

GRANT COUNTY CONSERVATION, SANITATION, & ZONING COMMITTEE MEETING

February 14, 2019
1:00 p.m.
Grant County Board Room (#264)
Lancaster, Wisconsin

The Grant County Conservation, Sanitation & Zoning Committee meeting was called to order on February 14, 2019 at 1:00 p.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, and Gabe Loeffelholz. Mike Lieurance was Excused. Others present: Lynda Schweikert, Annette Lolwing, Justin Johnson, Kevin Lange, Erik Heagle, Bob Keeney, Joe Schmelz, Gary Munson, Walt Burbach, Ruthie Horner, Robin Timm, Rocky Skemp, Joyce Bos, Eli Mandel, Linda Kerkel, Joanne Haywood, Jim Smith, Chuck Horn, Dan Dressens, Brandon Sieck, Laura Lee, Dr. Gloria Belken, Dena Kurt, Mark Stead, Jeff Kindrai, Sue Strickler, Greg Cerven, and David and Donna 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, 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 February 14, 2019 agenda. Motion carried.

Approval of the January Minutes

Motion by Gary Northouse, seconded by Lester Jantzen to approve the January 3, 2019 minutes. Motion carried.

Review & Accept the Bills

Motion by Gary Northouse, seconded by Gabe Loeffelholz to accept the bills. Motion carried.

Public Hearing for Final Plat

Chairman Nelson opened the Public Hearing

#PPF 19-001 Parkside Estates LLC, Jamestown Twp. is requesting a Final Plat for PIN: 026-00206-0000, 026-00095-0000, 026-00095-0020, 026-00189-0010, and 026-00189-0020 of +/- 42.03 ac. to allow for the use of a subdivision.

In Favor: Jamestown Twp. approved on December 11, 2018. This process started out in 2017. There were 3 previous steps: 1. The rezone was approved on July 12, 2017. 2. The Conditional Use Permit requirement for the plan unit development was approved on October 4, 2017. 3. The Preliminary Plat was approved on October 4, 2017. Dan Dressens with Delta Engineering spoke in favor of the Final Plat.

In Opposition: None

In Interest: None

Committee Discussion: Bob Keeney asked if there any issues with the setbacks on HHH? The setback should be 70 feet from the center of the road.

Dwight Nelson closed the Public Hearing

Motion by Gary Northouse, seconded by Gabe Loeffelholz to approve the Final Plat request for Parkside Estates LLC to allow for the use of a subdivision. Motion carried.

Public Hearing for Rezone

Chairman Nelson opened the Public Hearing

#19-02 R & J Farms LLC, Jamestown Twp. are requesting to change the zoning classification on PIN: 026-00381-0000, 026-00387-0000, and 026-00400-0000 of +/- 61.18 ac. from FP to A-2 to allow for the use of nonfarm residences.

In Favor: Jamestown Twp. approved on January 8, 2019. Rocky Skemp was present and is in favor of the rezone request.

In Opposition: Linda Kerkel was present and stated that she was not notified of the Township meeting. She is concerned with contamination of her new well. Justin read a letter from Linda Kerkel in to the record. Justin received a letter from William and Judy Burbach which he read in to the record. They are concerned with the access road, snow removal, maintenance, and runoff contaminating their well. They are concerned with their privacy, additional noise, traffic and their property value. They are also concerned about the water quality with the multiple wells and septic systems on the property. The Burbach's are questioning the significant number of acres to rezone for a single-family residence.

In Interest: Steve Wagner contacted Justin. Steve stated that Rocky is complying with the DNR regulations and the stormwater runoff regulations. Rocky Skemp owner of R & J Farms LLC stated that he has been working with Delta 3 engineering. Delta 3 engineering had worked with the DNR for the water runoff permit. Rocky stated that the road construction will be used for his private home and will need occasional maintenance. Committee Discussion: Gabe Loeffelholz stated that Mr. Skemp has gone into a lot of detail and legal advice on this property.

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

Public Hearing for Shoreland Zoning Ordinance Chapter 316

Lynda Schweikert opened the Public Hearing

Lynda presented the revised Grant County Shoreland Zoning Ordinance Chapter 316. Several different acts by the State rendered our existing Shoreland Zoning Ordinance obsolete, therefore we needed to revise our Ordinance to confirm with the new state standards. Justin presented a power point presentation reviewing the changes that were made including; Vegetative setbacks, Mitigation, Nonconforming structures, Illegal structures, Setback averaging, and Setbacks to side property lines. This ordinance will capture all lands within 300 feet of the navigable water, which includes; streams, rivers, and creeks.

In Favor: None

In Opposition: None

In Interest: None

Committee Discussion: Bob Keeney asked if any structure that is 10-years old would be grandfathered in if it were illegally built. This went into effect as of 2017 when the act was passed.

Dwight Nelson closed the Public Hearing

Repeal and Recreate Shoreland Zoning Ordinance Chapter 316

Motion by Gabe Loeffelholz, seconded by Lester Jantzen to recommend approval to repeal and recreate the Shoreland Zoning Ordinance Chapter 316 to the full County Board. Motion carried.

Zoning and Sanitation Report

Lynda presented the Zoning and Sanitation report. The maintenance fee increased by 20, mainly due to the citation deadline that was in January. The 3-year maintenance citations were sent to 80 landowners; 52 came into compliance and 28 will be issued a second citation. Of those 80 landowners, 2 plead not guilty to the 3-year maintenance citation. No court date has been set yet.

No BOA at this time.

Discussion and Possible Action on Developing a Moratorium on Issuing Chapter 90 Animal Waste Storage Permits

Lynda received a phone call and emails from David and Donna Swanson about their concerns of the current results from the SWIGG study as well as the expansion of the current CAFO, Timberwolf hog facility, with the potential of expanding. Lynda also received an email from Michael Jacobs, requesting a moratorium on building any additional manure lagoons while studying and evaluating the reasons for the well contaminations. Lynda received and passed around the comment cards and emails that she received; 8 people were in favor of the moratorium, 5 are in interest, of a moratorium. Lynda also passed around an insert of Chapter 66.1002 on the requirements of placing a moratorium in Grant County. The moratorium must be regarding something that we already regulate. This would be a moratorium on Chapter 90, our animal waste storage ordinance that we regulate, and issue permits for storage facilities greater than 7,000-cu ft. A moratorium does not stop DNR from their permitting process. It would not stop a landowner to construct a storage facility less than the 7,000-cu ft. Lynda reported that a request of a prohibition of certain types of manure spreading along with a moratorium was presented to the previous Committee. That Committee chose not to vote on this issue but had elected to proceed with the groundwater study. The ground water study is a portion of the way through. Another baseline water sampling will be completed again in April. They will start source sampling the contaminated wells. The source sampling will be completed with each water recharge session, Summer, Spring, Fall, and Winter. Motion by Gary Northouse, seconded by Gabe Loeffelholz to postpone the vote on the moratorium until the water sampling results, and reports have been completed. Motion carried.

Wildlife Damage Abatement Review Claims

Greg Cerven handed out a listing of who filed for Wildlife Damage, what their total crop loss was, and the payment that they received. These 5 landowners have met their hunting requirements and followed the rules of the program. Clem Dressler claimed \$2,180.78 in damages, received payment of \$1,680.78; Dennis Haas claimed \$11,816.63 in damages, received payment of \$10,000.00; Ray Kirschbaum claimed \$6,560.87 in damages, received payment of \$5,848.70; Lynn Kirschbaum claimed \$25,407.46 in damages, received payment of \$10,000.00; Bob Waterman claimed \$4,595.82 in damages, received payment of \$4,095.82. Motion by Gary Northouse, seconded by Lester Jantzen to approve the 5 wildlife damage abatement claims. Motion carried.

County Cost Sharing – Starting Balance \$22,007.01/Ending Balance \$17,211.98

Lynda presented a final approval request for county cost sharing on a well decommissioning project for Mark Rundle, Marion Twp., \$288.00. Motion by Gary Northouse, seconded by Lester Jantzen to approve payment. Roll Call: 4 Yes, 0 No, 1 Excused. Motion carried.

Lynda presented a final approval request for county cost sharing on a well decommissioning project for Robert VanNatta Estate, Potosi Twp., \$284.53. Motion by Lester Jantzen, seconded by Gary Northouse to approve payment. Roll Call: 4 Yes, 0 No, 1 Excused. Motion carried.

Lynda presented a final approval request for county cost sharing on a well decommissioning project for Jim Udelhoven, Wingville Twp., \$342.50. Motion by Gabe Loeffelholz, seconded by Gary Northouse to approve payment. Roll Call: 4 Yes, 0 No, 1 Excused. Motion carried.

Lynda presented tentative approval request for county cost sharing on a streambank protection project for Vernon & Wanda Martin, North Lancaster Twp., \$5,000.00. Motion by Lester Jantzen, seconded by Gabe Loeffelholz to approve the Martin's request. Motion carried.

SWRM Cost Sharing

2018 DATCP Cost Sharing – Beginning \$31,271.75/Ending Balance \$21,271.75

Lynda presented final approval request for 2018 DATCP cost sharing on a streambank protection project for Darwin & Roxanne Anderson, Beetown Twp., \$10,000.00. Motion by Lester Jantzen, seconded by Gary Northouse to approve payment. Roll Call: 4 Yes, 0 No, 1 Excused. Motion carried.

2019 DATCP Cost Sharing – Beginning \$47,563.00/Ending Balance is \$37,563.00

Lynda presented tentative approval request for 2019 DATCP cost sharing on a streambank protection project for Darwin & Roxanne Anderson, Beetown Twp., \$10,000.00. Motion by Gabe Loeffelholz, seconded by Gary Northouse to approve the Anderson's request. Motion carried.

Storage Permit Approval

None to report.

NRCS Job Approval

Lynda reported that herself along with the technicians maintain job approval that allows them to survey, design, check and oversee construction. NRCS has added planning to the job approval. Motion by Lester Jantzen, seconded by Gary Northouse to approve Lynda's job approval. Motion carried.

SAA Dues Approval

Lynda reported that the Southern Area Association Dues are due. They are requesting \$125.00 dues in 2019. Motion by Lester Jantzen, seconded Gabe Loeffelholz to approve paying the \$125.00 dues that has been approved in our budget. Motion carried.

CSZD Administrator Report

Lynda reported that Governor Evers is declaring the "Year of Clean Water". He has allocated \$75,000 to the SWIGG study. Not exactly sure when and where this money is coming from at this time.

Lynda reported that the WI Land+Water Conference will be held on March 13-15. Those who plan to attend are; Mike Lieurance, Lynda Schweikert, Erik Heagle, Kevin Lange, and Annette Lolwing. There will be a breakout session on the SWIGG study. The session will be the pros and cons of working with other counties.

Lynda reported that Snap Plus Training was offered the 1st week of January. There were 4 landowners from Grant County and 1 landowner from Lafayette County who completed their NMP's for 2019.

Lean Update

Nothing to Report.

FPP Report

Kevin reported that he has 1 Cancellation of Notice of Noncompliance with Farmland Preservation for Jeremy and Melissa Winkers, Wingville Twp. has turned in a DATCP approved NMP. Motion by Gary Northouse, seconded by Lester Jantzen to approve the cancellation of Notice of Noncompliance. Motion carried.

Kevin reported that the 2019 applications for the tree sale is closed, we ended up with 106 orders, and 11,725 trees.

NRCS Report – Joe Schmelz

Joe reported that they are nearing the end of their 2nd batching date, deadline of March 1st regarding screening for for EQIP funding. In the 2nd screening pool they had 57 applications; 51 are at high priority, 3 at a medium priority, they had cultural resource hits, and 3 had cancelled.

Joe reported that between the 1st and 2nd batching date there has been around \$850,000 in applications.

Joe reported that their will be a 3rd batching and screening date, deadline is May 17th. This will be for Soil Health, Cover Crops, Farmstead, Beginning Farmer, Socially Disadvantaged and Trout Unlimited RCPP. They already have 15 applications.

Joe reported that they have no word on the CSP.

Joe reported on the accomplishments of the Farm Bill 2014. The County and NRCS staff worked at getting all this work completed. Allocating \$3.428 million in EQIP funding on 44 different practices that were cost shared. The main 2 practices that were funded; streambank stabilization/rip rap and grade stabilization structures/dams. There are 19 active contracts that need to be installed. Averaged about 20,000 acres in the CSP. There are 4,000 acres that are waiting to be renewed in CSP. CRP continues to be a popular program. Completed around 500 contracts, with over 26,000 acres in CRP. Grant County is #1 in the state for CRP acres. Completed 206 full farm compliance reviews for USDA purposes. In the last 4 years there were 42,000 acres of conservation plans.

Joe reported on the Operational Agreement – he is in contact with his supervisor and in the state office and are aware that the Operational Agreement has been expired.

Joe reported that Michelle Cliff who was our Pathway intern this past summer came back for 4 weeks, she will be transitioned to a permanent position in the Barron County Field Office. NRCS is working on getting a new Pathway student to work in the office this summer. Application process had closed on January 18th. Have not received the panel of applicants.

FSA Report – Nathalie Schattner
No Report

Forestry Report – Brandon Sieck
Brandon reported that he started as a private lands' forester in Boscobel in November. He will be covering the South part of Crawford County and all of Grant County. He grew up on a ranch by Lincoln Nebraska, went to school at Iowa State University for forestry. He had worked for the Minnesota DNR, Iowa County Conservation Board, and the Nebraska Forest Service. He will be overseeing the private lands forestry and prescribed burning. Himself and Tom Hill, Forester out of Dodgeville will be hosting a workshop "Learn About Your Land." They will be offering these sessions in Fennimore on February 19th, Boscobel on February 23rd, and March 5th in Fennimore, sponsored by UW Extension.

RC&D
Gabe reported that RC&D met in Richland Center in January where new officers were elected, but that he did not attend.

Motion by Lester Jantzen, seconded by Gabe Loeffelholz to adjourn to March 7, 2019 at 9:00 p.m. Motion carried.

Respectfully Submitted by Annette Lolwing for Lester Jantzen.

Attachment A Worksheet

Review of Standards for Rezoning Land out of Farmland Preservation

1/18/19

Landowner: R & J Farms LLC

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:

No prime farmland 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 completed on 1/8/19

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

- 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

Minimal crop ground 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

Area is mostly woods

- 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

- 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)

Gabe/Gary

