GRANT COUNTY CONSERVATION, SANITATION, & ZONING COMMITTEE MEETING

May 5, 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 May 5, 2022, at 9:00 a.m. by Robert Keeney, the County Board Chairman in Room #264, County Board Room of the Administration Building and via Zoom meeting.

Board members present in the County Board room: Joe Mumm, Porter Wagner, Gary Northouse, Brian Lucey, Adam Day, and Pat Schroeder. Others present in the County Board room; Erik Heagle, Annette Lolwing, Robert Keeney, Shane Drinkwater, Justin Johnson, Andrew Drewry, Justin Finn, Terry Schaefer, Constance Miles, Ben Schroeder, Katie Tranel, Dan Schaefer, Cheryl Huggins, Shawn Mellenberger, Jacob Krieg, Joyce Roling, George Murphy, and Kyle Vesperman. via Zoom: Erik Heagle, Shane Drinkwater, Robert Keeney, Emily Schildgen, Kyle Vesperman, Toughbook, Tonya White, Brandon Behlke, 608-553-0858, 815-275-1045, and 608-732-4199.

Certification of Open Meeting Law

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

Approval of May 5, 2022, Agenda

Motion by Gary Northouse, seconded by Porter Wagner to approve the agenda. Motion carried.

Election of Chair

Bob Keeney opened nominations for the Chairman position of the Conservation, Sanitation, and Zoning Committee. Porter Wagner nominated Gary Northouse. Motion by Pat Schroeder, seconded by Porter Wagner moved to close nominations and cast a unanimous ballot for Gary Northouse as the Chairman of the Conservation, Sanitation, and Zoning Committee. Voice vote was taken. All in favor, no opposed. Motion carried.

Election of Vice Chair

Bob Keeney opened nominations for the Vice Chairman position of the Conservation, Sanitation, and Zoning Committee. Gary Northouse nominated Pat Schroeder. Motion by Porter Wagner, seconded by Joe Mumm moved to close nominations and cast a unanimous ballot for Pat Schroeder as the Vice Chairman of the Conservation, Sanitation, and Zoning Committee. Voice vote was taken. All in favor, no opposed. Motion carried.

Election of Secretary

Bob Keeney opened nominations for the Secretary position of the Conservation, Sanitation, and Zoning Committee. Gary Northouse nominated Porter Wagner. Motion by Pat Schroeder, seconded by Joe Mumm moved to close nominations and cast a unanimous ballot for Porter Wagner as the Secretary of the Conservation, Sanitation, and Zoning Committee. Voice vote was taken. All in favor, no opposed. Motion carried.

Approval of the April 7, 2022, Minutes

Motion by Pat Schroeder, seconded by Porter Wagner to approve the April 7, 2022, minutes. Motion carried.

Review & Accept the Bills

Motion by Pat Schroeder, seconded by Joe Mumm to accept the April bills. Motion carried.

Justin Johnson handed out a copy of the 2017 Wisconsin Act 67. The main item to pay attention to is item #2 (b) 1. If any applicant for a conditional use permit meets or agrees to meet all 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.

Public Hearing for Rezones

Chairman Northouse opened the Public Hearing

#RZ22-06 Jordan Smyth, Watterstown Twp., is requesting to change the zoning classification on PIN:060-00497-0000 of +/- .58 ac. from A-2 to R-1 to reduce the side property line setback from 30' to 18' for the purpose of having a home addition meet the setback.

In Favor: Watterstown Twp. approved on January 11, 2022.

In Opposition: None

In Interest: None

Committee Discussion: Porter Wagner asked if this goes through court how are we going to know if the setback footage is now correct with the property line. Justin stated that we won't know if the property line is 100% correct without a survey being done. Justin feels confident that the 18' setback is well within the property line. Gary Northouse closed the Public Hearing

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

Chairman Northouse opened the Public Hearing

#RZ22-07 Ann Kemink, Platteville Twp., is requesting to change the zoning classification on

PIN: 050-00704-0000 of +/- 12.45 ac. from FP to M-2 to allow for the use of a proposed cement mixing plant. In Favor: Platteville Twp. approved on March 21, 2022. Ben Schroeder and Jacob Krieg.

In Opposition: Dan Schaefer, Cheryl Huggins, Katie Tranel, and Shawn Mellenberger. Shawn lives to the east and has concern with water usage and his well.

Rebuttal: to Shawn Mellenberger's concerns. Bard's wells are drilled deeper than what a typical homeowner's well is drilled. They have a 4000 to 6000 gallon holding tank at their facility. More steady water usage rather than a massive draw from the well.

In Opposition: Dan Schaefer provided signatures of other residents in the area. He is concern with the truck traffic on the 80/81 intersection is not a safe intersection. The traffic speed through that area is fast and is concern with the extra slow trucks pulling out into traffic.

Rebuttal: for Dan Schaefer's opposition: They have already discussed the speed of the traffic with the sheriff's department about putting up extra signage through that area which Bard will pay for.

In Opposition: Cheryl Huggings has farmland right across from the site and is concern with the contamination of waterways and fields. Also, with the farm implements going in and out of the farm driveway which will be right across the road from the new cement mixing plant.

Rebuttal: to Cheryl Huggings. Ben stated that they will probably have a water retention pond which will collect the water and release is slowly. Jacob stated that they are not allowed to let contaminated water out of the site without it being filtered.

In Interest: The conditions that are imposed: 1. Traffic flow to highway 81 is required with the exception of local deliveries. 2. Owner to pay for signage as needed. 3. Owner to pay for damage caused by the trucks. 4. East driveway is to be used for ready mix trucks. 5. West driveway would be for aggregate trucks coming in and turning right. 6. Dust Control, owner to provide for dust control as needed.

Committee Discussion: Pat Schroeder asked Cheryl Huggings if that piece of property was part of her farm. Cheryl stated that Ann Kemink retained that piece of property through a divorce. Bob Keeney asked Ben if Bard was going to close the plant in downtown Platteville when this new one is up and running. Ben stated Yes, they will be closing that site. Adam Day asked if the land was purchased, are you going to communicate with Mr. Mellenberger regarding the neighboring wells. Bob Keeney mentioned that the property to the east is residential. The map is incorrect. All setbacks still apply even if it is mapped as commercial.

Gary Northouse closed the Public Hearing

Motion by Porter Wagner 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 Joe Mumm. Motion carried. See Attachment A Worksheet.

Chairman Northouse opened the Public Hearing

#RZ22-08 Andrew & Jane Drewry Trust, Clifton Twp., is requesting to change the zoning classification on PIN: 012-00185-0000 of +/- 2.0 ac. from FP to A-2 to allow for the use of a nonfarm residence.

In Favor: Clifton Twp., approved on March 16, 2022. Andrew Drewry and Justin Finn.

In Opposition: Justin received a phone call on April 22nd from Dan Hershberger who is one of the neighbors within 300 feet of the rezone area. The applicants' refusal to cooperate with the wind development project has blocked the opportunity for Mr. Hershberger to place a wind turbine on his property. In Interest: None

Rebuttal: Andrew stated that it is his property, and he is entitled to petition to the committee for the rezone. Committee Discussion: Porter mentioned that there is a lot of elevation and a lot of sway backs going into the property. Andrew stated that the driveway has been grandfathered in and he is planning on widened to accommodate 2 firetrucks to pass by each other.

Gary Northouse 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 Adam Day. Motion carried. See Attachment B Worksheet.

Chairman Northouse opened the Public Hearing

#RZ22-09 BrandL Embroidery LLC & J&C Realty, Jamestown Twp., is requesting to change the zoning classification on PIN: 026-00255-0030 & 026-00311-0020 of +/- .831 ac. from C-2 & R-2 to C-1 to allow for a proposed addition onto BrandL Embroidery.

In Favor: Jamestown Twp., approved on February 8, 2022. George Murphy, Delta 3 Engineering. In Opposition: None

In Interest: The parcel that is extending into J&C Realty which is zoned as R-2, the current parcel that BrandL is on is zoned as C-2. If this is approved, J&C Realty would make that property purchase where that proposed addition is. Going through the site plan Under Commercial 2 zoning there is currently a 50' rear property line setback. The site plan shows the existing structure is 12' 4" from that rear property line. Currently it is ineligible for that proposed addition as far as obtaining a zoning permit. It is a nonconforming structure. If this is approved, it would reduce that rear property line setback to 30'. It would still be a nonconforming structure but would follow up with a variance application. If the rezone is approved, they would be asking for a variance, which this office would recommend approval because in 1991 the DOT pushed that right of way up which resulted in the existing building to be nonconforming.

Committee Discussion: None

Gary Northouse closed the Public Hearing

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

Chairman Northouse opened the Public Hearing

RZ22-10 Vesperman's Corporation, South Lancaster Twp., is requesting to change the zoning classification on PIN: 056-00520-0000 of +/-3.21 ac. from FP to C-2 to allow for a shed proposed to be used for hosting wedding and other non-agricultural related events.

In Favor: South Lancaster Twp., approved on March 9, 2022. Kyle Vesperman

In Opposition: Justin received a written statement from Constance Miles. Justin read it into the record. Rebuttal: Kyle stated that the photos that Constance had showed the committee members where from 2018/2019 when we received 3, 4, 5, 6" rain events. Kyle stated that he has removed some buildings and feels that he has not produced any additional water runoff. Kyle mentioned that Constance has several acres on her side of the road, and he has several acres on his side of the road and they both flow down hill to the ditch which goes through Constance's property.

In Opposition: Terry Schaefer stated that they don't oppose what Kyle wants to do but Kyle has added more smaller buildings and adding a gravel parking lot creates no place for the water to go. Terry is asking Kyle to install some type of water retention basin to help control the water runoff. Rebuttal: None

In Interest: Justin stated that a retention pond relating to commercial zoning is not controlled by the CSZD. If anything, it would be controlled by the WI DNR.

Committee Discussion: Adam Day asked if the rezone was approved does the WI DNR supersede the CSZD decision. No, it does not. Adam asked Kyle why the building was already on site before he applied for the zoning permit? Kyle thought that he was going to be operating it as an ag building. Gary Northouse asked Kyle if he added any additional parking when he brought this round barn in. No, there is no additional parking added. Gary Northouse 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 Porter Wagner. Motion carried. Adam Day opposed. See Attached C Worksheet.

Chairman Northouse opened the Public Hearing

#RZ22-11 John L. Wubben Revocable Living Trust, Jamestown Twp., is requesting to change the zoning classification on PIN: 026-00028-0000, +/- 2.68 ac. from C-1 to A-2 to allow for non-commercial (shed) use. In Favor: Jamestown approved on April 12, 2022.

In Opposition: None

In Interest: Mr. Wubben is not proposing any development. Use of the shed will be for storing vehicles and a camper. If this is approved and he does want to place any addition on to that existing shed that would require a Conditional Use Permit since there is not a principal structure or home on the property.

Committee Discussion: None

Gary Northouse closed the Public Hearing

Motion by Adam Day to recommend approval of the rezone to the full County Board, seconded by Brian Lucey. Motion carried.

Public Hearing for Conditional Use Permits

Justin Johnson stated that the final decision is made today on Conditional Use Permits, they do not go on for County Board approval.

Chairman Northouse opened the Public Hearing

#CUP 22-007 William & Connie Eisele, Clifton Twp., is requesting a Conditional Use Permit on PIN: 012-00374-0000 of +/- 2.1 ac. to allow for an accessory structure established prior to a principal structure being established under Sections 3.08 (2) (e) & 3.10 (2) (a) of the Grant County Comprehensive Zoning Ordinance. In Favor: Clifton Twp. approved on March 16, 2022.

In Opposition: None

In Interest: This accessory structure is a shipping container to store his lawn mowers in.

Committee Discussion: Pat Schroeder asked about the property lines, the parcel lines don't contain the shipping container on the map. The property lines are not always correct on the map.

Gary Northouse closed the Public Hearing

Motion by Porter Wagner to recommend approval of the Conditional Use Permit seconded by Joe Mumm. Motion carried.

Zoning/Sanitation Report

Erik reported that there were 65 zoning permits in 2021 and 72 zoning permits in 2022. There are around 34 active orders for correction including citations that have not been corrected. There are some court dates scheduled for May 19th. One is reopened per landowner request. It took three rounds of citations to get the property into compliance. Landowner believes they should not be responsible for paying the citation fees from the first two rounds since the issue has been resolved. There is a court date scheduled for June 15th. Person pled guilty to apply for a variance. Application has not been submitted. There are 34 active orders for corrections, includes citations that have not been corrected.

Erik Heagle presented the Sanitation Report from the end of April 2021 to April 2022. There are 5 court status conferences just for sanitation issues. Court cases ranging from June 6th to July 11th. There are 40 of those conferences that are planned within those dates. There are 30 orders for correction with sanitation only that are due by August 31st. The CSZD sent out 2765 for 3-year maintenance on septic systems and holding tank agreements. From January 1, 2021, there were 371 3-year maintenance forms turned in, compared to 289 this year. We had 30 sanitary permits completed in 2021, compared to 38 in 2022. The total amount of rezones in 2021 was 4, compared to 9 so far this year.

Motion by Porter Wagner, seconded by Adam Day to accept the Zoning/Sanitation Report. Motion carried.

We have 2 BOA's (Board of Adjustments) scheduled for early June.

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

None to Report.

SWRM Cost Sharing:

2021 DATCP Cost Sharing: Beginning Balance/Ending Balance \$18,585.33 None to report.

2022 DATCP Cost Sharing: Beginning Balance/Ending Balance \$47,759.33 None to report.

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

Storage Permit Approval

None to report.

Appoint SAA Representative & Alternate

Erik asked if anyone was interested in being the Southern Area Association representative and alternate? This organization meets quarterly, and the next meeting is on May 26th via Zoom. Adam Day will be the representative and Pat Schroeder will be the alternate for the SAA,

CSZD Administrator Report

Erik is working with one DNR enforcement conference. Landowner is very cooperative.

Erik has been attending SWIGG meetings once a week. The results of the SWIGG study will be presented at the Youth and Ag Building on May 16th at 6:00 p.m. SWIGG is the Southwest WI Groundwater Geological study that was started in 2018 in Grant, Iowa, and Lafayette County.

Erik reported that the tree sale is going on as we speak. Tree pickup is scheduled for May 6th.

Erik mentioned to the committee that he handed out information on the County Statewide Agriculture Performance Standards for the Farmland Preservation Program, Cooperator Cost Share Rates, Cost Share Priorities in the future. Please review the Cost Share Priorities and Rates because they are set by the committee.

Erik reported that the committee should check their email so they can follow the Wisconsin Land + Water information that they publish for the County Committees and for County Employees. Matt Krueger, Executive Director of the WI Land + Water organization sent out information for a virtual (ZOOM) Welcome presentation for new and existing County Committee staff. Presentations will be June 23rd, from 8:30 to 9:30 a.m. and again on June 29th, from 8:30 to 9:30 a.m. The WI Land + Water Association dues for 2023 will be \$1,527.00.

Erik reported that we are waiting for the final draft and review of the NWQI (National Water Quality Initiative) for the Sinsinawa watershed. The Sinsinawa watershed encompasses the majority of Hazel Green Township and a small portion of Cuba City. NRCS signed us up for conservation practice work. They have allotted us about \$1 million. The CSZD is working with the Southwest WI Regional Planning to get a plan written. NRCS needs to give this plan approval by June 24th.

Continuous Improvement Update

Erik reported that Bailey Hermanson started on April 18th. Erik is training her.

Erik reported that the interviews for the CSZD Administrative Assistant 1 position is scheduled for Monday, May 9th, Erik, Annette, and Joyce will be interviewing 4 candidates.

Erik reported that he is hoping to do a weekly meeting with his staff.

NRCS Report:

Erik presented the NRCS Report for Andy Walsh. Coming up on June 7th, there are the 2022 Local Workgroup meetings. The Local Workgroup meetings work to set priorities for the US Department of Agriculture conservation programs from the 2018 Farm Bill. One of the main things that will be discussed is EQIP (Environmental Quality Incentive Program). EQIP is NRCS's main cost share program.

FSA Report

Emily reported that they are getting ready for crop reporting. The FSA has got all the producer maps mailed out with an instruction sheet, the producer has an option to mail them back, drop them off, or call and set up an appointment to come into the office. If the producer wants to come into the office, they are encouraged to make an appointment.

Emily reported that they were notified by National that 16 of the 18 people who submitted general CRP Offers back in February were accepted. They are still working on the continuous CRP sign up and reenrolls. Emily reported that they have a grassland continuous sign up and it closes on May 13th. It doesn't have a very high payment rate, there are rules on grazing, and only pays \$25 - \$30 per acre.

Motion by Porter Wagner, seconded by Brian Lucey to adjourn to Thursday, June 2, 2022, at 9:00 a.m.

Respectfully Submitted by Annette Lolwing for Porter Wagner

of those call with BATKH Materials Usens. Jon Review of Standards for Rezoning Land out of Farmland Preservation 4/20/22Landowner: Ann Klmink Attachment A Worksheet ne 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 No Explain: Near high way interchange + not part of contiguous farm tract 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. No or N/A Explain: Per township form on 3/21/22. 3. The rezoning is substantially consistent with the Grant County farmland preservation plan policy. Non- farm development will be directed to non-agricultural soils or less productive agricultural 5.1: soils, consistent with the needs of the development. No Most of the development will be on po non prime fam found Soil 5.2 Non-farm development will be directed to areas where it will cause minimum-disruption of Not part of a Contiguous fam tract + traffic patters are directed to 5.3 Non-farm development will be encouraged to locate so as to leave a maximum amount of State farmland in farmable size parcels. Eastern part of the site will still be farmed 5.4 Non-farm residential development will be irrected to existing platted subdivisions and sanitary Note residential development plagned 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) Eastern Portion of the site & will Still be facued 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 No or Explain: Rezoning allows for the development to Occur on a smaller parcel. 7 The CSZC recommends/does not recommend approval to the Grant County Board of Supervisors (Circle one)

Review of Standards for Rezoning Land out of Farmland Preservation

Date: 5/5/22 Landowner: Andrew + Jane D 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. or No Explain: No prime farm ground 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. N/A Explain: per Township Form on 3/16/22 The rezoning is substantially consistent with the Grant County farmland preservation plan policy. Non- farm development will be directed to non-agricultural soils or less productive agricultural 5.1: Home will be built on non-prime tarmy-ound soil if rezone is approved 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 present Non-farm development will be encouraged to locate so as to leave a maximum amount of (Yes) farmland in farmable size parcels. No I alres out of the 138 acres on the property would be rezoned if Non-farm residential development will be directed to existing platted subdivisions and sanitary approved districts. Yes No (N | A)Not a plattle subdivision 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 No W/ benefit to agriculture. Yes No af Fulake development being proposed The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland. 6 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 farmground soil present.

7 The CSZC recommends/does not recommend approval to the Grant County Board of Supervisors (Circle one) 16 Landowner: Vesperman Corporation

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.

Explain: Land is prime farm ground No Yes or to majority form and only minimal lang verer operation is consistent with any comprehensive plan, adopted by the Grant County Board which is in effect at the time of the rezoning. Yes or N/A No or outh Concepter tourship voted to change Explain: 3. The rezoning is substantially consistent with the Grant County farmland preservation plan policy. Non- farm development will be directed to non-agricultural soils or less productive agricultural 5.1: soils, consistent with the needs of the development. (Yes No Non-farm development will be directed to areas where it will cause minimum disruption of 5.2 established farm operations or damage to environmentally sensitive areas. (Yes No Non-farm development will be encouraged to locate south to leave a maximum amount of 5.3 farmland in farmable size parcels. (Yes No Non-farm residential development will be directed to existing platted subdivisions and sanitary 5.4 No (N/A districts. Yes 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 NA

- 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

No

- 6.6 Covered by an agricultural conservation easement
- 6.7 Otherwise legally protected from nonagricultural development

Ye or

Explain:

Date: 0

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

Mark Grant