

GRANT COUNTY CONSERVATION, SANITATION, & ZONING COMMITTEE MEETING

May 7, 2020
9:00 a.m.
Via Zoom Meeting
Lancaster, Wisconsin

The Grant County Conservation, Sanitation & Zoning Committee meeting was called to order on May 7, 2020 at 9:00 a.m. by Dwight Nelson, the Conservation, Sanitation, and Zoning Committee Chairman, via 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, Josh Tranel, Larry Tranel, Kevin Dement, Brian Vaassen, Ed Wiegman, Donnie Barth, and Donna Swanson.

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 Lester Jantzen seconded by Mike Lieurance to approve the May 7, 2020 agenda. Motion carried.

Approval of the April 2, 2020 Minutes

Motion by Gabe Loeffelholz, seconded by Gary Northouse to approve the April 2, 2020 minutes. Motion carried.

Review & Accept the Bills

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

Public Hearing for Rezones

Chairman Nelson opened the Public Hearing

#20-08 Guy and Sally Stead, Lima Twp., are requesting to change the zoning classification on

PIN: 030-00410-0000 of +/- 1.32 ac. from FP to A-2 to allow for a non-farm residence.

In Favor: Lima Twp. approved on March 11, 2020.

In Opposition: None

In Interest: A letter, received on April 30, 2020, was sent in by Jan Brown. Letter basically described adverse procession. Guy and Sally Stead have been working with Austin Engineering, and have established the property line on the survey.

Committee Discussion: None

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

#20-09 Tranel Revocable Trust, Jamestown Twp., is requesting to change the zoning classification on

PIN: 026-00042-0000 and 026-00044-0000 of +/- 4.0 ac. from FP to A-2 to allow for the use of four nonfarm residences.

In Favor: Jamestown Twp. approved on April 14, 2020. Larry Tranel, registered agent for the trust, and Josh Tranel were present via Zoom meeting and spoke in favor of the request.

In Opposition: Letter was received from Brian and Tammy Vaassen. Brian read the letter into the record and spoke in opposition of this request. Brian has concerns of taking the cropland out of Farmland Preservation. He wants to preserve the cropland.

Applicant Rebuttal: Larry Tranel stated that if he places all 4 lots on County H, they would be taking more prime agricultural land out of production. If someone places a house on the bottom ground, there is the potential of flooding. Larry stated that by picking the 2 places on the farm will be the least disruption to the farming practices.

In Opposition: A letter was received from Donnie Barth. Donnie had concerns of the waterway. Donnie would like to see the lots in a corner of the property vs the middle of the field, and to have 1 driveway for 2 homes.

Applicant Rebuttal: Larry Tranel and Faber Runde looked at the driveways and Faber didn't see any issues. The waterway is not going to cause any concerns for a driveway going to each home.

In Interest: None

Committee Discussion: Gary Northouse asked what decision did the Jamestown town board have? There were 5 in Favor, 0 Opposed, 0 Abstained.

Dwight Nelson closed the Public Hearing

Motion by Gabe Loeffelholz, 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 Mike Lieurance.

Motion carried. See Attachment B Worksheet.

Public Hearing for Conditional Use Permits

Chairman Nelson opened the Public Hearing

#CUP 20-005, Edward Wiegman, Jamestown Twp., is requesting a Conditional Use Permit on

PIN: 026-00428-0015 of +/- 9.24 ac. to allow for an accessory structure before a principal structure is established, under Chapter 315 Subsection 3.06 (2) (i) of the Grant County Comprehensive Zoning Ordinance.

In Favor: Jamestown Twp. approved on April 14, 2020. Edward was in attendance, and in favor via the Zoom meeting. The proposed use of the shed is to have a gathering place and a storage shed. Edward also mentioned that he may use the building for a wood working shop down the road. Edward stated that they are going 40 feet away from the property lines just in case he puts a wood working shop in the shed. They intend to build a home there in the future.

In Opposition: Kevin Dement, who is also representing the Dorothy Kunkel property. Dorothy's land is adjacent to the land where they intend to build. They intend to sell some of Dorothy's land in 3 to 5 years and are concerned with the impact of the construction. Why place the building site at the highest point to the adjacent property. Kevin feels that this will make a negative impact on the property, and he is also concern with the loss of property value.

Applicant Rebuttal: Edward stated that they did not want to have a long driveway coming off from Plum Hollow Road. They are still going to be a couple hundred feet off from Plum Hollow Road. In A-2 zoning, the proposed dimensions of the structure, he can go up to 5 feet away from the property line, but is choosing to go forty feet.

In Interest: None

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 is established under Chapter 315 Subsection 3.06 (2) (i) of the Grant County Comprehensive Zoning Ordinance. Motion carried. See Attachment C Worksheet.

Zoning/Sanitation Report

Lynda reported that the maintenance fees were up 93 compared to what it was from January to April 2019. We are down 10 sanitary permits from 2019. Brad has been busy outside doing the POWTS installs and has a back log of permits to be approved. Zoning permits were up 17 from last year.

There are no sanitary citations. The timing of sending out citations was discussed and has been determined that this is not the best timing to send out citations. There was a court case for Greg Griswold on Friday, May 8th. He is contesting his 3-year maintenance violation. Court case will be held through a teleconference.

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 \$19,192.36/Ending Balance \$12,976.65

Lynda presented final approval request for county cost sharing on a well decommissioning for Bradley Weigel, Lima Twp., \$584.21. Motion by Gary Northouse, seconded by Gabe Loeffelholz to approve payment. Roll Call: 5 Yes, 0 No, 0 Absent. Motion carried.

Lynda presented final approval request for county cost sharing on a well decommissioning for Cozy Acres Mobil Home Park LLC, Marion Twp., \$475.00. 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 request for county cost sharing on a waste facility closure for Matt Kreul, North Lancaster Twp., \$4,507.50. Motion by Mike Lieurance, seconded by Gary Northouse to approve payment. Roll Call: 5 Yes, 0 No, 0 Absent. Motion carried.

Lynda presented 3 tentative approval requests for county cost sharing on a well decommissionings for Larry Austin, Ellenboro, Twp., \$1,000.00; Ryan Schneider South Lancaster, Twp., \$400.00; and Pat Biba, Hickory Grove Twp., \$1,000.00. Motion by Gary Northouse, seconded by Gabe Loeffelholz to approve the 3 well decommissioning requests. Motion carried.

Lynda presented tentative approval request for county cost sharing on a grassed waterway for Tim Pitzen, Paris Twp., \$700.00. Motion by Gabe Loeffelholz, seconded by Mike Lieurance to approve Tim's request. Motion carried.

Lynda presented tentative approval request for county cost sharing on a stream crossing repair for Mark Hudson, North Potosi Twp., \$2,625.00. Motion by Gary Northouse, seconded by Lester Jantzen to approve Mark's request. Motion carried.

SWRM Cost Sharing

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

2020 DATCP Cost Sharing – Beginning Balance \$17,720.00/Ending Balance \$2,940.00

Lynda presented tentative approval request for 2020 DATCP cost sharing for a streambank protection project for Hampton Revocable Trust, Glen Haven Twp., \$10,000.00. Motion by Mike Lieurance, seconded by Lester Jantzen to approve the Hampton's request. Motion carried.

Lynda presented tentative approval request for 2020 DATCP cost sharing for a streambank protection repair project for Chris Neises, Patch Grove Twp., \$4,780.00. Motion by Gary Northouse, seconded by Mike Lieurance to approve Chris's request. Motion carried.

Storage Permit Approval

None to report.

Discussion on Expanding Committee Size

Lynda reported that the Administrative Committee has discussed increasing the Conservation, Sanitation, Zoning Committee to 6 committee members and one FSA representative. There were 4 in agreement, and 1 in

opposition, of increasing the CSZC back to 6 committee members, and 1 FSA representative. This would give better representation throughout the county.

CSZD Administrator Report

Lynda reported that she has had 5 meetings cancelled.

- On April 8th Lynda attended the Legislature/Administration Committee Meeting.
- On April 29th Lynda attended the Aquatic Invasive Species Grant Webinar.
- Tree sorting and pick up have been rescheduled to May 14/15.
- The Southern Area Association will be meeting on May 28th via Zoom meeting. Currently our representative is Mike Lieurance, and the alternate is Lester Jantzen.

Lynda reported that the ground water study had the 3rd round of water testing. The results were released on April 15th. Numbers were fairly similar with the last 2 results. The human fecal was 12, the ruminant bovine was 7, and porcine fecal was 3, out of 27 wells that tested positive. There was a total of 34 wells that were tested. The 4th round of water testing has been sampled in the beginning of March. The lab has been closed due to the corona virus.

Continuous Improvement Update

Nothing to report.

NRCS Report – Joe Schmelz

Joe reported that they are starting to obligate some of the funds for the 1st EQIP sign up. So far it has only been the conservation activity plans. There is still a second batching date for application deadline for June 5th. This deadline will be for limited fund pools. In our area it has been for soil health and cover crops.

Joe reported that there will be 4 emergency sign ups for emergency animal mortality. There will be a sign up in May, June, July, and August. This is in response to a request from the pork industry if producers need to euthanize any pigs.

Joe reported on the CSP. Renewals have been selected and they are working on the contracting right now. The general application deadline is May 29th.

Joe reported on the CRP and CREP programs. They are working on those contracts as well. There were 124 general CRP contracts selected and they have looked at 35 CREP sites so far. Joe reported that between CRP and CREP they have around 35 conservation plans mailed out.

Joe reported that the office is still under a class 2 closure. Still not open to the public coming into the building. Staff are able to meet virtually and out in the field. The pathway student is not going to report to Grant County this summer. She is from El Paso Texas. NRCS is still only able to have 1 staff member in the office at a time. Hopefully she will be able to come to Grant County next summer. Still waiting on H.R. to advertise the technician position.

FSA Report – Nathalie Schattner

None

Motion by Gabe Loeffelholz, seconded Gary Northouse to adjourn to Thursday, June 4, 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: 5/4/2020 Landowner: Gay & Sally Stead

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: Stated by Town Bd 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

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 non-farm development being proposed b/c its already established

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

1.32 ac being proposed to rezone out of Farmland Preservation

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

Not w/in 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

No ag-related development being proposed

- 6 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)

Received 4-27-20
Petition #20-08 Guy & Sally Stead
PIN 030-00410-0000
Meeting ID: 85494585676

Jan E. Brown
8703 Cty Rd D
Platteville, WI 5391
4-28-20

Conservation, Sanitation & Zoning Comm.

This is for +/- 1.32 acres in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of section 18, T4N, R1W, in Lima Township. The existing fence was installed by owner Clarence Wilson, Post '1960'. Edmund Brown bought the southern farm of these coordinates in '1960'. The Brown family has maintained this land for the last 60 years. We also cleared this land, it was nothing but scrub land before it was cleared. Noxious plants, brush, and scrub trees.

Clarence Wilson is father to Sally Stead. I am son of Edmund Brown, Jan Brown owner of said property now. I have been told that there has been legal decisions on such differences siding with the maintenance of land.

Sincerely,
Jan E Brown

RECEIVED APR 30 2020

Review of Standards for Rezoning Land out of Farmland Preservation

Date: 5/7/2020 Landowner: Tranel Revocable Trust

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 ^{acreage in} or ☐ No Explain:

Majority of lots are not located 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: Per Township Participation form on 4/14/2020

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

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

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

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

Not a platted subdivision + 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

- 6 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: per CSZC committee on 5/7/2020

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

ATTN: Conservation, Sanitation, and Zoning Board

In regards to Petition # 02-09

Donnie and Susan Barth are not in favor of the A2 rezoning on Line Road.

This two lots could be in a better place in the field. Both lots are in a fairly large waterway with a culvert from Vaassans running in to the waterway.

Two driveways would be pretty close and one driveway for both would have to cross the waterway impairing the waterway. With Line Road open to CUVs and ATV's there is increased traffic now. Two lots along Shoestring Road

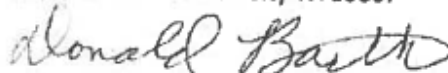
would be more acceptable. As per the lots along CTY H concerns about two driveways with the knoll on CTY H, could be possibly combined into one furthest from the knoll?

Thank you for listening to my concerns, can we receive a letter back with your decision?

Respectfully,

Donnie Barth

3126 Line Road Cuba City WI 53807

A handwritten signature in cursive script that reads "Donald Barth". The signature is written in dark ink and is positioned below the printed address.

Dear Grant County Zoning Committee,

I'm writing you in regards of the recent request from the Tranel Revocable Trust, (Petition #20-09) to re-zone property from Farmland Preservation to Agricultural - 2 (A-2) to allow for four nonfarm residences.

After getting this petition, I have several questions and reservations on allowing this petition to move forward.

- 1) Farmland Preservation Zoning was designed to preserve farmland and by allowing this petition to proceed we are doing the exact opposite of preserving farmland. We are allowing further removal of productive farmland.
 - a. Are / Were there any incentives the landowner received because it was zoned Farmland Preservation? How does Grant County go back and collect appropriate taxes once it is removed?
 - b. There is unproductive farm ground on this property, in the valley off of Shoestring Rd. Why not build / sell lots in unproductive ground?
- 2) The petition is asking to build four lots in two separate locations - two off of County Rd H & two off of Line Rd. Why not build all four lots off of County Rd H? This would be away from any other current residences.
 - a. By building in two separate locations, this petition is skirting the subdivision ordinance, which I feel should be strongly considered.
- 3) When there are lots being built for residence and they are within 1 mile of public water and sewer, does the developer need to offer hook up to such service?
- 4) Why are we looking into providing more lots into an area where there are plenty of vacant lots available?
 - a. Still empty lots available within ¼ mile of proposed project. And plenty more available in Dickeyville roughly 2 miles away.
 - i. There have been lots available right across the road on County Rd H that have been vacant for years.
 - ii. Lots available in Louisburg

- iii. The new Parkside Estate subdivision still has 70% of their lots available.
 - iv. Lots available in Dickeyville
 - b. If the County is looking to provide more lots, then I believe it should be done in a planned and developed process. For instance, the developer could subdivide 10-15 acres off of County Rd H, install proper public water & sewer and do it in a positive conservative manor that also protects the environment and preserves productive farmland.
- 5) Currently, there is an ongoing well & sewer survey being done in Grant County. In this survey more than 50% of the tested wells are showing contamination. By allowing more lots in rural settings this only promotes more wells & sewers to be drilled & installed. This will only increase the potential number of positive contaminated wells in the county.
- 6) Line Rd has become extremely busy since it has been designated as an ATV/UTV route. Many do not follow the posted speed limit. Allowing more driveways to enter Line Rd, just past a small hill is asking for trouble & potential accidents.

Thank you for your time & service to this zoning committee. I hope you take this proposal into consideration with a great deal of thought as to what is best for the County, its' townships, the residents and the most valuable resource we must protect, our land & environment.

Sincerely,

Brian & Tammy Vaassen
3108 Line Rd
Cuba City, WI 53807
608-778-0329

BEFORE GRANT COUNTY
CONSERVATION, SANITATION AND ZONING DEPARTMENT

CONDITIONAL USE PERMIT
FOR EDWARD WIEGMAN
PLUM HOLLOW RD, JAMESTOWN TOWNSHIP, GRANT COUNTY, WI

FINDINGS OF FACT

The agency finds that:

1. Edward Wiegman owns the property located within the NE ¼ of the SE ¼ of Section 8, Jamestown Township, Grant County, WI. Such property consists of tax parcel number PIN: 026-00428-0015
2. On Wednesday, March 11th, 2020, the Conservation, Sanitation and Zoning Department (CSZD) disclosed to Ed that a Conditional Use Permit (CUP) would be required under Subsection 3.06 (2) (i) of the Comprehensive Zoning Ordinance for building an accessory structure prior to establishing a principal structure on the property. The pole shed would be used for providing a gathering space for family gatherings and storing personal equipment. It was also disclosed that a rezone to the Light Industrial District (M-1) would be required if there is woodworking being done in the shed.
3. On April 14th, 2020 the Potosi Township Town Board recommended approval for the CUP request to allow for the use of an accessory structure prior to the establishment of a principal structure on +/- 9.24 acres. 5 were in favor and 0 opposed.
4. On April 15th, 2020, the department received an application for a conditional use permit request to allow for the use of an accessory structure prior to the establishment of a principal structure.
5. On April 23rd, 2020 and April 30th, 2020, a public notice was published in the County's official newspaper for the CUP request.
6. On May 7th, 2020, the CSZC reviewed the CUP request through a public hearing and determined findings approving or denying the CUP application.

Gabe / Gary

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~~ **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.