on April 25, 2018. Neil Kirschbaum, President and Brian Haas, Vice President, owners of Loudspeaker Components were both in attendance. Brian stated that they have an opportunity to increase their capacity and capabilities at Loudspeaker. They stated that they are following the states request in order to get their building up to the international building code. They have hired an engineer, The amount of chemicals will not increase significantly. Lynda asked what do the chemicals get used for? The chemicals are used in part of the manufacturing process of their products, and will allow them to have some actual sales as well. Gary Northouse asked where will the chemicals be stored at? They will be stored in a designated area approximately 2500 sq. feet that has been state approved. Mike Lieurance asked if the fire department is aware of what kind, and how much chemical is being stored? The have contacted Steve Braun at the fire department. Dwight Nelson asked -----Corrected Portion ----- if there will be any additional building construction? There will not be any additional construction to the existing building, only internal construction. Lynda asked if this has been discussed with the airport? No, they have not been in contact with the airport.

In Opposition: None

In Interest: David Carlson, city of Lancaster, called to inquire about the project and the volume of chemicals. Informed him that those questions would be answered at today's public hearing.

Committee Discussion: The rezone request went to County Board last month and there were questions about the specific use of the products, the quantity and volume, and the containment. The County Board felt that they didn't have enough information to make a decision and had sent it back to the CSZC for further information. Gary Northouse asked how much volume of chemicals will be stored? they stated 2 – 2500 gallons. Lynda asked how the chemicals are stored? Could be a 5 gallon drum up to 565 gallons stored in stainless steel containers.

Dwight Nelson closed the Public Hearing.

Motion by Lester Jantzen, seconded by Gabe Loeffelholz to approve the conditional use permit contingent upon County Board approving the rezone. Robert Keeney requested that the applicant be present at the County Board meeting to answer any additional questions they may have. Motion carried.

### **Zoning and Sanitation Report**

Lynda presented the year to date Zoning and Sanitation report. The 2017 fees totaled \$51,971.56, compared to the 2018 total fees of \$62,204.90, an increase of \$10,233.34 from 2017. The conditional use permits are up by 9 from 2017. The rezones are down by 8, 14 rezones in 2017 and 6 rezones in 2018. The zoning permits are up by 24 from 2017. The maintenance fees have an increase of 92 from 2017. The sanitary permits have remained the same. Lynda will be putting a news article in the paper as a reminder that the maintenance forms are due August 31<sup>st</sup>. There is 1 court case pending; Levi Fischer – Plead not guilty to multiple zoning violations. Court date is scheduled for July 18<sup>th</sup>. He has completed 1 permit, and is working towards compliance of the remaining orders of correction. There are 11 individuals remaining that are still out of compliance from 2017. There were no sanitation court cases.

Lynda reported that Castle Rock Twp. has inquired about adopting the Grant County Comprehensive Zoning Ordinance. They have several Farmland Preservation contracts that are expiring, and they would like to have the opportunity to collect the tax credit. They are interested in possibly forming an Ag. Enterprise area. This area consists of 5 contiguous areas of land that would be approved by DATCP.

Lynda reported that herself, Justin, Annette, Peg Walsh, and Steve Adrian attended the BOA training in Prairie du Chien on Monday, July 2<sup>nd</sup>. Very good training!!

There is a BOA variance request scheduled for July 12, 2018 for Jeff Braudt regarding nonmetallic mining setbacks. Jeff is looking to reduce the 200-foot setback from a commercial site.

Motion by Lester Jantzen, seconded by Gary Northouse to accept the Zoning and Sanitation Report. Motion carried.

**County Cost Sharing** – Starting Balance is \$9,461.34/Ending Balance \$8,541.20

There were no Extension or Cancellation requests.

Lynda presented a final approval request for county cost sharing on a well decommissioning for Errol Schluter, Marion Twp., \$811.00. Motion by Lester Jantzen, seconded by Mike Lieurance to approve payment. Roll Call: 5 Yes, 0 No, 0 Absent. Motion carried.

Lynda presented a final approval request for county cost sharing on a well decommissioning for David Dailey, Lima Twp., \$510.35. Motion by Gary Northouse, seconded by Lester Jantzen to approve payment. Roll Call: 5 Yes, 0 No, 0 Absent. Motion carried.

Lynda presented a final approval request for county cost sharing on a well decommissioning for Brian and Alli Gutknecht, Glen Haven Twp., \$518.79. Motion by Gary Northouse, seconded by Lester Jantzen to approve payment. Roll Call: 5 Yes, 0 No, 0 Absent. Motion carried.

Lynda presented 2 tentative approval requests for county cost sharing on well decommissionings for Dennis Schmidt, North Lancaster Twp., \$1,000.00; and for Mark Rundle, Marion Twp., \$360.00. Motion by Mike Lieurance, seconded by Gabe Loeffelholz to approve the both requests. Motion carried.

### **SWRM Cost Sharing**

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

**2018 DATCP Cost Sharing** – Beginning /Ending Balance is \$0.00.

**Storage Permit Approval** – none to report

### **Budget Update**

Lynda reported that she is working on the 2019 budget. Will be presenting the tentative budget at the August meeting. She will be prioritizing the Conservation, Sanitation, and Zoning programs individually.

### **Engineering Practitioner Certification**

Lynda explained the engineering practitioner certification process for our department and requested approval of her certification to send to DATCP. She will also be requesting NRCS approval. Lynda continues to keep up her 40 hours of certification every 3 years, and also tries to check practices. Motion by Mike Lieurance, seconded by Gary Northouse to concur with DATCP's request for Lynda's practitioner certification. Motion carried.

### **Administrator Report**

Lynda gave an update on the ground water study. They should have a proposal to us by July 15. She is looking into a \$10,000 grant through the health department. This is a data tracking grant and would correspond with our tracking of ground water contamination.

Lynda reported that herself, Dwight, Mike, and Lester attended the SAA LCC Supervisor Training on Tuesday, June 26 in Mt. Horeb. It was a good review of the programs. Interesting history of the organization.

Lynda reported that the SAA tour will be on August 1<sup>st</sup>, hosted by Dodge County.

Lynda will be attending the Local Workgroup Meeting on August 1<sup>st</sup> at the Belmont Community Building, from 9:00 a.m. – 11:00 a.m.

Lynda presented a handout of the daily traffic breakdown of those individuals who have visited our website.

Lynda reported that she will be on vacation July 13<sup>th</sup> – 20<sup>th</sup>.

### **Lean Update**

Lynda reported that she met with the Social Services group. They are needing more data to continue on with the project.

### **FPP Report** – Lynda Schweikert

Lynda reported that Kevin is helping Shullsburg Schools with their Soil Judging Contest.

Lynda reported that she has 2 cancellations of Notice of Noncompliance for FPP for Lawrence and Daniel Kovars, Hickory Grove and Watterstown Twp., and Richard and Mary Goss, Liberty Twp. Motion by Mike Lieurance, seconded by Gabe Loeffelholz to approve both cancellations of Notice of noncompliance. Motion carried.

Lynda reported that she has 2 Voluntary Notices of Noncompliance with Farmland Preservation for Steven and Diane Runde, Paris Twp., and Geraldine Wedig, Lima Twp. They have chosen to not have a DATCP approved NMP by the end of the year. Motion by Lester Jantzen, seconded by Gabe Loeffelholz to approve both Notices of Noncompliance. Motion carried.

### **NRCS Report** – Joe Schmelz

See attached report.

### **FSA Report**

Gabe Loeffelholz reported that the crop reporting deadline is July 15<sup>th</sup>.

### **Forestry Report** – None

### **RC&D** – None

Motion by Lester Jantzen, seconded by Gabe Loeffelholz to adjourn to August 2, 2018 at 9:00 a.m. Motion carried.

Respectfully Submitted by Annette Lolwing for Lester Jantzen.

Attachment A Worksheet

Review of Standards for Rezoning Land out of Farmland Preservation

Date: 6/14/18 Landowner: Linda + Robert Melssen

The Grant County Board may not rezone land out of a farmland preservation zoning district unless the Grant County Zoning and Sanitation Committee finds all of the following in writing, after public hearing, as part of the official record of the rezoning:

1. The rezoned land is better suited for a use not allowed in the farmland preservation zoning district.

☒ Yes

or

No

Explain:

2. Developed area will not have prime farmland soil.  
The rezoning is consistent with any comprehensive plan, adopted by the Grant County Board which is in effect at the time of the rezoning.

☒ Yes

or

No

or

N/A

Explain:

Township stated request is consistent w/ Comp plan on 5/8/18

3. The rezoning is substantially consistent with the Grant County farmland preservation plan policy.

5.1: Non-farm development will be directed to non-agricultural soils or less productive agricultural soils, consistent with the needs of the development. ☒ Yes No

No prime farmland present in area that will be developed

5.2 Non-farm development will be directed to areas where it will cause minimum disruption of established farm operations or damage to environmentally sensitive areas. ☒ Yes No

Home will be built north of existing building site

5.3 Non-farm development will be encouraged to locate so as to leave a maximum amount of farmland in farmable size parcels. ☒ Yes No

Minimum acreage (1.0 ac) was surveyed off

5.4 Non-farm residential development will be directed to existing platted subdivisions and sanitary districts. Yes No ☒ N/A

Not an existing subdivision. Unrequired for not hooking onto sanitary district

5.5 Agriculturally-related development, while not discouraged in rural areas, will still comply with other policies set forth in this section, consistent with being located where it will be a maximum benefit to agriculture. ☒ Yes No

No ag-related development currently proposed.

w/in 1 mile

- 6 The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.

6.4 Located in a Farmland preservation zoning district

6.5 Covered by a Farmland Preservation Agreement

6.6 Covered by an agricultural conservation easement

6.7 Otherwise legally protected from nonagricultural development

☒ Yes

or

No

Explain:

- 7 The CSZC ☒ recommends ☐ does not recommend approval to the Grant County Board of Supervisors

(Circle one)

Lester / Gary

Attachment B Worksheet.

Conditional Use Permit for Non Metallic Mining in Farmland Preservation

Date: 2/16/18

Landowner: Scanlan Brothers LLC

The Grant County Conservation, Sanitation and Zoning Committee may issue a conditional use permit for a proposed land use as they determine in writing that the proposed use meets applicable conditions under this section. The CSZC may issue the permit subject to any additional conditions which the CSZC deems necessary to carry out the purpose of this ordinance.

1. The operation complies with all of the following: ☒ YES NO
  - a. Subchapter I of ch. 295, Wis. Stats., and rules promulgated under that subchapter.
  - b. Applicable provisions of Chapter 180, the Non-Metallic Mining Reclamation Ordinance
  - c. Any applicable requirements of the WI Dept. of Trans. concerning the restoration of non-metallic mineral extraction sites.
2. The operation and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district. ☒ YES NO  
*Allows for use under CUP*
3. The operation and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations outside the farmland preservation zoning district, or are specifically approved under state or federal law. ☒ YES NO  
*Site was previously mined for sand*
4. The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use. ☒ YES NO  
*Meets NR 135*
5. The operation does not substantially impair or limit the current or future agricultural use of other protected farmland. ☒ YES NO

*Site was previously mined for sand*

The CSZC ☒ approves / does not approve the Conditional Use Permit with the following conditions if applicable.  
Circle one

1. The conditional use permit requires the landowner to restore the affected land after the non-metallic mineral extraction operation is completed. The permit shall require the landowner to restore the land to a condition suitable for agricultural use, according to a written restoration plan included with the permit. Note: see s. 91.46 (6), Wis. Stats.

2.

*Gary/mike*

#### EQIP

- Funding decisions for the second round of funding should be coming shortly. This funding was only for select fund pools such as the soil health, honey bee and monarch.
- Southern Savannah Local Work Group meeting will be held August 1, 2018 from 9:00AM-11:00AM at the Belmont Community building.
- Application deadline for 2019 EQIP funds is close of business on October 19, 2018
- The wet spring/summer has significantly hampered our 2018 construction. Hopefully with some drier weather in the future we can install the scheduled practices for this year.
- All program participants that have practices scheduled for this year and received both a reminder letter and phone call.

#### CSP

- Received funding and have begun obligation of the 2018 applications.
- Have begun the annual certification of all CSP contracts to verify the maintenance of baseline levels of conservation and review needed enhancement documentation.
- Continuing to work with 2019-1 renewal applications through the planning process, the deadline for completion of this is still several months away.

#### CTA

- All 2018 annual compliance reviews are complete, letters stating the findings of these reviews will be mailed in the next few weeks to the affected landowners and producers.