

GRANT COUNTY CONSERVATION, SANITATION, & ZONING COMMITTEE MEETING

September 3, 2020

9:00 a.m.

South Room of Youth & Ag Building and Via Zoom Meeting
Lancaster, Wisconsin

The Grant County Conservation, Sanitation & Zoning Committee meeting was called to order on September 3, 2020 at 9:00 a.m. by Mark Stead, the Conservation, Sanitation, and Zoning Committee Chairman in the South Room of the Youth & Ag Building and via Zoom meeting.

Board members present in South room: Mark Stead, Gabe Loeffelholz, Mike Lieurance, Lester Jantzen, Gary Northouse, Pat Schroeder, and Porter Wagner showed up at 9:24 a.m. Others present: Shane Drinkwater in the South Room; via Zoom: Lynda Schweikert, Annette Lolwing, Justin Johnson, Mike Adams, Joe Schmelz, Robert Keeney, Carrie (Funk) Kersteins, & David Stelpflug.

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 also posted in front of the Ag Service Center Building, and was sent to Bob Middendorf, WGLR. 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 Lester Jantzen, seconded by Gary Northouse to approve the Amended Agenda. Motion carried.

Approval of the August 6, 2020 Minutes

Motion by Mike Lieurance, seconded by Gabe Loeffelholz to approve the July 2, 2020 minutes. Motion carried.

Review & Accept the Bills

Motion by Pat Schroeder, seconded by Gary Northouse to accept the August bills. Motion carried.

Public Hearing for Rezones

Chairman Stead opened the Public Hearing

#20-17 Travis Kieler, Jamestown Twp., is requesting to change the zoning classification on PIN: 026-00739-0000 of +/- .486 ac. from R1 to R3, to allow for the expansion of an existing principal structure (home) by reducing the side property line setback from 12' to 8'.

In Favor: Jamestown Twp. approved on July 7, 2020.

In Opposition: None

In Interest: None

Committee Discussion: None

Mark Stead closed the Public Hearing

Motion by Lester Jantzen, seconded by Gabe Loeffelholz 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 20-009, Baoli Liu, Muscoda Twp., is requesting a Conditional Use Permit on PIN: 042-00069-0000 of +/- 1.392 acres 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: Muscoda Twp., approved on July 14, 2020.

In Opposition: None

In Interest: Justin received one phone call on this CUP. The individual was confused, stating that his lot was number 54. Justin clarified that his lot was number 22 not 54. Justin also clarified that the accessory structure that Baoli wants to put on the property is a shipping container to keep his gardening tools safe.

Committee Discussion: None

Mark Stead closed the Public Hearing

Motion by Gary Northouse, seconded by Mike Lieurance 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 A Worksheet.

Chairman Stead opened the Public Hearing

#CUP 20-010, David and Shirley Stelpflug, Village of Preston in Fennimore Twp., are requesting a Conditional Use Permit on PIN: 016-00549-0000 of +/- .5 acres to allow for an accessory structure before a principal structure is established, under Chapter 315 Subsections 3.10 (2) (a) & 3.08 (2) (e) of the Grant County Comprehensive Zoning Ordinance.

In Favor: Fennimore Twp., approved on July 20, 2020. David Stelpflug.

In Opposition: None

In Interest: None

Committee Discussion: None

Mark Stead Closed the Public Hearing

Motion by Pat Schroeder, 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 Subsections 3.10 (2) (a) & 3.08 (2) (e) of the Grant County Comprehensive Zoning Ordinance. Motion carried. See Attachment B Worksheet.

Chairman Stead opened the Public Hearing

#CUP 20-11, Jacob & Martha Stoltzfus, Fennimore Twp., are requesting a Conditional Use Permit on PIN: 016-00786-0000 of +/- 40.0 acres to allow for a school house, under Chapter 315 Subsections 3.05 E (2) of the Grant County Comprehensive Zoning Ordinance.

In Favor: Fennimore Twp., approved on April 21, 2020.

In Opposition: None

In Interest: Justin received 2 calls asking why the CUP for 40.0 acres. This is the applicants way of not surveying off a designated area for the school house. The applicant would have the flexibility to move the location of the school house within that 40.0 acres.

Committee Discussion: None

Mark Stead Closed the Public Hearing

Motion by Lester Jantzen, seconded by Gabe Loeffelholz to approve the Conditional Use Permit to allow for a school house, under Chapter 315 Subsections 3.05 E (2) of the Grant County Comprehensive Zoning Ordinance. Motion carried. See Attachment C & D Worksheets.

Zoning/Sanitation Report

Lynda reported that year to date there were 13 more maintenance fees that were turned in this year compared to 2019. Zoning permits were up 42, and Sanitary permits were up 10 from what we had last year.

There will be approximately 100 citations sent out. There are no court dates scheduled.

There is one Board of Adjustment scheduled for Ken Kunkel and BARD Construction for the quarry that BARD is purposing. They are requesting a variance for an access road and a crossing in the shoreland zoning district.

Motion by Mike Lieurance, seconded by Gary Northouse to accept the Zoning/Sanitation report. Motion carried.

FPP Notice of Noncompliance – Mike Adams

Lynda introduced Mike Adams to the committee members. Mike is our new soil conservationist that was hired in March.

Mike reported that he has 1 FPP Voluntary Notice of Noncompliance for Casey Kersteins & Carrie Funk. Motion by Pat Schroeder, seconded by Lester Jantzen to approve the Voluntary Notice of Noncompliance. Motion carried.

Truck Bids

Lynda reported that she received 7 quotes for trucks. All quotes for the trucks were for the year make of 2021. Les Mack and Fillback came in with the low bids on a Dodge Ram 1500. Motion by Pat Schroeder, seconded by Gary Northouse to go with the low bid of \$26,198.00 from Fillback for the Dodge Ram 1500. Motion carried.

Budget

Lynda reported that she has not made any changes to the budget that was presented last month. Motion by Gabe Loeffelholz, seconded by Mike Lieurance to approve the budget as presented. Motion carried.

County Cost Sharing

None to present.

SWRM Cost Sharing

2019 DATCP Cost Sharing

None to present.

2020 DATCP Cost Sharing

None to present.

Storage Permit Approval

Lynda has a storage permit request for BJ Dalsing, North Potosi Twp., to construct a 2 concrete storage facility for 300 heifers. MSA designed the project, and Dave Russell approved that it meets the NRCS standards and specifications. He has paid his \$200.00 permit fee. Motion by Lester Jantzen, seconded by Porter Wagner to approve BJ's storage permit. Motion carried.

CSZD Administrator Report

Lynda reported that she had 3 meetings scheduled in August and 2 meetings scheduled in September.

- On August 13th – SAA meeting was held via Zoom.
- On August 20th – Climate Change and LWRM Plan via Zoom.
- On August 26th – Soil Sampling Seminar via Zoom with Iowa County
- On September 1st – Introduction to UW Ext. Natural Resources Educator, Joe Bonnell
- On September 2nd – DATCP Partners Meeting

Lynda reported that the Lower Wisconsin Riverway received international designation by the United States and the Ramsar Convention on Wetlands. It was declared Wisconsin's sixth wetland of International Importance. An organization was working to promote this, and the Conservation, Sanitation, and Zoning Department wrote a letter of support for this designation. This opens up the Lower Wisconsin Riverway to more tourism and recognition.

Continuous Improvement Update

Nothing to report.

NRCS Report – Joe Schmelz

Joe reported that they are done obligating funds for EQIP FY20. NRCS ended up with 39 contracts for \$1.45 million. There have been many projects that have been installed in the last couple of weeks. There were a lot of acres of cover crops that were flown on the last couple of weeks.

Joe reported that EQIP FY21 has a tentative application deadline scheduled for November 20th.

Joe reported that for FY20 practices for CSP certification deadline is September 30th. There are 4 left to complete. Those in the CSP program had the option to get paid in that year, CY20 or the following year, CY21. November 6th is the deadline to have the FY20 payments made.

Joe reported that all the contracts are out for signature at this time. There are approximately 11 left that need to be sent back to the office. There are 6 CREP contracts that are out for signatures and that need to be returned. NRCS completed 121 General CRP contracts combining new acres and renewals. NRCS completed 25 CREP contracts with a combination of new and renewal acres. They are still doing status reviews on FY21 and FY22 CRP contracts. There are around 140 status reviews to check between FY21 and FY22. They have completed 70-80 of those status reviews at this time.

Joe Reported that Allan Braun, the new NRCS Soil Conservation Technician, will be starting in our office on September 14th.

FSA Report – Nathalie Schattner

Lynda did report that this is Nathalie's last month to be working as the CED in the FSA office. She will be working for the FSA loan department.

Forestry Report – Brandon Sieck

None.

Motion by Lester Jantzen, seconded Gabe Loeffelholz to adjourn to Thursday, October 1, 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

BEFORE GRANT COUNTY
CONSERVATION, SANITATION AND ZONING DEPARTMENT

CONDITIONAL USE PERMIT
FOR BAOLI LIU
SKYLINE DRIVE, MUSCODA TOWNSHIP, GRANT COUNTY, WI

FINDINGS OF FACT

The agency finds that:

1. Baoli Liu owns the property located within the NW ¼ of the SE ¼ of Section 30, Muscodia Township, Grant County, WI. Such property consists of tax parcel numbers PIN: 042-00069-0000
2. On May 18th, 2020, the Conservation, Sanitation and Zoning Department (CSZD) disclosed to Baoli Liu that a Conditional Use Permit (CUP) would be required under Subsection 3.06 (2) (i) of the Comprehensive Zoning Ordinance to allow for the use of an accessory structure before a principal structure is established. The proposed accessory structure is a shipping container which would be used to keep the applicant's garden equipment secure.
3. On July 14th, 2020 the Muscodia Township Town Board recommended approval for the CUP request to allow for the use of an accessory structure before a principal structure is established on +/- 1.392 acres. 3 were in favor and 0 opposed.
4. On July 27th, 2020, the department received an application for a conditional use permit request to allow for the use of an accessory structure before a principal structure is established.
5. On August 20th 2020 and August 27th, 2020, a public notice was published in the County's official newspaper for the CUP request.
6. On September 3rd, 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.

BEFORE GRANT COUNTY
CONSERVATION, SANITATION AND ZONING DEPARTMENT

CONDITIONAL USE PERMIT
FOR DAVID & SHIRLEY STELPFLUG
1ST STREET, FENNIMORE TOWNSHIP, GRANT COUNTY, WI

FINDINGS OF FACT

The agency finds that:

1. David and Shirley Stelpflug own the property located within the SE ¼ of the SE ¼ of Section 24, Fennimore Township, Grant County, WI. This property is also described as being Outlot 2 and Lot 1 in Block 1 in the Village of Preston. Such property consists of tax parcel number PIN: 016-00549-0000.
2. On July, 27th, 2020 the Tax Listers office confirmed that a new parcel will need to be created for Outlot 2 and Lot 1 in Block 1 in the Village of Preston because it is still being described as being owned by Michael and Susan Oyen. The new parcel will be created in 2021.
3. On July 1st, 2020, the Conservation, Sanitation and Zoning Department (CSZD) disclosed to David and Shirley Stelpflug that a Conditional Use Permit (CUP) would be required under Subsection 3.06 (2) (i) of the Comprehensive Zoning Ordinance to allow for the use of an accessory structure before a principal structure is established. The proposed accessory structure is a storage shed.
4. On July 27th, 2020 the Fennimore Township Town Board recommended approval for the CUP request to allow for the use of an accessory structure before a principal structure is established on +/- .5 acres. 3 were in favor and 0 opposed.
5. On July 27th, 2020, the department received an application for a conditional use permit request to allow for the use of an accessory structure before a principal structure is established.
6. On August 20th, 2020 and August 27th, 2020, a public notice was published in the County's official newspaper for the CUP request.
7. On September 3rd, 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:
 - (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.
2. The agency under Ch. 315 Subsection 3.27 (5) (c) shall consider the following criteria:

BEFORE GRANT COUNTY
CONSERVATION, SANITATION AND ZONING DEPARTMENT

CONDITIONAL USE PERMIT
FOR JACOB & MARTHA STOLTZFUS
TORMEY RD, FENNIMORE TOWNSHIP, GRANT COUNTY, WI

FINDINGS OF FACT

The agency finds that:

1. Jacob & Martha Stoltzfus own the property located within the NE ¼ of the SE ¼ of Section 34, Fennimore Township, Grant County, WI. Such property consists of tax parcel number PIN: 016-00549-0000.
2. On March 10th, 2020, the Conservation, Sanitation and Zoning Department (CSZD) disclosed to Christian Fisher, Andy Stoltzfus, and Henry Stoltzfus that a Conditional Use Permit (CUP) would be required under Subsection 3.05 E (2) of the Comprehensive Zoning Ordinance to allow for the use of a school house.
3. On April 21st, 2020 the Fennimore Township Town Board recommended approval for the CUP request to allow for the use of a school house on +/- 40 acres. 3 were in favor and 0 opposed.
4. On July 13th, 2020 the CSZD mailed the CUP Farmland Preservation standards for the applicants to complete because it was determined that the school house would be located on prime farmland soil.
5. On July 23rd, 2020 the CSZD received the completed CUP standards worksheet in regards to the proposal of building the school house on prime farmland soil. This was the final item needed to complete the application
6. On August 20th, 2020 and August 27th, 2020, a public notice was published in the County's official newspaper for the CUP request.
7. On September 3rd, 2020, the CSZC reviewed the CUP request through a public hearing and determined findings **approving** or **denying** the CUP application.

Completed by the applicant
Conditional Use Permit in Farmland Preservation

Date: July 16, 20

Landowner: Jacob S. Stoltzfus

The Grant County Zoning and Sanitation Committee may issue a conditional use permit for a proposed land use as long as they determine in writing that the proposed use meets applicable conditions under this section. The CSZC may issue the permit subject to any additional conditions which the CSZC deems necessary to carry out the purpose of this ordinance.

(2) Governmental, institutional, religious, or nonprofit community uses, if all of the following apply:

(a) The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.

Yes or No Explain: Our small schoolhouse could easily be removed if a farmer wants to get back in to farm.

(b) The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state, or federal law.

Yes or No Explain: The current farmer says this hilltop ground is no better than the side of the slope, which shows a different color on your map.

(c) The use is reasonably designed to minimize the conversion of land, at and around the site of the use from agricultural use, or open space use.

Yes or No Explain: Our building size makes a very small footprint on God's farming country.

(d) The use does not substantially impair, or limit the current, or future agricultural use of surrounding parcels of land that are zoned for, or legally restricted to agricultural use.

Yes or No Explain: Surrounding farm ground is still easily accessible.

(e) Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.

Yes or No Explain: Very minimal excavating is required to meet the purpose of our plans.

The CSZC recommends / does not recommend approval of the Conditional Use Permit.
Circle one

Jacob Stoltzfus has the understanding that this property is no longer under farmland preservation.