

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

August 1, 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 August 1, 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, Mike Lieurance, Gabe Loeffelholz, and Gary Northouse. Others present: Lynda Schweikert, Annette Lolwing, Justin Johnson, Brad Digman, Kevin Lange, Joe Schmelz, Bob Keeney, Bennet Goldstein, Keith and Donna Dilley, Troy Maggied, Robert Nigh, Kelvin Gebhard, Larry Koschkee, Dave Timmerman, Charlotte Doherty, Gillian Pomplun, Jim Winn, Peter Winch, Robert and Carrie Treece, Bob and Sandy Schultz, Pat and Donna Griffin, Robin Cinchy, Katie Abbott, Sue Matye, Troy Morris, Robert Laeser, Mark Borchardt, Joel Stokdyk, Robin Timm, Terry Loeffelholz, Katy Prange, Travis Tranel, Kurt Koelker, Jim Koelker, Jay Koelker, Chris Baxter, Hannah McWhirter, and Curt Schilling.

## **Certification of Open Meeting Law**

Annette Lolwing sent the amended agenda to Karla Schwantes and Linda Gebhard to post in the Courthouse in the Administration Building, and on our website, an amended agenda was sent to Bob Middendorf, WGLR, an amended 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, Boscobel Dial, and Bob Middendorf.

## **Approval of Amended Agenda**

Motion by Mike Lieurance, seconded by Gary Northouse to approve the August 1, 2019 amended agenda. Motion carried.

## **Approval of the July 2, 2019 Minutes**

Motion by Gary Northouse seconded by Lester Jantzen to approve the July 2, 2019 minutes. Motion carried.

## **Review & Accept the Bills**

Motion by Gabe Loeffelholz, seconded by Lester Jantzen to accept the bills. Motion carried.

## **Public Hearing for Rezone**

Chairman Nelson opened the Public Hearing

#19-14 Keith and Connie Dilley, Watterstown Twp., are requesting to change the zoning classification on PIN: 060-00302-0010, of +/- 2.4 ac. from C2 to A2 to allow for the use of a non-farm residence.

In Favor: Watterstown Twp. approved on May 16, 2019. Keith and Connie both registered in favor.

In Opposition: None

In Interest: None

Committee Discussion: None

Dwight Nelson closed the Public Hearing

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

Chairman Nelson opened the Public Hearing

#19-15 Robert Treece, Millville Twp., is requesting to change the zoning classification on PIN:036-00051-0010 of +/- 6.84 ac. from FP to A2 to allow for the use of a non-farm residence.

In Favor: Millville Twp. approved on June 17, 2019. Robert and Carrie Treece both registered in favor.

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 Gabe Loeffelholz. Motion carried. See Attachment A Worksheet.

Chairman Nelson opened the Public Hearing

#19-16 Donald Wood, Wingville Twp., is requesting to change the zoning classification on PIN:062-00517-0000 of +/- 3.0 ac. from C2 to A2 to allow for the use of a non-farm residence.

In Favor: Wingville Twp. approved on June 10, 2019.

In Opposition: None

In Interest: None

Committee Discussion: None

Dwight Nelson closed the Public Hearing

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

Chairman Nelson opened the Public Hearing

#19-17 Patrick and Donna Griffin, Potosi Twp., are requesting to change the zoning classification on PIN:052-01226-0000 of +/- .33 ac. from A2 to R3 to allow for the expansion of an existing principal structure.

In Favor: Potosi Twp. approved on July 8, 2019. There were 3 individuals that registered in favor.

In Opposition: Sandy Schultz opposes the construction of a home that violates the height restrictions of their subdivision covenant. Schweikert stated that our ordinance does not supersede their covenant, but that we have to make our decisions based on our ordinance. The covenants are enforced independently by the subdivision.

In Interest: There were 2 individuals that registered for informational purposes only.

Committee Discussion: None

Dwight Nelson closed the Public Hearing

Motion by Mike Lieurance, seconded Gary Northouse to recommend approval of the rezone to the full County Board based on our zoning ordinance. Motion carried.

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

Chairman Nelson opened the Public Hearing

#CUP 19-010 Larry Koschke, Millville Twp., is requesting a Conditional Use Permit on PIN: 036-00211-0010 of +/- 1.5 ac. to allow for an accessory structure before a principal structure, under Chapter 315 Subsection 3.06 (2) (i) of the Grant County Comprehensive Zoning Ordinance.

In Favor: Millville Twp. approved on May 20, 2019.

In Opposition: None

In Interest: There was 1 person in attendance for informational purposes only.

Committee Discussion: None

Dwight Nelson closed the Public Hearing

Motion by Gabe Loeffelholz, seconded by Gary Northouse to approve the Conditional Use Permit to allow for an accessory structure before a principal structure, under Chapter 315 Subsection 3.06 (2) (i) of the Grant County Comprehensive Zoning Ordinance. Motion carried. See Attachment B Worksheet.

Chairman Nelson opened the Public Hearing

#CUP 19-014 Michael Voss, South Lancaster Twp., is requesting a Conditional Use Permit on PIN:056-00591-0000 of +/- 40.0 ac. to allow for the use of nonmetallic mining under Chapter 315 Subsection 3.05 E (3) of the Grant County Comprehensive Zoning Ordinance.

In Favor: South Lancaster Twp., approved on March 13, 2019. Justin received 1 call from a neighbor concerned if there are any permits involved with the stream to the West of the quarry. Request has been sent to the DNR. Will ensure that all required permits are obtained.

In Opposition: None

In Interest: None

Committee Discussion: Lester mentioned that this must already be an existing rock quarry and they should already have a permit to protect the stream. This is a renewal of their CUP which expires every 5 years, this permit expires on August 5, 2019.

Dwight Nelson closed the Public Hearing

Motion by Lester Jantzen, seconded by Mike Lieurance to approve the Conditional Use Permit to allow for the use of nonmetallic mining under Chapter 315 Subsection 3.05 E (3) of the Grant County Comprehensive Zoning Ordinance. Motion carried. See Attachment C Worksheet.

Chairman Nelson opened the Public Hearing

#CUP 19-015 Kelvin Gebhard, Potosi Twp., is requesting a Conditional Use Permit on PIN: 052-00700-0000 of +/-8.0 ac. to allow for an accessory structure before a principal structure, under Chapter 315 Subsection 3.06 (2) (i) of the Grant County Comprehensive Zoning Ordinance.

In Favor: Potosi Twp. approved on July 8, 2019. Kelvin Gebhard registered in favor of the request.

In Opposition: None

In Interest: None

Committee Discussion: None

Dwight Nelson closed the Public Hearing

Motion by Lester Jantzen, seconded by Gary Northouse to approve the Conditional Use Permit to allow for an accessory structure before a principal structure, under Chapter 3.15 Subsection 3.06 (2) (i) of the Grant County Comprehensive Zoning Ordinance. Motion carried. See Attachment D Worksheet.

Chairman Nelson opened the Public Hearing

#CUP 19-016 James and Geralyn Bryhan, South Lancaster Twp., are requesting a Conditional Use Permit on PIN: 056-00049-0020 of +/- 1.091 ac. to allow for the use of a single-family dwelling within 1 mile of an existing public water supply or sewage collection system under Chapter 315 Subsection 3.07 (2) (g) of the Grant County Comprehensive Zoning Ordinance.

In Favor: South Lancaster Twp. approved on July 10, 2019.

In Opposition: None

In Interest: None

Committee Discussion: Bob Keeney asked if the City of Lancaster has given any input on this lot.

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 single-family dwelling within 1 mile of an existing public water supply or sewage collection system under Chapter 3.15 Subsection 3.07 (2) (g) of the Grant County Comprehensive Zoning Ordinance. Motion carried. See Attachment E Worksheet.

### **Public Hearing for Comprehensive Plan Change of Farmland Preservation Plan**

Dwight Nelson opened the Public Hearing

#19-13 Changes to the Grant County Farmland Preservation Plan to allow for the addition of Castle Rock Township. The need to amend our FPP plan as we have applied for an Ag Enterprise Area in the Castle Rock Twp. The AEA will then allow the residents in the Township to be eligible to participate in the Farmland Preservation Program. This is an unzoned Township that is currently not in our plan. We contracted with the

Southwest WI Regional Planning Commission, Troy Maggied, to update the plan, since they write the original one in 2011.

Bob Keeney asked if the front page should be updated, Troy responded no, because this is an amendment not a rewrite.

Dwight Nelson closed the Public Hearing.

Motion by Gary Northouse, seconded by Lester Jantzen to approve the Farmland Preservation Plan to allow the addition of Castle Rock Township. Motion carried.

### **Zoning and Sanitation Report**

Lynda reported that the Zoning Sanitation Report is very similar to what it was last year at this time. 14 systems have since come into compliance this past month. For the court cases, we are still waiting on the 90-day extension for the Stewart Garage case to be settled. On July 26, 2019 there was a hearing for Keith Ott. Keith has provided us with a set of plans, so his citation was cancelled. We have a Board of Adjustment scheduled for August 29, 2019, for Richard Keene Jr. regarding a shed variance request. At the August County Board meeting we will need to appoint another member to sit on the BOA, currently Russ Raeder has agreed to be appointed to that position.

### **SWIGG Study Source Testing Update** – Mark Borchardt & Joel Stokdyk

Lynda introduced Mark Borchardt and Joel Stokdyk researchers of the Southwest WI Geology Study. Lynda handed out a report that Mark and Joel had put together. Mark and Joel gave a presentation of the where they are with the SWIGG Study. They reported that they are in the 2<sup>nd</sup> phase of identifying fecal sources of contamination in homeowner's private wells. Contamination of fecal origin was observed in 32 of 35 wells. There was evidence of both human and livestock fecal contamination of wells, including both cattle and swine manure. The next round of well testing will be in early August. The research team will also carry out geologic studies and analyze well construction practices in the three-county region, with the goal of determining correlations between water quality, geology, and well construction.

Recessed for a 5 minute break

Dwight Nelson called the meeting back to order at 10:40 a.m.

### **County Cost Sharing** – Starting \$14,609.94/Ending Balance \$7,163.96

Lynda presented final approval request for county cost sharing on a manure storage closure for Eugene Hostetler, Watterstown Twp., \$982.50. Motion by Gary Northouse, seconded by Mike Lieurance to approve payment. Roll Call: 5 Yes, 0 No, 0 Excused. Motion carried.

Lynda presented tentative approval request for county cost sharing on a well decommissioning project for Kurvin Zimmerman, Clifton Twp., \$1,000.00. Motion by Gabe Loeffelholz, seconded by Mike Lieurance to approve Kurvin's request. Motion carried.

Lynda presented tentative approval request for county cost sharing on a 1<sup>st</sup> year cover crop for Darren Katzung, Wyalusing Twp., \$1,000.00; 1<sup>st</sup> year cover crop for Mark Mumm, Bloomington Twp., \$211.92; 1<sup>st</sup> year cover crop for Heath & Lindsey Mumm, Cassville Twp., \$253.08; 1<sup>st</sup> year cover crop for Andrew & Kaleena Fosselman, Mt. Ida Twp., \$1,000.00; 1<sup>st</sup> year cover crop for Kevin Bausch, Cassville Twp., \$248.16; 1<sup>st</sup> year cover crop for James & Clarissa Busch, Smelser Twp., \$404.00; 1<sup>st</sup> year cover crop for Winch's Pine Grove Farms, Fennimore Twp., \$1,000.00; 2<sup>nd</sup> year cover crop for A&R Farms, Potosi Twp., \$1,000.00; and 3<sup>rd</sup> year cover crop for Rick Clark, Mt. Hope Twp., \$346.32. Motion by Mike Lieurance, seconded by Lester Jantzen to approve all 9 cover crop requests. Motion carried.

Lynda presented tentative approval request for county cost sharing on a stream crossing for Tyler Wetter, Boscobel Twp., \$3,750.00. Motion by Gabe Loeffelholz, seconded by Gary Northouse to approve Tyler's request. Motion carried.

### **SWRM Cost Sharing**

**2018 DATCP Cost Sharing** – Beginning/Ending Balance \$18,701.92

**2019 DATCP Cost Sharing** – Beginning Balance /Ending Balance \$7,563.00

### **Storage Permit Approval**

None to report.

### **Budget Approval**

Lynda presented the 2020 CSZD budget. Lynda brought forth a change in the DATCP cost share funding, her first draft budget was \$60,531, has now been changed to the actual amount of \$56,620. Items in this budget are very similar to last year's budget. There were 2 items of significant increase to the budget; an employee coming on to health insurance, and \$30,000 in the capital outlay to replace the Farmland Preservation work truck. The departments were instructed to include a 2% cost of living increase, and to include the step increases in their 2020 budget. Motion by Mike Lieurance, seconded by Gabe Loeffelholz to approve the budget as presented. Motion carried.

### **CSZD Administrator Report**

Lynda reported on the following meetings.

- July 9<sup>th</sup>, Meeting with Kevin and Chelsy Zart Enforcement Conference. Still working on a plan for the DNR to bring them back into compliance.
- July 22<sup>nd</sup>, Marshfield Center for Infectious Disease Lab Tour. Lynda Schweikert, Katie Abbott and Terry Loeffelholz had all attended the tour of the lab.
- July 25<sup>th</sup>, Bloomington Livestock Meeting in Madison. Lynda & Justin met with DNR with their runoff violation and floodplain issues.

Lynda reported on some up-coming meetings that she plans to attend.

- August 7th, NRCS Local Work Group Meeting in Darlington, Multi County Building at 9 a.m. This meeting is where we have a chance to give input on the priorities in the EQIP.
- August 22<sup>nd</sup>, SAA Tour, Green County. Those who plan to attend are Mike, Gary, Lester, Lynda, Annette, Kevin, and Erik.
- Change October CSZC meeting to October 1 at 8:00 a.m., if the County Board meets on October 1, 2019, if they meet after our regularly scheduled meeting, then no change would be needed.

### **Continuous Improvement Update**

Nothing to report

### **FPP Report**

Kevin reported that he is still doing some FPP spot checks and will be working on CREP.

### **NRCS Report** – Joe Schmelz

Joe reported that the EQIP funding is done for the year. Grant County had 50 new EQIP contracts, expending \$1.375 million. A couple of sign ups came through with soil health and cover crops, covering 4,000+ acres. Storm damage funding also came through. NRCS was able to obligate all the dam and waterway projects. There were 13 cover crop applications, and 6 stream projects that were ranked as a high priority but did not receive EQIP funding. Those high priority contracts that did not get funded will be deferred to next year.

Joe reported that the Local Workgroup Meeting for 2019 will be held in the Lafayette County Multi-Purpose Building, in Darlington, on August 7<sup>th</sup>. For our local workgroup we had about 150 contracts expending \$3.125 million. Wisconsin in general received approximately \$35+ million in EQIP funding for the state.

Joe reported that they had 3 CSP contracts selected. There are roughly 20,000 acres in Grant County that are in CSP.

Joe reported that approximately 40 annual certification letters have been sent out.

Joe reported that CRP is coming over from the FSA office with 72 managed haying and grazing plan requests. They can start cutting CRP cover on August 2<sup>nd</sup>. CREP CRP-2's have started to come over, 22 new contracts and 13 contract renewals.

**FSA Report** – Nathalie Schattner

No Report

**Forestry Report** – Brandon Sieck

No Report

Motion by Lester Jantzen, seconded by Gary Northouse to adjourn to Thursday, September 5, 2019 at 9:00 a.m. Meeting to be held in the Administration Building in the Grant County Board Room #264. Motion carried.

Respectfully Submitted by Annette Lolwing for Lester Jantzen.

## Review of Standards for Rezoning Land out of Farmland Preservation

Date: 7/16/19 Landowner: Robert Jr. & Carrie Treece

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:

Mostly wooded, development present, prime farmland soil present on .4 ac out of 6.84 ac on parcel

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 statement on 6/17/19 Town Board Form

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

Non-farm development proposed on non prime farmland soil

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 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

6.84 ac out of 47.26 ac in base farm tract being proposed for rezone

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

No platted subdivisions & sanitary districts present

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

- 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: Development will occur on non-prime farmland soil.

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

(Circle one)

BEFORE GRANT COUNTY  
CONSERVATION, SANITATION AND ZONING DEPARTMENT

CONDITIONAL USE PERMIT  
FOR LARRY KOSCHKEE  
MILLVILLE HOLLOW RD, MILLVILLE TOWNSHIP, GRANT COUNTY, WI

**FINDINGS OF FACT**

The agency finds that:

1. Larry Koschkee owns the property located within the NW ¼ of the SE ¼ and SW ¼ of the SE ¼, of Section 11, Millville Township, Grant County, WI. Such property consists of tax parcel number PIN: 036-00211-0010
2. On April 15<sup>th</sup>, 2019 the Conservation, Sanitation and Zoning Department (CSZD) notified Larry Koschkee that a rezone, CUP, and zoning permit would be required for his inquiry of placing a shed on the property.
3. On July 16<sup>th</sup>, 2019 the Grant County Board of Supervisors approved the rezone request.
4. On May 20<sup>th</sup>, 2019 the Millville Township Town Board recommended approval for the CUP request to allow for the use of an accessory structure being established prior to a principal structure on +/- 1.5 acres. There were no conditions placed on the permit by the Town Board
5. On June 3<sup>rd</sup>, 2019, the department received an application for a conditional use permit request to allow for the use of an accessory structure being established prior to a principal structure
6. On July 18<sup>th</sup>, 2019 and July 25<sup>th</sup>, 2019, a public notice was published in the County's official newspaper for the CUP request.
7. On August 1<sup>st</sup>, 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.

BEFORE GRANT COUNTY  
CONSERVATION, SANITATION AND ZONING DEPARTMENT

CONDITIONAL USE PERMIT  
FOR MICHAEL VOSS  
SUBSTATION RD, SOUTH LANCASTER TOWNSHIP, GRANT COUNTY, WI

**FINDINGS OF FACT**

The agency finds that:

1. Michael Voss owns the property located within the SW ¼ of the SW ¼ of Section 26, South Lancaster Township, Grant County, WI. Such property consists of tax parcel number PIN: 056-00591-0000
2. On November 21<sup>st</sup>, 2018 the Conservation, Sanitation and Zoning Department (CSZD) sent a notice to BARD Materials and 4710 Substation Road that the current CUP is set to expire on 8/5/19. Nonmetallic mining CUP's are active for 5 years.
3. On March 13<sup>th</sup>, 2019 the South Lancaster Township Town Board recommended approval for the CUP request to allow for the use of nonmetallic mining on +/- 40.0 acres. There were no conditions placed on the permit by the Town Board.
4. On May 25<sup>th</sup>, 2019, the department received an application for a conditional use permit request to allow for the use of nonmetallic mining.
5. On July 18<sup>th</sup>, 2019 and July 25<sup>th</sup>, 2019, a public notice was published in the County's official newspaper for the CUP request.
6. On August 1<sup>st</sup>, 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.

Attachment D Worksheet

BEFORE GRANT COUNTY  
CONSERVATION, SANITATION AND ZONING DEPARTMENT

CONDITIONAL USE PERMIT  
FOR KELVIN GEBHARD  
6938 DUTCH HOLLOW RD, POTOSI, WI 53820

**FINDINGS OF FACT**

The agency finds that:

1. Kelvin Gebhard owns the property located within the NE ¼ of the NE ¼ and SE ¼ of the SE ¼ of Section 30, Potosi Township, Grant County, WI. Such property consists of tax parcel number PIN: 052-00700-0000
2. On June 26<sup>th</sup>, 2017 the Conservation, Sanitation and Zoning Department (CSZD) notified Kelvin Gebhard that a CUP and zoning permit would be required for his inquiry of placing a shed on the property.
3. On July 8<sup>th</sup>, 2019 the Potosi Township Town Board recommended approval for the CUP request to allow for the use of an accessory structure being established prior to a principal structure on +/- 8.0 acres. There were no conditions placed on the permit by the Town Board.
4. On July 9<sup>th</sup>, 2019, the department received an application for a conditional use permit request to allow for the use of an accessory structure being established prior to a principal structure
5. On July 18<sup>th</sup>, 2019 and July 25<sup>th</sup>, 2019, a public notice was published in the County's official newspaper for the CUP request.
6. On August 1<sup>st</sup>, 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.

BEFORE GRANT COUNTY  
CONSERVATION, SANITATION AND ZONING DEPARTMENT

CONDITIONAL USE PERMIT  
FOR JAMES & GERALYN BRYHAN  
LOT 2 OF THREE SPRINGS SUBDIVISION, SOUTH LANCASTER TOWNSHIP, GRANT  
COUNTY, WI

**FINDINGS OF FACT**

The agency finds that:

1. James & GERALYN Bryhan own the property located within the SE ¼ of the NE ¼ of Section 4 T4N, R3W, in South Lancaster Township, Grant County, WI. Such property consists of tax parcel numbers 056-00049-0020
2. On July 8<sup>th</sup>, 2019 the Conservation, Sanitation and Zoning Department (CSZD) met with GERALYN Bryhan and discussed that a CUP and zoning permit are required for the home they want to build.
3. On July 10<sup>th</sup>, 2019 the South Lancaster Township Town Board recommended approval for the CUP request to allow for a single family residence within 1 mile of a public sewer and water supply on +/- 1.091 acres. No conditions were placed by the Township on the permit.
4. On July 10<sup>th</sup>, 2019, the department received an application for a conditional use permit request to allow for the use of a single family residence within 1 mile of a public sewer and water supply.
5. On July 18<sup>th</sup>, 2019 and July 25<sup>th</sup>, 2019, a public notice was published in the County's official newspaper for the CUP request.
6. On August 1<sup>st</sup>, 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 Subsection 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 Ch. 315 Subsection 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 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.