

GRANT COUNTY CONSERVATION, SANITATION, & ZONING COMMITTEE MEETING

June 2, 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 June 2, 2022, at 9:00 a.m. by Gary Northouse, the Conservation, Sanitation, 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: Porter Wagner, Gary Northouse, Brian Lucey, Adam Day, Pat Schroeder. Joe Mumm via Zoom. Others present in the County Board room; Erik Heagle, Annette Lolwing, Robert Keeney, Shane Drinkwater, Justin Johnson, Ben Schroeder, Bob Service, Tom Mercer, via Zoom: Erik Heagle, Shane Drinkwater, Robert Keeney, and Toughbook1.

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 June 2, 2022, Agenda

Motion by Porter Wagner, seconded by Pat Schroeder to approve the agenda. Motion carried.

Approval of the May 5, 2022, Minutes

Motion by Adam Day, seconded by Porter Wagner to approve the May 5, 2022, minutes. Motion carried.

Review & Accept the Bills

Motion by Pat Schroeder, seconded by Adam Day to accept the May bills. Motion carried.

Public Hearing for Conditional Use Permits

Erik Heagle stated that the rezones are voted by the committee and finalized by county board vote. CUP's are voted on by committee only.

Chairman Northouse opened the Public Hearing

#CUP 22-002 Ervin & Kim Carpenter, Wingville Twp., is requesting a Conditional Use Permit on PIN: 062-00542-0000 of +/- 3.17 ac. to allow for a lodge-home under Sections 3.10 (2) (b) of the Grant County Comprehensive Zoning Ordinance.

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

In Opposition: None

In Interest: The Township did not place any conditions on CUP 22-002.

Gary Northouse closed the Public Hearing

Motion by Pat Schroeder to recommend approval of the Conditional Use Permit, seconded by Brian Lucey.

Motion carried.

Chairman Northouse opened the Public Hearing

#CUP 22-008 Leroy Dilley, Mount Hope Twp., is requesting a Conditional Use Permit on PIN: 038-00336-0000 of +/- .6 ac. to allow for an accessory structure established (shed) prior to a principal structure being established under Section 3.08 (2) (e) of the Grant County Comprehensive Zoning Ordinance.

In Favor: Mount Hope Twp. approved on April 28, 2022.

In Opposition: None

In Interest: None

Committee Discussion: Porter asked if they are constructing a building first? Yes, they are. Porter asked if there was a time limit to build the home. Justin stated that there is no time limit for Leroy Dilley to construct a home. Robert Keeney asked if they submitted a plan with the size of the building and location? The size of the shed is 48' X 30'. They are proposing 15 feet from the West property line, 67 feet from the North property line, 119 feet from the East property line and 132 feet from the center of the road. The Northwest corner had a survey marker exposed. Gary Northouse asked if they do build a house will they have room to be within the setbacks? Yes, they will.

Gary Northouse closed the Public Hearing

Motion by Porter Wagner to recommend approval of the Conditional Use Permit, seconded by Adam Day.

Motion carried.

Chairman Northouse opened the Public Hearing

#CUP 22-009 Croft Rockland LLC, Ellenboro Twp., is requesting a Conditional Use Permit on PIN: 014-00412-0000 & 014-00413-0000 of +/- 60.0 ac. to allow for the continued use of nonmetallic mining under Section 3.14 (2) (a) of the Grant County Comprehensive Zoning Ordinance.

In Favor: Ellenboro Twp. approved on May 5, 2022. Bob Service & Tom Mercer

In Opposition: None

In Interest: Ellenboro Twp. placed 3 conditions: 1. Operator; Keep Aupperle Road graveled, township will grade. 2. Operator; Dust Control when necessary. 3. Operator; Inform neighboring properties when blasting, by phone, if unavailable leave a message. The current CUP expires in July. The CUP for nonmetallic mining is good for 5 years. Bob Service stated that this is a CUP renewal with adding nothing new to the operation.

Committee Discussion: Porter Wagner asked if the blasting is monitored by the state? Bob stated that it is common practice that the neighbors are notified prior to blasting. The blasting is federally regulated.

Gary Northouse closed the Public Hearing

Motion by Porter Wagner to recommend approval of the Conditional Use Permit, seconded by Adam Day.

Motion carried.

Public Hearing for NR-135 Non-Metallic Mining Reclamation

Chairman Northouse opened the Public Hearing

#NMM22-02 Klar Quarry, Platteville Twp., for the application and plan for a reclamation permit for a limestone mine on PIN: 050-00989-0000 +/- 25.0 ac.

In Interest: This quarry mining boundary expanded south which went over the current mining boundary. As a result, the operator needed to update the reclamation plan. The reclamation plan was updated from 18.5 acres to 25.0 acres which accounts for the expansion of the quarry. The reclamation plan was reviewed by the Southwest WI Regional Planning Commission. Matt Honer, Associate Planner, for the Southwest WI Regional Planning Commission works with the applicant on the reclamation plan. Matt Honer provided a written statement. Matt stated that the 2021 annual reporting identified that the mining had extended past the permitted boundaries for the Klar quarry. Due to the change in the site conditions, BARD Materials was required to revise the reclamation plan. The previous reclamation plan was written by the previous operator GA Watson in 2004. The proposed post mining land use will result in sustaining pasture and compliance with the Grant County Farmland Preservation Zoning. The new plan meets all the requirements of NR135 and Grant County Chapter #180 of the County's Non-Metallic Mining Ordinance as well as the State of Wisconsin NR-135 Ordinance. Proposed Permit #02.25.10.

Public Hearing for Conditional Use Permits

Chairman Northouse opened the Public Hearing

#CUP 22-010 David & Margaret Klar, Platteville Twp., is requesting a Conditional Use Permit on PIN: 050-00989-0000 & 050-00990-0000 of +/- 80.0 ac. to allow for the continued use of nonmetallic mining under Section 3.05 E (3) of the Grant County Comprehensive Zoning Ordinance.

In Favor: Platteville Twp. approved on March 21, 2022. Ben Schroeder.

In Opposition: None

In Interest: Platteville Twp. did not impose any conditions on this CUP. The reclamation plan was for 25.0 ac. and the CUP request is for 80.0 ac. The reason why the CUP was triggered in this case was because our office didn't have a CUP on file previously. It was basically grandfathered in from the previous mining boundary. Since that boundary has expanded, that is what triggered the CUP. If there is any further expansion to the mining boundaries it would just include an update to the reclamation plan. This is a request of nonmetallic mining in Farmland Preservation. There is a set of standards to review. See Attachment A Worksheet.

Committee Discussion: None

Gary Northouse closed the Public Hearing

Motion by Adam Day to recommend approval of the Conditional Use Permit, seconded by Porter Wagner.

Motion carried.

Chairman Northouse opened the Public Hearing

#CUP 22-011 Ann Kemink, Platteville Twp., is requesting a Conditional Use Permit on PIN: 050-00704-0000 of +/- 12.45 ac. to allow for the use of a proposed cement mixing plant under Section 3.14 (2) (b) of the Grant County Comprehensive Zoning Ordinance.

In Favor: Platteville Twp. approved on March 21, 2022. Ben Schroeder

In Opposition: None

In Interest: Platteville Twp. placed 6 conditions on this CUP. 1. Traffic flow to Hwy 81 with exception of local delivery. 2. Owner to pay for signage as needed. 3. Owner to pay for damage of road caused by them. 4. East driveway for ready mix trucks. 5. West driveway inbound for dump trucks. 6. Owner to provide dust control as needed. Ben Schroeder stated that they went back to the Township and had a road agreement signed between Platteville Township and BARD. If the CUP is approved, it would be good indefinitely. There will not be the 5-year renewal period.

Committee Discussion: None

Gary Northouse closed the Public Hearing

Motion by Porter Wagner to recommend approval of the Conditional Use Permit, seconded by Brian Lucey.

Motion carried.

Zoning/Sanitation Report

Erik provided handouts of all the Orders for Corrections, a list of citations, and a calendar of court cases for sanitation. In 2021, we were at 10 permits for new septic system installs, this year we are at 54 permits waiting to be installed. The 3-year maintenance forms and fees are coming in. There are 38 upcoming court hearings from now until July 11, 2022. There was one court case scheduled for May 19th per landowner request. It took 3 citations to get them in compliance. Landowner is now arguing that they shouldn't have to pay the first 2 citations since they are now in compliance. The citation was now dismissed due to the landowner coming into compliance. There is another scheduled court date on June 15th. This is where the landowner plead not guilty and was to apply for a variance. No application for a variance has been submitted. There is currently 26 Orders for Corrections, this also includes citations that have not been corrected. In 2021, there were 87 zoning permits issued, in 2022 there were 105 zoning permits issued.

There is a Board of Adjustment meeting scheduled for June 9th at 10:00 a.m. on 2 site proposals. Looking to schedule a second BOA meeting the end of June to beginning of July for 2 more site proposals.

Justin stated that after the second round of BOA meetings we will have matched our number of Public Hearings for the total 2021 year, we are only half-way through the year.

County Cost Sharing: Beginning Balance \$27,049.72/Ending Balance \$25,045.72

Erik presented final approval request for county cost sharing on a well decommissioning located in the field for Jeff Zimmer, Glen Haven Twp., \$427.00. Motion by Porter Wagner, seconded by Pat Schroeder to approve payment. Roll Call: 6 Yes, 0 No, 0 Absent. Motion carried.

Erik presented final approval request for county cost sharing on a well decommissioning located by the buildings for Jeff Zimmer, Glen Haven Twp., \$427.00. Motion by Adam Day, seconded by Brian Lucey to approve payment. Roll Call: 6 Yes, 0 No, 0 Absent. Motion carried.

Erik presented tentative approval request for county cost sharing on a well decommissioning located in the field for Kenneth Demmer, Harrison Twp., \$550.00. Motion by Porter Wagner, seconded by Brian Lucey to approve Kenneth's cost sharing request. Motion carried.

Erik presented tentative approval request for county cost sharing on a well decommissioning located the buildings for Kenneth Demmer, Harrison Twp., \$600.00. Motion by Adam Day, seconded by Brian Lucey to approve Kenneth's cost sharing request. Motion carried.

SWRM Cost Sharing:

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

None to report.

2022 DATCP Cost Sharing: Beginning Balance \$47,759.33/Ending Balance \$34,259.33

Erik presented tentative approval request for 2022 DATCP cost sharing on a streambank protection project for DL Farms LLC, Hazel Green Twp., \$13,500.00. Motion by Pat Schroeder, seconded by Porter Wagner to approve DL Farms cost sharing request. Motion carried.

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

Storage Permit Approval

Erik reported that a permit was issued to Andy Buttles for relining one of his manure pits per his WPDS permit. In 2017, the storage permit was approved. Erik received the As Built set of plans. The CSZD office was never notified of when the relining of the pit occurred. The storage permit was only good for 1 year, which expired in 2018. Andy has since completed a new permit and has paid double the permit fee for an after the fact permit. Motion by Porter Wagner, seconded by Adam Day to approve the permit. Motion carried.

CSZD Administrator Report

- * Erik is working with one DNR enforcement. Landowner is very cooperative.
- * The SWIGG meeting was held on Monday, May 16th. The presentation went well, however, the attendance was very low.
- * The Southern Area Association meeting was held on Thursday, May 26th. There was an issue brought up with insurance and liability coverage is it needed or not for the Southern Area Tour.
- * Justin and Erik had a floodplain webinar hosted by FEMA on Wednesday, May 25th.
- * Erik will have a meeting on June 16th in Darlington. SWIGG and Clean Sweep.
- * Traci Kane started on Monday, May 23rd as the new Administrative Assistant.
- * Next month Erik and Justin are looking at bringing an ordinance amendment to the committee for review/approval at the July meeting. Just looking at adding some clarification language.
- * Will be asking the committee to review the County Storage Ordinance, Cooperator Cost Share Rates, and Cost Share Priorities.
- * Erik reported that he is waiting for the final draft and review of the NWQI Sinsinawa Plan from Southwest

WI Regional Planning Commission. CSZD needs to send it on to NRCS for final approval.

- * Erik asked the committee what their thoughts are for the next steps of the SWIGG study are.
- * Erik reported that the LWRM (Land & Water Resource Management) plan's 5-year update is planned for April 2023.
- * Erik also reported that the Farmland Preservation Update and Farmland Preservation Zoning Update with DATCP is due by the end of 2023.

Continuous Improvement Update

- * Trainings are slowing down as field work is progressing.
- * Erik stated that once things start slowing down, he is hoping to do weekly meetings with the Conservation Staff and the Zoning/Sanitation staff.

NRCS Report:

Erik presented the NRCS Report for Andy Walsh. NRCS has 2 new hires; Mark Puet, Soil Conservationist, he started on June 23rd. He comes from the NRCS office in Elizabeth IL. They also hired Arthur Mack as a technician, he will be starting on July 5th. He is coming from the US Corps Service in California.

FSA Report

Erik presented the FSA Report for Emily Schildgen. A Press release was just sent out by the National Office. It appears that producers with CRP contracts that are expiring on September 30, 2022, will have the option to request to terminate their contract early without penalty to bring land back into production. Producers may not disturb the ground cover during the nesting season which ends on August 1st. There is no official notice on the rules yet. Contact FSA with any questions.

Motion by Adam Day, seconded by Porter Wagner to set the next meeting date to Thursday, July 7, 2022, at 9:00 a.m. Motion carried.

Motion by Adam Day, seconded by Porter Wagner to adjourn the meeting. Motion carried.

Respectfully Submitted by Annette Lolwing for Porter Wagner

Conditional Use Permit for Non Metallic Mining in Farmland Preservation

Date: 5/13/22 Landowner: David + Margaret Klar

The Grant County Conservation, Sanitation and Zoning Committee may issue a conditional use permit for a proposed land use 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.

- 1. The operation complies with all of the following: YES NO
 - a. Subchapter I of ch. 295, Wis. Stats., and rules promulgated under that subchapter.
 - b. Applicable provisions of Chapter 180, the Non-Metallic Mining Reclamation Ordinance
 - c. Any applicable requirements of the WI Dept. of Trans. concerning the restoration of non-metallic mineral extraction sites.
- 2. Per rec plan
The operation and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district. YES NO
- 3. Allows of NMM as a CUP
The operation and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations outside the farmland preservation zoning district, or are specifically approved under state or federal law. YES NO
- 4. Operation is already existing
The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use. YES NO
- 5. 80 ac out of the 300 ac on the site would have the CUP applied to it
The operation does not substantially impair or limit the current or future agricultural use of other protected farmland. YES NO

Rec plan limits the operation to 25 ac -> would need to be updated if operation is expanded
The CSZC approves does not approve the Conditional Use Permit with the following conditions if applicable.

Adam Zed. Porter

- 1. The conditional use permit requires the landowner to restore the affected land after the non-metallic mineral extraction operation is completed. The permit shall require the landowner to restore the land to a condition suitable for agricultural use, according to a written restoration plan included with the permit. Note: see s. 91.46 (6), Wis. Stats.
- 2.