

# GRANT COUNTY CONSERVATION, SANITATION, & ZONING COMMITTEE MEETING

November 5, 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 November 5, 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, Pat Schroeder, and Porter Wagner. Via Zoom Gary Northouse. Others present: Shane Drinkwater in the South Room; via Zoom: Lynda Schweikert, Annette Lolwing, Joe Schmelz, Robert Keeney, Scott Travis, Matthew Honer, Travis Kieler, Steve Kreul, Gary Munson, Emily Schildgen and Joyce Roling.

## **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 Mike Lieurance to approve the Agenda. Motion carried.

## **Approval of the October 1, 2020 Minutes**

Motion by Pat Schroeder, seconded by Porter Wagner to approve the October 1, 2020 minutes. Motion carried.

## **Review & Accept the Bills**

Motion by Gabe Loeffelholz, seconded by Lester Jantzen to accept the September bills. Motion carried.

## **Public Informational Hearing**

Chairman Stead opened the Public Informational Hearing

Petition #NMM 20-01 – Reclamation Plan Informational Hearing for a completed non-metallic mining reclamation plan and application for Hillside Greenhouse Quarry, Marion Twp., the quarry is requesting a limestone mine of 11.7 ac. on PIN: 034-00506-0010 and 034-00506-0000.

Matt Honer, Southwest Regional Planning, reported that the Hillside Greenhouse Quarry has completed the non-metallic mining reclamation plan in accordance with NR135 Wisconsin Administration Code. The current owner intends to close the mine with a post mining plan use of pasture and prairie. The site has gone under a storm water review through the Wisconsin DNR that includes an Environmental Resource Review and a Cultural Resource Review. The site is currently internally drained. It does not discharge any runoff. It is under a general storm water permit and is expected to remain that way. The Reclamation plan does address all the environmental and safety standards. The site had been in operation for 12 years. Current landowner was unaware that he was required to submit a reclamation plan for the site. He currently mines landscaping materials from the quarry.

In Favor: Steve Kreul

In Opposition: None

In Interest: None

Committee Discussion: None

Mark Stead closed the Public Informational Hearing

Matt stated that no action needs to be taken. From the Administrative Code the informational hearing only gives the opportunity for them to revise the plan if there was any type of opposition.

### **Public Hearing for Rezone**

Chairman Stead opened the Public Hearing

#20-18 Jace Properties LLC, Jamestown Twp., are requesting to change the zoning classification on PIN: 026-00084-0000 of +/- 2.155 ac. from C-2 to M-1 to allow for the use of a spray foam business.

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

In Opposition: None

In Interest: None

Committee Discussion: None

Mark Stead closed the Public Hearing

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

Chairman Stead opened the Public Hearing

#20-19 Nathan & Sarah Imobersteg, Platteville Twp., are requesting to change the zoning classification on PIN: 050-00572-0000 of +/- 2.1 ac. from FP to A-2 to allow for the use of a nonfarm residence & proposed pole shed.

In Favor: Email from Frank and Michelle Heim was read into record that they are in favor of the rezone.

In Opposition: None

In Interest: Lynda reported that this parcel was missed in the blanket rezone process, and no rezoning fees were charged to the Imobersteg's.

Committee Discussion: None

Mark Stead closed the Public Hearing

Motion by Lester Jantzen, that the items are concurrent with all the condition 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 A

Chairman Stead opened the Public Hearing

#20-20 Scott Travis, Platteville Twp., is requesting to change the zoning classification on PIN: 050-00981-0000 of +/- 6.30 ac. from FP to A-2 to allow for the use of a nonfarm residence & shed.

In Favor: Platteville Twp. approved on October 10, 2020. Scott Travis.

In Opposition: Lynda read a letter from Robert Nelson into the record. See Attachment B

In Interest: Lynda did discuss this with Corporation Counsel, Ben Wood, and how this request applies to the rezone request. As stated in Mr. Nelson's letter easement disputes are a civil matter, and therefore it doesn't pertain to what we are considering for the rezone request.

Committee Discussion: Gabe Loeffelholz mentioned that he was familiar with the situation regarding the easement.

Mark Stead closed the Public Hearing

Motion by Pat Schroeder, that the items are concurrent with all the condition 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 C

### **Zoning/Sanitation Report**

Lynda reported that there were an additional 15 sanitary permits issued and an additional 44 zoning permits issued in 2020 compared to 2019. Lynda handed out a new report; The 2020 Sanitary Citations report. Last month there were 103 sanitary citations issued. In the last month and a half there have been 22 people that have come into compliance, 5 have paid the citation, 12 have requested a hearing, and 6 had been cancelled. There are not any BOA's scheduled. Motion by Gabe Loeffelholz, seconded by Mike Lieurance to accept the Zoning/Sanitation report. Motion carried.

**County Cost Sharing** Beginning Balance \$2,967.81/Ending Balance \$1,963.06

Lynda presented an extension request from Randy Reynolds, Waterloo Twp., \$720.00 to June 1, 2021 for a well decommissioning. Motion by Pat Schroeder, seconded by Porter Wagner to approve the extension request to June 1, 2021. Motion carried.

Lynda presented a final approval request for county cost sharing on a well decommissioning project for Ryan Schneider, South Lancaster Twp., \$244.75. Motion by Gabe Loeffelholz, seconded by Mike Lieurance to approve payment for Ryan. Roll Call: 7 Yes, 0 No, 0 Absent. Motion carried.

Lynda presented a final approval request for county cost sharing on a well decommissioning project for Don Alcorn, North Lancaster Twp., \$1,000.00. Motion by Mike Lieurance, seconded by Porter Wagner to approve payment for Don. Roll Call: 7 Yes, 0 No, 0 Absent. Motion carried.

Lynda presented a tentative approval request for county cost sharing on a well decommissioning for James and Judy Wamsley, Waterloo Twp., \$160.00. Motion by Pat Schroeder, seconded by Lester Jantzen to approve the Wamsley's county cost sharing request. Motion carried.

Lynda asked to add an addendum to the County Cost Sharing Report.

Lynda presented a tentative approval request for county cost sharing on a well decommissioning for Doug White, Bloomington Twp., \$800.00. Motion by Gabe Loeffelholz, seconded by Pat Schroeder to approve Doug's county cost sharing request. Motion carried.

**SWRM Cost Sharing:**

**2019 DATCP Cost Sharing:** Beginning Balance/Ending Balance \$19,589.25

**2020 DATCP Cost Sharing:** Beginning Balance/Ending Balance \$0.00

**Multi Discharger Variance:** Beginning Balance \$46,825.93/Ending Balance \$40,000.93

Lynda presented tentative approval request for multi discharger variance cost sharing on 2 grade stabilization structures for Lange Century Plus Farms LLC, Paris Twp., \$6,825.00. Motion by Mike Lieurance, seconded by Pat Schroeder to approve the Lange Century Plus Farm LLC's MDV cost sharing. Motion carried.

**Storage Permit Approval**

None to Report

**Budget Update**

Lynda reported that there have been no changes to the budget.

**NACD Dues**

Lynda reported that we have in the past used approximately \$550.00 from the Information/Education budget for the printing of the activity books, and the church litanies. Because of COVID we did not provide the activity booklets to the schools and the litanies to the church's this year, so we did not use those funds. Motion by Pat Schroeder, seconded by Mike Lieurance to utilize the \$550.00 plus the \$225.00 budgeted amount of NACD dues to reach the \$775.00 active member status. Motion carried.

**CSZD Administrator Report**

Lynda reported that she had 5 meetings scheduled in September, and 1 meeting scheduled in November.

- The Farm Leasing Meeting in November is being sponsored by Grant, Green, Lafayette, and Iowa County
- October 14<sup>th</sup> was the WLW Legislative/Administrative Committee
- October 14<sup>th</sup> was the State NMP Webinar

- October 29<sup>th</sup> was the SAA Meeting
- October 29<sup>th</sup> was the DATCP NMP Statewide Discussion

### Continuous Improvement Update

Nothing to report.

### NRCS Report – Joe Schmelz

Joe reported that the application deadline for EQIP is November 20<sup>th</sup>. They still have several projects that still need to be completed and installed

- All 2020 CSP payments have been made on time. NRCS is working on renewals, and they do not have an application deadline for FY2021 CSP applications.
- They have not announced a general CRP sign up. Still working on CREP applications
- Joe mentioned that they did have a pathway student advertised for this coming summer. We will be receiving 1 and possibly 2 pathway students for 2021.

### FSA Report

Emily Schildgen reported that she was just hired as the CED in Grant County. She started with the FSA on Monday, October 26<sup>th</sup>. She grew up between Lancaster and Bloomington on a family beef farm. Emily stated that she did have 2 new employees that started on the same day. One new employee transferred from a neighboring county, and 1 is a brand-new employee.

- Fall crop reporting is going on right now, deadline is November 16<sup>th</sup>. Any producers in the county that have Winter Wheat or Rye that was planted and plan to harvest will need to have that reported.
- The Dairy Margin Coverage Program is on right now for sign up 2021. Any Dairy producers that would like to take out a policy can choose their coverage level, and their percentage of coverage. Producers have until December 11<sup>th</sup> to decide if they would like to take out coverage for 2021.
- The Corona Virus Food Assistance Program II sign up deadline is on December 11<sup>th</sup>. The program does include a lot of eligibility, from specialty crops, planted acres of corn, soybeans, oats, alfalfa, and livestock as well; hogs, sheep, cattle, and dairy.

### Forestry Report – Brandon Sieck

None.

Motion by Gabe Loeffelholz, seconded Lester Jantzen to adjourn to Thursday, December 3, 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

Review of Standards for Rezoning Land out of Farmland Preservation

Date: 10/15/2020 Landowner: Nathan + Sarah Imobersteg

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 + development home is established

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

Yes or No or N/A

Explain: per Township Participation Form dated 10/12/2020

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

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

No prime farmland soil present

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

No farm operations or environmentally sensitive areas present near proposed shed

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 N/A

No farmland present + development already present

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

Not a platted subdivision

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

No ag-related development 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 where development is being proposed + has already been established

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

(Circle one)

Hester/Porter

Attachment B Worksheet

Hello Justin,

My home is over a mile from the nearest power line and I can only generate a limited amount of power. Therefore; I won't be able to communicate with you via ZOOM. I do, however, wish to express my concerns regarding the rezone application Mr. Travis is presenting to you at this time.

First: I realize that it is beyond the purview of the committee to deal with the easement/right of way dispute between myself and Mr. Travis. That dispute is going to be dealt with in court.

Second: I have no concern of what Mr. Travis want to build on his land. That's his prerogative.

Finally: I'm only asking that the Travis rezone application be tabled at this time until Mr. Travis does what it required and includes in the plot plan (as required) the route that we have used for over 40 years to gain access to our landlocked property and our home.

I object to the rezoning of the 6.3-acre parcel only to the extent that it restricts my rights to the right of way. The Delta3 survey suggests that Mr. Travis's future home and future shed will be built on the the right of way depicted by the aerial photos. Admittedly, I cannot say for certain because the right of way is not shown on the Delta3 survey.

Thank You, Robert Nelson

Please find the attached aerial photo depicting the easement/right of way in dispute. The GOLD line is drawn adjacent to East Timber Drive which appears to extend deep into Mr. Travis's property. This GOLD line is drawn there so as not to obscure East Timber Drive but it is the same route. The YELLOW circle with **Property** written above it is the Nelson property. Please compare this aerial photo to the one you included with the notice of rezone.





Review of Standards for Rezoning Land out of Farmland Preservation

Date: 10/15/2020 Landowner: Scott Travis

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 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 dated 10/12/2020

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 proposed on non-prime farmland 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 operations onsite.

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

The applicant surveyed off 6.3 ac from the 40 ac he owns.

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

Not a platted subdivision

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

No ag-related development being proposed

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 proposed on non-prime farmland soil.

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

Pat / Gabe