

GRANT COUNTY CONSERVATION, SANITATION, & ZONING COMMITTEE MEETING

June 4, 2020
9:00 a.m.
Via Zoom Meeting
Lancaster, Wisconsin

The Grant County Conservation, Sanitation & Zoning Committee meeting was called to order on June 4, 2020 at 9:00 a.m. by Robert Keeney, Grant County Board Chairman, via Zoom meeting.

Board members present: Mark Stead, Lester Jantzen, Gabe Loeffelholz, Mike Lieurance, Gary Northouse, Porter Wagner, and Pat Schroeder. Others present: Lynda Schweikert, Annette Lolwing, Justin Johnson, Joe Schmelz, Robert Keeney, Angie Mitchell, Dick Coleman, Shane Drinkwater, Amanda Degenhardt, and Ben Schroeder.

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, Fennimore Times and Bob Middendorf.

Approval of Agenda

Motion by Gary Northouse seconded by Gabe Loeffelholz to approve the June 4, 2020 agenda. Motion carried.

Election of Chair

Bob Keeney opened the nomination for Chair of the CSZC. Gary Northouse nominated Mike Lieurance. Pat Schroeder nominated Mark Stead. Roll call vote was taken, 3 voted in favor of Mark Stead, 2 voted in favor of Mike Lieurance. Mark Stead will be the new Chairman of the CSZC. Mike Lieurance and Mark Stead abstained. Motion carried.

Election of Vice Chair

Bob Keeney opened the nomination for Vice Chair of the CSZC. Pat Schroeder nominated Mike Lieurance. Motion by Porter Wagner, seconded by Mark Stead to close the nomination and cast a unanimous ballot for Mike Lieurance for Vice Chair of the CSZC. Motion carried.

Election of Secretary

Bob Keeney opened the nomination for Secretary of the CSZC. Pat Schroeder nominated Lester Jantzen. Mark Stead moved to close the nominations and cast a unanimous ballot for Lester Jantzen, seconded by Porter Wagner. Motion carried.

Robert Keeney turned the meeting over to Chairman Stead.

Approval of the May 7, 2020 Minutes

Motion by Porter Wagner, seconded by Pat Schroeder to approve the May 7, 2020 minutes. Motion carried.

Review & Accept the Bills

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

Public Hearing for Rezones

Chairman Stead opened the Public Hearing

#20-10 Dick and Linda Coleman, Millville Twp., are requesting to change the zoning classification on PIN: 036-00039-0000 of +/- .5 ac. from A-2 to R-1, to allow for the expansion of an existing principal structure (home) by reducing the side property line setback from 30' to 18'.

In Favor: Millville Twp. approved on April 20, 2020. Dick Coleman was present via Zoom meeting.

In Opposition: None

In Interest: None

Committee Discussion: None

Mark Stead closed the Public Hearing

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

Public Hearing for Conditional Use Permits

Chairman Stead opened the Public Hearing

#CUP 20-006: Peter and Amara Hoffman, South Lancaster Twp., are requesting a Conditional Use Permit on PIN: 056-00049-0070 of +/- 1.278 ac., Lot 7, to allow for the use of a single-family dwelling within 1 mile of an existing public water supply or sewage collection system under Chapter 315 Subsection 3.07 (2) (g) of the Grant County Comprehensive Zoning Ordinance.

In Favor: South Lancaster Twp. approved on April 1, 2020.

In Opposition: None

In Interest: None

Committee Discussion: Porter Wagner asked if there will be a possibility of extending the public sewer to that subdivision. On June 2nd, Justin spoke with the City of Lancaster Administrator, David Carlson, that the public water will be provided, but the public sewer system will not be extended to that subdivision.

Mark Stead closed the Public Hearing

Motion by Mike Lieurance, seconded by Lester Jantzen to approve the Conditional Use Permit to allow for the use of a single-family dwelling within 1 mile of an existing public water supply or sewage collection system under Chapter 315 Subsection 3.07 (2) (g) of the Grant County Comprehensive Zoning Ordinance. Motion carried. See Attachment A Worksheet.

Lynda advised the committee that the rezones are referred onto the County Board for approval and CUP's only need approval from CSZC.

Chairman Stead opened the Public Hearing

#CUP 20-007: Louis Vogt, Jamestown Twp., is requesting a Conditional Use Permit on PIN: 026-00788-0000, 026-00406-0000 & 026-00402-0000 of +/-104.85 ac., to allow for the use of nonmetallic mining, under Chapter 315 Subsection 3.05 E (3) of the Grant County Comprehensive Zoning Ordinance.

In Favor: Jamestown Twp. approved on May 5, 2020. There has been 1 condition placed on the CUP by Jamestown. The CUP will be expiring in 3 years in 2023 vs. the max allowed expiration date of 5 years. Ben Schroeder, Bard Materials, was present via Zoom meeting.

In Opposition: None

In Interest: None

Committee Discussion: Lester Jantzen asked how long this sand pit has been in existence? Ben Schroeder stated that the family remembers it being dated back as far as the 1930's.

Mark Stead closed the Public Hearing

Motion by Lester Jantzen, seconded by Gabe Loeffelholz to approve the Conditional Use Permit to allow for the use of nonmetallic mining, under Chapter 315 Subsection 3.05 E (3) of the Grant County Comprehensive Zoning Ordinance with the condition of 3-year expiration date. Motion carried. See Attachment B & C Worksheet.

Zoning/Sanitation Report

Lynda reported that there were 107 more maintenance fees were turned in this year compared to what it was from January to May 2019. Zoning permits were up 15 from what we had last year. There has been an increase in Zoning and Sanitation permits this year.

There were 2 court dates; Greg Griswold's court date was Friday, May 8th for the violation of his 3-year maintenance. Judge ruled in favor of Grant County. Greg has filed a motion to reconsider. The second court date on May 19th was for Eli Lapp. Eli had a zoning permit violation, construction without a zoning permit. Eli did not show for the hearing and the judge ruled in favor of Grant County.

There are 2 Board of Adjustments pending. Lynda will discuss with the BOA to see about starting to schedule. Motion by Porter Wagner, seconded by Pat Schroeder to accept the Zoning/Sanitation report. Motion carried.

County Cost Sharing – Starting Balance \$12,976.65/Ending Balance \$11,072.77

Lynda presented final approval request for county cost sharing on a well decommissioning for John Miles, Waterloo Twp., \$451.88. Motion by Porter Wagner, seconded by Gary Northouse to approve payment. Roll Call: 7 Yes, 0 No, 0 Absent. Motion carried.

Lynda presented tentative approval requests for county cost sharing on 2 well decommissionings for Dan Hershberger, Fennimore Twp., \$1,000.00; and for Todd & Sandy Ehlen, Waterloo Twp., \$720.00. Motion by Gary Northouse, seconded by Mike Lieurance to approve both well decommissioning requests. Motion carried.

SWRM Cost Sharing

2019 DATCP Cost Sharing – Beginning Balance \$29,555.00/Ending Balance \$26,682.05

Lynda presented final approval request for 2019 DATCP cost sharing on a grassed waterway for Robert Dalsing, Potosi Twp., \$2,872.95. Motion by Gabe Loeffelholz, seconded by Porter Wagner to approve payment. Roll Call: 7 Yes, 0 No, 0 Absent. Motion carried.

2020 DATCP Cost Sharing – Beginning Balance \$56,620.00/Ending Balance \$46,620.00

Lynda presented final approval request for 2020 DATCP cost sharing on a grade stabilization structure for Grinde Land LTP PTS LLC, Harrison Twp., \$10,000.00. Motion by Lester Jantzen, seconded by Pat Schroeder to approve payment. Roll Call: 7 Yes, 0 No, 0 Absent. Motion carried.

Storage Permit Approval

Lynda reported that Joe Zenz, South Lancaster Twp., is requesting a permit to abandon a concrete hog storage facility that has been sitting idle. The deconstruction plan was designed by the CSZD office. Motion by Pat Schroeder, seconded by Gary Northouse to approve the abandonment permit for the hog storage facility. Motion carried.

CSZD Administrator Report

Lynda reported that she has had 3 meetings.

- On May 8th & 22nd, Lynda attended the Statewide County Con Meeting that was held via ZOOM.
- On May 28th the Southern Area Association held their meeting via ZOOM. There are 11 counties that make up the Southern Area. The Southern Area Association Meetings are held quarterly. It was a consensus that Lafayette County host their summer tour in 2021 instead of August 2020.

Lynda reported that we did receive our funding allocation from the state for staff and support in the amount of \$104,160, and DATCP cost share funding of \$56,620. The staff and support funds are to be allocated from the first position being funded 100%, second position to be funded at 70%, and funding at 50% of the subsequent positions. This formula was set in 2009, and DATCP has not met the statutory funding, and has also been underfunded.

Lynda gave an update of the Covid-19 within our office. The office is still closed to the public. We are working under the USDA phases on what they will require to go through phase 1, 2 & 3. Permits and construction are going quite well. Staff are going out to the field. Lynda is working on developing a policy to keep staff from an outbreak. Lynda has made a PPE request through the county for face masks and gloves. Employees are required to wear a mask if they are doubled up in a truck. Gloves are being used to open the mail.

Lynda reported that the ground water study was in the 4th round of water testing when Covid-19 hit. The labs had been shut down; they are now back to work. All the wells with reports have been identified and analysis has begun. They are gathering GIS layers for risk assessment.

Lynda reported that she will be having her performance evaluation next month. Materials will be sent to the committee members to review prior to the next committee meeting.

Lynda reported on the tree sale pick up. Was a very successful operation this year. Annette reported that all the trees came in on time. They did wear masks and gloves. We had a drive through process that worked very well and was very efficient. We sold over 13,000 trees again this year.

Continuous Improvement Update

Nothing to report.

NRCS Report – Joe Schmelz

Joe reported that they are done with the CSP renewals. The screening deadline for the general CSP is next week.

Joe reported that the EQIP funding is starting to come out to the counties. NRCS had 57 – 60 EQIP applications. They had 30 contracts that were accepted for funding for around \$825,000.

Joe reported that they have been very busy with the general CRP sign up. Grant County had the biggest general CRP sign up in the state. NRCS has 93 contracts that have all the planning done and have been sent out to the producers. They have received 43 of those contracts back. There are 5 applications sitting at the DNR for them to establish the tree planting plans. FSA has sent out 11 contracts with a 14-day correction that the cover was not up to standards. There were 8 CREP plans that have been sent out, 6 of those are back. They have completed 26 other eligibility determinations; an additional 9 determinations have been done and the landowner has cancelled or have been found ineligible.

Joe reported that he received notice that the technician position will be advertised on USA Jobs. Starting on June 9th and will go through the 22nd.

Joe reported that Josh Bushee, NRCS Soil Conservationist, will be completing the acting DC detail in Darlington. Josh will be leaving on July 20th and will be gone for 4 months.

FSA Report – Nathalie Schattner

None

Motion by Pat Schroeder, seconded Gabe Loeffelholz to adjourn to Thursday, July 2, 2020 at 9:00 a.m. The meeting is scheduled for the South Room for Committee Members and the Public participation will be by Zoom only. Motion carried.

Respectfully Submitted by Annette Lolwing for Lester Jantzen.

Attachment A Worksheet

BEFORE GRANT COUNTY
CONSERVATION, SANITATION AND ZONING DEPARTMENT

CONDITIONAL USE PERMIT
FOR PETER & AMARA HOFFMAN
THREE SPRINGS RD, SOUTH LANCASTER TOWNSHIP, GRANT COUNTY, WI

FINDINGS OF FACT

The agency finds that:

1. Peter & Amara Hoffman own the property located within the SE ¼ of the NE ¼ of Section 4, Three Springs Subdivision Lot 7, South Lancaster Township, Grant County, WI. Such property consists of tax parcel number PIN: 056-00049-0070
2. On March 13th, 2020, the Conservation, Sanitation and Zoning Department (CSZD) disclosed to the builder, Matt Graney, that a Conditional Use Permit (CUP) would be required under Subsection 3.07 (2) (g) of the Comprehensive Zoning Ordinance for building a home within one mile of an existing public water supply and sewage collection system.
3. On April 1st, 2020 the South Lancaster Township Town Board recommended approval for the CUP request to allow for the use of a residence within one mile of an existing public water supply and sewage collection system on +/- 1.278 acres. 3 were in favor and 0 opposed.
4. On April 22nd, 2020, the department received an application for a conditional use permit request to allow for the use of a residence within one mile of an existing public water supply and sewage collection system.
5. On May 21st, 2020 and May 28th, 2020, a public notice was published in the County's official newspaper for the CUP request.
6. On June 4th, 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

BEFORE GRANT COUNTY CONSERVATION, SANITATION AND ZONING DEPARTMENT

CONDITIONAL USE PERMIT
FOR LOUIS VOGT
1659 PLUM HOLLOW RD, JAMESTOWN TOWNSHIP, GRANT COUNTY, WI

FINDINGS OF FACT

The agency finds that:

1. Louis Vogt owns the property located within the SW ¼ of the SE ¼ of Section 7 & NE ¼ of the NE ¼ of Section 18, Jamestown Township, Grant County, WI. Such property consists of tax parcel number PIN: 026-00788-0000, PIN: 026-00406-0000, PIN: 026-00402-0000
2. On November 8th, 2019, the Conservation, Sanitation and Zoning Department (CSZD) disclosed to the operator and owner that the active Conditional Use Permit (CUP) would be expiring on 6/3/2020. A CUP would be required under Subsection 3.05 E (3) of the Comprehensive Zoning Ordinance to allow for the continued use of nonmetallic mining after 6/3/2020.
3. On May 5th, 2020 the Jamestown Township Town Board recommended approval for the CUP request to allow for the use of nonmetallic mining on +/- 104.85 acres. 5 were in favor and 0 opposed.
4. On May 8th, 2020, the department received an application for a conditional use permit request to allow for the use of nonmetallic mining
5. On May 21st, 2020 and May 28th, 2020, a public notice was published in the County's official newspaper for the CUP request.
6. On June 4th, 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 C Worksheet

Conditional Use Permit for Non Metallic Mining in Farmland Preservation

Date: 5/21/2020

Landowner: Louis Vogt

The Grant County Conservation, Sanitation and Zoning Committee may issue a conditional use permit for a proposed land use 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. The operation complies with all of the following: ☒ YES NO
 - a. Subchapter I of ch. 295, Wis. Stats., and rules promulgated under that subchapter.
 - b. Applicable provisions of Chapter 180, the Non-Metallic Mining Reclamation Ordinance
 - c. Any applicable requirements of the WI Dept. of Trans. concerning the restoration of non-metallic mineral extraction sites.
2. The operation and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district. ☒ YES NO
Allows CUP for use
3. The operation and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations outside the farmland preservation zoning district, or are specifically approved under state or federal law. ☒ YES NO
Site is existing
4. The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use. ☒ YES NO
ag is surrounding site
5. The operation does not substantially impair or limit the current or future agricultural use of other protected farmland. ☒ YES NO
subdivision nearby

The CSZC ☒ approves/ ☐ does not approve the Conditional Use Permit with the following conditions if applicable.
Circle one

1. The conditional use permit requires the landowner to restore the affected land after the non-metallic mineral extraction operation is completed. The permit shall require the landowner to restore the land to a condition suitable for agricultural use, according to a written restoration plan included with the permit. Note: see s. 91.46 (6), Wis. Stats.