

GRANT COUNTY CONSERVATION, SANITATION, & ZONING COMMITTEE MEETING

December 5, 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 December 5, 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 arrived at 9:23 a.m. Others present: Lynda Schweikert, Annette Lolwing, Justin Johnson, Joe Schmelz, Bob Keeney, Kevin Lange, Donna and David Swanson, and Matt Honer.

Certification of Open Meeting Law

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

Approval of Agenda

Motion by Mike Lieurance, seconded by Lester Jantzen to approve the December 5, 2019 agenda with the change of moving the SW WI Groundwater & Geology Update to be presented before the County Cost Sharing. Motion carried.

Approval of the November 7, 2019 Minutes

Motion by Gabe Loeffelholz seconded by Mike Lieurance to approve the November 7, 2019 minutes. Motion carried.

Review & Accept the Bills

Motion by Lester Jantzen, seconded by Mike Lieurance to accept the bills. Motion carried.

Public Hearing for Conditional Use Permits

Chairman Nelson opened the Public Hearing

#CUP 19-019, Danielle Stelpflug, Potosi Twp., is requesting a Conditional Use Permit on PIN: 052-00681-0000 & 052-00683-0000 of +/- 14.00 ac. to allow for the use of nonmetallic mining under Chapter 3.05 E (3) of the Grant County Comprehensive Zoning Ordinance.

In Favor: Potosi Twp., approved on February 12, 2018.

In Opposition: None

In Interest: Justin received a couple of phone calls for information only. Matt Honer spoke about the reclamation plan for this existing quarry. The permit had transferred when the new operators had taken over the site. The new operators were requested to file for a new reclamation plan along with a storm water protection plan for this site. The life of the mine is 25 -35 years. The landowner requested to have the reclamation plan for this site to be a tree farm. The Potosi Twp. did not place any conditions on this permit. This conditional use permit is good for 5 years, then it could be reassessed.

Committee Discussion: Dwight asked if the land is still being cropped. Yes, it is.

Dwight Nelson closed the Public Hearing

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

SW WI Groundwater & Geology Update

Lynda reported that the second round of source sampling took place in August, 2019. The results were sent to the landowners. A press release was issued on Monday, December 2nd. The end results were similar to the summer testing. In the spring study there were 32 of 35 wells that tested positive for fecal contamination, and this summer source sampling there were 25 of 34 wells tested positive for fecal contamination. Those wells that tested positive; summer, 14 of the wells tested positive for human fecal contamination. There were 7 wells that tested positive for ruminant or bovine, 2 of those 7 wells also tested positive for human, 1 tested positive for porcine and also tested positive for ruminant bovine. Hoping to have the results from the fall testing completed in 3 months. The winter testing will be taking place in January/February. They are also documenting the well construction reports and working on the bedrock study.

County Cost Sharing – Starting/Ending Balance \$6,027.61
None to report.

SWRM Cost Sharing

2018 DATCP Cost Sharing – Beginning Balance \$14,172.20/Ending Balance \$2,808.10

Lynda presented final approval request for 2018 DATCP Cost Sharing on a grade stabilization structure for Toad Valley LLC, Cassville Twp., \$11,364.10. Motion by Mike Lieurance, seconded by Lester Jantzen to approve the full payment amount of \$11,364.10. Roll Call: 4 Yes, 0 No, 1 Absent. Motion carried.

Lynda reported that Richard Keene Jr. has also applied for 2018 DATCP funding for a waterway. The outlet is still under water. Lynda has applied for a waiver request through DATCP. She asked the state if we can get a waiver to the rule to extend the \$2,808.10 funds to 2020.

2019 DATCP Cost Sharing – Beginning Balance \$14,063.00/Ending Balance \$0.00

Lynda presented tentative approval request for 2019 DATCP cost sharing on a grassed waterway for Jewison Holding Company/Robert Dalsing, Potosi Twp., \$4,063.00. Motion by Lester Jantzen seconded by Gabe Loeffelholz to approve the request. Motion carried.

Gary Northouse arrived at 9:23 a.m.

Lynda presented tentative approval request for 2019 DATCP cost sharing on a streambank protection project for Jeff Kaiser, Millville Twp., \$10,000.00. Motion by Mike Lieurance, seconded by Gary Northouse to approve Jeff's request. Motion carried.

Cost Share Extension Request from 2019-2020

Lynda has 6 landowners that she will be asking for an extension from 2019-2020. Those landowners included are; G. Robert & Glenda Egan, \$5,950.00; Darwin & Roxann Anderson, \$10,000.00; Steve & Julie Mulrooney, \$10,000.00; Tom Oyen, \$3,150.00; Robert & Ingrid Dalsing, \$4,063.00; and Jeffrey & CeAnne Kaiser, \$10,000.00; for a total amount \$43,163.00. Motion by Gary Northouse, seconded by Gabe Loeffelholz to approve Lynda to request the extension of these projects from 2019-2020. Motion carried.

Cost Share Policy Review & Possible Updates

Lynda asked the committee to review the cost share policy and to make any amendments if needed. Motion by Gary Northouse, seconded by Lester Jantzen to keep the cost share policy the same. Motion carried.

Request for Non-Lapsing Funds from 2019-2020

Lynda is asking the committee to approve the Non-Lapsing funds for our office from 2019-2020. The Non-Lapsing funds would be the County Cost Sharing balance of \$13,373.61 for projects not installed; NRCS Tech Pro, these funds are unrestricted funds that we receive from the NACD contribution agreement with NRCS for reimbursement of working on EQIP projects. The \$20,000.00 funds from NRCS Tech Pro are used to fund the Groundwater study. Nonmetallic mining are contracted funds of \$28,465.00 to pay for the Southwest Regional Planning in 2020. The Groundwater Study line item is; that Grant County has been the main money and contract holder of the groundwater study. The funds in this account are from Iowa and Lafayette County for the contract in 2020. Multi Discharger Variance is a new program that we are working with the municipalities. The municipalities are faced with the regulation of decreasing their phosphorus in their output. The municipalities that are over on their phosphorus load permit can pay the Conservation Offices a fee to put towards a conservation practice in a specific watershed to reduce the phosphorus. The watershed that we have applied for ranges from Livingston to Glen Haven. Lynda is working with DNR to get the plan written. Once the plan is complete, she hopes to expend the funds in 2020. Motion by Mike Lieurance, seconded by Gary Northouse to approve the Non-lapsing fund accounts to 2020. Motion carried.

Multi Discharge Variance Discussion/Approval

Lynda reported that this is for the 2020 money that we could receive from the wastewater treatment plants. The Grant-Little Maquoketa watershed has funding from the Bagley, Fennimore, Patch Grove and Livingston waste water treatment plants. The amount of \$20,057.63 from those 4 municipalities will be used to construct conservation practices that show a phosphorus savings. Motion by Gabe Loeffelholz, seconded by Lester Jantzen to approve Lynda to apply for the 2020, \$20,057.63 funds. Motion carried.

Storage Permit Approval

None to report.

CSZD Administrator Report

Lynda reported on the following meetings.

- December 4th Lynda attended the Nutrient Crediting Seminar at UWP. This is the Farmer Written Nutrient Management Class. There were 4 landowners that attended.
- December 5th Lynda will be attending the SWIGG GIS Meeting.
- December 11th Lynda will be presenting at the Discovery Farms Conference on SWIGG update.
- December 16th Lynda plans to attend the Joint County Water Quality Meeting.

Lynda reported that the 2020 Tree Sale Order Forms are complete.

Lynda reported that the WI Land + Water Conference will be held in Green Bay on March 4 - 6, 2020. Anyone interested in attending please let her know.

Lynda reported that they have sent out 79 citations for failure to submit 3-year maintenance.

Lynda reported that there are 2 court dates coming up. December 13, 2019 is for Keith Ott for a sanitary violation, and Ephram Lapp for a Zoning violation. Keith Ott was to get his septic system installed and because of the wet weather conditions it did not get installed. Keith has asked for a continuance until June 2020.

BOA – None Scheduled

Continuous Improvement Update

Lynda has been working on the new Soil Conservationist Continuity of Work, Website Management, and End of year review.

Lynda will be off on December 23rd through the 25th.

NRCS Report – Joe Schmelz

Joe reported that they don't have any EQIP application deadline announced yet. There will be a change in EQIP this year compared to the previous years. Our local workgroup will have control over our screening process for the local workgroup funds. EQIP funds are divided up into pools of money. Our Local workgroup is the Southern Savannah; Grant, Iowa, and Lafayette Counties. There are 3 fund pools just for the 3 counties; Cropland, Pastureland, and Forestland. Last year we had \$536,000 total dollars spent in those 3 pools. There was a total of \$3.554 million that came in from all fund pools. Grant County had \$141,000 of funding come through for Grant County's Local Workgroup funding pools. The screening process is set up for the projects to be ranked before the funding is allocated.

Joe reported that the weather has not been cooperative with getting practices installed. Joe usually rolls over approximately 10-20 contracts to the next year, this year they have 40 contracts to roll over into 2020.

Joe reported that they had 7 Forest Stewardship plans written.

Joe reported that they had just over 6,100 acres of cover crops that were planned and paid on. There are still around 900 acres of cover crops that are done, they just need to bring in their seed/bag tags. Going into 2020 there are already 6,000 acres of cover crops contracted to be planted.

Joe reported that there was just under 3,000 feet of Rip Rap that was installed in 2019, 10,500 feet are under contract and scheduled for 2020. There were only 3 dams that were installed all year. There are 2 dams that are being built this fall. There are 10 dams that are under contract and still need to be installed.

Joe reported that they don't have an application deadline for CSP. NRCS has made CSP payments for calendar year 2019 requests. 2020 payments are ready to be paid after January 1, 2020.

Joe reported that there is still no CRP sign up.

Joe reported that they have a tentative offer for a Pathway Student for 2020. The Pathway student should start around Memorial Day.

Motion by Mike Lieurance, seconded Gary Northouse to adjourn to Thursday, January 2, 2020 at 9:00 a.m.
Motion carried.

Respectfully Submitted by Annette Lolwing for Lester Jantzen.

BEFORE GRANT COUNTY
CONSERVATION, SANTIATION AND ZONING DEPARTMENT

CONDITIONAL USE PERMIT
FOR DANIELLE STELPFLUG
6780 DUTCH HOLLOW RD, POTOSI TOWNSHIP, GRANT COUNTY, WI

FINDINGS OF FACT

The agency finds that:

1. Danielle Stelpflug owns the property located within the SW ¼ of the NW ¼ and SE ¼ of the NW ¼ of Section 29, Potosi Township, Grant County, WI. Such property consists of tax parcel numbers PIN: 052-00681-0000 & PIN: 052-00683-0000
2. In 2018, our department was notified by the Southwestern Wisconsin Regional Planning Commission that the quarry was active and did not have a Conditional Use Permit (CUP). A CUP would be required under 3.05 E (3) of the Grant County Comprehensive Zoning Ordinance.
3. On February 12th, 2018 the Potosi Township Town Board recommended approval for the CUP request to allow for the use of nonmetallic mining on +/- 14.0 acres. 3 were in favor and 0 opposed. There were no conditions placed on the permit by the Town Board.
4. On August 1st, 2019, the Southwestern Wisconsin Regional Planning Commission notified our department that all requirements have been satisfied for the NR-135 program.
5. On October 15th, 2019, the department received an application for a conditional use permit request to allow for the use of nonmetallic mining.
6. On November 21st, 2019 and November 28th, 2019, a public notice was published in the County's official newspaper for the CUP request.
7. On December 5th, 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.