

# GRANT COUNTY CONSERVATION, SANITATION, & ZONING COMMITTEE MEETING

February 6, 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 February 6, 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, Gabe Loeffelholz, and Gary Northouse. Mike Lieurance was excused. Others present: Lynda Schweikert, Annette Lolwing, Justin Johnson, Bob Keeney, Peter Gardon, Eddie Shea, Ruth Ann Sobnosky, Dan Cray, Connie Cray, David Fritz, Brianna Frear, George Frear, and Greg Cerven.

## **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 Gabe Loeffelholz to approve the February 6, 2020 agenda with a change that the committee photo will not be taken after the meeting. Motion carried.

## **Approval of the January 2, 2020 Minutes**

Motion by Gabe Loeffelholz seconded by Gary Northouse to approve the December 5, 2019 minutes with a change of the name of Braudt to Bratz in the FPP Notice of Noncompliance approval section of the 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

#20-03 Mardell & Karen Kropf, Muscoda Twp., are requesting to change the zoning classification on PIN: 042-00363-0000 of +/- 5.1206 ac. from A2 to R1 to allow for proposed division of two lots for the purpose of having a dwelling on each lot.

In Favor: Muscoda Twp. approved on November 12, 2019.

In Opposition: None

In Interest: Justin received a phone call from Gary Ranum, County Board Supervisor asking for information as to why they are rezoning.

Committee Discussion: None

Dwight Nelson closed the Public Hearing

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

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

Chairman Nelson opened the Public Hearing

Lynda Schweikert read a statement: See attachment.

#CUP 20-002, Twig Farms LLC, Potosi Twp., is requesting a Conditional Use Permit on PIN: 052-00027-0000 of +/- 41.61 ac. to allow for a Solar Meteorological Station for collecting meteorological data under Chapter 315 Subsection 3.05 E (1) of the Grant County Comprehensive Zoning Ordinance. In Favor: Potosi Twp., approved on January 13, 2020. There were 2 in favor, and one opposed with the condition they would like to know if there is an issue with the test results, that we find them out before this project is approved. Peter Gardon, Ruth Ann Sobnosky, and David Fritz were present and registered in favor. Mr. Gardon presented a couple of points of interest that the solar meteorological station has a very limited impact on the property and the testing that will be done consists of Solar Irradiance, Wind speed and direction, Air temperature, Relative humidity, Precipitation, and Atmospheric pressure. Peter also emphasized the Statute that Lynda had read. This prohibits any local entity from prohibiting or restricting this type of activity of a testing facility.

In Opposition: Dan Cray, Connie Cray, & Brianna Frear were present and registered in opposition. Brianna stated that this #CUP-002 should only be of the 20' x 20' testing station and not the full project. Brianna would like to know the results and feedback from the 2 years of data that is to be collected at the testing station.

Dwight received a phone call from Preston Adrian that he is against the project.

Applicant Rebuttal: Peter Gardon stated that this CUP for approval is limited to this solar meteorological station. Peter stated that the solar meteorological station won't be going beyond 2 years.

In Interest: None

Committee Discussion: Gary asked if we were only talking about the meteorological station today. Lester asked if it would change the zoning classification of the land being used to commercial? Lynda stated since it exceeds over 100 mega watts of power it supersedes all zoning regulations. Zoning won't change. Lynda asked if there is a reclamation plan part of the application for PSC? There is a plan after the project is constructed and operating to how it would be and then placed back to as similar as possible as what it was previously. Lester asked if they will address any contamination that may be caused by the solar panels? Peter stated that the solar panels are a clean technology, the existence of any contamination is minimal to none existence. Lynda asked if they have any type of assurity bond if the company goes out of business during their permit? Peter stated that they usually have a letter of credit or apparent guarantee. David Fritz stated that as the individual landowner they entered into a very thorough lease agreement with very detailed reclamation and financial agreements that were addressed. Lynda asked if these facilities get reclaimed or do they get regenerated with new solar panels? The clean energy with wind and solar has not been around that long to have been through that process in Wisconsin. Brianna mentioned that they had been to some public meetings and have not been able to get answers, wondering when they may be able to get some feed-back on the questions that the group has? Ruth Ann Sobnosky stated that she was at those meetings and she reported that they have collected the questions and are developing a communication plan. She stated that there will be something done, just trying to come up with best communication plan whether it be another open house, website, or developing a fact sheet with all the questions that were asked. Dan Cray asked about the runoff issues with the potential roads being built, and the safety concerns of the project. Peter stated that there are not any personal safety issues for the development and operation of solar facilities. Lynda asked if there will be runoff protections in place while under construction, and after the project is complete. Peter stated that runoff is being addressed in the construction plan. Dwight asked if this company has other facilities or is this first one? Peter replied that Nextera has numerous other sites across the country.

Dwight Nelson closed the Public Hearing

Motion by Gary Northouse, seconded by Gabe Loeffelholz to approve the Conditional Use Permit to allow for a Solar Meteorological Station used for collecting meteorological data under Chapter 315 Subsections 3.05 E (1) of the Grant County Comprehensive Zoning Ordinance. Motion carried. See Attachment A & B Worksheet.

## **Zoning/Sanitation Report**

Lynda reported that this is a review of the year to date comparison of 2019 and 2020 sanitation and zoning fees. There were 20 maintenance late fees in 2019, and 6 in 2020. There were 10 zoning permits in 2019 and 20 in 2020.

There are no Sanitary citations and no court dates scheduled.

Lynda reported that we did have a Board of Adjustment request from Russ Helbing for a shoreland zoning access road variance. This was approved by the BOA. There are no BOA scheduled at this time. Motion by Lester Jantzen, seconded by Gary Northouse to accept the zoning/sanitation report. Motion carried.

## **Wildlife Damage Abatement Review Claims** – Greg Cerven

Greg Cerven passed out a sheet showing who has Wildlife Damage Claims. 2019 Wildlife Damage Claims consists of Clem Dressler receiving \$3,249.31; Dennis Haas, \$10,000.00; Bob Hochhausen, \$10,000.00; Ray Kirschbaum, \$6,298.87; Lynn Kirschbaum, \$10,000.00, and Bob Waterman \$5,508.95. All 6 landowners have met their deer harvesting requirements. Motion by Gary Northouse, seconded by Lester Jantzen to approve all 6 of the 2019 Wildlife Damage Claims. Motion carried.

Greg Cerven also introduced Eddie Shea. He is the biologist at the Wilson State Nursery.

Greg Cerven reported that there is a state statute in progress that may be changing the Wildlife Damage Program. They may do away with the \$500.00 deductible, and may be an unlimited payment, and there may possibly be no cap on the maximum amount claimed if these pass. By the year 2022, they may take the County out of the program and have the program run by the WI DNR.

## **County Cost Sharing** – Starting Balance \$24,477.36 /Ending Balance \$23,652.36

Lynda presented final approval for county cost sharing on a well decommissioning project for Alan Molzof, Hickory Grove Twp., \$465.00. Motion by Lester Jantzen, seconded by Gabe Loeffelholz to approve payment. Roll Call: 4 Yes, 0 No, 1 Excused. Motion carried.

Lynda presented final approval for county cost sharing on a well decommissioning project for Hickory Grove Lutheran Church, Hickory Grove Twp., \$1,000.00. Motion by Gary Northouse, seconded by Gabe Loeffelholz to approve payment. Roll Call: 4 Yes, 0 No, 1 Excused. Motion carried.

Lynda presented tentative approval request for county cost sharing on a well decommissioning project for; David Nihles, South Lancaster Twp., \$560.00. Motion by Gabe Loeffelholz, seconded by Lester Jantzen to approve David's request. Motion carried.

## **SWRM Cost Sharing**

### **2019 DATCP Cost Sharing** – Beginning Balance \$43,063.00/Ending Balance \$39,555.00

Lynda presented final approval for a 2019 DATCP cost sharing on a streambank protection project for G. Robert & Glenda Egan, Hazel Green Twp., \$3,508.00. Motion by Gary Northouse, seconded by Lester Jantzen to approve payment. Roll Call: 4 Yes, 0 No, 1 Excused. Motion carried.

### **2020 DATCP Cost Sharing** – Beginning Balance \$56,620.00/Ending Balance \$17,720.00

Lynda presented tentative approval request for 2020 DATCP cost sharing on a grade stabilization structure for Grinde Land LTD, PTS, LLC, Harrison Twp., \$9,800.00. Motion by Gabe Loeffelholz, seconded by Gary Northouse to approve Grinde Land's request. Motion carried.

Lynda presented tentative approval request for 2020 DATCP cost sharing on a streambank protection project for Sue Schildgen, Beetown Twp., \$10,000.00. Motion by Lester Jantzen, seconded by Gabe Loeffelholz to approve Sue's request. Motion carried.

Lynda presented tentative approval request for 2020 DATCP cost sharing on a streambank protection project for JoAnne Gibson and Don Uthe, Jamestown Twp., \$9,100.00. Motion by Gabe Loeffelholz, seconded by Gary Northouse to approve JoAnne and Don's request. Motion carried.

Lynda presented tentative approval request for 2020 DATCP cost sharing on a grassed waterway repair project for Steve Mulrooney, Mt. Ida Twp., \$10,000.00. Motion by Gary Northouse, seconded by Lester Jantzen to approve Steve's request. Motion carried.

### **Storage Permit Approval**

None to report.

### **WLW Resolution Review & Recommendations**

Lynda reported that there will be 2 resolutions that will be brought forward at the WLW conference in March. 1. Request to require a 590 nutrient management plan or phosphorus-based recommendations for all applications of domestic sewage sludge and industrial wastes/by-products to agricultural land. Question was asked as to who pays for the 590 Nutrient Management Plan. 2. Request to require, and allow the enforcement of, an annual 590 nutrient management plan on "existing" cropland and pastures without the requirement of a cost-sharing offer to the landowner. Lynda stated that those landowners that we are enforcing to have a 590 plan are those in violation with the DNR or are in the farmland preservation program.

### **LWCB Committee Vote**

Lynda reported that at the Wisconsin Land and Water Association they vote for representatives from committee members to sit on the Land and Water Conservation Board. Lynda handed out 4 representatives to choose from. Each committee member is to select 3 representatives and turn the ballots in to Lynda for her to tally.

### **Cancellation of FPP Noncompliance**

Lynda reported that she has 1 Cancellation of Notice of Noncompliance with Farmland Preservation for Marilyn Davies. She 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.

### **CSZD Administrator Report**

Lynda reported on the following meetings.

- January 7<sup>th</sup> Snap Plus Training was held at the UW Platteville. There were 5 landowners that attended.
- January 14<sup>th</sup> & 15<sup>th</sup> Lynda and Erik attended a Conservation Communication Training in Dane County.
- January 22<sup>nd</sup> Lynda attended the Regional Farmer Event Planning.
- January 28<sup>th</sup> Lynda attended the DATCP and NRCS Tech Update Presentation. The SWIGG study was asked to present the status of the water study.
- February 4<sup>th</sup> Lynda, Katie and Terry were asked to testify at the Assembly Ag. Committee Hearing on sustained baseline funding for conservation.

Lynda reported that the Personal Department has let out the announcement for a Soil Conservationist position. Deadline to apply for the position is February 18<sup>th</sup>. Hoping to have applications back, and if they are sufficient, possibly interviews the first part of March.

### **Continuous Improvement Update**

None to report.

### **NRCS Report** – Joe Schmelz provided a written report

Programs

EQIP: - Application deadline announced for February 28

- Ranking deadline announce for March 27
  - Obligation deadline announced for May 29
  - Second application deadline is June 5
- CSP
- No official deadline provided yet but have guidance that the CSP Renewal application deadline will be sometime in mid-March
  - Have received guidance that the CSP General application deadline will be announced at a date later than the renewals.

Personnel: Dave Mours who served as the soil conservation technician for NRCS for over 30 years retired with an effective date of 01/03/2020. We have yet to be provided a timeline for the posting of a job announcement to fill that position.

**Reschedule March CSZC Meeting**

Lynda reported that we rescheduled our March meeting to Monday, March 9<sup>th</sup> at 9:00 a.m.

Lynda asked the committee members if they would be interested in bringing an item from our County to take to the Silent Auction at the Conference in March.

**FSA Report** – None

Motion by Gary Northouse, seconded Gabe Loeffelholz to adjourn to Monday, March 9, 2020 at 9:00 a.m.  
Motion carried.

Respectfully Submitted by Annette Lolwing for Lester Jantzen.

Before the public hearing proceeds, I would like to point out that this public hearing is for a Conditional Use Permit for the 20' x 20' the Meteorological Station and not for the solar farm as a whole.

In addition to that, information was brought to our attention after the public notice went out for the Conditional Use Permit. Nextera's legal counsel contacted Ben Wood, Grant County's Corporation Council, to point out that Wis. Statute 196.491 (2r) states that "No local ordinance may prohibit or restrict testing activities undertaken by an electric utility for purposes of determining the suitability of a site for the placement of a facility. Any local unit of government objecting to such testing may petition the Public Service Commission to impose reasonable restrictions on such an activity."

With that being said, we decided that we still wanted to go ahead with the public hearing if only to give the public a chance to voice their concerns. And if possible, for Nextera to address those concerns.

Public comment will be limited to 3 minutes and all comments must be directed to the Conservation, Sanitation and Zoning Committee, not to the applicant. The CSZC will be the only ones to correspond with the applicant.

BEFORE GRANT COUNTY  
CONSERVATION, SANITATION AND ZONING DEPARTMENT

CONDITIONAL USE PERMIT  
FOR TWIG FARM LLC  
SUBSTATION RD, POTOSI TOWNSHIP, GRANT COUNTY, WI

**FINDINGS OF FACT**

The agency finds that:

1. Twig Farm LLC owns the property located within the NW ¼ of the NE ¼ of Section 2, Potosi Township, Grant County, WI. Such property consists of tax parcel numbers PIN: 052-00027-0000
2. On Tuesday, November 12<sup>th</sup>, 2019, NextEra Energy inquired to the Conservation, Sanitation and Zoning Department (CSZD) about what zoning permits would be required for constructing a solar meteorological station used for collecting meteorological data. As a result of the property being zoned as Farmland Preservation, a conditional use permit would be required for this proposal under Subsection 3.05 E (1) of the Comprehensive Zoning Ordinance in addition to a comprehensive zoning permit.
3. On January 13<sup>th</sup>, 2020 the Potosi Township Town Board recommended approval for the CUP request to allow for the use of a solar meteorological station used for collecting meteorological data on +/- 41.61 acres. 2 were in favor and 1 opposed. The Town Board stated:

“So if there is an issue with the test results we find them out before this project is approved.”

4. On January 2<sup>nd</sup>, 2020, the department received an application for a conditional use permit request to allow for the use of a solar meteorological station.
5. On January 23<sup>rd</sup>, 2020 and January 30<sup>th</sup>, 2020, a public notice was published in the County's official newspaper for the CUP request.
6. On February 6<sup>th</sup>, 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:
  
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.



Attachment B Worksheet

Conditional Use Permit in Farmland Preservation

Date: 2/6/2020 Landowner: Twig Farm 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:  $< 1:20 \rightarrow$  Solar net station will occupy 400 ft<sup>2</sup>

- 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? N/A  $\rightarrow$  NO residences being proposed

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 (N/A)  $\rightarrow$  The proposed location is not on prime farm ground  
 $\rightarrow$  NO non-farm residence being proposed

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

Yes or No (N/A)  $\rightarrow$  "No non farm residence is being proposed"  
and location proposed is in corner of property to minimize disruption to farming activity

Recommend / Does not recommend approval of the Conditional Use Permit

Gary/Labe