

GRANT COUNTY CONSERVATION, SANITATION, & ZONING COMMITTEE MEETING

January 03, 2019

9:00 a.m.

Grant County Board Room (#264)

Lancaster, Wisconsin

The Grant County Conservation, Sanitation & Zoning Committee meeting was called to order on January 03, 2019 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, Gary Northouse, Mike Lieurance, and Gabe Loeffelholz. Others present: Lynda Schweikert, Annette Lolwing, Justin Johnson, Kevin Lange, Bob Keeney, Joe Schmelz, Kevin Honahan, Mathew Honer, Jaclyn Essandoh, Jaye Maxfield, and Jeff Braudt.

Certification of Open Meeting Law

Annette Lolwing sent the amended 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, an 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 Lester Jantzen, seconded by Gary Northouse to approve the January 03, 2019 agenda. Motion carried.

Approval of the December Minutes

Motion by Gary Northouse, seconded by Mike Lieurance to approve the December 06, 2018 minutes. Motion carried.

Review & Accept the Bills

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

Public Hearing for Rezones

Chairman Nelson opened the Public Hearing

#19-01 Kevin & Cynthia Honahan, Wingville Twp. is requesting to change the zoning classification on PIN: 062-00732-0030 of +/- 2.0 ac. from FP to A2 to allow for the use of a nonfarm residence.

In Favor: Wingville Twp. approved on August 13, 2018. Kevin Honahan was present at the meeting.

In Opposition: None

In Interest: None

Committee Discussion: None

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 Mike Lieurance. Motion carried. See Attachment A Worksheet.

Public Hearing for Reclamation Plan for Grant County Ordinance #180

Chairman Nelson opened the Public Hearing for Jeffrey Braudt, Boscobel Twp., +/-11.53 ac. on

PIN: 006-00322-0000. The reclamation plan needs to be reviewed before the Conditional Use Permit is decided upon. Matt Honer from the Southwest WI Regional Planning Commission explained the details of the reclamation plan. Matt Honer reviewed the reclamation plan which was completed by Jewell and Associates

Engineering firm out of Spring Green. Matt stated that it meets all the standards of NR135, which is the Wisconsin ordinance for nonmetallic mining reclamation standards. The first phase is 1.61 ac. which they have financial assurance on record for that acreage. They also have an industrial storm-water permit through the WI DNR. The Reclamation plan states that the site will be reclaimed to a developable and industrial location which will be graded and seeded for erosion control. According to NR135 the site needs to be reclaimed to its current zoning which is industrial.

In Favor: None

In Opposition: None

In Interest: None

Committee Discussion: Lynda mentioned that this is for public comment for the reclamation plan.

Bob Keeney asked if they have financial assurance on 1.61 acres, and by going into the next phase, are we approving the CUP permit on 1.61 acres or the full 11.53 acres? Justin stated that the CUP will be for the full 11.53 acres. If Jeffrey expands his mining acres he needs to work with Southwest Regional Planning to amend the financial assurance for the permitted acres. Lester Jantzen asked if Jeffrey expands his operation does he need to come back to reapply again for the CUP? No, he doesn't. The CUP is good for 5 years, which then he will need to reapply for the CUP. Matt stated that the Reclamation Plan states that Jeffrey can mine up to the 11.53 acres. On a yearly basis the Southwest Regional Planning sends out letters to the permitted mines asking if they have increased their active acres. If his active acres increase he will be asked to increase his financial assurance.

Dwight Nelson closed the Public Hearing

Motion by Gary Northouse, seconded by Mike Lieurance to accept the nonmetallic mining reclamation permit for Jeffrey Braudt. Motion carried.

Public Hearing for Conditional Use Permit

Chairman Nelson opened the Public Hearing

CUP #19-002 Jeffrey Braudt, Boscobel Twp. is requesting a Conditional Use Permit on PIN:006-00322-0000 +/-11.53 ac. to allow for the use of nonmetallic mining under Chapter 315.14 (2) (a) of the Grant County Comprehensive Zoning Ordinance.

In Favor: Boscobel Twp. approved on June 5, 2018. Jeffrey Braudt was in attendance. The Boscobel Town Board suggested 3 conditions for the CUP 1. Berm will be maintained so Stacey Karsten's drain field does not flood. 2. No accumulation of machinery, vehicles, etc. will be kept clean and tidy. 3. Will not operate on windy days as to not create excess dust. Lynda stated that since Act 67 for conditions placed on Conditional Use Permits we can only put conditions on what can be substantially upheld by our ordinance. Lynda stated that the condition of no accumulation of machinery, vehicles, etc. will be kept clean and tidy is an arbitrary statement. What is clean and tidy? This is something that we can't enforce.

In Opposition: None

In Interest: None

Committee Discussion: Gary Northouse asked if these conditions are not met, who do they go to? They report it to our office. Gary asked if Jeffrey knew why one of the Town Board members was against the CUP? That information was not disclosed. Bob Keeney asked if the maximum years for a CUP is 5 years, but can it be shorter? Yes, it can. Lester Jantzen asked if there can be a noise restriction and hours of work conditions placed on the CUP? Yes, they can as long as they are enforceable.

Dwight Nelson closed the Public Hearing

Motion by Lester Jantzen, seconded by Gabe Loeffelholz to allow for the use of nonmetallic mining under Chapter 315.14 (2) (a) of the Grant County Comprehensive Zoning Ordinance with conditions placed on the Conditional Use Permit that: 1. Berm will be maintained so Stacey Karsten's drain field does not flood. 2. Will control dust. 3. Storage of mining equipment on site only. 4. 5-year expiration date for the Conditional Use Permit. Motion carried. See Attachment B Worksheet

Zoning and Sanitation Report

Lynda presented the Zoning and Sanitation report. Fees collected in 2017 was \$163,244.40, and fees for 2018 was \$156,575.80. In 2018 we had \$6,668.60 less fees collected but had 436 more permits issued. We received 2,444 maintenance fees in 2018, and 2,063 maintenance fees in 2017. The 3-year maintenance sanitary citations were sent to 80 landowners. There have been 25 that have come into compliant. The next court dates are January 14, and 28th. Lynda is working with Sanitation and Zoning staff to get a handle on the Orders of Correction and enforcement. Levi Fischer was found guilty of his citation and was ordered to comply with the zoning requirements. He has completed the zoning permit for the greenhouse, needs to move the chicken barn 100' from property line, needs to amend sanitary permit to include living quarters in the shed, and he needs to move barn 100' from property line or remove livestock from the barn.

No BOA at this time.

Motion by Mike Lieurance, seconded by Lester Jantzen to accept the Zoning/Sanitation report. Motion carried.

County Cost Sharing – Starting Balance \$6,315.76/Ending Balance \$22,007.01

Lynda presented a final approval request for county cost sharing on a well decommissioning project for Carol Ann Kruse, Potosi Twp., \$718.75. Motion by Mike Lieurance, seconded by Lester Jantzen to approve payment. Roll Call: 5 Yes, 0 No, 0 Absent. Motion carried.

Lynda presented tentative approval request for county cost sharing on a well decommissioning for Donald Gehrke, Fennimore Twp., \$360.00. Motion by Gary Northouse, seconded by Lester Jantzen to approve Donald's request. Motion carried.

Lynda presented tentative approval request for county cost sharing on a waste storage closure for Eugene Hostetler, Watterstown Twp., \$3,750.00. Motion by Mike Lieurance, seconded by Gary Northouse to approve Eugene's request. Motion carried.

SWRM Cost Sharing

2018 DATCP Cost Sharing – Beginning \$31,271.75/Ending Balance \$31,271.75

Lynda reported that all the 2018 DATCP projects need to be installed in 2019.

2019 DATCP Cost Sharing – Beginning \$60,513.00/Ending Balance is \$47,563.00

Lynda presented tentative approval request for 2019 DATCP cost sharing on a grade stabilization structure for Larry Yager, Waterloo Twp., \$7,000.00. Motion by Lester Jantzen, seconded by Gary Northouse to approve Larry's request. Motion carried.

Lynda presented tentative approval request for 2019 DATCP cost sharing on a streambank protection project for George Robert Egan, Hazel Green Twp., \$5,950.00. Motion by Gabe Loeffelholz, seconded by Lester Jantzen to approve George Robert's request. Motion carried.

Storage Permit Approval

Lynda reported that Tranel Family Farms, Hazel Green Twp., is requesting to construct a concrete storage facility. We have received their Construction plan and NMP. He has paid his \$200.00 permit fee. Lynda tentatively approved the permit on December 17, 2018. Motion by Mike Lieurance, seconded by Gabe Loeffelholz to concur with Lynda's permit approval with contingencies for NMP and soils samples. Motion carried.

WI Land+Water Conservation Association Dues

Lynda reported that our 2019 WI Land+Water Conservation Dues of \$1,458.00 is the same amount as 2018. By paying the dues it allows us to be voting members at the WI Land+Water Conservation Association Conference.

Motion by Mike Lieurance, seconded by Lester Jantzen to pay the \$1,458.00 dues that have been approved in our budget. Motion carried.

Non-Lapsing Fund Approvals

Lynda reported that in the past we were able to carryover accounts. Some of the carryover accounts may be considered non-lapsing funds. Lynda presented 4 non-lapsing fund requests; County Cost Sharing, Unrestricted, allocated cost share funds contracted but will not be expended until the following year; NRCS Tech Pro, Unrestricted, reimbursement from USDA for providing technical assistance on Federal Conservation Programs allocated to the Groundwater Study; Non-Metallic Mining, Contracted, fees received in current year to be remitted to state in next year; and Groundwater Study, Contracted, reimbursement from USDA for providing technical assistance on Federal Conservation Programs allocated to the groundwater study along with payments from Lafayette and Iowa Counties. Motion by Mike Lieurance, seconded by Gary Northouse to approve the 4 non-lapsing funds from 2018 to 2019 and to present this to the finance department. Motion carried.

Southwest WI Groundwater & Geology Study Update

Lynda reported that the water testing results are back. 42% of the wells that were tested in Grant, Iowa, and Lafayette County showed some kind of contamination, whether it be coliform, E.Coli, or high nitrates. There were 122 wells that were tested in Grant County. Of those 122 wells, 38% of those wells had Coliform, 7% had E. Coli, and 12% were positive in high nitrates. They will be doing another random water testing in the spring.

WI Land+Water Conference

Lynda reported that the WI Land+Water Conference is scheduled for March 13-15. If interested, Lynda would like the application completed. All attending are asked to bring an item for the Silent Auction.

CSZD Administrator Report

Lynda reported that she did attend the CAFO hearing on December 11th at 2:00 p.m. at the Youth and Ag. Building. It was regarding the DC Kamps site, the former Crapp hog facility just South of Lancaster.

Lynda reported that they had their nutrient crediting seminar. This is a part of the Farmer Written Nutrient Management training that Grant County offers. The class was held at the Pioneer Farm. There were 3 landowners from Grant County, 2 from Iowa County, and 1 from Lafayette County that had attended the class.

Lynda reported that the snap+ training was held on January 2nd at the UW Platteville Campus. There were 5 landowners from Grant County that attended the class to write their own nutrient management plans.

Lean Update

Nothing to Report.

FPP Report

Kevin reported that he has 10 Notices of Noncompliance with Farmland Preservation. These 10 landowners had been spot checked in 2017 and do not have a DATCP approved NMP by the end of the year. These individuals received a letter in April of 2018 reminding them to do their NMP. A second letter was sent out in September/October to remind them to have their soil samples pulled before the ground freezes. Everyone is given a year to get into compliance. Those out of compliance are: George & Ann Brandt, Fennimore Twp., Todd Jenkins, Lima Twp., Michail, Janice & Gerald Kelly, Wingville Twp., Larry & Linda Lingel, Ellenboro Twp., Ricky & Ann Lingel, Ellenboro Twp., Terry Runde, Lima Twp., Patrick & Karen Schroeder, Liberty Twp., Patrick Schroeder Jr., Liberty Twp., Donald Skaife, Clifton Twp., Larry & Janet Waldman, Liberty Twp. Motion by Gary Northouse, seconded by Gabe Loeffelholz to approve the 10 Notices of Noncompliance. Motion carried.

Kevin reported that we have received 15-20 Tree Order forms.

NRCS Report – Joe Schmelz

Joe reported that they are in the middle of a partial government shut down. NRCS is still able to continue to work. FSA Farm Loans went on furlough status as soon as it was announced. FSA programs lasted an additional week.

Joe had checked on the operational agreement but has not heard anything back.

Joe reported that the second screening date is set for February 8th. We have not received any word from the first screening application date. For the second batching date they had 57 applications, they have 40 that are either done or partially done, there are 17 that are still in process of working forward. CSP and CRP programs are just waiting for the shutdown to end and the Farm Bill to get approved.

FSA Report – Nathalie Schattner

No Report

Forestry Report – None

RC&D – None

Poster Contest Judging

Annette reported that there were 3 schools that participated in the Conservation Awareness poster contest; Lancaster Middle School, St. Clement School, Lancaster, and St. Joseph's School, Hazel Green. We had a total of 89 posters. The committee judged the Local Level posters for first place, second place, and third place in 4 grade categories.

Motion by Lester Jantzen, seconded by Gabe Loeffelholz to adjourn to February 14, 2019 at 1:00 p.m. Motion carried.

Respectfully Submitted by Annette Lolwing for Lester Jantzen.

Review of Standards for Rezoning Land out of Farmland Preservation

Date: 12/12/18 Landowner: Kevin + Cynthia Honahan

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:

No prime farmland soil present

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: per Township Participation Form dated 8/13/18

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 soil present

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 farm operations or environmentally sensitive areas present

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

No farmland present where parcel is being split

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

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:

7 The CSZC recommends does not recommend approval to the Grant County Board of Supervisors (Circle one)

Lester/Mive

BEFORE GRANT COUNTY
CONSERVATION, SANITATION AND ZONING DEPARTMENT

CONDITIONAL USE PERMIT
FOR JEFF BRAUDT
AT 16979 HWY 61, BOSCOBEL, WI 53805

FINDINGS OF FACT

The agency finds that:

1. Jeff Braudt owns the property located within the SE ¼ of the SE ¼ of Section 34, Town of Boscobel Township, Grant County, WI. Such property consists of tax parcel number 006-00322-0000
2. On February 2nd, 2018, Jeff Braudt requested that zoning staff review his proposal and provide a determination as to what zoning process would be required for starting a nonmetallic mining operation. It was determined that the portion of property that the mine was going to occupy would need to be rezoned to the Heavy Industrial (M-2) zoning district. This portion of property would also need a reclamation plan and a conditional use permit (CUP) under Chapter 315.14 (2) (a) of the Grant County Comprehensive Zoning Ordinance.
3. On February 6th, 2018 the Boscobel Township Town Board recommended approval for the rezone request for +/- 12.0 acres to the Heavy Industrial (M-2) zoning district to allow for the use of a nonmetallic mine.
4. On February 13th, 2018, the department received an application for a rezone request to M-2.
5. On February 22nd and March 1st, 2018, a public notice was published in the County's official newspaper for the rezone request.
6. On March 6th, 2018 the Conservation, Sanitation and Zoning Committee (CSZC) recommended approval for the rezone request contingent on our department receiving a survey map before the County Board meeting.
7. On March 20th, 2018 the Grant County Board of Supervisors approved the rezone request.
8. On March 30th, 2018, it was determined that there is a 200' setback that applies to Commercial zoning districts. Therefore, this resulted in a portion of the mine being inoperable towards the east property line which would require a variance to deviate from the setback. The north and west 200' property line setbacks would need to be eliminated by rezoning the surrounding property to Agricultural-2.
9. On June 5th, 2018 the Boscobel Township Town Board recommended approval for the variance request for +/- 12.0 acres regarding screening being placed 180' into the 200' setback. 2 were in favor and 1 opposed.
10. On June 19th, 2018, the department received an application for a variance request.
11. On June 28th and July 5th, 2018, a public notice was published in the County's official newspaper for the variance request.
12. On July 12th, 2018 the Board of Adjustment approved the variance request for nonmetallic mining to occur 180' into the 200' Commercial zoning district setback for one year after the CUP is in effect. Nonmetallic mining can occur 160' into the 200' Commercial zoning district setback thereafter.

13. On August 7th, 2018 the Boscobel Township Town Board recommended approval for the rezone request for +/- 41.0 acres to the Agricultural-2 (A-2) zoning district to allow for the use of a non-farm residence. 2 were in favor and 1 opposed.
14. On August 9th, 2018, the department received an application for a rezone request to A-2.
15. On August 23rd and August 30th 2018, a public notice was published in the County's official newspaper for the rezone request.
16. On September 6th, 2018 the Conservation, Sanitation and Zoning Committee (CSZC) recommended approval for the rezone request.
17. On October 2nd, 2018 the Grant County Board of Supervisors approved the rezone request.
18. On November 16th, 2018, the Southwestern Wisconsin Regional Planning Commission notified our department that Harvey Rock LLC had completed an application for a nonmetallic mining reclamation permit.
19. On November 29th, 2018, a public notice was published in the County's official newspaper for the reclamation permit request.
20. On January 3rd, 2019, the CSZC reviewed the reclamation permit request through a public hearing and determined findings **approving** or **denying** the reclamation permit application.
21. On June 5th, 2018 the Boscobel Township Town Board recommended approval for the CUP request to allow for the use of a nonmetallic mine on +/- 12.0 acres. 2 were in favor and 1 opposed. The following conditions were placed on the CUP by the Town Board:
 - "Berm will be maintained so Stacey Karsten's drainfield does not flood."
 - "No accumulation of machinery, vehicles, etc. will be kept clean and tidy."
 - "Will not operate on windy days as to not create excess dust."
22. On June 19th, 2018, the department received an application for a conditional use permit request to allow for the use of a nonmetallic mine.
23. On December 20th, 2018 and December 27th, 2018, a public notice was published in the County's official newspaper for the CUP request.
24. On January 3rd, 2019, 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. 315.27 (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 315.27 (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 Conservation, Sanitation & Zoning Committee; and
 - (12) In the case of nonmetallic mining, the Conservation, Sanitation & 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.