

# GRANT COUNTY CONSERVATION, SANITATION, & ZONING COMMITTEE MEETING

April 2, 2020  
9:00 a.m.  
Via Zoom Meeting  
Lancaster, Wisconsin

The Grant County Conservation, Sanitation & Zoning Committee meeting was called to order on April 2, 2020 at 9:00 a.m. by Dwight Nelson, the Conservation, Sanitation, and Zoning Committee Chairman, via a Zoom meeting.

Board members present: Dwight Nelson, Lester Jantzen, Gabe Loeffelholz, Mike Lieurance and Gary Northouse. Others present: Lynda Schweikert, Annette Lolwing, Justin Johnson, Joe Schmelz, Bob Keeney, Matthew Honer, Nathalie Schattner, Shane Drinkwater, Aaron Austin, Ben Wood, Tim Freed, Aaron Welsh, and Dave Lambert.

## **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 Gary Northouse to approve the April 2, 2020 agenda. Motion carried.

## **Approval of the March 9, 2020 Minutes**

Motion by Gabe Loeffelholz, seconded by Mike Lieurance to approve the March 9, 2020 minutes. Motion carried.

## **Review & Accept the Bills**

The April 2<sup>nd</sup> bills will be reviewed and accepted at the May 7<sup>th</sup> CSZC meeting.

## **Public Hearing for Rezones**

Chairman Nelson opened the Public Hearing

#20-06 Austin Bros LLC, Ellenboro Twp., is requesting to change the zoning classification on PIN: 014-00575-0010 of +/- 2.25 ac. from FP to A-2 to allow for a non-farm residence.

In Favor: Ellenboro Twp. approved on March 4, 2020. Aaron Austin was present via Zoom meeting and registered for informational purposes and to answer any questions as needed.

In Opposition: None

In Interest: 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 A Worksheet.

Chairman Nelson opened the Public Hearing

#20-07 Tim & Dakora Freed, Lima Twp., are requesting to change the zoning classification on PIN: 030-00858-0000 of +/- 1.52 ac. from FP and A-1 to A-2 to allow for the use of a nonfarm residence.

In Favor: Lima Twp. approved on March 11, 2020. Tim Freed was present via Zoom meeting and registered for informational purposes and to answer any questions as needed.

In Opposition: None

In Interest: None

Dwight Nelson closed the Public Hearing

Motion by Mike Lieurance, 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 B Worksheet.

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

Chairman Nelson opened the Public Hearing

#CUP 20-003, J & R Ranch Sandpit LLC, Boscobel Twp., is requesting a Conditional Use Permit on PIN: 006-00030-0000, 006-00032-0000, 006-00035-0000, and 006-00054-0000 of +/- 71.15 ac. to allow for the use of nonmetallic mining under Chapter 315 Subsection 3.14 (2) (a) of the Grant County Comprehensive Zoning Ordinance.

In Favor: Boscobel Twp. approved on November 19, 2019 and placed no conditions on the CUP. Matt Honer was present via Zoom meeting and registered for informational purposes and to answer any questions as needed.

In Opposition: None

In Interest: Matt Honer, Regional Planning Commission, sent in a statement saying that the site is in compliance with NR135 regulations, an active reclamation has been taking place over the past few years. Landowner and operator are staying current with financial assurance and annual reporting fees. Reclamation plan is old but not considered outdated.

Committee Discussion: None

Dwight Nelson closed the Public Hearing

Motion by Gary Northouse, seconded by Lester Jantzen to approve the Conditional Use Permit for 5 years to allow for the use of nonmetallic mining under Chapter 315 Subsection 3.14 E (2) (a) of the Grant County Comprehensive Zoning Ordinance. Motion carried. See Attachment C Worksheet.

### **Zoning/Sanitation Report**

Lynda reported that the 2020 year to date comparison is very similar to what it was from January to March 2019.

There are no sanitary citations and no court dates scheduled. The timing of sending out citations was discussed and determined that this is not the best timing to send out citations.

There is a BOA pending. This will be considered once the COVID-19 restrictions have been lifted. Landowner agreed with the decision to wait. Motion by Mike Lieurance, seconded by Lester Jantzen to accept the Zoning/Sanitation report. Motion carried.

### **County Cost Sharing** – Starting Balance \$23,652.36/Ending Balance \$19,192.36

Lynda presented tentative approval request for county cost sharing on a well decommissioning for Travis Wetter, Wingville, Twp., \$460.00. Motion by Gary Northouse, seconded by Gabe Loeffelholz to approve Travis's request. Motion carried.

Lynda presented tentative approval request for county cost sharing on a waste storage facility closure for Matthew Kreul, North Lancaster Twp., \$4,000.00. Motion by Mike Lieurance, seconded by Gabe Loeffelholz to approve Matthew's request. Motion carried.

### **SWRM Cost Sharing**

**2019 DATCP Cost Sharing** – Beginning Balance \$39,555.00/Ending Balance \$29,555.00

Lynda presented final approval request for 2019 DATCP cost sharing on a streambank stabilization project for Darwin Anderson, Beetown Twp., \$10,000.00. Motion by Mike Lieurance, seconded by Lester Jantzen to approve payment. Roll Call: 5 Yes, 0 No, 0 Absent. Motion carried.

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

**Storage Permit Approval**

Lynda has a storage permit request for Todd Fisher, Marion Twp., to construct a concrete manure storage facility with water stops for 300 cows, 61 days, for a maximum operating level of 433,406 gallons. This facility was designed by MSA Professional Services, reviewed by Dave Russell, DATCP engineering specialist. Motion by Gary Northouse, seconded by Gabe Loeffelholz to approve the construction permit for Todd. Motion carried.

Lynda has a storage permit approval to abandon a concrete waste storage facility for Matt Kreul, North Lancaster Twp., dairy facility. Construction plans were designed by Erik Heagle, County Technician, plans were approved by Lynda Schweikert. Permit was issued by Lynda Schweikert on March 23, 2020. Motion by Mike Lieurance, seconded by Lester Jantzen to concur with Lynda's permit approval. Motion carried.

**CSZD Administrator Report**

Lynda reported that she has had 5 meetings cancelled.

- Snap Plus Update Sessions have been cancelled, will reschedule 40 landowners to come into the office.
- Continuing Education has been cancelled.
- Tree sorting and pick up have been rescheduled to May 14/15 due to Safer-at-Home Order, and the use of the structures at the Grant County Fairgrounds.

Lynda announced that Mike Adams is the new Soil Conservationist. He started March 31<sup>st</sup>.

Lynda sent the Land Conservation Committee Member Training list to the committee members in their meeting packets. The meetings have been cancelled and will be releasing the trainings as webinars in June.

Lynda reported that Annette has been working at the Emergency Management Building assisting with clerical work; Lynda and Randy have been assisting ADRC with delivering Meals on Wheels.

**Continuous Improvement Update**

Lynda laid out who would take the lead if something were to happen to herself. Annette and Justin are the back up for payroll. Erik and Mike will be the backups for Farmland Preservation tax credits. The Technicians will take the lead for their particular field of study and work with Dwight Nelson and Bob Keeney if issues were to arise. All other duties are laid out in our Continuity of Work binders at each person's desk.

**NRCS Report** – Joe Schmelz

Joe reported that the doors are locked to the public. We are still open to the public via email or telephone. NRCS are still eligible to go out to the field, just no face to face appointments. NRCS is only allowing one staff in the building at one given time per day. Joe is working in office 2 days a week, Josh Bushee is working in office 2 days a week, and Sue Rojemann is working in office 1 day a week. All other days they are teleworking from home.

Joe reported that the replacement of the retired Soil Conservation Technician is still at H.R.

Joe reported that the pathway student from Texas is still planning to come to Grant County.

Joe reported that they had 57 EQIP applications that were submitted. NRCS has \$1.275 million in applications. There are still 3 large applications that they are still working with. NRCS needs to know what they want to do and where. That could be an additional \$250,000. The ranking deadline was last Friday, March 27<sup>th</sup>, that got moved to May 17<sup>th</sup>. The ranking process can be handled in house. Once the contracts are figured out, they will need to figure out an efficient manner to getting all the documents signed by the producers and returned back.

Joe reported that for CSP, they are working on the 7 renewals that would be expiring in late summer. The ranking for the 7 CSP expiring contracts is April 24<sup>th</sup>. The obligation deadline is May 8<sup>th</sup>. There are another 2 sets of renewals that they will be working on in October. May 29<sup>th</sup> is the deadline for any new CSP applications.

Joe reported that FSA has released their selections for CRP. There were 120-130 General CRP contracts. Out of those contracts there are 80-85 renewals, and approximately 35-40 new contracts. There are 50-60 people that expressed an interest in CREP.

### **FSA Report** – Nathalie Schattner

Nathalie reported that FSA is closed to the public. Still trying to conduct business as usual via email and phone calls. FSA is allowed 2 people in the office with one being from the farm loan, and one of the program technicians. The program technicians come in once a week to utilize the printer, print out postage, and to make phone calls. FSA staff are teleworking 4 days a week.

Nathalie reported that the program Whip+ is very similar to the Top Up that was provided by RMA (Risk Management Agency). Excessive moisture has been passed as an eligible cause of loss. FSA are taking applications for Whip+ which is a program where they pay on crop loss. Because Grant County was not a secretarial declared county of disaster, the participant will need to provide the FSA office with documentation, whether it be pictures, rain data, or weather data to prove that their farm has been affected by excessive moisture. To be eligible for the program and accept payment through the Whip+ program you must have either RMA Insurance or NAP insurance coverage with the FSA office for the next 2 years.

Nathalie reported that crop reporting will move forward. Crop reporting date to begin is May 6<sup>th</sup>, and the deadline date of July 15<sup>th</sup> to report crops.

Nathalie reported that they had 137 contracts accepted into the general CRP sign up. There were 4 that were rejected because of a low environmental benefit score. The CREP enrollment is ongoing.

Nathalie reported that the ARC/PLC yield update are still ongoing, goes through September. The 2019 ARC/PLC sign up has closed as of March 16<sup>th</sup>. The 2020 ARC/PLC sign up will continue into June.

Nathalie reported that their job posting closed on March 23<sup>rd</sup>. This will bring the Farm Program side up to 9 employees.

Motion by Mike Lieurance, seconded Gabe Loeffelholz to adjourn to Thursday, May 7, 2020 at 9:00 a.m. Motion carried.

Respectfully Submitted by Annette Lolwing for Lester Jantzen.

Review of Standards for Rezoning Land out of Farmland Preservation

Date: 3/12/2020 Landowner: Austin Bros LLC

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:

No prime farm land soil is present

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

Yes or No or N/A

Explain: Per Township Participation Form dated 3/4/2020.

3. The rezoning is substantially consistent with the Grant County farmland preservation plan policy.

5.1: Non-farm development will be directed to non-agricultural soils or less productive agricultural soils, consistent with the needs of the development. Yes No

No prime farmland soil 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

No farm operations currently 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

Parcel is 2-25 acres

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

Not a platted subdivision

5.5: Agriculturally-related development, while not discouraged in rural areas, will still comply with other policies set forth in this section, consistent with being located where it will be a maximum benefit to agriculture. Yes No N/A

No ag-related development being proposed

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: No prime farmland soil present

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

Review of Standards for Rezoning Land out of Farmland Preservation

Date: 3/13/2020 Landowner: Tim Freed

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

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

Yes or No Explain:

No prime farmland soil present

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

Yes or No or N/A

Explain: Per Town Bd Participation Form on 3/11/2020

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

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 established 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

Parcel is 1.52 acres

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

Not a Platted Subdivision

5.5 Agriculturally-related development, while not discouraged in rural areas, will still comply with other policies set forth in this section, consistent with being located where it will be a maximum benefit to agriculture. Yes No

No ag-related development 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: No prime farmland soil present.

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 J & R RANCH SANDPIT LLC

**FINDINGS OF FACT**

The agency finds that:

1. J & R Ranch Sandpit LLC owns the property located within the NW ¼ of the NE ¼, NE ¼ of the NE ¼, SW ¼ of the NE ¼, SE ¼ of the NE ¼, & NW ¼ of the SE ¼ of Section 24, Town of Boscobel, Grant County, WI. Such property consists of tax parcel numbers PIN: 006-00030-0000, PIN: 006-00032-0000, PIN: 006-00035-0000, & PIN: 006-00054-0000
2. On January 29<sup>th</sup>, 2019 the Southwestern Wisconsin Regional Planning Commission (SWWRPC) notified our department that there is not an active CUP for the current nonmetallic mining operation. SWWRPC notified our department on September 19<sup>th</sup>, 2019 that they contacted Jim Welsh and he was not aware of any active CUP's for the site.
3. On September 24<sup>th</sup>, 2019, Jim Welsh met with Conservation, Sanitation and Zoning Department staff and was notified that a rezone to Heavy Industrial (M-2) on two parcels and a Conditional Use Permit would be required on all parcels associated with the nonmetallic mine. The Conditional Use Permit would be required under Chapter 315 Subsection 3.14 (2) (a) of the Grant County Comprehensive Zoning Ordinance.
4. On March 17<sup>th</sup>, 2020 the Grant County Board of Supervisors approved the rezone request.
5. On November 19<sup>th</sup>, 2019 the Boscobel Township Town Board recommended approval for the CUP request to allow for the use of a nonmetallic mine on +/- 71.15 acres. There were no conditions placed on the permit by the Town Board
6. On January 27<sup>th</sup>, 2020, the department received an application for a conditional use permit request to allow for the use of a nonmetallic mine.
7. On March 19<sup>th</sup>, 2020 and March 26<sup>th</sup>, 2020, a public notice was published in the County's official newspaper for the CUP request.
8. On April 2<sup>nd</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..