

GRANT COUNTY CONSERVATION, SANITATION, & ZONING COMMITTEE MEETING

February 4, 2021

9:00 a.m.

Room #264, County Board Room, Administration Building and Via Zoom Meeting
Lancaster, Wisconsin

The Grant County Conservation, Sanitation & Zoning Committee meeting was called to order on February 4, 2021 at 9:00 a.m. by Mark Stead, the Conservation, Sanitation, and Zoning Committee Chairman in Room #264, County Board Room of the Administration Building and via Zoom meeting.

Board members present in the County Board room: Mark Stead, Mike Lieurance, Porter Wagner, and Pat Schroeder; via Zoom: Lester Jantzen, Mark Hoehne, and Gary Northouse. Others present: in the County Board room; Robert Keeney and Shane Drinkwater: via Zoom: Lynda Schweikert, Annette Lolwing, Justin Johnson, Josh Bushee, Mike Adams, Emily Schildgen, Ben Schroeder, Greg Cerven, Matt Honer, Braedon Burlison, and Gary Munson.

Certification of Open Meeting Law

Annette Lolwing sent the agenda to Karla Schwantes and Tonya White 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, Tonya White, Herald Independent, Platteville Journal, Muscoda Progressive, Boscobel Dial, Fennimore Times, and Bob Middendorf.

Approval of Agenda

Motion by Pat Schroeder, seconded by Mike Lieurance to approve the Agenda. Motion carried.

Approval of the January 7, 2021 Minutes

Motion by Porter Wagner, seconded by Gary Northouse to approve the January 7, 2021 minutes. Motion carried.

Review & Accept the Bills

Motion by Lester Jantzen, seconded by Porter Wagner to accept the December bills. Motion carried.

Reclamation Plan Informational Hearing

Chairman Stead opened the Public Informational Hearing.

Reclamation Plan Informational Hearing for a completed non-metallic mining reclamation plan and application for Kunkel Quarry permit #02.33.69, Jamestown Twp. The operator is requesting a quarry with boundaries of 39.3 acres. Parcels covered under the permit are 026-00677-0000, 026-00657-0000, and 026-00675-0000. Matt Honer, Southwest Regional Planning, reported that the Kunkel quarry has completed the non-metallic mining reclamation plan in accordance with NR135 Wisconsin Administration Code. They have received the application, the reclamation plan and financial assurance for the proposed Kunkel Quarry. At this time the quarry is zoned industrial, the reclamation plan states that it will be reclaimed to a large open area suitable to industrial development. However, at that time the landowner intends to rezone it back to agriculture. There is an issue at the site with a storm water retention pond near a navigable water way. This area will be monitored to make sure that it does in fact infiltrate, if it does not infiltrate they will need to revise their storm water permit as well as the reclamation plan.

In Favor: The Kunkel's and Ben Schroeder with BARD.

In Opposition: None

In Interest: None

Committee Discussion: None

Mark Stead closed the Public Informational Hearing

Public Hearing for Conditional Use Permit

Chairman Stead opened the Public Hearing

#CUP 21-001, Ken Kunkel, Jamestown Twp., is requesting a Conditional Use Permit on PIN: 026-00677-0000, 026-00657-0000, and 026-00675-0000 of +/- 39.3 acres to allow for the use of nonmetallic mining under Chapter 315 Subsection 3.14 (2) (a) of the Grant County Comprehensive Zoning Ordinance.

In Favor: Jamestown Twp. approved on August 7, 2018. Ken Kunkel and Ben Schroeder with BARD.

In Opposition: None

In Interest: Lynda did report that this is a 5-year Conditional Use Permit. Will need to be renewed in 5 years.

Committee Discussion: None

Mark Stead closed the Public Hearing

Motion by Pat Schroeder to recommend approval of the Conditional Use Permit with the condition that it will need to be renewed in 5 years, seconded by Porter Wagner. Motion carried.

See Attachment A Worksheet.

Zoning/Sanitation Report

Lynda reported on the year to date report. Sanitation is fairly even to where we were last year. There were 20 zoning permits last year compared to 3 zoning permits this year. Lynda reported that in the fall they sent out 103 failing citations. There are 31 in compliance, 18 have scheduled hearings, 26 have paid their citation, and 6 have been cancelled. There are 22 that have done nothing to come into compliance. They also sent out 80 failure to submit maintenance citations, and 25 of those have come into compliance. There are court dates of March 8, 2021 and March 15, 2021.

There was a Board of Adjustment scheduled for January 21, 2021 for Travis Kieler. The variance for Mr. Kieler was denied by the Board of Adjustment.

Motion by Porter Wagner, seconded by Mike Lieurance to accept the Zoning/Sanitation Report. Motion carried.

WDACP Deer Damage Claims – Greg Cerven

Greg Cerven reported that there are 5 claims that need to be approved. All 5 of the landowners have met their requirements to be paid. Ray Kirschbaum, \$5,789.81; Clem Dressler Sr., \$4,004.95; Dennis Haas, \$10,000.00; Robert Hochhausen, \$9,278.87; and Lynn Kirschbaum, \$10,000.00. Motion by Porter Wagner, seconded by Gary Northouse to approve all 5 Wildlife Damage Abatement Claims. Motion carried.

FPP Cancellation of Notice of Noncompliance – Mike Adams

Mike reported that he has 1 cancellation of Notice of Noncompliance for Travis Mumm, Clifton Twp. Travis has provided a certified Nutrient Management Plan to our office. Motion by Mike Lieurance, seconded by Lester Jantzen to approve the cancellation of Notice of Noncompliance. Motion carried.

County Cost Sharing Beginning Balance \$15,159.01. Ending Balance \$15,351.51.

Lynda presented a final approval request for county cost sharing on a well decommissioning for Doug White, Bloomington Twp., \$607.50. Motion by Pat Schroeder, seconded by Gary Northouse to approve payment to Doug. Roll Call: 7 Yes, 0 No, 0 Absent. Motion carried.

SWRM Cost Sharing:

2020 DATCP Cost Sharing: Beginning Balance \$26,517.82/Ending Balance \$26,517.82

2021 DATCP Cost Sharing: Beginning Balance \$48,400.00/Ending Balance \$38,400.00.

Lynda presented tentative approval request for 2021 DATCP cost sharing on a Grade Stabilization Structure project for Walter Riedl, Cassville Twp., \$10,000.00. Motion by Mike Lieurance, seconded by Porter Wagner to approve Riedl's 2021 DATCP cost sharing request. Motion carried.

2021 MDV Cost Sharing: Beginning Balance \$40,000.93/Ending Balance \$40,000.93.

Storage Permit Approval

None to report.

Conservation, Sanitation, & Zoning Grant Assessment

Last month Lynda was asked to do an assessment to see how much money we would be getting through DATCP if we were not a merged department. Lynda handed out a spreadsheet to show Conservation, Sanitation, and Zoning Staff and Support Comparison between Conservation and the merged department. The difference between the 2 items was \$4,270.00.

National Water Quality Initiative Grant Application

Lynda reported that this grant is for NRCS. NRCS approached Joe Schmelz and Lynda to see if they were interested in doing a watershed project for Grant County. The targeted watershed is the Sinsinawa River Watershed in Southern Grant County. This stretch is a small mouth bass fishery. DNR has done some extensive monitoring on this watershed and has found to be receptive to conservation work done in the area. An assessment of the project is the first step to be completed. NRCS would be cost sharing \$50,000.00; 75% of the cost of the watershed assessment. Grant County would be required to provide \$16,667.00 in match, which would be in staff time to work on this project. Motion by Mike Lieurance, seconded by Porter Wagner to recommend approval of the application for the National Water Quality Initiative Grant. Motion carried.

Approval to Sell 2009 Ford F150

Lynda mentioned that we got the 2021 Ram pickup delivered and is requesting approval to sell the 2009 Ford F150. Lynda did do a Kelly Blue Book on the truck being in fair condition came in around \$6,000 to \$7,000. Motion by Pat Schroeder, seconded by Porter Wagner to go ahead and sell the 2009 Ford F150. Motion carried.

CSZD Administrator Report

Lynda reported that she had 1 meeting scheduled in January.

- Tech Update was held on Jan. 13th.

Lynda has paid our Southern Area Association Dues in the amount of \$145.00. This was an approved item in the budget.

Lynda mentioned the WI Land & Water Conference is coming up in March. Those committee members that plan to attend are: Mark Stead, Mike Lieurance, Lester Jantzen, Pat Schroeder, and Porter Wagner. The Wisconsin Land and Water has a silent auction each year. The money raised is to help support the Youth Education Program. Those who attend have in the past brought an item from Grant County to the silent auction. This year all the donation items will be displayed virtually. You may bid on the items starting February 22nd.

Lynda will be taking the week off between February 15th and 19th.

Continuous Improvement Update

Lynda reported that the fiber optic was installed.

NRCS Report – Josh Bushee

Josh reported that EQIP had an application batching cycle, which was around \$1.6 million total application funds applied for. The state RCPP fund pools had a ranking deadline of January 22nd. There were a few applications selected for funding. Waiting to see what gets funded through soil health fund pools. The Local Workgroup Fund pools has a ranking deadline of January 29th. There is a second application deadline for EQIP this year for select fund pools such as the honeybee pollinator initiative and the national water quality initiative and some RCPP's. Doesn't appear to be any additional funds for the Local Workgroup or soil health fund pools. Josh stated that around 95% of the applications in Grant County fall under those 2 fund pools. Josh stated that there has been a significant change in the program policy for this coming sign up. At least one contract item in an EQIP or RCPP contract must be completed in the first 12 months after the funds have been obligated. This used to require one contract item had to be commenced not just completed.

CSP renewal obligation deadline is February 26th and there was 1 funded under this renewal. There is no CSP general application deadline yet. Letters have been sent out to those landowners that have expressed interest in CSP. All the existing CSP contracts have had their annual contract reviews completed and practice reminders have been sent out for all those who have an active contract.

The word is still that NRCS is to get an intern or 2 this year.

FSA Report

Emily reported that there is a General CRP sign up going on right now and will close on February 12th. All paperwork must be signed and turned in to the office and put in the system before 4:30 on the 12th. They had around 75 to 80 inquiries. Landowners or producers can put in an offer based on soil types, what kind of cover they want to do, and will then depend on their point system. Everyone in the Nation goes to the National Office to be ranked. They go down the list of how many acres they have for this year, and that is where the enrollment stops. Emily stated that she does not know what offers or how many offers will be accepted. They hope to find out the results in April as to what offers got accepted and those that didn't. These general offers that the producers are putting in right now won't start their contract until October 2021 and the seeding will be done in the Spring of 2022.

March 15th deadline for the ARC/PLC (Ag Risk Coverage/Price Loss Coverage) is a price loss coverage program that landowners sign up for every year depending on the price of the markets. This is not a guaranteed payment.

Emily reported that they do have a job vacancy available for a program technician position. The deadline to apply is February 5th.

Motion by Mike Lieurance, seconded Lester Jantzen to adjourn to Thursday, March 4, 2021 at 9:00 a.m. The meeting is scheduled for Room#264, County Board 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, SANTIATION AND ZONING DEPARTMENT

CONDITIONAL USE PERMIT
FOR KEN KUNKEL
LOCATED ON KAISER LANE IN JAMESTOWN TOWNSHIP

FINDINGS OF FACT

The agency finds that:

1. Ken Kunkel owns the property located within the SW ¼ of the NW ¼ and SE ¼ of the NE ¼, of Sections 15 & 16, Town of Jamestown Township, Grant County, WI. Such property consists of tax parcel numbers PIN: 026-00677-0000, PIN: 026-00657-0000, & PIN: 026-00675-0000
2. On August 1st, 2018, our department notified Ben Schroeder, BARD Materials Mine Development Manager, that a rezone to Heavy Industrial (M-2), Conditional Use Permit, Shoreland Zoning Permit, Shoreland Zoning Variance, and Floodplain Zoning Permit, would be required for a nonmetallic mining operation that was proposed. The Conditional Use Permit would be required under Chapter 315 Subsection 3.14 (2) (a) of the Grant County Comprehensive Zoning Ordinance.
3. On October 2nd, 2018 the Grant County Board of Supervisors approved the rezone request to Heavy Industrial (M-2).
4. On September 17th, 2020 a shoreland zoning variance was approved for expanding an access road within 75' of the stream.
5. On December 8th, 2020 the Department of Natural Resources notified our department that the Hydraulic and Hydrologic Analysis will meet the requirements of NR116 upon the completion of a Conditional Letter of Map Revision and Letter of Map Revision from FEMA. This will mean that the shoreland and floodplain zoning applications required from our department will be complete which were submitted on August 24th, 2020
6. On December 7th, 2020, the Southwestern Wisconsin Regional Planning Commission notified our department that an application for a nonmetallic mining reclamation permit had been completed for the property.
7. On December 28th, 2020, a public notice was published in the County's official newspaper for the reclamation permit request.
8. On February 4th, 2021, the CSZC reviewed the reclamation permit request through a public hearing and determined findings **approving** or **denying** the reclamation permit application.
9. On August 7th, 2018 the Jamestown Township Town Board recommended approval for the CUP request to allow for the use of a nonmetallic mine on +/- 39.3 acres. There were no conditions placed on the permit by the Town Board. Four members were in favor and zero members opposed
10. On August 14th, 2018, the department received an application for a conditional use permit request to allow for the use of a nonmetallic mine. The application was complete on December 7th, 2020 with the notification that the reclamation plan was complete.
11. On January 21st, 2021 and January 28th, 2021, a public notice was published in the County's official newspaper for the CUP request.
12. On February 4th, 2021, 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: