

GRANT COUNTY CONSERVATION, SANITATION, & ZONING COMMITTEE MEETING

January 02, 2020

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 2, 2020 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, Joe Schmelz, Bob Keeney, Dennis Udelhofen, Greg Cerven, and Ryan Ammermann

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 Gary Northouse seconded by Lester Jantzen to approve the January 2, 2020 agenda. Motion carried.

Approval of the December 5, 2019 Minutes

Motion by Gabe Loeffelholz seconded by Mike Lieurance to approve the December 5, 2019 minutes. Motion carried.

Review & Accept the Bills

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

Public Hearing for Rezones

Chairman Nelson opened the Public Hearing

#20-01 Bartels Irrevocable Trust, Hickory Grove Twp., is requesting to change the zoning classification on PIN: 024-00725-0000 of +/- 2.2 ac. from FP to A2 to allow for the use of a nonfarm residence.

In Favor: Hickory Grove Twp. approved on October 17, 2019.

In Opposition: None

In Interest: Justin received a phone call from a neighbor, Douglas Ketterer. He mentioned to Justin that the parcel map is inaccurate. Justin stated that the lines on the parcel map are not 100% accurate. The actual measurement is what is recorded on the deed.

Committee Discussion: Gary Northouse asked if the neighbor was OK with Justin's response.

Dwight Nelson closed the Public Hearing

Motion by Gary Northouse, 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

#20-02 Marcella Udelhofen, Harrison Twp., is requesting to change the zoning classification on PIN: 020-00828-0000 of +/- 2.7 ac. from FP to A2 to allow for the use of a nonfarm residence.

In Favor: Harrison Twp. approved on December 10, 2019. Dennis Udelhofen was present and 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 Gary Northouse.

Motion carried. See Attachment B Worksheet.

Public Hearing for Conditional Use Permits

Chairman Nelson opened the Public Hearing

#CUP 20-001, C & B Farms, LLC, Clifton Twp., is requesting a Conditional Use Permit on

PIN: 012-00515-0000, 012-00516-0000, 012-00517-0000, 012-00518-0000, 012-00519-0000, 012-00527-0000, 012-00532-0010, 012-00533-0000, 012-00534-0000, and 012-00535-0000, to allow for a +/- 197.5' MET Tower on +/- 390.0 ac. in Farmland Preservation Zoning, Chapter 315 Subsections 3.05 E (1) & 3.16 (1) (c) of the Grant County Comprehensive Zoning Ordinance.

In Favor: Clifton Twp., approved on November 20, 2019. Ryan Ammermann with the PRC Wind was present and registered in favor.

In Opposition: None

In Interest: None

Committee Discussion: Dwight asked if there will only be one tower. Yes, only 1 tower to be used for a project.

Dwight Nelson closed the Public Hearing

Motion by Mike Lieurance, seconded by Gary Northouse to approve the Conditional Use Permit to allow for a 197.5' MET Tower in Farmland Preservation Zoning, Chapter 315 Subsections 3.05 E (1) & 3.16 (1) (c) of the Grant County Comprehensive Zoning Ordinance. Motion carried. See Attachment C & D Worksheets.

Sanitary Permit Fee Schedule Revision

Lynda reported that she and Brad were looking at the Sanitary Permit Fees on Non-Plumbing Sanitation Systems. They felt with the amount of time involved with these systems they are recommending an increase in fees. It was discussed to change the Non-Plumbing, Sanitation Systems from \$50.00 to \$100.00, the Transfer Container Use Permit from \$50.00 to \$100.00, and the Vaulted Privy Permit from \$200.00 to \$400.00. Motion by Gary Northouse, seconded by Lester Jantzen to approve the increase of fees for the Non-Plumbing Sanitation Systems. Motion carried.

Zoning/Sanitation Report

Lynda reported that this is a review of the year to date comparison of 2018 and 2019 sanitation and zoning fees. There was a \$30,000 increase over last years' final total. The increase was partially due to increasing the maintenance fee from \$15.00 to \$25.00. The maintenance fees came in at a \$17,690 increase from 2018. Several new permits were added this year; Mobil Tower permit; 1 permit for \$3,000.00. Flood Plain permit; 1 permit for \$300.00, and Shoreland Zoning Permit, there were 53 permits for \$3,000.00 in 2019 and only 9 permits in 2018.

There were 77 sanitary citations that were issued. 44 of those are scheduled for a December 30th court date, and, and 37 are scheduled for January 6th. Since that time, 20 have come in to compliance for the December court date, and 12 in compliance for the January 6th court date, 41% are in compliance for the citations that were issued. Late fees in 2018 were \$24,410.00, and in 2019 there was \$24,425.00, within \$15.00 of one another. Orders of Corrections were sent out for both Zoning and Sanitation. All orders for corrections for sanitaton have until August 31st of 2020 to come into compliance, and after August 31st they will go to citation.

There is a January 6th court date for Levi Fisher for zoning.

There is a BOA scheduled for January 23rd for Russ Helbing. This will be for a Shoreland Zoning Access Road Variance. Motion by Lester Jantzen, seconded by Mike Lieurance to accept the Zoning/Sanitation Report. Motion carried.

80% Harvest Date – Greg Cerven

Greg Cerven asked the committee to set a date as to when they thought that 80% of the crops would be harvested by. Motion by Gary Northouse, seconded by Mike Lieurance to approve January 01, 2020 for the deadline date that 80% of the crops would be harvested. Motion carried.

County Cost Sharing – Starting Balance \$26,027.61/Ending Balance \$24,477.36

Lynda presented final approval for county cost sharing on a well decommissioning project for Clyde Martin, Mt. Ida Twp., \$882.25. Motion by Gary Northouse, seconded by Mike Lieurance to approve payment. Roll Call: 5 Yes, 0 No, 0 Absent. Motion carried.

Lynda presented final approval for county cost sharing on a well decommissioning project for Tim & Tricia Klass, Mt. Ida Twp., \$1,000.00. Motion by Gabe Loeffelholz, seconded by Mike Lieurance to approve payment. Roll Call: 5 Yes, 0 No, 0 Absent. Motion carried.

Lynda presented tentative approval request for county cost sharing on 2 well decommissionings for; Hickory Grove Lutheran Church, Hickory Grove Twp., \$1,000.00, and for John Miles, Waterloo Twp., \$268.00. Motion by Gary Northouse, seconded by Lester Jantzen. Motion carried.

SWRM Cost Sharing

2019 DATCP Cost Sharing – Beginning Balance/Ending Balance \$43,163.00

2020 DATCP Cost Sharing – Beginning Balance/Ending Balance \$56,620.00

Storage Permit Approval

None to report.

NRCS Report – Joe Schmelz

Joe reported that they still don't have an EQIP application deadline.

Joe recognized the committee for their cooperation to allow the county employees and NRCS staff to be able to work hand in hand on all the EQIP and County Cost Sharing projects. The goal is when a landowner comes in the office and they don't know if they are working with Federal or County employees. Joe recognized the effort that everyone in the Service Center has put forth to the residents in Grant County.

Joe reported that they don't have a CSP application deadline. They have around 20 landowners that want to apply for CSP. Rules to the CSP program may be changing significantly, just going to wait on taking CSP applications until those rules are released.

Joe will be processing payments for those individuals that wanted their CSP payments in calendar year 2020. Joe reported that there is a CRP sign up going on.

Joe reported that the office will be getting new software, possibly in March. Joe reported that Jessica Geisbuhler, pathway student, that graduated in December 2019 will be working full time out of our office until she gets her notice to where she will be stationed at in an NRCS office in the northwest area. Joe has not heard anything about the intern that is to start in 2020.

WLW Dues Approval

Lynda reported that the WI Land & Water membership dues are up for renewal. Our dues are \$1,479.00, which this is what we have in our 2020 budget. Motion by Gary Northouse, seconded by Lester Jantzen to pay the \$1,479.00 dues. Motion carried.

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 attended the SWIGG GIS Meeting. To discuss possible layers for the 3rd portion of the SWIGG study.
- December 11th Lynda attended the Discovery Farms Conference and spoke on behalf of the SWIGG study.
- December 16th Lynda attended the Joint County Water Quality Meeting. This includes 4 counties; Iowa, Grant, Green, and Lafayette. This meeting was to meet with the extension agents and to bring them up to date with conservation.

Continuous Improvement Update

None to report.

FPP Notice of Noncompliance Approval

Lynda presented 6 Notices of Noncompliance with Farmland Preservation. These 6 had been spot checked in 2018 and were to get their soil samples pulled in 2018. They had been given a year to get a NMP completed. These 6 landowners did not have a DATCP approved NMP turned in by 2019. Lynda sent out a letter in April to remind them to contact their agronomist so they are on their list to be soil sampled in the fall. Lynda also sent another letter in October to remind them to have their soil samples pulled before the ground freezes. Those out of compliance are: Marilyn Davies, Fennimore; Dan Braudt, Fennimore, Bob & Teresa Stader, Lancaster; Donald Austin Jr., Platteville; Gerald & Marietta Pitzen, Cuba City; and Mike and Robert Pitzen, Cuba City. Motion by Lester Jantzen, seconded by Gabe Loeffelholz to approve the 6 Notices of Noncompliance. Motion carried.

Reschedule March CSZC Meeting

Lynda reported that the WI Land + Water Conference will be held on March 4 - 6, 2020 so we need to reschedule the March CSZC meeting. March meeting has been rescheduled for Monday, March 9th at 9:00 a.m.

FSA Report

Joe Schmelz gave Nathalie's FSA Report

- ARC/PLC Election and Enrollment has started and runs through March 15th. Postcards will be sent 2 weeks prior to the scheduled appointment time. If the producer would like to request a different appointment time, they are welcome to contact the office.
- 2019 MFP sign-up has wrapped up. The first 50% and second 25% payments have been issued. No policy yet on if the remaining 25% will be issued.
- 2020 DMC sign-up has concluded, and the office had a 100% return rate on the 5-year lock in producers.
- CRP sign-up is currently going on and runs through February 28th. The office is taking the sign-up in the order in which they were received. Over 150 people have already expressed interest in the General sign-up.
- Mark Hoehne from Beetown was recently elected to the COC. He will start his new position on January 22nd.

- Marketing Assistance Loans for Corn and Beans are available. They are 9-month loans to store commodities to market when the price recovers from the surplus of harvesting.

Motion by Gary Northouse, seconded Lester Jantzen to adjourn to Thursday, February 6, 2020 at 9:00 a.m.
Motion carried.

Respectfully Submitted by Annette Lolwing for Lester Jantzen.

Attachment A Worksheet
Review of Standards for Rezoning Land out of Farmland Preservation

Date: 12/11/19 Landowner: Bartels Irrevocable Trust

The Grant County Board may not rezone land out of a farmland preservation zoning district unless the Grant County Planning and Sanitation Committee finds all of the following in writing, after public hearing, as part of the official record of the rezoning:

1. The rezoned land is better suited for a use not allowed in the farmland preservation zoning district.

Yes or No Explain:

Majority of development already present on prime farmland soil.

2. The rezoning is consistent with any comprehensive plan, adopted by the Grant County Board which is in effect at the time of the rezoning.

Yes or No or N/A

Explain: Stated on the Township Participation Form dated 10/17/19

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

Development already present on 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

Residence/building site is being sold off from farm operation

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

2.2 acres being split off.

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

Not a platted subdivision or sanitary district

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 at this time.

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 present on prime farmland soil.

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

Gary Gabe

Attachment B Worksheet
Review of Standards for Rezoning Land out of Farmland Preservation

Date: 12/12/19 Landowner: Marcella Udelhofen

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:

Non prime farmland soil present + development already present on prime farmland soil.

2. The rezoning is consistent with any comprehensive plan, adopted by the Grant County Board which is in effect at the time of the rezoning.

Yes or No or N/A

Explain: Stated on Township Participation Form on 12/10/19

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 non-farm development proposed at this time. Development is 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

Refer to previous comment.

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

Proposed parcel is 2.7 acres. 77.3 will remain in FP zoning.

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

Not a platted subdivision or sanitary district

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 proposed

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 already present + non prime farmland soil present on Eastern portion
The CSZC recommends / does not recommend approval to the Grant County Board of Supervisors
(Circle one)

Lester/Gary

Attachment C Worksheet
Conditional Use Permit in Farmland Preservation

Date: 12/11/19

Landowner: C+B Farms LLC

The Grant County Zoning and Sanitation Committee may issue a conditional use permit for a proposed land use as long as they determine in writing that the proposed use meets applicable conditions under this section. The CSZC may issue the permit subject to any additional conditions which the CSZC deems necessary to carry out the purpose of this ordinance.

1. Non-farm residences:

a. If the nonfarm residence will be located in a base farm tract:

- i. The ratio of nonfarm residential acreage to farm acreage in the base farm tract will not exceed 1:20

Ratio: 1:20 → MET Tower

- ii. There will be no more than 4 dwelling units in nonfarm residences, nor more than 5 dwelling units in residences of any kind, in the base farm tract.

of dwellings? 0

b. Neither the nonfarm residence, nor the parcel on which the nonfarm residence is located, will do any of the following:

- i. Convert prime farmland, or cropland other than a woodlot, from agricultural use if there is a reasonable alternative available to the permit applicant.

Yes or No No non-farm residences being proposed

- ii. Significantly impair or limit the current or future agricultural use of any other protected farmland.

Yes or No No non-farm residences being proposed.

Recommend / Does not recommend approval of the Conditional Use Permit

Mike/Gary

Attachment D Worksheet
BEFORE GRANT COUNTY
CONSERVATION, SANITATION AND ZONING DEPARTMENT

CONDITIONAL USE PERMIT
FOR C & B FARMS, LLC
ROCK CHURCH RD, CLIFTON TOWNSHIP, GRANT COUNTY, WI

FINDINGS OF FACT

The agency finds that:

1. C & B Farms, LLC owns the property located within the NE ¼, SE ¼, NE ¼ of the NW ¼, and SE ¼ of the NW ¼ of Section 26, Clifton Township, Grant County, WI. Such property consists of tax parcel numbers PIN: 012-00515-0000, PIN: 012-00516-0000, PIN: 012-00517-0000, PIN: 012-00518-0000, PIN: 012-00519-0000, PIN: 012-00527-0000, PIN: 012-00532-0010, PIN: 012-00533-0000, PIN: 012-00534-0000, & PIN: 012-00535-0000
2. During the week of October 14th-18th, 2019 Ryan Ammermann, Development Manager for PRC Wind, inquired to the Conservation, Sanitation and Zoning Department (CSZD) about what zoning permits would be required for constructing a +/- 197.5' wind energy MET Tower. As a result of the proposed tower being over 100' in height and the property being zoned as Farmland Preservation, a conditional use permit would be required for this proposal under Subsections 3.05 E (1) & 3.16 (1) (c) of the Comprehensive Zoning Ordinance in addition to a comprehensive zoning permit.
3. On November 20th, 2019 the Clifton Township Town Board recommended approval for the CUP request to allow for the use of a wind energy MET Tower on +/- 390 acres. 3 were in favor and 0 opposed. There were no conditions placed on the permit by the Town Board.
4. On December 6th, 2019, the department received an application for a conditional use permit request to allow for the use of a wind energy MET Tower.
5. On December 19th, 2019 and December 26th, 2019, a public notice was published in the County's official newspaper for the CUP request.
6. On January 2nd, 2020, 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:
 - (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.
2. The agency under Ch. 315 Subsection 3.27 (5) (c) shall consider the following criteria: