

# GRANT COUNTY CONSERVATION, SANITATION, & ZONING COMMITTEE MEETING

April 6, 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 April 6, 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, Pat Schroeder, and Adam Day. Excused: Brian Lucey. Others present in the County Board room; Erik Heagle, Annette Lolwing, Robert Keeney, Justin Johnson, and Ronald Harvey. Those on Zoom: eheagle, Grant County Board Room, Robert Keeney, Jeremy McCarty, Wepking's, Emily Schildgen, Chris Gantz, Mike Adams, 1-319-310-7544, 608-393-9540, and 651-456-1718.

## **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 April 6, 2023, Agenda**

Motion by Pat Schroeder, seconded by Adam Day to approve the agenda. Motion carried.

## **Approval of the March 7, 2023, Minutes**

Motion by Porter Wagner, seconded by Joe Mumm to approve the March 7, 2023, minutes. Motion carried.

## **Review & Accept the Bills**

Motion by Porter Wagner, seconded by Adam Day to accept the March bills. Motion carried. Adam noted that he had contacted the Chula Vista about a refund for his room from the WL+W conference. Waiting to hear back on it.

## **Public Hearing for Rezones**

Chairman Northouse opened the Public Hearing

#RZ23-06 Sertle Enterprises LLC, Platteville Twp. is requesting to change the zoning classification on PIN: 050-00839-0000 of +/- 1.051 ac. from FP to C-1 to allow for the continued use of a fire & safety business in regard to a shop built for storing fire extinguisher equipment.

In Favor: Platteville Twp. approved on February 13, 2023.

In Opposition: None

In Interest: This rezone was an oversight from the CSZD in 2017 in regard to the blanket rezone. They were trying to find small parcels that were zoned into the Farmland Preservation Zoning District and putting them into the correct district. This would not have been caught by the town board, because the town board wanted all parcels under 10 acres in size in the A-2 district at that time. This is a commercial use so that either way this parcel would have been rezoned into the Commercial District. No rezone fee was charged since this was an oversight of the CSZD.

Committee Discussion: None

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

#RZ23-07 Woodland Terrace MHC LLC, Platteville Twp., is requesting to change the zoning classification on PIN: 050-00932-0000 of +/- 4.82 ac. from FP to C-1 to allow for the proposed use of long-term storage units.

In Favor: Platteville Twp. approved on March 13, 2023. Chris Gantz.

In Opposition: None

In Interest: If this rezone is approved by the full County Board, it would also require a follow up Conditional Use Permit. If the landowner decides to change the use of the project, they will need to take it back to the town board.

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 Porter Wagner.

Motion carried. See Attachment B Worksheet.

Chairman Northouse opened the Public Hearing

#RZ23-08 Tory & Lisa Henkel, Liberty Twp., are requesting to change the zoning classification on PIN: 028-00525-0015 & 028-00525-0000 of +/- 3.0 ac. from FP to A-2 to allow for a proposed nonfarm residence and shed.

In Favor: Liberty Twp. approved on March 14, 2023.

In Opposition: None

In Interest: There are 2 lots surveyed off. Lot #1 is the proposed location of the Shouse. Lot #2 is the proposed shed. The plan in the future is to incorporate a manufacturing use in that shed. The CSZD recommended the Henkel's to rezone lot #2 to a light industrial use in the future. The CSZD also disclosed the light industrial setbacks to the Henkel's.

Committee Discussion: None

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 C Worksheet.

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

Chairman Northouse opened the Public Hearing

#CUP23-005 Grismer Michael Trust #1, Mount Hope Twp., is requesting a Conditional Use Permit on PIN: 038-00253-0010 of +/- .23 ac. to allow for a proposed utility expansion under Section 3.05 E (1) of the Grant County Comprehensive Zoning Ordinance. FP to CUP.

In Favor: Mount Hope Twp. approved on February 8, 2023. Jeremy McCarty with Northern Natural Gas.

In Opposition: None

In Interest: Expansion of the area is to eliminate any interruptions in the Natural Gas to Mount Hope.

Committee Discussion: None

Chairman Northouse closed the Public Hearing

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

Motion carried. See Attachment D Worksheet.

Chairman Northouse opened the Public Hearing

#CUP23-006 Scott Winkers, Millville Twp., is requesting a Conditional Use Permit on PIN:036-00376-000 of +/- 28.4 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: Millville Twp. approved on March 20, 2023. Ronald Harvey.

In Opposition: None

In Interest: Millville Twp. did not place any conditions on this CUP permit request. This CUP is to expire on May 1, 2023. CUP permits expire every 5 years. This site has been in existence for the past 20 years. It provides bedding sand to farmers. The mining boundary will not be expanded.

Committee Discussion: Porter Wagner asked why is it stated that the berm is not part of the operation? The berm was installed to protect the historical value of the area because of the river and the adjacent cemetery.

Chairman Northouse closed the Public Hearing

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

Motion carried. See Attachment E Worksheet.

### **Zoning/Sanitation Report**

Sanitation- Erik reported that there are 3 court hearings scheduled from citations on April 3rd, May 6th, and June 13<sup>th</sup>. There are 50 orders for corrections that are due by September 30, 2023. These are from last year's 3-year maintenance forms that have not been completed. There are currently 100 citations that have failed to come into compliance. We have received 18 new sanitation permits for this year.

Zoning permits and public hearings are similar to last year. In 2022, zoning had 52 zoning permits, in 2023 there are 54. In 2022, there were 13 public hearings and 16 in 2023. Court Matters: The continuing Griswold case. Still at the State Appeals Court. There is one status conference scheduled for May, (Leffler case). There is a trial set for May 26<sup>th</sup> for a shoreland zoning issue. There may be some confusion between shoreland and DNR permits. There were 6 citation intakes on April 3, 2023, all were found guilty. There are 28 active orders for corrections which includes citations that have not been corrected. Continuing to work on pre-construction, and final construction appointments with zoning permits.

The Board of Adjustment meeting was held on March 29, 2023: The Griffin case, continuation from 2019. They plead not guilty and have applied for a variance. The BOA interpreted their pillar and porch overhang as a projection which qualifies them for a yard setback modification. No variance decision was needed on this request. Was approved per BOA recommendation. The A&R Farms LLC variance was denied.

### **Farmland Preservation Program**

Erik reported that there is 1 applicant that will be voluntarily opting out of the Farmland Preservation Program. This will be for Jason Belstra, Mount Ida, Twp. The 80 acres has been sold and will be added to the new landowner's Certification of Compliance.

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

### **SWRM Cost Sharing**

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

**2023 DATCP Cost Sharing:** Beginning Balance \$32,181.12/Ending Balance \$8,181.12

Erik presented tentative approval request for 2023 DATCP cost sharing on a barnyard runoff control project for Northside Genetics, Fennimore Twp., \$13,500.00. Motion by Pat Schroder, seconded by Porter Wagner to approve the cost share request. Motion carried.

Erik presented tentative approval request for 2023 DATCP cost sharing on a waste facility closure x2 project for James Busch, Smelser Twp., \$10,500.00. Motion by Joe Mumm, seconded by Adam Day to approve the cost share request. Motion carried.

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

### **Storage Permit Approval**

None at this time.

## **FP Update**

Erik mentioned that the DATCP final review was sent up on March 28, 2023. Waiting for their approval before moving forward. It needs a 30-day public comment period. Tentatively, looking at June to give a presentation to the CSZD committee and County board.

## **CSZD Administrator Report**

### **Meetings**

- Erik and Gary went to Madison to present the Land & Water Resource Management 5-year update plan to the State Conservation Board. The update was approved unanimously by the State Conservation Board.
- Erik attended the first County Retention committee meeting on March 14, 2023, the second meeting was on March 23, 2023.
- Erik had the WL+W Technical Committee meeting on March 31, 2023.
- The final Hazard Mitigation stakeholder meeting was on March 28, 2023.
- NRCS/DATCP Tech Update was on March 16, 2023, in Richland Center.

### **Information**

- 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) was March 22<sup>nd</sup> in the auditorium of the Youth & Ag building. There were 54 attendees, 3 presenters from across the plumbing/POWTS industry. Lots of positive feedback including one from a soil tester from the Iowa/Dane County area stating it was one of the most informative meetings that he has attended in his 30+ year career.
- Erik is beta testing a conservation modeling tools for NRCS. Hopefully will be rolled out statewide at some point.
- Working on a plan to digitize our files for zoning and sanitation. Will be working with Shane at IT. GCS is losing all support this year, may have to look into other options for the county. Will bring it to the next land info meeting.
- Erik will be presenting at the Iowa Zoning conference in Dubuque on May 18<sup>th</sup>. He will be speaking about PSC and renewable energy projects in Grant County.
- Annual Reports went out a few weeks ago. Any thoughts?
- The research team from the SWIGG Study have received additional funding to continue more specific research. No money is involved from us, just some manpower as needed.
- Brad & Justin attended the spring WCCA conference on March 30-31. Each received 6 continuing education credits towards their POWTS certifications.
- Tree Sale is hopefully set for April 28<sup>th</sup>. Trees were purchased from 2 nurseries in Michigan and are ready to ship. The Wisconsin nursery is the hold up.

## **NRCS Report: Mike Adams**

- Mike Adams introduced himself as the new Resource Conservationist in Lancaster. Mike was previously a Soil Conservationist with NRCS.
- NRCS is currently working on site visits for the EQIP spring sign up. The spring EQIP does not have all the fund pools that the Fall EQIP sign up has.
- The Sinsinawa Watershed fund pool is targeted to get some conservation on the ground. The batching date for those applications is May 19<sup>th</sup>.
- Getting out in the field working on some CRP status reviews.
- There are a couple of CSP applications to process.
- The District Conservationist, Andy Walsh, Iowa County, has taken a new position at the Area Office as an Area Resource Conservationist.

**FSA Report: Emily Schildgen**

- The general CRP sign up ends on April 7<sup>th</sup>.
- There are several Continuous CRP Sign Up's.
- FSA had received new imagery in February. They are working with the new maps. Staff is working on map edits. The goal is to get the maps mailed out to the producers for spring crop reporting. Emily's goal is to have all the producer maps in the mail by May 1<sup>st</sup>.

The next meeting is scheduled for May 4, 2023, at 9:00 a.m. in the County Board room.

Motion by Porter Wagner, seconded by Joe Mumm 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: 4/5/23 Landowner: Sertie Enterprises LLC

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 exists 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 2/13/23

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 occurred on non prime farmland

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

No established farm operations or environmentally sensitive areas

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 Present

Site is approx. 1.051 acres

3.4 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

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

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: No prime farmland soil present where development exists.

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

porter/BOE

Review of Standards for Rezoning Land out of Farmland Preservation

Date: 4/5/23 Landowner: Woodland Terrace MHC LLC

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:

Property is currently vacant (no ag use) and has approx 1/3 prime farm 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 3/13/23

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

Majority (approx 2/3) of site has non prime farmland soil

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

No established farm operations or environmentally sensitive areas on site

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

Development proposed on approx. 4.82 ac

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

No residential development proposed

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 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: Majority of site is out of prime farmland soil.

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

(Circle one)  
Adam Porter

Review of Standards for Rezoning Land out of Farmland Preservation

Date: 4/6/23 Landowner: Tom + Lisa Henkel

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 Form on 3/14/23

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 will occur on non prime farmland soil.

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

3/47.17 acres were surveyed off from the surrounding farm use.

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

More than 42 acres would remain zoned FP

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

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 N/A

No ag related development 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: No prime farmland soil present on the 3 acres

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

Pat/Porter



## Conditional Use Permit in Farmland Preservation

Date: 4/6/23 Landowner: Grismer Michael Trust #1

The Grant County Zoning and Sanitation Committee may issue a conditional use permit for a proposed land use as long 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) Transportation, communication, pipeline, electric transmission, utility, or drainage uses, if all of the following apply:

(a) The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.

Yes or No Explain: The purpose of the FP District is to protect farmland. If approved, the expansion would occupy .23 acres

(b) The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state, or federal law.

Yes or No Explain: This is a proposal on an existing 50' x 50' utility area

(c) The use is reasonably designed to minimize conversion of land at and around the site of the use from agricultural use, or open space use.

Yes or No Explain: The remaining acreage would not have a CUP for utility use

(d) The use does not substantially impair, or limit the current, or future agricultural use of surrounding parcels of land that are zoned for, or legally restricted to agricultural use.

Yes or No Explain: Surrounding ag use would remain.

(e) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

Yes or No Explain: Site would be .23 ac.

The CSZC recommends / does not recommend approval of the Conditional Use Permit.

Porter/Joe

Conditional Use Permit for Non Metallic Mining in Farmland Preservation

Date: 4/6/23 Landowner: Scott Winners

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. 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. 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. 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. The operation does not substantially impair or limit the current or future agricultural use of other protected farmland.  YES NO

The CSZC  approves /  does not approve the Conditional Use Permit with the following conditions if applicable. Circle one Adam / 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.