

GRANT COUNTY CONSERVATION, SANITATION, & ZONING COMMITTEE MEETING

April 7, 2022

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 April 7, 2022, at 9:00 a.m. by Mike Lieurance, the Conservation, Sanitation, and Zoning Committee Vice Chairman in Room #264, County Board Room of the Administration Building and via Zoom meeting.

Board members present in the County Board room: Mike Lieurance, Porter Wagner, Lester Jantzen, Gary Northouse, and Pat Schroeder. Excused: Mark Stead. Others present in the County Board room; Erik Heagle, Annette Lolwing, Robert Keeney, Shane Drinkwater, Justin Johnson, Ervin Carpenter, Andy Kruser, Bob Frey, Julie Frey, Charlie Wamsley, Shane J. VanderWaal, Steven Kieler, Todd Deibert, Mark Iocobucci, Carla Belken, Wayne Harris, Matt Honer, and Ben Schroeder. via Zoom: Erik Heagle, Shane Drinkwater, Robert Keeney, Amanda Degenhardt, Greg Alft, Sr. Davis, Emily Schildgen, and 1-312-626-6799.

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 the website. An agenda was sent to Bob Middendorf. An agenda was also posted in front of the Ag Service Center Building. Media notices were sent to Karla Schwantes, Tonya White, Herald Independent, Platteville Journal, Muscoda Progressive, Boscobel Dial, Fennimore Times, and Bob Middendorf.

Approval of April 7, 2022, Agenda

Motion by Lester Jantzen, seconded by Gary Northouse to approve the agenda. Motion carried.

Approval of the March 8, 2022, Minutes

Motion by Pat Schroeder, seconded by Porter Wagner to approve the March 8, 2022, minutes. Motion carried.

Review & Accept the Bills

Motion by Gary Northouse, seconded by Porter Wagner to accept the March bills. Motion carried.

Public Hearing for Rezones

Vice Chairman Lieurance opened the Public Hearing

#RZ22-04 Kim & Ervin Carpenter, Wingville Twp., is requesting to change the zoning classification on PIN:062-00542-0000 of +/- 3.17 ac. from A-2 to R-3 to allow for a lodge-home.

In Favor: Wingville Twp. approved on February 14, 2022. Ervin Carpenter.

In Opposition: None

In Interest: None

Committee Discussion: Gary Northouse asked, what was the complaint? Justin stated that the home was being rented out as an Airbnb.

Mike Lieurance closed the Public Hearing

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

Vice Chairman Lieurance opened the Public Hearing

#RZ22-05 Steven Jantzen, Harrison Twp., is requesting to change the zoning classification on

PIN: 020-00695-0030 of +/- 8.45 ac. from A-2 to M-1 to allow for the proposed use of a contractor office.

In Favor: Harrison Twp. approved on March 8, 2022. Lester Jantzen.

In Opposition: None

In Interest: None

Committee Discussion: None

Mike Lieurance closed the Public Hearing

Motion by Porter Wagner to recommend approval of the rezone to the full County Board, seconded by Pat Schroeder. Motion carried. Lester Jantzen abstained.

Public Hearing for Conditional Use Permits

Justin Johnson reminded the committee members of ACT 67 which the state imposed in 2017. Bottom left of the 1st page under parentheses (b) 1. If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the county ordinance or those imposed by the county zoning board, the county shall grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence. 2. The definition of "Substantial Evidence" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion. The standards of County Ordinance are found on the findings of fact document that is handed out for each of the Conditional Use Permits. The list of standards is on page 2 of each of those findings of fact documents.

Vice Chairman Lieurance opened the Public Hearing

#CUP 22-001 Kruser Construction, LLC, Jamestown Twp., is requesting a Conditional Use Permit on PIN: 026-00222-0061 of +/- 1.0 ac. to allow for the use of a storage unit under Section 3.11 (2) (h) of the Grant County Comprehensive Zoning Ordinance.

In Favor: Jamestown Twp. approved on January 11, 2022. Andy Kruser.

In Opposition: None

In Interest: No conditions were imposed on this CUP.

Committee Discussion: None

Mike Lieurance closed the Public Hearing

Motion by Lester Jantzen to recommend approval of the Conditional Use Permit seconded by Gary Northouse. Motion carried.

Vice Chairman Lieurance opened the Public Hearing

#CUP 22-003 Gregory Alft, Muscoda Twp., is requesting a Conditional Use Permit on PIN: 042-00899-0000, 042-00900-0000, 042-00902-0000, 042-00905-0000, and 042-00908-0000 of +/- 74.44 ac. to allow for an accessory structure established prior to a principal structure being established under Sections 3.06 (2) (i) & 3.07 (2) (a) of the Grant County Comprehensive Zoning Ordinance.

In Favor: Muscoda Twp. approved on February 8, 2022. Gregory Alft on Zoom.

In Opposition: None

In Interest: One condition was imposed on this Conditional Use Permit. The CUP will have a limit of one accessory structure. Any future proposal of placing/building an accessory structure prior to establishing a principal structure will require another CUP. The proposed structure will be used to store a UTV and hunting equipment.

Committee Discussion: None

Motion by Gary Northouse to recommend approval of the Conditional Use Permit seconded by Lester Jantzen. Motion carried.

Vice Chairman Lieurance opened the Public Hearing

#CUP 22-004 Steven Becker, Harrison Twp., is requesting a Conditional Use Permit on PIN: 020-00204-0000 of +/- 7.56 ac. to allow for an accessory structure established prior to a principal structure being established under Sections 3.06 (2) (i) & 3.07 (2) (a) of the Grant County Comprehensive Zoning Ordinance.

In Favor: Harrison Twp. approved on February 8, 2022.

In Opposition: None

In Interest: None

Committee Discussion: Porter Wagner asked if the fire department checked out the fire number to see if they were able to get to the structure? Justin stated that the CSZD didn't have any correspondence with the fire department. The fire number was issued, and the structure was built before applying for a permit with the Zoning Department.

Mike Lieurance closed the Public Hearing

Motion by Lester Jantzen to recommend approval of the Conditional Use Permit seconded by Pat Schroeder.

Motion carried.

Public Hearing for NR-135 Non-Metallic Mining Reclamation

Vice Chairman Lieurance opened the Public Hearing

#NMM22-02 Frey Sand Pit, Boscobel Twp., for the application and plan for a reclamation permit for a sand pit mine on PIN: 006-00299-0000 & 006-00286-0000 of +/- 44.0 ac.

In Favor: Bob Frey & Julie Frey. Matt Honer.

In Opposition: None

In Interest: Matt Honer, Associate Planner, for the Southwest WI Regional Planning Commission works with the applicant on the reclamation plan. Matt Honer stated that he reviewed the reclamation plan, and it meets all the requirements of Grant County's Non-Metallic Mining Ordinance as well as the State of Wisconsin NR-135 Ordinance. Applicant does have a letter of credit payable to the county incase there were to be any issues. According to NR-135 the County would be responsible for reclamation if the landowner or operator were to become unable to. The applicant and operator are required to maintain a bond payable to the County. The bond currently is for over 10 acres. None of those acres are active yet. As the site becomes larger than 10 acres, they will be required to update their bonding. The site is to be reclaimed to an industrial use. Sites are to be reclaimed to their pre-mining zoning. This site will be reclaimed to a level area suitable for an industrial development along with storm water retention. Proposed Permit #02.03.71.

Vice Chairman Lieurance opened the Public Hearing

#CUP22-005 James Frey, Boscobel Twp., is requesting a Conditional Use Permit on PIN: 006-00286-0000 & 006-00299-0000 of +/- 57.5 ac. to allow for the use of nonmetallic mining under Section 3.14 (2) (a) of the Grant County Comprehensive Zoning Ordinance.

In Favor: Boscobel Twp., approved on June 1, 2021. Bob and Julie Frey.

In Opposition: None

In Interest: No conditions were imposed on the CUP. Non-metallic mining CUP's are good for 5 years.

Committee Discussion: Robert Keeney stated that the only concern that he has heard is the driveway – does that meet the D.O.T. standard? Bob and Julie have a plan from the D.O.T. that they need to follow for the approval of the proper entrance.

Mike Lieurance closed the Public Hearing

Motion by Pat Schroeder to recommend approval of the Conditional Use Permit seconded by Porter Wagner.

Motion carried.

Vice Chairman Lieurance opened the Public Hearing

#NMM22-03 Kieler Quarry, Jamestown Twp. for the application and plan for a reclamation permit for a limestone mine on PIN: 026-00227-0000 & 026-00236-0000 of +/- 48.0 ac.

In Favor: Charlie Wamsley, Shane J. VanderWaal, Steven Kieler, Todd Deibert, and Matt Honer

In Opposition: None

In Interest: Matt Honer, Associate Planner, from the Southwest WI Regional Planning Commission works with the applicant on the reclamation plan. Matt has reviewed the non-metallic mining reclamation plan for the Kieler Quarry. It is approximately 35 to 40 acres of active mining. The applicant does have a letter of credit bond payable to the county for up to 10 acres of unreclaimed mining. They have a DNR storm water permitting. The post mining land use for this site is wildlife habitat/pasture. The pasture would consist of 70% ground cover

requirement to be considered reclaimed. The applicant does have interim reclamation standards outlined in the plans so the entire site will not remain unreclaimed for the period of the life of the mine. Proposed Permit #02.33.72

#CUP22-006 Eagle View Real Estate, LLC, Jamestown Twp., is requesting a Conditional Use Permit on PIN: 026-00227-0000 & 026-00236-0000 of +/- 64.86 ac. to allow for the use of nonmetallic mining under Section 3.05 E (3) of the Grant County Comprehensive Zoning Ordinance.

In Favor: Jamestown Twp., approved on September 14, 2021. Charlie Wamsley, Attorney Shane J. VanderWaal, Todd Deibert, and Steven Kieler

In Interest: Jamestown imposed one condition on the permit. If there is any damage to Peddle Hollow Road due to equipment moving in and out of the quarry, repairs would be done by the Town of Jamestown with reimbursement by the quarry owner to the Town of Jamestown for actual cost of repair. Justin Johnson also noted the acreage difference between the CUP and reclamation plan. The CUP acreage for this is 64.86 acres which is more than what the reclamation plan covers. If they did go outside of the mining boundary or wanted to go outside of the mining boundary, if it is on the parcels described on the CUP description, they would then simply amend the reclamation plan. If they went on to other parcels outside of the CUP description, they would need to obtain another CUP. This applies to this scenario and the previous scenario. This CUP is in a Farmland Preservation Zoning District so there are Farmland Preservation Zoning standards for non-metallic mining proposals. Justin Johnson read over the 5 standards. Todd Deibert, Jewel Associates Engineers, prepared the Reclamation Plan.

In Opposition: Mark Iocobucci representing the Iocobucci LLC Wisconsin Properties. They own the 19.0 acres adjacent to the Kieler property that Charlie Wamsley purchased. Mark stated that he didn't receive much notice to prepare for the meeting. Mark's first concern was for the environment. When opening a rock quarry, it is bad for the endangered animals, turtles and the Blanchard Cricket Frog because of the runoff from the quarry, the blasting, and increased traffic is not good for the habitat. In the past there were studies of the Blanchard Cricket Frog along Peddle Hollow Road by Professors at the U-W Platteville University. Mark is requesting a detailed study of whether frogs are present in the quarry, in the area where the runoff is going, as well as the stream prior to opening the quarry. The WI DNR had a sanitation permit and had completed a visual assessment for endangered wildlife. Mark is requesting more time to have the Blanchard Cricket Frog study done. A study that he submitted for evidence is the Global and Ecology and Conservation Study on endangered species protection and evidence based off a quarry proposal in an endangered turtle habitat.

Justin Johnson wanted to clarify that the planning commission had sent the copy of the reclamation plan to Mark's Virginia mailing address. The CUP notice was also sent to Mark's Virginia mailing address. That is why Mark Iocobucci claims that he had a short notice to prepare.

Mark's second concern was for the foundation of the home that sits on the 19.0 acres adjoining the Kieler Quarry. Mark states that the home is +/- 150 feet from the property line. The proposed quarry is going to be within 30 feet of the property line. Mark contacted a structural engineer regarding the condition of the foundation of the home. Ron Balmer, structural engineer, suggested Mark to get an inspection completed of the foundation. Mark's third concern is that the property is in a Farmland Preservation District. Mark stated that with the phase 3 blasting of the quarry that will inhibit his agricultural use on his farmland.

Mark is requesting 90 days to address his concerns or to postpone the vote on the CUP for 90 days.

Rebuttal: Todd Deibert, with Jewell Associates, had prepared the reclamation plan. They had to provide a storm water pollution prevention plan to the WI DNR to be reviewed. This addressed the runoff issue from the quarry. The mine does slope towards the road. Charlie Wamsley is to berm up the entrances to the mine and to the property so the storm water can not run out of the mine. This would eliminate the contamination to the stream. When DNR reviews the storm water pollution retention plan they go over any environmental concerns of the site and the frog was not brought up for being present on the quarry site. Charlie Wamsley stated that every blaster sets up seismograph. They need to be within whatever the state specifications are. Blasting should not be an issue. Attorney Shane J. VanderWaal stated that Mark Iocobucci lives in Virginia and has not been here since 2005. There is a trial tomorrow because Mark Iocobucci is suing Charlie Wamsley for adverse possession which

Mark is trying to get a driveway access. Attorney VanderWaal is opposed to Mark Iocobucci's request to postpone the CUP for 90 days. Attorney VanderWaal stated that the public hearing notices were properly given. The substantial evidence is nothing more than hear say which does not constitute as substantial evidence. This quarry was an existing quarry and has been used for the highway 151 construction. Charlie stated that the Iocobucci home is 368 feet away from the line, not 150 feet. This is a rental house which has not been used since 2019.

Carla Belken spoke in opposition of the CUP. The Iocobucci property borders the Belken family farm. Carla stated that she and her family have taken care of the Iocobucci farm. The access road to the rental home has been maintained by the Iocobucci's. Carla's family farm did have effects of the quarry when it was in use years ago. There were large rocks that landed on the property. The Iocobucci farm has been a nature preserve for wildlife. Carla stated that it is the community, quarry, wildlife, and the neighborhood that will be affected.

Rebuttal: None

Wayne Harris registered in opposition but does not wish to speak. His concern is regarding the surrounding wells. Todd Deibert stated that there is a requirement in the reclamation plan that all mining activities stay at least 500 feet away from any existing well.

The committee granted Mark Iocobucci permission to speak. If Charlie Wamsley stated that Mark Iocobucci's house is 368 feet away is true, then his well would be less than 500 feet away in phase 3. Mark wants phase 3 moved back.

Committee Discussion: Pat Schroeder asked Mark Iocobucci how long he has owned the property and was the quarry there when you purchased the property? Mark Iocobucci stated that his father purchased the property in 1979 and the quarry was there but was further away from the property line.

Mike Lieurance closed the Public Hearing

Motion by Pat Schroeder to recommend approval of the Conditional Use Permit seconded by Lester Jantzen.

Motion carried.

Zoning/Sanitation Report

Justin Johnson presented the Zoning Report. There are 49 zoning permits this year, compared to 50 this time last year. As of March 21st, there were 13 citations; 3 out of the 13 corrected the issue and obtained their permits. There was one individual that plead not guilty, his trial date has not been set yet. There were 9 individuals that were found guilty by default, they did not appear in court. Other cases from previous intakes; there is an upcoming trial on April 20th. This case is based on a not guilty plea. They were going to apply for a variance because they are 2 feet into the 50-foot road setback. Application has not been submitted for the variance. There is a trial date for June 24th. This applicant is going to be applying for a rezone to correct the issue. If this property is rezoned, it would reduce the property line setback and would then be meeting the zoning code. There are 37 active Order for Corrections which includes the citations that were listed.

Erik Heagle presented the Sanitation Report from March of 2021 to March of 2022. The maintenance and late fees were 39 last year compared to 33 this year. We have 66 maintenance fees in 2021 which is the same in 2022. Last year in March there were 18 sanitary permits issued, this year there have been 33 issued. This is the highest since 2012. This is the first year of incorporating the Soil/Site Evaluation, there are 21 this year.

Motion by Gary Northouse, seconded by Porter Wagner to accept the Zoning/Sanitation Report. Motion carried.

Kieler Farms Cost Share Funds Adjustment

Erik reported that instead of using 2021 DATCP cost share funding we will be using additional 2022 DATCP cost share funding for Louis Kieler's rip rap project.

County Cost Sharing: Beginning Balance \$31,469.72 Ending Balance \$27,049.72.

Erik presented a cancellation request from Kevin Mezera, Wyalusing Twp., for \$800.00 county cost sharing. Motion by Porter Wagner, seconded by Gary Northouse to approve the cancellation request. Motion carried.

Erik presented tentative approval request for county cost sharing on a well decommissioning project #1 for Lisa Womack, Lima Twp., \$720.00. Motion by Pat Schroeder, seconded by Porter Wagner to approve Lisa's request. Motion carried.

Erik presented tentative approval request for county cost sharing on a well decommissioning project #2 pit well for Lisa Womack, Lima Twp., \$500.00. Motion by Porter Wagner, seconded by Lester Jantzen to approve Lisa's request. Motion carried.

Erik presented tentative approval request for county cost sharing on a well decommissioning project for William Schier, Glen Haven, Twp., \$1,000.00. Motion by Porter Wagner, seconded by Pat Schroeder to approve William's request. Motion carried.

Erik presented tentative approval request for county cost sharing on a waste facility closure project for Joseph Brant, Jamestown Twp., \$3,000.00. Motion by Lester Jantzen, seconded by Gary Northouse to approve Joseph's request. Motion carried.

SWRM Cost Sharing:

2021 DATCP Cost Sharing: Beginning Balance \$18,585.33/Ending Balance \$18,585.33

None to report.

2022 DATCP Cost Sharing: Beginning Balance \$58,481.76/Ending Balance \$47,759.33

Erik presented tentative approval request for 2022 DATCP cost sharing on a grade stabilization project for Doug and Marla Leibfried, Harrison Twp., \$7,000.00. Motion by Lester Jantzen, seconded by Porter Wagner to approve the Leibfried's request. Motion carried.

2021 MDV Cost Sharing: Beginning Balance \$67,917.32/Ending Balance \$64,290.74.

Erik presented tentative approval request for 2021 MDV cost sharing on a grade stabilization structure for Duane Haas, Cassville Twp., \$3,626.58. In July, of 2021, the committee approved \$8,750.00. Motion by Porter Wagner, seconded by Gary Northouse to approve the additional \$3,626.58 MDV cost sharing for Duane. Motion carried.

Storage Permit Approval

Erik reported that Joseph Brant, Jamestown Twp., has requested a manure storage abandonment permit. He has paid his permit fee and Erik Heagle completed the design plans. Motion by Gary Northouse, seconded by Lester Jantzen to approve the permit. Motion carried.

CSZD Administrator Report

Erik reported that the 2022 Tree Sale is now scheduled for April 29th pickup. Tree sorting will be on April 28th. We had one nursery not able to harvest the trees in time.

- A NMP letter for the Farmer Written Class attendees was mailed out. Bill Kletecka is currently working with them as they come in.
- Erik attended the WLWCA Tech Committee meeting on March 25th.
- Erik had the CSZD technician interview on March 31st. Bailey Hermanson was hired and will be starting on April 18th.
- Holding tank letters were sent out the week of March 21st. Anyone with a holding tank is required for pumping and inspection per state regulations. These letters go out once a year.

- Erik and Bill had a meeting with Southwest Wisconsin Regional Planning Commission on the National Water Quality Initiative, the Sinsinawa project. They received a draft version of the plan. They are reviewing the information and waiting for some modeling data before submitting to NRCS for approval. Hoping to get the plan completed and approved by June so they can start contacting landowners in the Hazel Green area.
- The NRCS computers are here. They are in Richland Center waiting for IT to get them registered and imaged. The county purchases the equipment, but NRCS takes care of the IT and hardware issues for us because we are on the federal system.
- The SWIGG results are back. There will be meeting in Dodgeville with Erik, Erica, Katie, the researchers and Lynda on Zoom to determine how to proceed with the information release and review findings.

Approval to Hire Administrative Assistant 1

Erik reported that Krystal's last day is on April 7th. She presented a letter of resignation 2 weeks ago. Mark Stead gave approval for Erik to post the position. Motion by Gary Northouse, seconded by Lester Jantzen to approve the posting of the Administrative Assistant 1 position. Motion carried.

Continuous Improvement Update

Erik reported that on April 21st all staff except Annette will be attending the Generations Unmasked training. Erik, Randy, Annette and Bailey will also be attending the Communications Strategies training.

Erik is continuing to complete in house organizing and process maps, making sure the team is on the same page.

Erik is working at getting Bailey set up in the office.

NRCS Report:

Erik presented the NRCS Report for Andy Walsh. NRCS will be hosting a 2nd EQIP signup for 2022 for the following fund pools with a deadline of May 20, 2022. They are encouraging any interested parties to contact NRCS at their earliest convenience and not wait until deadlines.

2022-2 Fund pools

- Climate Smart Agriculture and Forestry
- Conservation Planning Activities (CPA), Design Implementation Activities (DAI), Conservation Evaluation and Monitoring Activities (CEMA)*
- Conservation Incentive Contracts (CIC)
- Socially Disadvantaged
- WLFW – Monarch
- Regional Conservation Partnership Program (RCPP)
 - RCPP18 LMR (project code)
 - Sand County Foundation (2320)

* Formally known as Conservation Activity Plans (CAP)

FSA Report

Emily mentioned that they are looking ahead to crop reporting. FSA will be mailing all the maps out to the producers.

Emily reported that the office is open. They can have in person visitors. They are to keep their visitors at the counter and not take them to their desks.

Emily reported that FSA has a Program Technician vacancy that was posted on April 4th and will close on April 18th.

Erik stated that the CSZD office is open and has the option to take customers to their desks. Appointments are highly recommended.

Mike Lieurance announced that there are 3 county board members that won't be on the CSZD committee anymore. He stated that he enjoyed his time with the CSZD committee along with the County Board.

Lester wanted to thank everyone for all their support while he was on the County Board.

Motion by Lester Jantzen to adjourn to Thursday, May 5, 2022, at 9:00 a.m.

Respectfully Submitted by Annette Lolwing for Lester Jantzen