

GRANT COUNTY CONSERVATION, SANITATION, & ZONING COMMITTEE MEETING

March 7, 2023

9:00 a.m.

Room #264, Grant County Board Room, Administration Building
Lancaster, Wisconsin

The Grant County Conservation, Sanitation & Zoning Committee meeting was called to order on March 7, 2023, at 9:00 a.m. by Gary Northouse, the Conservation, Sanitation, Zoning Committee Chairman in Room #264, County Board Room of the Administration Building.

Board members present in the County Board room #264: Porter Wagner, Gary Northouse, Joe Mumm and Pat Schroeder. Excused: Adam Day. Absent: Brian Lucey. Others present in the County Board room; Erik Heagle, Annette Lolwing, Robert Keeney, Justin Johnson, Jim Bergles, Shane Drinkwater, Kathy Hottenstein, Jamie Schildgen and Leon Mark Loy. Those on Zoom: eheagle, Shane Drinkwater, Tonya White, Grant County Board Room, Robert Keeney and Garry Pluemer.

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 county 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 March 7, 2023, Agenda

Motion by Porter Wagner, seconded by Pat Schroeder to approve the agenda with one correction. Strike the word Thursday and replace with Tuesday March 7, 2023, in the first paragraph. Motion carried.

Approval of the February 2, 2023, Minutes

Motion by Joe Mumm, seconded by Pat Schroeder to approve the February 2, 2023, minutes. Motion carried.

Review & Accept the Bills

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

Public Hearing for Rezones

Chairman Northouse opened the Public Hearing

#RZ23-04 Kathy Hottenstein, Ellenboro Twp. is requesting to change the zoning classification on PIN: 014-00293-0000 of +/- 5.89 ac. from FP to C-1 to allow for the proposed use of manufacturing/selling ammunition and selling firearms located at the home.

In Favor: Ellenboro Twp. approved on February 1, 2023. Kathy Hottenstein and Jamie Schildgen.

In Opposition: None

In Interest: None

Committee Discussion: Porter Wagner asked if Ellenboro Twp. is zoned. Justin replied: Yes, it is.

Chairman 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. See Attachment A Worksheet.

Chairman Northouse opened the Public Hearing

#RZ23-05 Leon Mark Loy, Clifton Twp., is requesting to change the zoning classification on PIN: 012-00366-0000 and 012-00367-0000 of +/- 1.51 ac. from FP to A-2 to allow for the proposed use of a nonfarm residence. In Favor: Clifton Twp. approved on February 8, 2023, and Leon Mark Loy.

In Opposition: None

In Interest: The East property line might result in the existing barn that remains under Leon Mark Loy's ownership on conforming with the 100' property line setback. That barn may be rebuilt at a future date. If it is nonconforming, the barn could be rebuilt in the same footprint, or shift that building further east.

Committee Discussion: Gary Northouse noticed that the septic system is outside of the surveyed boundary of the home. In the survey there is a statement that an easement has been given for the septic system. If the septic system is usable, it can stay there. Upon the septic system failure, it will need to be moved to a different location within the surveyed area. The new owners of the property will be responsible for the septic system maintenance. Robert Keeney asked if there is enough room for a new septic within the surveyed area? Leon Mark stated: Yes, there is enough land to install a new septic system.

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 B Worksheet.

Public Hearing for Conditional Use Permits

Chairman Northouse opened the Public Hearing

#CUP23-003 Wisconsin Badger Camp Inc, Millville Twp., is requesting a Conditional Use Permit on PIN:036-00339-0000, 036-00333-0000, 036-00330-0000, 036-00334-0000 and 036-00335-0000 of +/- 136.72 ac. to allow for the continued use of a recreation camp under Section 3.15 (2) (f) of the Grant County Comprehensive Zoning Ordinance.

In Favor: Millville Twp. approved on December 19, 2022.

In Opposition: None

In Interest: Millville Twp. did not place any conditions on this CUP request.

Committee Discussion: None

Chairman Northouse closed the Public Hearing

Motion by Joe Mumm to recommend approval of the Conditional Use Permit, seconded by Pat Schroeder.

Motion carried.

Chairman Northouse opened the Public Hearing

#CUP23-004 Steve & Delores Bollant, Clifton Twp., are requesting a Conditional Use Permit on PIN:012-00348-0000 of +/- 4.15 ac. to allow for the proposed use of a lodge home (short term rental) under Section 3.10 (2) (b) of the Grant County Comprehensive Zoning Ordinance.

In Favor: Clifton Twp. approved on January 7, 2023.

In Opposition: None

In Interest: Clifton Twp. did not place any conditions on this CUP permit.

Committee Discussion: None

Chairman Northouse closed the Public Hearing

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

Motion carried.

Gary Northouse reported that he and Adam Day attended the WI Land+Water Conference in Wisconsin Dells on March 2nd. He stated that it was a very good conference with very informational sessions.

Zoning/Sanitation Report

Erik introduced the new Zoning/Sanitation Technician, Jim Bergles.

Erik reported that approximately 2,500, 2023, 3-year maintenance forms will be mailed out next week. Erik mentioned that there are 2 levels of citations that are issued through the Sanitation Department, an entry level of a

\$200.50 citation, and a repeat offender of \$767.50. As of March 3rd, we had 101 citations issued for \$200.50. With court dates of 02/06/2023, 03/06/2023, 03/13/2023 and 04/03/2023. There were 44 that came into compliance (Dismissed), 36 scheduled for court, 17 were found guilty (No Contest), and 4 Not Guilty Plea. Those that plead “not guilty” will have a status hearing scheduled for May and June. There were 46 citations of \$767.50 with court dates on 02/06/2023 and 02/13/2023. There were 33 Guilty (No Contest), 11 Not Guilty plea and 2 came into compliance and were dismissed. There are still 53 Order for Correction letters issued with the deadline of 09/30/2023. There were 3 compliant issues that came into compliance with the issues corrected.

Erik reported that there is a Pumpers/Plumbers (Service Providers) meeting scheduled for March 22, 2023, at the UW Extension Youth & Ag Center Auditorium. There will be several service providers attending. We coincide with Lafayette County.

Erik reported that through March 2nd, as of 2022, there were 19 Zoning permits issued. In 2023, there were 29 Zoning permits issued. In 2022, we had 5 public hearings, in 2023 we have had 9 public hearings.

Zoning court matters: The Griswold case: State granted extension to February 23rd. Have not received decision. 1 status conference scheduled for May (Leffler case). Court was given misinformation from defendant re: ordinance being updated. This is not true.

1 status conference scheduled (Griffin) for April 19th (continued from April 20th, June 15th, July 13th, September 7th, October 31st, December 28th and February 22nd). Pled not guilty so he could apply for a variance.

The February 6th court intakes: 5 guilty by default, 1 pled not guilty – shoreland zoning issue. Possibly confused between shoreland and DNR permits. There are 6 intakes scheduled for April 3rd.

There are 26 active orders for corrections (includes citations that have not been corrected). There have been 8 orders for corrections issued since February 7, 2023. Justin is still completing preconstruction and final construction appointments with zoning permit applicants.

Justin and Brad are working at getting Jim trained.

There are 2 BOA public hearings scheduled for March 29th.

In – House At – Grade Sanitation Fee Schedule Approval

Erik reported that Brad Digman has certification from DSPS to be able to approve gravity at-grade septic systems without sending them to the state for their review. The state charges \$250.00 to review the plan, then it gets sent to us for final approval. There will be no additional work on our end for this, it just skips the state review. We are requesting to charge \$250.00 for in-house reviews. This will save time for the plumbers and landowners and allows plans to get out faster. Approximate revenue gained would be around \$8,000 to \$10,000 annually. The fee will be called the “Gravity At-Grade Review”. If we have someone on staff that has the state certification, we will be doing the reviews, if there is not anyone certified to review the plans in house, the fee schedule would be removed, and the plans would then have to be submitted to the state first. Motion by Pat Schroeder, seconded by Joe Mumm to give the sanitation department approval to do in house reviews for gravity at-grade septic systems, and to set a \$250.00 review fee. Motion carried.

Farmland Preservation Program

Erik reported that there is 1 applicant that will be opting out of the Farmland Preservation Program. This will be for Addison Valley LLC, Wingville Twp. The 650 acres have been split and sold in several land transfers. Erik will be working on the Farmland Preservation Certification of Compliance (COC) with land purchases, land sold, landowner change and address changes. Landowners are looking for assistance from our office for help with the farmer written nutrient management plans. Erik is scheduling the landowners to come to the office in April (as time allows) and he will assist them in writing their NMP.

County Cost Sharing: Beginning Balance \$45,793.66/Ending Balance \$44,993.66

Erik presented tentative approval request for county cost sharing on a well decommissioning for Joseph & Diane Hrubes, Clifton Twp., \$800.00. Motion by Pat Schroeder, seconded by Porter Wagner to approve Hrubes' well decommissioning request. Motion carried.

SWRM Cost Sharing

2022 DATCP Cost Sharing: Beginning Balance \$4,931.12/Ending Balance \$4,931.12

2023 DATCP Cost Sharing: Beginning Balance \$45,681.12/Ending Balance \$32,181.12

Erik presented tentative approval request for 2023 DATCP cost sharing on a Streambank and Shoreland protection project for Sorghum Valley LLC, Castle Rock Twp., \$13,500.00. Motion by Joe Mumm, seconded by Porter Wagner to approve the Sorghum Valley LLC's cost share request. Motion carried.

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

Storage Permit Approval

Erik reported that he has 1 permit in the works, just waiting for their updated nutrient management plan before he issues the permit. Erik also has a waste storage (Pit) closure coming in when the weather gets better.

SWRM Staffing & Support Grant

Erik has been working on the Joint DATCP/DNR Nonpoint Source Grant Application for calendar year 2024. The staff and support part of the grant is to pay the county 100% of the first position, 70% of the second position and 50% of the third position and any other subsequent position. Unfortunately, the percentages don't come near to what DATCP should be paying out for staff and support according to state statute. Erik will be sending the total staffing request of \$220,720.00 to DATCP. The state received around \$11 million last year and WL+W are asking for \$18 million of consistent funding to put forth on conservation practices.

FP Update

Erik mentioned that he sent out the letters with the updated maps to the townships. Erik has not heard anything from any township, which hopefully is a good thing. The full plan was sent to DATCP the week of February 6th for an initial review. Currently there are a couple of map changes to be made. There must be a 30-day public comment period. DATCP is reviewing the preliminary review. Erik will have the FP update go through the public hearing comment period, then offer a presentation for the Conservation, Sanitation, & Zoning committee members, then it will go to County board for approval and Ben Wood needs to review it and to check it over for legality. Once it goes through all the county entities, it gets sent out to DATCP for final approval.

CSZD Administrator Report

Meetings

- Executive Committee meeting was on February 14, 2023. Discussed vacation & hiring policies.
- First Grant County Hazard Mitigation meeting was on February 2, 2023. The March 7, 2023, public input meeting is in Dickeyville on March 7, 2023, from 3:30 to 6:00.
- Zoning Leadership workshop was held at Upham Woods in the WI Dells on February 21 & 22. Erik attended the first day.
- The 2022 Annual Report is out in the newspapers.
- April 4th is the LWRM 5-year update with the state conservation board. Meeting will be held on Zoom. Gary and Erik to attend the meeting.

Information

- John, Annette and Erik attended the WL+W Conference March 1-3 in Wisconsin Dells. Erik presented his presentation "When good projects go bad" on Thursday.

- Erik is looking at adding language to the POWTS and Comprehensive Zoning Ordinance to state something to the effect of, “if you have a current violation, no permits will be issued until satisfied”.
- POWTS Service providers meeting (with Grant & Lafayette counties) is scheduled for March 22nd in the auditorium of the Youth & Ag building.
- Tree Sale deadline was February 17th, 144 orders and 12,100 trees sold/ordered. Ran out of nanking cherry, serviceberry, black walnut, swamp white oak, and northern pecan.
- Erik is beta testing a conservation modeling tools for NRCS. Hopefully will be rolled out statewide at some point.
- Farmland Preservation (FPP) currently takes up most of Erik’s time.

Continuous Improvement Update

- Erik is taking continuing education trainings and keeping up with engineering certifications.
- Erik is working on training Jim and getting him ready for his POWTS tests.

NRCS Report

Erik presented the NRCS Report for Mike Adams.

- 10 EQIP applications are preapproved for funding and are in the process of being obligated.
- Conservation Stewardship Program (CSP) application deadline has been extended until March 17th due to Inflation Reduction Act (IRA) funding.
- NRCS is starting to contact landowners off their interest list for general EQIP interest and Sinsinawa Watershed NWQI project.
- CRP site visits will start as soon as field conditions are fit.

FSA Report

Erik presented the FSA Report for Emily Schildgen

- ARC/PLC sign up deadline is March 15. Just a week away. If someone hasn’t signed up yet, they are going to have to visit the office to complete their sign up or sign digitally. Unfortunately, the mail takes too long right now to complete the sign up that way, this close to the deadline.
- The general CRP sign up for 2023 has been announced. It opened on Monday, February 27, 2023, and all offers must be submitted by Friday, April 7, 2023. If someone is interested in putting in a general CRP offer, they should reach out to the office to be added to the list. Melissa is trying to work through the list as quickly as she can in the order in which producers call.
- Staffing – Emily is holding interviews on March 7, 2023, from her most recent vacancy and hoping to get some new staff added by the time crop reporting begins the middle of May.

The next meeting is scheduled for April 6, 2023, at 9:00 a.m. in the County Board room.

Motion by Porter Wagner, seconded by Pat Schroeder to adjourn the meeting. Motion carried.

Respectfully Submitted by Annette Lolwing for Porter Wagner

Review of Standards for Rezoning Land out of Farmland Preservation

Date: 3/7/23 Landowner: Kathy Hottenstein

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: Home exists on non prime farmland soil (proposed use location)

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 form on 2/1/23

3. The rezoning is substantially consistent with the Grant County farmland preservation plan policy.

3.1: 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 development being proposed in this case

3.2 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

Remainder of base farm tract will remain in the FP District

3.3 Non-farm development will be encouraged to locate so as to leave a maximum amount of farmland in farmable size parcels. Yes No

The other parcels will not be rezoned

3.4 Non-farm residential development will be directed to existing platted subdivisions and sanitary districts. Yes No

Not located in a platted subdivision or sanitary district

3.5 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

No ag-related development not proposed

4. The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.

- 4.1 Located in a Farmland preservation zoning district
4.2 Covered by a Farmland Preservation Agreement
4.3 Covered by an agricultural conservation easement
4.4 Otherwise legally protected from nonagricultural development

Yes or No

Explain: Prime farm land not being taken out of production.

5. The CSZC recommends/does not recommend approval to the Grant County Board of Supervisors (Circle one)

pat/porter

Review of Standards for Rezoning Land out of Farmland Preservation

Date: 3/7/23 Landowner: Leon Mark Loy

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: Home is located on non prime farmland soil.

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 2/8/23.

3. The rezoning is substantially consistent with the Grant County farmland preservation plan policy.

3.1: 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 already present

3.2 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 Established farm operation will remain zoned FP

3.3 Non-farm development will be encouraged to locate so as to leave a maximum amount of farmland in farmable size parcels. Yes No 1.51 ac. of non-farm development would be split from 4.300 ac.

3.4 Non-farm residential development will be directed to existing platted subdivisions and sanitary farm districts. Yes No N/A Not located in a subdivision or sanitary district in this case

3.5 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 is being proposed

4 The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.

- 4.1 Located in a Farmland preservation zoning district
4.2 Covered by a Farmland Preservation Agreement
4.3 Covered by an agricultural conservation easement
4.4 Otherwise legally protected from nonagricultural development

Yes or No

Explain: Development already exists -> located on non prime farmland soil.

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

Porter / Joe