

GRANT COUNTY CONSERVATION, SANITATION, & ZONING COMMITTEE MEETING

October 4, 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 October 4, 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, Gary Northouse, and Mike Lieurance, Excused. Others present: Lynda Schweikert, Kevin Lange, Annette Lolwing, Justin Johnson, Bob Keeney, Joe Schmelz, Donna Swanson, and Dave Swanson.

Certification of Open Meeting Law

Annette Lolwing sent the agenda to Karla Schwantes and Linda Gebhard to post in the Courthouse and in the Administration Building, an agenda was sent to Bob Middendorf, WGLR, and agenda was also posted in 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 Gary Northouse, seconded by Lester Jantzen to approve the October 4, 2018 agenda. Motion carried.

Approval of the September Minutes

Motion by Gary Northouse, seconded by Gabe Loeffelholz to approve the September 6, 2018 minutes. Motion carried.

Review & Accept the Bills

Motion by Lester Jantzen, seconded by Gary Northouse to accept the bills. Motion carried.

Public Hearing for Rezones

Chairman Nelson opened the Public Hearing

#18-14 Level Valley Farms LLC, Hickory Grove Twp. are requesting to change the zoning classification on PIN: 024-00795-0000 of +/- 4.80 ac. from FP to A2 to allow for the use of a nonfarm residence.

In Favor: Hickory Grove Twp. approved on September 17, 2018. Applicant was present.

In Opposition: None

In Interest: None

Committee Discussion: None

Chairman Nelson closed the Public Hearing

Motion by Gabe Loeffelholz, 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 Lester Jantzen.

Motion carried. Gary Northouse Abstained. See Attachment A Worksheet.

Chairman Nelson opened the Public Hearing

#18-15 Victor and Tamela Powell, Muscoda Twp. are requesting to change the zoning classification on PIN: 042-00373-0000 of +/- 5.47 ac. from A2 to R1 to allow for the proposed subdivision of three lots.

In Favor: Muscoda Twp. approved on August 14, 2018. Applicant not in attendance.

In Opposition: None

In Interest: Justin did receive 1 phone call for information only.

Committee Discussion: Lester Jantzen asked why so many buildings are on the map. Justin stated that there is a dwelling on each of the 3 lots. Ordinance only allows 1 principal structure per lot. That is why the rezone is necessary. Dwight asked if there are septic systems and wells for each parcel. Justin stated that they are working towards each lot to have their individual septic system, and he was not sure about the well situation. Lynda stated that if they do have a shared well they would need to have an easement.

Chairman Nelson closed the Public Hearing

Motion by Gary Northouse, seconded by Gabe Loeffelholz to recommend approval of the rezone to the full County Board. Motion carried.

Public Hearing for Conditional Use Permit

Chairman Nelson opened the Public Hearing

CUP #18-017 Lancaster Parks & Storage, LLC, South Lancaster Twp. are requesting a Conditional Use Permit on PIN: 056-00088-0000 +/- 1.81 ac. to allow for the use of long term/mini storage units under Chapter 3.11 (2) (h) of the Grant County Comprehensive Zoning Ordinance.

In Favor: South Lancaster Twp. approved on August 8, 2018. Applicant not in Attendance.

In Opposition: None

In Interest: Rezone request was presented and approved at the September 6th CSZC meeting. Lynda explained that they need to add a condition stating trailers need to be removed prior to permit approval.

Committee Discussion: Dwight Nelson asked how far back does the lot extend? Lynda explained to Dwight that the parcel includes the existing storage unit and extends beyond for a short distance.

Dwight Nelson closed the Public Hearing

Motion by Lester Jantzen, seconded by Gary Northouse to approve the Conditional Use Permit to allow for the use of long term/mini storage units under Chapter 3.11 (2) (h) of the Grant County Comprehensive Zoning Ordinance, contingent of the mobile homes being removed. Motion carried. See Attachment B Worksheet.

Chairman Nelson opened the Public Hearing

CUP #18-018 Darold Rux, Muscoda Twp. is requesting a Conditional Use Permit on PIN:042-00604-0000, 042-00606-000 +/-10.42 ac. to allow for the use of a single-family dwelling on a separate lot within one mile of an existing public water or sewage collection system and a non-agricultural related mobile home, under Chapters 3.07 (2) (g) & 3.06 (2) (j) of the Grant County Comprehensive Zoning Ordinance.

In Favor: Muscoda Twp. approved on September 11, 2018. Applicant not in Attendance.

In Opposition: None

In Interest: None

Committee Discussion: Lynda asked what part of the property will it be on? Justin replied that it will be on parcel number 042-0606-0000, the Southern parcel. Dwight asked if the 10 acres includes both of the highlighted parcels. Justin responded, yes it does.

Dwight Nelson closed the Public Hearing

Motion by Gabe Loeffelholz, seconded by Lester Jantzen to approve the Conditional Use Permit to allow for the use of a single-family dwelling on a separate lot within one mile of an existing public water or sewage collection system and a non-agricultural related mobile home, under Chapters 3.07 (2) (g) and 3.06 (2) (j) of the Grant County Comprehensive Zoning Ordinance. Motion carried. See Attachment C Worksheet.

Zoning and Sanitation Report

Lynda presented the Sanitation and Zoning report. The Conditional Use Permits had been increased by 11 from last year. We are up by 399 maintenance reports from last year, but we also sent out more maintenance forms this year than last year. The sanitary permits were 4 ahead of last year. Zoning permits are 14 ahead of last year. There is no change in the Sanitary citations from last month. Zoning court cases; Levi Fischer has been given to December 3, 2018 to rectify the situation. Lawrence Wiest and Charlie Wamsley will have their first intake day scheduled for October 8, 2018 for their zoning violation.

There is no BOA scheduled at this time.

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

County Cost Sharing – Starting Amended Balance \$4,402.96/Ending Balance \$4,441.21.
There were no Cancellation or Extension requests.

Lynda presented a final approval request for county cost sharing on a well decommissioning for Larry Stucky, Ellenboro Twp., \$881.75. Motion by Gary Northouse, seconded by Gabe Loeffelholz to approve payment. Roll Call: 4 Yes, 0 No, 1 Excused. Motion carried.

SWRM Cost Sharing

2017 DATCP Cost Sharing – Beginning/Ending Balance \$9,137.95
Carl Abing's grade stabilization structure is the last project to be installed.

2018 DATCP Cost Sharing – Beginning \$3,000.00/Ending Balance is \$0.00.
No Cancellation or Change Orders.

Lynda presented a final approval request for 2018 DATCP cost sharing for a streambank protection project for Kunkel Living Trust, Hazel Green Twp., \$4,440.45. Motion by Lester Jantzen, seconded by Gabe Loeffelholz to approve payment. Roll Call: 4 Yes, 0 No, 1 Excused. Motion carried.

Lynda presented a final approval request for 2018 DATCP cost sharing for a streambank protection project for Grimm Living Trust, Castle Rock Twp., \$9,619.25. Motion by Gary Northouse, seconded by Gabe Loeffelholz to approve payment. Roll Call: 4 Yes, 0 No, 1 Excused. Motion carried.

Lynda presented a tentative approval request for 2018 DATCP cost sharing for a streambank protection project for Shemak Farms LLC, Castle Rock Twp., \$3,809.55. Motion by Gabe Loeffelholz, seconded by Lester Jantzen to approve Shemak Farms LLC's request. Motion carried.

Storage Permit Approval

None to report.

SW WI Groundwater Study Update

Lynda passed out a copy of the SW WI Groundwater Study News Article that went out to the local papers for publication on September 27th. Lynda also handed out a Fact Sheet and an Invitation to the October 17th Informational meeting that will be held at the Opera House in Mineral Point. Lynda encourages anyone that has questions regarding the ground water study to ask her and/or attend the October 17th meeting. Letters have gone out to the 1250 homeowners in Grant, Lafayette, and Iowa County. They have been randomly selected to have their water sampled. They expect around a 40% return rate. Lynda found out yesterday that Lafayette County Board did not approve the funding for the Groundwater Study. Lynda is working with the Lafayette Conservation Office and Conservation Groups to work with the Lafayette County Board to see if they would reinstate the funding back into the budget. Grant and Iowa County will go forward with/without Lafayette County if they cannot.

Approval of 2019 CSZD Budget

Lynda reported that there were no changes to the budget except for the Health Insurance changes.

CSZD Administrator Report

Lynda reported that they held the Farmer Education Nutrient Management training class to allow farmers to write their own Nutrient Management Plan. The soil sampling seminar was held at the Ag Research Station. Had 3 landowners that attended.

Lynda reported that on September 25th she was invited to speak at the Farm Bureau Annual Meeting. She presented the Southwest Wisconsin Groundwater and Geology Study.

Lean Update

Lynda reported that she has been updating her Continuity of Work plan. She is also working with the County Owned Property lean project.

FPP Report

Kevin reported that he has been working on some Continuity of Work projects.

Kevin reported that he and Annette were out on some CREP Perpetual Easement spot checks. These spot checks were directed by the DATCP. These sites have expired 15-year contracts.

Kevin reported that he was informed by FSA that there will be NO new CREP work and contracts until the Farm Service Agency allows him to start working on them.

Kevin reported that he will be helping Lafayette County with their High School land judging contest. Prejudging will be on October 17th, contest will be held on October 18th.

NRCS Report – Joe Schmelz

Joe reported that the 2014 Farm Bill has expired. Currently there is no continuing resolution to keep the Farm Bill operating. Any money that the NRCS has to spend is money that has previously been allocated from the 2014 Farm Bill.

Joe reported that all EQIP applications for all the fund pools have a deadline date of November 16th. This is for the 2018 Storm Relief and 2019 EQIP funding. This is where the projects will be evaluated, prioritized, and ranked for funding in 2019. Only the 2018 Storm Relief, Conservation Activity Plans and some Energy Programs will be screened on November 30th. The screening date for the remainder of the practices will be determined at a later date. The staff will have November and December to visit the project sites and to get the sites surveyed, especially when there are less leaves to obstruct the surveys. In January and February, the technicians will have a chance to design the projects.

Joe reported that there is a program called FY2018 storm relief; there will be forestry practices on the Eastern side of the state, and for our area is flood damage stuff. They are looking for projects that NRCS has paid for such as rip rap, waterways and dams that have been damaged or have washed out.

Joe reported that everything that needed to be certified for CSP in 2018 is done. NRCS will be issuing payments on those contracts when Washington releases the money from the 2014 Farm Bill.

Joe reported that they are finishing up with the 2019 CSP renewals. To be eligible to renew a CSP contract, the first contract ends December 31st, and the new contract needs to start on January 1st. Pending the new rules in the Farm Bill the second contract may or may not be eligible to continue.

Joe reported that they did have 3 projects go through the emergency watershed program. These 3 projects were from the bad flooding in Cassville last year.

Joe reported that the Ultima specialist, Jennifer Bahl, had left NRCS. Her last day was September 28th. Michelle, pathway student, is back to school. There is another pathway student, Rachelle, that will be working through the school year on Tuesdays and Thursdays until her commencement ceremony in December.

FSA Report

Joe read Nathalies report: reported that the fall crop reporting deadline is on November 15th. They prefer landowners to make appointments to come in to the office.

The Market Facilitation Program sign up is going on now through January 15th. Must be done with a commodity harvested for payment. Prefer the landowners to call and make an appointment so they can check on eligibility paperwork before they arrive. They also need production evidence is strongly encouraged.

Any earned ARC, PLC or CRP payments will be made in early October.

They have a new employee, Jennifer Bahl. The have an additional new employee, that her name was not mentioned, will be starting in early November.

All offices will be closed on October 8th.

They have no Farm Bill news either. FSA had a continuing resolution which funds their agencies through December 7th.

Forestry Report – None**RC&D** – None

Motion by Lester Jantzen, seconded by Gabe Loeffelholz to adjourn to November 1, 2018 at 9:00 a.m. Motion carried.

Respectfully Submitted by Annette Lolwing for Lester Jantzen.

Attachment H Worksheet

Review of Standards for Rezoning Land out of Farmland Preservation

Date: 10/4/18 Landowner: Level Valley Farms LLC

The Grant County Board may not rezone land out of a farmland preservation zoning district unless the Grant County Planning 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:

Majority of proposed parcel has non prime farmland soil.

2. 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: Stated on Township Participation Form dated 9/18/18

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

Proposed development will occur on non-prime farmland soils

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

No established farm operation occupying proposed development 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

Majority of pasture will remain w/ Level Valley Farms LLC

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

Not a platted subdivision

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 ☒ N/A

No ag-related development being proposed by applicant

- 5 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: Level Valley Farms is selling this portion which contains mostly woods.

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

(Circle one)

Lober/Lester

BEFORE GRANT COUNTY
CONSERVATION, SANITATION AND ZONING DEPARTMENT

CONDITIONAL USE PERMIT
FOR LANCASTER PARKS & STORAGE, LLC
AT 9467 WILSON ST. LANCASTER, WI 53813

FINDINGS OF FACT

The agency finds that:

1. Lancaster Parks & Storage, LLC owns the property located within the NE ¼ of the SE¼, Section 4, T4N, R3W Town of South Lancaster, Grant County, WI. Such property consists of tax parcel number 056-00088-0000.
2. On November 6th, 2017, Maida Fortune requested that zoning staff review her proposal and provide a determination as to what zoning process would be required for converting the existing use of a mobile home park to long term/mini storage units. It was recommended to rezone the property to the Commercial-1 zoning district which would allow for a reduced setback for the structures compared to the Commercial-2 zoning district. This would also result in a Conditional Use Permit being required under Ch. 3.11 (2) (h) to allow for the use of long term/mini storage units.
3. On August 8th, 2018 the South Lancaster Township Town Board recommended approval for the rezone and CUP requests to allow for the use of long term/mini storage units. No conditions were placed on the CUP request by the Town Board.
4. On August 20th, 2018, the department received an application for a rezone request to C-1 and a CUP request.
5. On August 23rd, 2018 and August 30th, 2018, a public notice was published in the County's official newspaper for the rezone request.
6. On September 6th, 2018 the Conservation, Sanitation and Zoning Committee (CSZC) recommended approval for the rezone request.
7. On October 2nd, 2018 the Grant County Board of Supervisors approved the rezone request.
8. On September 20th, 2018 and September 27th, 2018, a public notice was published in the County's official newspaper for the CUP request.
9. On October 4th, 2018, the CSZC reviewed the CUP request through a public hearing and determined findings **approving** or **denying** the CUP application.

FINDINGS OF FACT AND CONCLUSION

1. The CSZC (hereinafter referred to as the agency) has the authority pursuant to the Grant County Comprehensive Zoning Ordinance Ch. 3.27 (5) to issue or deny conditional use permits. Prior to granting or denying a conditional use, the agency shall make findings of fact based on evidence presented, issue a determination whether the standards of the ordinance are met, and require additional conditions, as needed. Based upon the above findings and information provided at the public hearing, the CSZC finds that the conditional use **does** or **does not** meet the following criteria:

2. The agency under 3.27 (5) (c) shall consider the following criteria:

- (1) That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
- (2) That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
- (3) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
- (4) That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;
- (5) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;
- (6) That adequate prevention and control of water pollution including sedimentation are being provided;
- (7) That adequate measures will be taken to sustain existing topographic and drainage features and vegetation cover on the site;
- (8) That adequate location of the site with respect to flood plains and floodways of bodies of water;
- (9) That adequate consideration of erosion potential of the site based upon degree and direction of slope, soil type and vegetation cover;
- (10) That location factors are considered which address:
 - (a) Domestic uses shall be generally preferred;
 - (b) Uses not inherently a source of pollution within an area shall be preferred over uses that are or may be a pollution source.
 - (c) Use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase the possibility.
- (11) That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Planning and Zoning Committee; and
- (12) In the case of nonmetallic mining, the Planning and Zoning Committee shall also consider any reclamation plan submitted for the property and the reclamation plan's provisions for maintaining lateral support and for depth of the quarry pursuant to the standards set forth in Wisconsin Administration code Chapter NR 136.

BEFORE GRANT COUNTY
CONSERVATION, SANITATION AND ZONING DEPARTMENT

CONDITIONAL USE PERMIT
FOR DAROLD RUX
AT PINE CT. MUSCODA, WI 53573

FINDINGS OF FACT

The agency finds that:

1. Darold Rux owns the property located within the SW ¼ of the SW ¼, SE ¼ of the SW ¼ of Section 12, NE ¼ of the NW ¼, and NW ¼ of the NW ¼ of Section 13, T8N, R1W, Berners Subdivision block 4 lots 3 and 5, Town of Muscoda Township, Grant County, WI. Such property consists of tax parcel numbers 042-00604-0000 & 042-00606-0000
2. On July 26th, 2017, Darold Rux requested that zoning staff review his proposal and provide a determination as to what zoning process would be required for converting the zoning classification from residential to agriculture. The recommended zoning district was Agricultural-2 in case he decided to build a home.
3. On August 8th, 2017 the Muscoda Township Town Board recommended approval for the rezone a rezone request to the Agricultural-2 zoning district to allow for an agricultural use.
4. On August 14th, 2017, the department received an application for a rezone request to A-2.
5. On August 24th and August 31st, 2017, a public notice was published in the County's official newspaper for the rezone request.
6. On September 5th, 2017 the Conservation, Sanitation and Zoning Committee (CSZC) recommended approval for the rezone request.
7. On October 4th, 2017 the Grant County Board of Supervisors approved the rezone request.
8. On August 14th, 2018, Darold Rux requested that zoning staff review his proposal and provide a determination as to what zoning process would be required for proposing a mobile home on the property. A conditional use permit would be required under 3.07 (2) (g) & 3.06 (2) (j).
9. On August 15th, 2018, the department received an application for a conditional use permit request to allow for the use of a non-ag related mobile home located within 1 mile of an existing public sewer and water supply.
10. On September 11th, 2018 the Muscoda Township Town Board recommended approval for the CUP request to allow for the use of a non-ag related mobile home located within 1 mile of an existing public sewer and water supply.
11. On September 20th, 2018 and September 27th, 2018, a public notice was published in the County's official newspaper for the CUP request.
12. On October 4th, 2018, the CSZC reviewed the CUP request through a public hearing and determined findings **approving or denying** the CUP application.

FINDINGS OF FACT AND CONCLUSION

1. The CSZC (hereinafter referred to as the agency) has the authority pursuant to the Grant County Comprehensive Zoning Ordinance Ch. 3.27 (5) to issue or deny conditional use permits. Prior to granting or denying a conditional use, the agency shall make findings of fact based on evidence presented, issue a determination whether the standards of the ordinance are met, and require additional conditions, as needed. Based upon the above findings and information provided at the public hearing, the CSZC finds that the conditional use **does or does not** meet the following criteria:
2. The agency under 3.27 (5) (c) shall consider the following criteria:
 - (1) That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
 - (2) That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
 - (3) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
 - (4) That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;
 - (5) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;
 - (6) That adequate prevention and control of water pollution including sedimentation are being provided;
 - (7) That adequate measures will be taken to sustain existing topographic and drainage features and vegetation cover on the site;
 - (8) That adequate location of the site with respect to flood plains and floodways of bodies of water;
 - (9) That adequate consideration of erosion potential of the site based upon degree and direction of slope, soil type and vegetation cover;
 - (10) That location factors are considered which address:
 - (a) Domestic uses shall be generally preferred;
 - (b) Uses not inherently a source of pollution within an area shall be preferred over uses that are or may be a pollution source.
 - (c) Use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase the possibility.
 - (11) That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Planning and Zoning Committee; and
 - (12) In the case of nonmetallic mining, the Planning and Zoning Committee shall also consider any reclamation plan submitted for the property and the reclamation plan's provisions for maintaining lateral support and for depth of the quarry pursuant to the standards set forth in Wisconsin Administration code Chapter NR 136.