

# GRANT COUNTY CONSERVATION, SANITATION, & ZONING COMMITTEE MEETING

November 3, 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 November 3, 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, Brian Lucey, Adam Day, and Pat Schroeder. Others present in the County Board room; Erik Heagle, Annette Lolwing, Robert Keeney, Shane Drinkwater, Justin Johnson, Kent Hillery, Jerome Jansen, Andrea Jansen, Daniel Jansen, Sean Dreesens, and Doug Meyers. via Zoom: Shane Drinkwater, eheagle, Grant County Board Room, Robert Keeney, Tonya White, Dan Dreesens, and Emily Schildgen.

## **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 November 3, 2022, Agenda**

Motion by Porter Wagner, seconded by Pat Schroeder to approve the agenda with a typo error correction in RZ22-28 – LM Helbing LLC PIN: 026-00243-004 to 026-00243-0045. Motion carried.

## **Approval of the October 6, 2022, Minutes**

Motion by Joe Mumm, seconded by Brian Lucey to approve the October 6, 2022, minutes. Motion carried.

## **Review & Accept the Bills**

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

## **Public Hearing for Rezones**

Chairman Northouse opened the Public Hearing

#RZ22-29 – Kent & Sharon Hillery, Potosi Twp., are requesting to change the zoning classification on PIN: 052-01035-0000 of +/- 6.37 ac. from A-2 to R-3 to allow for the use of a lodge home (short term rental).

In Favor: Potosi Twp. approved on September 12, 2022, Erik received a letter on October 26, 2022, from Don and Sue Johannasen stating that they were in favor of the rezone.

In Opposition: Jerome Jansen stated that there is farmland protection on approximately 900 acres surrounding the Hillery property. Jerome doesn't feel that the rezone to R-3 is appropriate. Jerome read the Grant County Zoning Ordinance and it states that R-3 – The intent of the district is to provide a transition from urban to rural, this rezone is going rural to urban. Jerome reiterated the words (Intent) to taking Ag to rural is never explicitly stated. Jerome feels that Airbnb puts other landowners land at risk for having numerous people renting an area that is quiet. There is an easement through the Jansen's property to the Hillery property to allow for his assignees to use. This is not close to a town and is surrounded by 900 acres of farmland protection seems to be going the wrong way. Justin Johnson stated that when these issues come forth that the CSZD does give the landowner options. If the R-3 and the CUP option weren't taken it would fall back to either discontinuing the use of the Airbnb

indefinitely or the other option would be rezoning to commercial which really isn't an option because easements cannot serve a commercial structure. This was the option that was selected to rezone from A-2 to R-3.

Rebuttal: Kent Hillery stated that he has owned the property for 22 years. Kent stated that he has paid \$85,000 to the county for his property taxes and he also files Wisconsin Tax Returns for all his income. Kent stated that Jerome does not live in the area and doesn't own any property surrounding the Hillery property. Kent asks the board to totally disregard Mr. Jansen's objection. Erik Heagle stated that lodge home usage is a conditionally permitted use through an R-3 district.

In Opposition: Daniel Jansen mentioned that the Johannasen's and the Hillery property are surrounded his 130 acres: 85 acres of timber and 45 acres of CRP. The Johannasen's and Hillery's are great neighbors but don't appreciate it is when Kent Hillery starts bringing in outsiders. The Jansen property has been broken into on 2 separate occasions. Daniel Jansen has concerns about the liabilities and the high risk of renters being on the Hillery property. This is bluff property with very high elevations and drops around 300 feet down to the Mississippi River. Daniel has concerns with Kent's renters not staying on his property. Daniel is concern with Kent's outdoor fire pit possibly catching his CRP grasses on fire. Daniel stated that the .4-mile access easement was specifically written to handle the landowner and their family access. Also written in the easement was that all the upkeep on the road will be equally divided up between the 3 landowners that are there now. Dan is concern with the potential damage to the road easement.

Rebuttal: Kent stated that Daniel's property only adjoins him on 2 sides of his property. Kent stated that all guests are carefully selected and are registered with the Airbnb. Kent stated that he has a significant amount of insurance, and the Airbnb has insurance to cover the guests and the landowners around him. The fears that Daniel had mentioned are only hypothetical fears.

In Opposition: Andrea Jansen stated that this Airbnb is nothing but a hotel. The property is not zoned properly. She stated that to own a business you really need to have safety measures in place. She has concerns with the easement and the parking issues compared to another business. Andrea feels that the county would benefit more from a room tax from a hotel vs. an Airbnb. Andrea stated that the only one that it is benefitting is Mr. Hillery and not the surroundings.

Rebuttal: Kent reiterated that the guests that come to the Airbnb are carefully selected. Kent stated that he has the right to approve or disapprove them. It is a private offering and not a public rooming house. Kent also pays occupancy tax.

In Interest: Justin stated that the Conservation, Sanitation, and Zoning Department received a complaint from Jerome Jantzen in late June 2022 that the home was being rented out as an Airbnb. Jerome sent Justin the Airbnb link and the link was verified that the rental was active. An Order for Correction was issued to Kent Hillery in mid July 2022 and gave him a deadline of December 2, 2022, to get the property rezoned and to obtain a Conditional Use Permit. The landowner was also notified that existing use must discontinue until the property is rezoned and the Conditional Use Permit is obtained. If the rezone is denied the rental use must be discontinued indefinitely.

Rebuttal: Kent Hillery stated that the safety of his property is important. Having people there increases the safety of both his property and Daniel Jansen's property next door. Kent stated that he wants to comply with everything. The economic impact is significant for his Airbnb business. Kent stated that he dropped the listing the next day after receiving the Order for Correction. Kent stated that he had 7-8 weeks of contracts that he needed to fulfill. Kent stated that it was clear to him that he could rent out the Airbnb until December 2, 2022. Justin stated that this was taken before Corp Counsel, which was verified that renting must discontinue.

Committee Discussion: Pat Schroeder asked if that easement was given before or after he purchased the property? That easement was drafted many years ago. Adam Day asked Mr. Hillery how long has the Airbnb been in business? It started in August 2021. Adam asked what was the initial complaint? Justin stated that Mr. Hillery was using this cabin as an Airbnb? Jerome Jansen had seen the Airbnb posting and stated that he began seeing more traffic out there in the spring of 2022 which triggered him to contact Justin Johnson. Adam asked the Jansen's if there have been any burglaries, fires, or road damage? Jerome stated there has been trespassing at the end of the lane. Porter Wagner asked if there are any stipulations as to how many individuals can occupy the cabin? Mr. Hillery stated that there is a limit of 6 and there are to be no parties. Adam stated that the Jansen's are pointing to all hypotheticals that all the concerns are going to be Mr. Hillery's problem and is not fair for Mr. Hillery. Brian Lucey asked if at one point in the process was Mr. Hillery asked to stop running the Airbnb

because they were not zoned properly? Justin Johnson stated Yes, he was notified through the Order for Correction on July 15, 2022. Joe Mumm asked a question on the wording in R-3 about going from rural to urban and urban to rural? Erik Heagle stated that it is the intent not the rule.

Chairman Northouse closed the Public Hearing

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

### **Public Hearing for Conditional Use Permits**

Chairman Northouse opened the Public Hearing

#CUP22-014 Bluff Hollow Subdivision, LLC., Jamestown Twp., are requesting a Conditional Use Permit on PIN: 026-00716-0000, 026-00775-0000, 026-00775-0010, 026-00775-0020, 026-00775-0030, 026-00716-0050, 026-00716-0060, 026-00716-0070, 026-00716-0080, 026-00716-0090, 026-00716-0100, 026-00716-0110, 026-00716-0120 of +/- 55.7 ac., to allow for a planned unit development allowing for more than four single family homes being served by a private road under Sections 3.07 (2) (j) and 3.02 (6) (b) (2) of the Grant County Comprehensive Zoning Ordinance.

In Favor: Jamestown Twp. approved on March 15, 2022, Sean Dreessens and Doug Meyer. Doug Meyer is a homeowner in the Bluff Hollow Subdivision. He stated that everyone is on board to keep the road a private road. They have had an active homeowner's association for almost 10 years. They received a letter from Chris Johll stating that he is satisfied with the accessibility for the emergency vehicles.

In Opposition: None

In Interest: There was an ordinance amendment that occurred on March 15, 2022, to offer more than four single family homes being served by a private road if 3 conditions were met; 1. The road must meet the township design standards, 2. All parties including the township in Grant County must agree that there is adequate access for emergency vehicles and school busses. 3. That the private road maintenance agreement must be filed with the township. There is a homeowner's association established for future road maintenance. This would be the 5<sup>th</sup> proposed home in this subdivision. The Conservation, Sanitation, and Zoning Department received the updated road maintenance agreement dated August 5, 2022. The township board did not place any conditions on this application.

Committee Discussion: Brian Lucey asked about what would happen if they wanted the private road turned in to a Public Road? Justin stated that the township would need to adopt that road. If the township did take over the private road, they would no longer need the Conditional Use Permit.

Chairman Northouse closed the Public Hearing

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

### **Public Hearing for Ordinance Amendment**

Chairman Northouse opened the Public Hearing

#22-03 Ordinance Amendment request to Chapter 315 Section 3.16 Permissible Modifications of the Grant County Comprehensive Zoning Ordinance to allow for nonconforming structures to have ramps constructed on them for people with disabilities.

3.16 Permissible Modifications

(3) **Disability Projects:** The Disability project requirements set forth for each primary district may be modified, but such modifications shall be in compliance with the following conditions:

- (a) For pre-existing and/or non-conforming structures, people with disabilities may construct ramps that intrude into vision corners and the required setbacks for property lines and streets. For these structures, an affidavit would need to be recorded on the deed, submitted to the register of deeds office. Ramps would need to be removed no later than 30 days once they aren't required for handicap accessibility.
- (b) All new structure construction must meet current required setbacks. Affidavit submittal is exempt from new construction.
- (c) A zoning permit is required in all situations.
- (d) The permit will not become effective until the property owner records a deed restriction with the

register of deeds setting forth the condition that the structure authorized by the permit shall be removed as required in 3.16 (3)(a).

In Favor: None

In Opposition: None

In Interest: None

Committee Discussion: Joe Mumm asked: if you were injured and needed to install a ramp, you can but when you heal and get better that the ramp must be removed within 30 days? Correct.

Chairman Northouse closed the Public Hearing

Motion by Pat Schroeder to recommend approval of the Ordinance Amendment to the full County Board, seconded by Adam Day. Motion carried.

**Continued discussion from tabled motion on #RZ22-28** – LM Helbing LLC, Jamestown Twp. rezone for C-2 to R-2 of +/- 4.12 ac. PIN: 026-00243-0045, revisit from 10/06/22 Public Hearing.

Porter Wagner had made a motion on October 6, 2022, to table the RZ22-28 to obtain more information. Porter reported that himself, LM Helbing, and Delta 3 met with the Jamestown Town Board. When the Kieler Water Tower was put in the engineering company did not record anything. What was presented by Helbing's last month is what is still being proposed as a single-family home. Motion by Joe Mumm to recommend approval of the RZ22-28 to the full County Board, seconded by Brian Lucey. Motion carried.

### **Zoning/Sanitation Report**

Erik reported that in 2021 we had 121 sanitary permits and in 2022 we have 119. Roughly 400-500 second notice letters will be sent out for 3-year maintenance inspections out of the 2,700 3-year maintenance forms that were sent out in March. There were 174 zoning permits through October 31, 2021, and 245 zoning permits in 2022. There were 32 public hearings this time last year and 58 public hearings in 2022. There were 8 zoning citations sent out for a November 28<sup>th</sup> court date. There are 2 court trials scheduled for November 10<sup>th</sup> and 30<sup>th</sup>. There are 20 active orders for corrections. Justin has been working on pre and post construction appointment setback checks.

Adam Day asked how well did the pumpers and plumbers do at getting the 3-year maintenance forms turned in by October 31<sup>st</sup>? At 4:00 on October 31<sup>st</sup> there were around 130 +/- forms turned in.

### **Farmland Preservation Program**

Nothing to report.

**County Cost Sharing:** Beginning Balance \$15,113.04/Ending Balance \$13,599.47

Erik presented final approval request for county cost sharing for Cover Crop for Terry & Helen Adams, Watterstown Twp., \$874.00. Motion by Pat Schroeder, seconded by Adam Day to approve the payment. Roll Call: 6 Yes, 0 No, 0 Absent. Motion carried.

Erik presented final approval request for county cost sharing for Cover Crop for Gary & Jeanne Snyder, Hazel Green Twp., \$262.40. Motion by Adam Day, seconded by Joe Mumm to approve the payment. Roll Call: 6 Yes, 0 No, 0 Absent. Motion carried.

Erik presented final approval request for county cost sharing on a Well Decommissioning project for Danny & Patricia Wellsandt, Lima, Twp., \$377.17. Motion by Porter Wagner, seconded by Brian Lucey to approve the payment. Roll Call: 6 Yes, 0 No, 0 Absent. Motion carried.

### **SWRM Cost Sharing:**

**2021 DATCP Cost Sharing:** Beginning Balance \$11,585.33/Ending Balance \$11,585.33

**2022 DATCP Cost Sharing:** Beginning Balance \$0.00/Ending Balance \$0.00

**2021 MDV Cost Sharing:** Beginning Balance \$0.00/Ending Balance \$0.00

## **Storage Permit Approval**

None to Report

## **CSZD Administrator Report**

- \* Had the BOA meeting on October 12<sup>th</sup>. There were 2 on the agenda, one for access road/stream crossing in the floodplain and one for usage of a structure to house livestock within the allowable setback distance. Both were approved.
- \* On 10/13/22 and 10/18/2022 Erik attended the Land Info Meetings.
- \* On 10/19/22 – 10/21/2022 Erik, Brad and Justin attended the WCCA Conference in Onalaska.
- \* On 10/25/2022 Erik attended a Management webinar at the Administration Building.

### 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.
- Erik reported that they are getting into their busiest time of the year in all 3 departments. They are behind on getting the Orders for Corrections and Citations out that were due 8/31/22. Will hopefully start the 2<sup>nd</sup> notice letters the week of November 7<sup>th</sup> for the 2022 3-year maintenance cycle, then working on citations & Orders for Corrections for Sanitation. There are a few Orders for Correction to send out for Zoning.
- Will be waiting on the camper situation until some other issues are cleared up.
- Currently working with Southwest WI Regional Planning Commission (SWWRPC) on the FP update.
- Erik reported that DATCP had released their 2023 Joint Allocation Plan. Grant County's allocation will be \$199,865. \$129,865 for staffing and \$70,000 for bond cost sharing, up \$5,000 from last years' allocation.
- Erik received a message from the SWIGG team members. The SWIGG final report is already public record. Some of the research team asked if it would be OK to publish it.

## **Continuous Improvement Update**

- Erik reported that he is working with John Sewell to get him situated and trained.
- Erik has a few DSPS Webinars for POWTS continuing education credits to attend.
- Erik is planning to attend a Zoning leadership workshop in February.

## **NRCS Report**

Erik presented the NRCS Report for Mike Adams. Mike has started as the Resource Conservationist in Lancaster. They are currently working at filling the vacant Soil Conservationist position.

The deadline batching date for landowners wanting to apply for the EQIP program is tomorrow, November 4<sup>th</sup>. They have 2 CSP renewal applications that were funded this fall and are in the process of being obligated.

## **FSA Report**

Emily Schildgen reported a couple of updates from the FSA. The first is the Dairy Margin Coverage Program, the 2022 program runs on calendar years which goes through December. There was a Margin that came out in September. Those payments have been issued to the producer. The 2023 calendar year sign up is open for the Dairy Margin Coverage Program. This opened last week and will run through December 9<sup>th</sup>. The fall crop reporting deadline is November 15<sup>th</sup>.

The next meeting is scheduled for December 1, 2022, at 9:00 a.m.

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

Respectfully Submitted by Annette Lolwing for Porter Wagner