

GRANT COUNTY CONSERVATION, SANITATION, & ZONING COMMITTEE MEETING

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

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

Board members present: Mark Stead, Gabe Loeffelholz, Mike Lieurance, Porter Wagner, and Pat Schroeder. Lester Jantzen and Gary Northouse were excused. Others present: Lynda Schweikert, Annette Lolwing, Justin Johnson, Joe Schmelz, Robert Keeney, Loran Montgomery, Andrew Kieler, and Jacob Stoltzfus.

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 Porter Wagner seconded by Gabe Loeffelholz to approve the July 2, 2020 agenda. Motion carried.

Approval of the June 4, 2020 Minutes

Motion by Pat Schroeder, seconded by Mike Lieurance to approve the June 4, 2020 minutes. Motion carried.

Review & Accept the Bills

Motion by Pat Schroeder, seconded by Gabe Loeffelholz to accept the June bills. Motion carried.

Public Hearing for Rezones

Chairman Stead opened the Public Hearing

#20-11 Rosaline & James Kretschman, Fennimore Twp., are requesting to change the zoning classification on PIN: 016-00822-0000 of +/- 1.85 ac. from FP to A2, to allow for the use of a nonfarm residence.

In Favor: Fennimore Twp. approved on January 13, 2020.

In Opposition: None

In Interest: None

Committee Discussion: None

Mark Stead closed the Public Hearing

Motion by Porter Wagner, that the items are concurrent with all the conditions of the Farmland Preservation Worksheet and to recommend approval of the rezone to the full County Board, seconded by Pat Schroeder.

Motion carried. See Attachment A Worksheet.

Chairman Stead opened the Public Hearing

#20-12 Loran Montgomery, Harrison Twp., is requesting to change the zoning classification on PIN: 020-00422-0000 of +/- 23.77 ac. from FP to A2, to allow for an addition on a non-farm residence.

In Favor: Harrison Twp. approved on June 9, 2020. Loran Montgomery.

In Opposition: None

In Interest: None

Committee Discussion: None

Mark Stead 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 Porter Wagner. Motion carried. See Attachment B Worksheet.

Chairman Stead opened the Public Hearing

#20-13 Andrew Kieler, Platteville Twp., is requesting to change the zoning classification on PIN: 050-00934-0000 of +/- 17.07 ac. from FP to A2 to allow for the use of a nonfarm residence.

In Favor: Platteville Twp. approved by 2 members with one member abstained on June 8, 2020. Andrew Kieler.

In Opposition: An email was submitted in opposition by one of the neighbors. They described some of the concerns of the rezone request. The trees that are on the land create a buffer between their home and the highway, they don't want to see them destroyed, the area is a sanctuary for many forms of wildlife. They are concerned that if one home is built that there will be more homes built. Southwest Landscaping also asked the neighbor to present their concern within the same email regarding the access to the Hwy off of Woody Lane. The complainant is concerned with major changes in the comfort of being on their own property. Justin addressed the issue with the tree clearing concern. Mr. Kieler would just be clearing the area for his home and shed. Justin addressed the access to the property. Under the zoning ordinance it does meet the access requirement. Ordinance states that you have to have at least 40' of frontage along a public road, which is Hwy 151, or it has to have a 66' wide easement. Mr. Kieler is meeting the access provision.

Committee Discussion: Bob Keeney asked for clarification on the access issue. Will they have an additional driveway off of Hwy 151 or will they use the current access that is being used by the email complainant. They will be using the same access that is being used by the complainant.

In Interest: None

Applicant's Rebuttal: Mr. Kieler explained that the plan is to have the driveway come in off of Woody Lane which is the access off of Hwy 151 that is already established. To access his property, he would have right-of-way to turn directly into the property off of Woody Lane. Pink's and Southwest Landscaping both utilize Woody Lane for access. Justin explained that per zoning code Mr. Kieler is meeting the 40 feet of frontage along Hwy 151.

Mark Stead closed the Public Hearing

Motion by Pat Schroeder, 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 C Worksheet.

Public Hearing for Conditional Use Permits

Chairman Stead opened the Public Hearing

#CUP 20-008: Jacob Stoltzfus, Hickory Grove Twp., is requesting a Conditional Use Permit on PIN: 024-00650-0000 & 024-00653-0000 of +/- 9.0 ac., to allow for the use of an agricultural repair shop and sawmill under Chapter 315 Subsection 3.07 (2) (i) of the Grant County Comprehensive Zoning Ordinance.

In Favor: Hickory Grove Twp. approved on May 12, 2020. Jacob Stoltzfus.

In Opposition: None

In Interest: None

Committee Discussion: None

Mark Stead closed the Public Hearing

Motion by Porter Wagner, seconded by Gabe Loeffelholz to approve the Conditional Use Permit to allow for the use of an agricultural repair shop and sawmill under Chapter 315 Subsection 3.07 (2) (i) of the Grant County Comprehensive Zoning Ordinance. Motion carried. See Attachment D Worksheet.

Zoning/Sanitation Report

Lynda reported that year to date there were 180 more maintenance fees that were turned in this year compared to what it was from January to June 2019. Zoning permits were up 24, and Sanitary permits were up 12 from what we had last year.

There were no Sanitary citations.

There was 1 court date; Keith Ott had a court date on Friday June 26th. He has since come into compliance and his citation has been waived.

There are 2 Board of Adjustments pending. Lynda will discuss with the BOA to see about starting to schedule during the first or second week of August. Motion by Mike Lieurance, seconded by Porter Wagner to accept the Zoning/Sanitation report. Motion carried.

County Cost Sharing – Starting Balance \$11,072.77/Ending Balance \$11,445.08

Lynda presented final approval request for county cost sharing on a well decommissioning for David Nihles, South Lancaster Twp., \$417.50. Motion by Porter Wagner, seconded by Mike Lieurance to approve payment. Roll Call: 5 Yes, 0 No, 2 Excused. Motion carried.

Lynda presented final approval request for county cost sharing on a well decommissioning for Biba Family Farm LLC, Hickory Grove Twp., \$1,000.00. Motion by Pat Schroeder, seconded by Mike Lieurance to approve payment. Roll Call: 5 Yes, 0 No, 2 Excused. Motion carried.

Lynda presented final approval request for county cost sharing on a stream crossing for Mark Hudson, North Potosi Twp., \$1,595.19. Motion by Mike Lieurance, seconded by Gabe Loeffelholz to approve payment. Roll Call: 5 Yes, 0 No, 2 Excused. Motion carried.

Lynda presented tentative approval request for county cost sharing on a well decommissioning for Don Alcorn, North Lancaster Twp., \$800.00. Motion by Pat Schroeder, seconded by Mike Lieurance to approve Don's request. Motion carried.

SWRM Cost Sharing

2019 DATCP Cost Sharing – Beginning Balance \$26,682.05/Ending Balance \$16,682.05

Lynda presented final approval request for 2019 DATCP cost sharing on a grassed waterway for Steve & Julie Mulrooney, Mt. Ida Twp., \$10,000.00. Motion by Pat Schroeder, seconded by Porter Wagner to approve payment. Roll Call: 5 Yes, 0 No, 2 Excused. Motion carried.

2020 DATCP Cost Sharing – Beginning Balance \$46,620.00/Ending Balance \$30,017.82

Lynda presented final approval request for 2020 DATCP cost sharing on a grassed waterway for Steve & Julie Mulrooney, Mt. Ida Twp., \$10,000.00. Motion by Mike Lieurance, seconded by Porter Wagner to approve payment. Roll Call: 5 Yes, 0 No, 2 Excused. Motion carried.

Lynda presented final approval request for 2020 DATCP cost sharing on a streambank protection for Sue Schildgen, Beetown Twp., \$6,602.18. Motion by Gabe Loeffelholz, seconded by Porter Wagner to approve payment. Roll Call: 5 Yes, 0 No, 2 Excused. Motion carried.

Storage Permit Approval

None to report.

FPP Notice of Noncompliance

Lynda reported that Larry Alderson participated in the Farmland Preservation Program. He has voluntarily opted out of the program as he did not want to complete a Nutrient Management Plan. Motion by Mike Lieurance, seconded by Pat Schroeder to accept Larry's voluntary notice of noncompliance. Motion carried.

CSZD Administrator Report

Lynda reported that she had 4 meetings scheduled in June and 1 meeting scheduled in July.

- On June 9th – Precision Ag Producer Led Webinar
- On June 10th – Land Info – Zoom meeting.
- On June 11th – Clark View Farms DNR Enforcement Teleconference
- On June 11th – WI L&W Legislative/Administrative Teleconference
- On July 9-10th – County Con Online Meetings

Lynda reported that she has a contribution agreement with NRCS for Mike Adams to work on CRP.

Lynda mailed out a printout of the WI Land & Water Pre-recorded webinars for new LCC members.

Lynda reported that our office is still in Phase One with the COVID-19. We are operating with staff only in the building and no customers entering the building. The process has been working very well.

Lynda reported that she will be on vacation from July 13-17th.

Continuous Improvement Update

Nothing to report.

NRCS Report – Joe Schmelz

Joe reported that the obligation deadline for the 20-1 contract period is July 19th. Funded around 30+ EQIP contracts. Still have around 30 unfunded EQIP applications. If more funding does not become available, they will be rolled over into the FY21 EQIP sign up. The staff looked at an additional 60+ EQIP sites throughout FY20.

Joe reported that the 20-1 CSP rankings are due July 10th. The contract obligation deadline will be July 31st.

Joe reported that NRCS has sent out the annual certification letters to everyone that has an existing CSP contract. They must self-certify that they are still meeting all the levels and the documentation for the activities that they have signed up for.

Joe reported that the CRP sign up is a heavy workload this year. They have 77 landowners from the general CRP sign up that have signed their plans and have been sent back over to the FSA office. We still have 23 landowners that we have mailed out but have not received the information back to our office.

Joe reported that they have 7 CREP contracts completed and returned back to FSA. There are still 2 CREP contracts that are out for signatures. NRCS has done around 25 suitability and feasibility field checks for the CREP program. They still have 6 more CREP requests to go out to do the suitability checks on yet.

Joe reported that they will start doing the status reviews for the expiring CRP FY21, FY22 contracts. They have a memorandum of agreement between NRCS and FSA that they are required to review every CRP contract on the second to the last year. This is the first year that the CRP contracts will be reviewed. NRCS has reviewed 80 CRP contracts that will be renewed this year. There will be an additional 79 CRP contracts that will be expiring next year in FY21 and 60 CRP expiring contracts in FY22.

Joe reported that the compliance reviews for FY20 are completed, and the letters have been mailed out.

Joe reported that they will be conducting interviews for the new NRCS technician on Monday, July 6, 2020.

Joe reported that the local workgroup meeting will be held on August 5th. The local workgroup has always been a face to face meeting. This year they will be having 1 local workgroup that will be state-wide on August 5th at 10:00 a.m. This will be a MS live event. Anyone that attends the August meeting will be able to complete a survey online to give their input on how to guide the program for the year.

FSA Report – Nathalie Schattner

None

Forestry Report – Brandon Sieck

None

Motion by Mike Lieurance, seconded by Porter Wagner to go into Closed Session per State Statute 19.85 (1)(c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility relating to the Conservation, Sanitation, Zoning Administrator Evaluation. At 9:50 a.m. roll call was taken to go into closed session; there were 5 members present and 2 members that were excused. Motion carried.

Return to Open Session

Motion by Porter Wagner, seconded by Pat Schroeder to return back into open session. Motion carried.

Action on Closed Session Items - None

Motion by Mike Lieurance, seconded Porter Wagner to adjourn to Thursday, August 6, 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

Review of Standards for Rezoning Land out of Farmland Preservation

Date: 7/1/2020 Landowner: Rosaline + James Kretschman

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: This lot is a triangular, corner piece that has always been difficult to plant + harvest. Today's large equipment makes it more difficult to maneuver in the corner that is proposed for rezoning

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

Yes or No or N/A

Explain: Stated on Township Participation Form dated 1/13/2020

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 an existing 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 develop, 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: This is a three corner piece of <2 acres that is difficult to plant + harvest with limited crop yields

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

Porter/pat

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

Date: 6/10/2020 Landowner: Loran Montgomery

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 Township Participation Form on 6/9/2020

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

Non-farm development will occur on non prime farmland

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 + environmentally sensitive areas present where development will occur

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

Remaining acreage on property remaining in FP District

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

Not located 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 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: Development occurring on non prime farmland soil.

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

Mike/Porter

Review of Standards for Rezoning Land out of Farmland Preservation

Date: 6/25/2020 Landowner: Andrew Kieler

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:

Development proposed on non prime farm land soil

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

Yes or No or N/A

Explain: Stated on Township Participation Form dated 6/8/2020

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 proposed on non prime farm land soil

5.2 Non-farm development will be directed to areas where it will cause minimum disruption of established farm operations or damage to environmentally sensitive areas. Yes No

No established farm operation 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

No farm land present

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

Not an existing 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

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: Development will occur on non prime farmland soil.

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

Pat/Mike

BEFORE GRANT COUNTY
CONSERVATION, SANITATION AND ZONING DEPARTMENT

CONDITIONAL USE PERMIT
FOR JACOB STOLTZFUS
15184 COUNTY ROAD T, HICKORY GROVE TOWNSHIP, GRANT COUNTY, WI

FINDINGS OF FACT

The agency finds that:

1. Jacob Stoltzfus owns the property located within the NE ¼ of the NE ¼ & NW ¼ of the NE ¼ of Section 30, Hickory Grove Township, Grant County, WI. Such property consists of tax parcel numbers PIN: 024-00650-0000 & PIN: 024-00653-0000
2. On April 7th, 2020, the Conservation, Sanitation and Zoning Department (CSZD) disclosed to Jacob Stoltzfus that a Conditional Use Permit (CUP) would be required under Subsection 3.07 (2) (i) of the Comprehensive Zoning Ordinance to allow for the continued use of an agricultural repair shop and sawmill. The proposed use is classified as an agricultural business under the referenced code.
3. On May 12th, 2020 the Hickory Grove Township Town Board recommended approval for the CUP request to allow for the use of an agricultural repair shop and sawmill on +/- 9.0 acres. 3 were in favor and 0 opposed.
4. On June 3rd, 2020, the department received an application for a conditional use permit request to allow for the use of an agricultural repair shop and sawmill
5. On June 18th 2020 and June 25th, 2020, a public notice was published in the County's official newspaper for the CUP request.
6. On July 2nd, 2020, the CSZC reviewed the CUP request through a public hearing and determined findings **approving** or **denying** the CUP application.

FINDINGS OF FACT AND CONCLUSION

1. The CSZC (hereinafter referred to as the agency) has the authority pursuant to the Grant County Comprehensive Zoning Ordinance Ch. 315 Subsection 3.27 (5) to issue or deny conditional use permits. Prior to granting or denying a conditional use, the agency shall make findings of fact based on evidence presented, issue a determination whether the standards of the ordinance are met, and require additional conditions, as needed. Based upon the above findings and information provided at the public hearing, the CSZC finds that the conditional use **does** or **does not** meet the following criteria:

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.