

# GRANT COUNTY CONSERVATION, SANITATION, & ZONING COMMITTEE MEETING

September 1, 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 September 1, 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, Joe Mumm, Adam Day and Pat Schroeder. Brian Lucey, Absent. Others present in the County Board room; Erik Heagle, Annette Lolwing, Robert Keeney, Shane Drinkwater, Justin Johnson, Tim Schmitz, Troy Kruser, Martin Melssen, Andrew Drewry, Phil Drewry, and Justin Fink. via Zoom: Erik Heagle, Shane Drinkwater, Robert Keeney, eheagle, Toughbook1, Jim Blabaum, Richard Jinkins, Matthew Wallrath, Kyle Bennett, and Grant County Board Room.

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

## **Approval of September 1, 2022, Agenda**

Motion by Pat Schroeder, seconded by Porter Wagner to approve the agenda with 2 corrections. In RZ22-21 Lazerus should be spelled Lazarus, also the line item on the agenda (Approval of CSZD Budget), should read as (Approval of the Tentative 2023 CSZD Budget). Motion carried.

## **Approval of the August 4, 2022, Minutes**

Motion by Joe Mumm, seconded by Porter Wagner to approve the August 4, 2022, minutes. Motion carried.

## **Review & Accept the Bills**

Motion by Porter Wagner, seconded by Adam Day to accept the August bills. Motion carried.

## **Public Hearing for Rezones**

Chairman Northouse opened the Public Hearing

#RZ22-21 – George Lazarus, Liberty Twp., is requesting to change the zoning classification on PIN: 028-00307-0000 & 028-00308-0000 of +/- 12.0 ac. from FP to A2 to allow for a nonfarm residence.

In Favor: Liberty Twp. approved on August 11, 2022. Jim Blabaum

In Opposition: None

In Interest: None

Committee Discussion: Porter Wagner asked if the access to the property has a 66' wide easement and does it come off of Liberty Ridge Road? Yes. It has a 66' wide easement and it does come off of Liberty Ridge Road.

Chairman 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

#RZ22-22 – John & Karen Wasserburger, Watterstown Twp., are requesting to change the zoning classification on PIN: 060-00490-0000 of +/- 7.5 ac. from FP to A2 to allow for a nonfarm residence.

In Favor: Watterstown Twp. approved on August 9, 2022. Kyle Bennett

In Opposition: None

In Interest: None

Committee Discussion: None

Chairman Northouse closed the Public Hearing

Motion by Adam Day 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 B Worksheet

Chairman Northouse opened the Public Hearing

#RZ22-23 – Andrew & Jane Drewry, Clifton Twp., are requesting to change the zoning classification on PIN: 012-00315-0010 of +/- 2.0 ac. from FP to A2 to allow for a nonfarm residence.

In Favor: Clifton Twp. approved on July 20, 2022. Andrew Drewry, Martin Melssen, Phil Drewry, Justin Fink, and an Email was submitted on August 29, 2022, by Sandra Herges. Justin read the email into the record. As a neighbor of Andrew Drewry, I fully support his request to construct a cabin on his property which is being challenged by the wind turbine company doing their work in Clifton Township. Property owners should not have their property rights dictated or determined by what adjoining neighbors choose to do. Additionally, I feel the measurement of “1,250 feet from a residence to turbines” is way to close. I think the better measurement would be from “property line to turbine”. It does not seem fair to me that the 17 landowners in our township who have chosen to be part of the wind turbine project would affect the other 200+ landowners in any adverse ways. My address is 1306 W. County Road E, and this pristine land is a treasure to me. Thank you for listening to my concerns. Respectfully, Sandra Herges. Martin Melssen, spoke in favor of the rezone. He stated that his children don't need health issues due to the turbines. Erik informed the committee that this discussion was only for Andrew Drewry's rezone for his property and is not about the wind turbine project. Phil Drewry also spoke in favor of the rezone. Phil agreed that Andrew should be allowed to build these homes for his children.

In Opposition: Eli Bontrager had concerns with the homes being built in the proximate area where he hunts.

In Interest: On June 1, 2022, Justin Johnson received a letter from the applicant with concerns with the wind turbines and the proximate area of the planned residences. On August 8, 2022, Justin spoke with the applicant and the applicant confirmed that the homes would be for his children. Access to the rezoned property will be off of Goldman Lane. A 66' wide easement has been established. There is also a 66' wide easement coming in off of County Road E as well.

Committee Discussion: Robert Keeney asked about the easement for access. How many parcels can use that easement? Justin stated that there is a limit of 4 homes that can use the same easement. Both parcels that have been rezoned in 2022 will be using the Goldman Lane for their access. Adam Day asked if a dual access easement play a factor in how many homes could utilize those 2 easements? Andrew still owns the contiguous property as it abuts Goldman Lane, which is a township road, so he still has frontage along a township road with maintaining that ownership. A subdivision would consist of 5 or more lots that are 1 ½ acre or less in size. The 2 Drewry rezoned parcels are being surveyed off into 2 acres in size for each parcel. Joe Mumm asked if the 66' easement was in a floodplain, as there appears to be a stream that runs through the property. Justin stated that the area was not mapped as floodplain.

Chairman Northouse closed the Public Hearing

Motion by Adam Day 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 Pat Schroeder.

Motion carried. See Attachment C Worksheet

### **Zoning/Sanitation Report**

Erik reported that we are at 146 current active permits (new, reconnects, etc.); 114 for 2022, 27 for 2021, and 5 left for 2020. There are 10 to 15 permits in the office waiting for 2022 approval. For 2021, last month there were 52 orders for corrections. This month there are 44 orders for correction, 30 maintenance forms, and 14

miscellaneous. For citations, in 2021, there are still 36 failing systems and 6 failures to complete holding tank maintenance forms. For 2020, there are 19 failures to complete maintenance and 11 for failing systems.

There were 140 zoning permits issued in 2021, compared to 197 zoning permits issued so far in 2022. There are 21 active orders for corrections, including citations that have not been corrected. There is one court date, (Fischer) that has been reopened for October 3<sup>rd</sup>. There is 1 trial scheduled for September 7<sup>th</sup> which is continued from April 20<sup>th</sup>, June 15<sup>th</sup>, and July 13<sup>th</sup>. The individual has pled not guilty to apply for a variance, no variance application has been submitted. There are 2 court intakes set for September 12<sup>th</sup>. Erik reported that the public hearing requests are the most time consuming to do. In 2021, there was a total of 32 public hearings, and so far in September 2022 there are 46 public hearings. Public Hearings are for Conditional Use Permits, Board of Adjustments, and for Rezones. Last year by August 30, 2021, total fees that were collected were at \$117,735.00, total fees collected by August 30, 2022, is at \$162,484.00.

### **Upper Sugar River Watershed Association-Aquatic Invasive Species-Cooperative Agreement and Presentation – Matt Wallrath**

Matt Wallrath, program coordinator, gave a presentation of what Aquatic Invasive Species they have been working on. The Upper Sugar River Watershed Association has been in existence since 2000. Rule NR-193, is a state statute that provides \$1 million to the state to divide amongst all counties in WI. Grant County receives approximately \$11,000.00 for the lake water protection network. They are looking at Golden Creeper or Red Hail Stone invasive species on the Big Green River in Grant County and are continuing to monitor this invasive species to make sure that it hasn't reached the Wisconsin or Mississippi River and will also continue to treat the invasive species. The CSZD supports and will sign a cooperative agreement for Matt to continue their work in Grant County. The funding for Matt's position comes from the WI DNR and is not out of budget. Erik asked the committee to approve the signing authority for the CSZD to sign the cooperative agreement so that the Upper Sugar River Watershed Association could receive \$11,723.17 for them to continue this program. Motion by Adam Day, seconded by Joe Mumm to approve the request of \$11,723.17 to the Upper Sugar River Watershed Association. Motion carried.

### **Approval of CSZD Tentative 2023 Budget**

Erik presented the tentative 2023 CSZD budget to the committee. Erik reported that the sale of our old van may be removed from the budget, as the van may get transferred to the ADRC. Motion by Pat Schroeder, seconded by Porter Wagner to approve the tentative 2023 CSZD budget. Motion carried.

### **3 Year Maintenance Timelines Update**

Erik reported that last month the committee approved a 1-month extension to September 30<sup>th</sup> for homeowners to get their 3-year maintenance complete. Erik stated that after discussions on an additional extension, the department recommends to not allow an additional date for the service providers due to an extension already being granted. Tim Schmitz had asked if the certified plumbers and pumpers could establish a list of clients who contact them prior to the September 30<sup>th</sup> deadline and give those plumbers and pumpers an additional month to October 31<sup>st</sup> to complete their inspections. Tim Schmitz and Troy Kruser stated that it is difficult to find a sanitary district that will accept their loads of septage to be dumped. The pumpers/plumbers would have to submit a spreadsheet of people: Name, Address, and Parcel ID by September 30<sup>th</sup>. This would be the deadline for the landowners to submit their 3-year maintenance form and payment to the CSZD and the plumbers/pumpers would also submit a list by the end of the CSZD business hours. Motion by Porter Wagner, second by Joe Mumm to allow the certified plumbers and pumpers the ability to submit a list with the Name, Address, and parcel ID, to the CSZD office by the end of the CSZD business day on September 30<sup>th</sup>. If the list is received after the close of the CSZD business day on the September 30<sup>th</sup> deadline the list will be null and void. The landowner deadline date will still be the September 30<sup>th</sup>. The plumbers and pumpers would have to the end of the CSZD business day on October 31<sup>st</sup> to submit the forms and payment for those names that were on the list, or they will be subject to late fees. Motion carried.

### **NACD EQIP Technical Support Grant Approval**

Erik reported that the County Board approved the NACD EQIP Technical Support Grant at their August meeting for a \$20,000 grant. There is a \$5,000 in kind match, however no money is needed. Porter Wagner made the motion, seconded by Adam to accept the \$20,000 grant from NACD. Motion carried.

### **DATCP Farmland Preservation Plan – Update Grant Approval**

Erik received the Farmland Preservation Plan contract from the Southwest WI Regional Planning Commission. Erik has not received the grant contract from DATCP. The grant funds are to help offset the cost of updating the Farmland Preservation Plan. Once we receive the grant money from DATCP we will review the contract with SWWRPC to start the process with the Farmland Preservation Update. Supervisors from all the townships will be receiving a letter with a map of FP zoning which took place back in 2010. This is only a plan update, it is not zoning changes, or amendments. It is getting the maps that we have on file to review and to make sure that ag ground is ag ground and if there are any changes that need to be made or you have questions contact us. This is just the update of the Farmland Preservation Plan. They will be updating data to current, updating maps to make sure our maps match DATCP maps, and updating census data.

### **Farmland Preservation Program**

Erik reported that they are still finding parcels that are not zoned as Farmland Preservation and have been collecting the tax credit. These are parcels that will be updated on the maps by the Southwest WI Regional Planning Commission.

### **Trout Unlimited RCPP Funding Support**

Erik reported that under our contribution agreement we do work for the funding by engineering and designing work for trout unlimited practices that are funded under the RCPP EQIP funding. Trout Unlimited are looking for letters of support for them to continue receiving funding.

### **County Cost Sharing:** Beginning Balance \$23,409.28/Ending Balance \$23,009.28

Erik presented tentative approval request for county cost sharing on a Well Decommissioning project for Nikolaus & Katelyn Bognar, \$400.00. Motion by Pat Schroeder, seconded by Porter Wagner to approve the Bognar's 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 \$4,509.33/Ending Balance \$4,402.72

Erik presented final approve request for 2022 DATCP cost sharing on a Grade Stabilization Structure for Doug and Marla Leibfried, Harrison Twp., \$7,106.61. Motion by Porter Wagner, seconded by Joe Mumm to approve payment. 5 Yes, 0 No, 1 Absent. Motion carried.

#### **2021 MDV Cost Sharing:** Beginning Balance \$44,024.09/Ending Balance \$44,024.09

### **Storage Permit Approval**

None to Report

### **Approval to Hire New Soil & Water Technician**

Erik reported that Bailey Hermanson who was hired back in April has taken a full-time ag teacher position in Wauzeka/Steuben. The technician position has already been posted. Motion by Adam, seconded by Joe Mumm to approve Erik to hire a new Soil and Water Technician. Motion carried.

## **CSZD Administrator Report**

- \* Erik had the WL+W Technical Committee and PIC meeting on August 18, 2022. They are planning for the WL + W Conference in March.
- \* Erik had a SWIGG/Clean Sweep meeting on August 22, 2022.
- \* Erik had a department head meeting on August 24, 2022.

### Other Information:

- Erik is looking to review the County Storage Ordinance, Cooperator Cost Share Rates, Cost Share Priorities, adding 2 new rates for zoning and sanitation (in-house at grade plan approval and navigability determination fees) These items will be brought to the December meeting for approval and to implement the changes on January 1, 2023.
- On October 20<sup>th</sup> is the Southern Area Association meeting in Madison. Adam is the representative for the SAA. Annette will be attending the meeting in Madison. Erik will be attending a WCCA conference on October 19<sup>th</sup>-21<sup>st</sup>.
- Erik is looking at writing a letter of support along with Iowa & Lafayette Counties to support additional SWIGG studies. Meeting set with the research team on Friday at 10:00 for more details. Researchers are applying for additional grant funding to support this.
- SWIGG Study – continuing talks on what is coming next. Surprisingly low “interest” from outside sources. All counties are hearing little to no feedback on it.
- Clean Sweep is set for September 23<sup>rd</sup> & 24<sup>th</sup> (Friday & Saturday), 2:00 to 6:00 and 8:00 a.m. to 12:00 p.m. at the Fairgrounds. Troy Moris, Jeff Kindrai and the Health Department are willing to help out on Friday. Erik informed the County Board of the Clean Sweep at the last meeting. Flyers, newsprint, and additional marketing should be seen throughout the next 3 weeks. Working with the Fairgrounds on dumpsters and the highway department with parking cones.
- There is \$100,000 in MDV funding available to sign up for by January 2, 2023.
- Erik asked what the thoughts are on county-to-county transactions such as permit fees. In the department head meeting Erik proposed an idea of waiving fees for county departments being in and out transactions to save on time, money and resources. Exceptions would be if payments are required for grant funding or other funding sources that are required to show payment.  
Motion by Porter, seconded by Adam Day to support the idea. Motion carried.
- The NWQI/ 9 Key Elements plan has been reviewed by the CSZD and was also submitted to DNR. DNR came back with their thoughts. The DNR wanted more info on barnyards, feedlots, and runoff rankings. Erik’s philosophy is that we in this department don’t go out to look for problems. If the DNR would like to do their own inventory and look at the sites feel free too, but the CSZD is not going to look for issues.

Committee agreed and supported the decision.

## **Continuous Improvement Update**

None

## **NRCS Report**

Erik presented the NRCS Report for Andy Walsh. They just reposted the Resource Conservationist position for the 3<sup>rd</sup> time. They have a \$7,500 signing bonus.

## **FSA Report**

None

The next meeting is scheduled for October 6, 2022, at 9:00 a.m.

Motion by Porter Wagner, seconded by Joe Mumm to adjourn the meeting. Motion carried.

Respectfully Submitted by Annette Lolwing for Porter Wagner

Attachment A Worksheet

Review of Standards for Rezoning Land out of Farmland Preservation

Date: 9/1/22 Landowner: George Lazarus

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 per web soil survey

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 8/11/22

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

Development would occur 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

There are no established farm operations within the 12 ac.

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

No farmland present

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

Not located in a subdivision or sanitary district

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 would occur on non prime farmland soil.

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

(Circle one)

Porter / Joe

Attachment B Worksheet

Review of Standards for Rezoning Land out of Farmland Preservation

Date: 9/1/22 Landowner: John + Karen Wasserburger

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 present per Web Soil Survey

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 on 8/9/22

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

Development would occur 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

Farm site north of city M

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

7.5/53 ac. would be rezoned to A2 if approved

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

Not located in a subdivision or sanitary district.

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 would occur on non prime farmland soil.

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

(Circle one) Adam JSB

Attachment C Worksheet

Review of Standards for Rezoning Land out of Farmland Preservation

Date: 9/1/22 Landowner: Andrew + Jane Dewry Trust

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 would occur on non prime farmland if approved

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 on 7/20/22.

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 present in proposed residence area.

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 present on the 2 ac. portion

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

There would still be ~ 139 ac in FP zoning if approved

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

Not a platted subdivision or sanitary district.

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 would occur on non prime farmland soil.

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

(Circle one)

Adam Pat