

# GRANT COUNTY CONSERVATION, SANITATION, & ZONING COMMITTEE MEETING

September 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 September 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, Pat Schroeder, Brian Lucey, and Adam Day. Others present in the County Board room; Erik Heagle, Annette Lolwing, Robert Keeney, Shane Drinkwater, Ben Schroeder, Terry Lyght, and Elijah Demmer. On Zoom: Eheagle, Grant County Board Room, Shane Drinkwater, Robert Keeney, Mike Adams, Tonya White, and Wepkings. Sam & Paul Stoltzfus arrived at 9:13 a.m. and left at 9:20 a.m.

## **Certification of Open Meeting Law**

Annette Lolwing sent the Amended agenda to the County Clerk's office to post in the Administration Building, and on the county website. An Amended agenda was also posted in front of the Ag Service Center Building. An Amended agenda was also sent to Bob Middendorf, WGLR. Media notices were sent to the County Clerk's office, Herald Independent, Platteville Journal, Muscoda Progressive, Boscobel Dial, Fennimore Times, and Bob Middendorf.

## **Approval of September 7, 2023, Amended Agenda**

Motion by Pat Schroeder, seconded by Joe Mumm to approve the Amended agenda. Motion carried.

## **Approval of the August 3, 2023, Minutes**

Motion by Adam Day, seconded by Brian Lucey to approve the August 3, 2023, minutes. Motion carried.

## **Review & Accept the Bills**

Motion by Porter Wagner, seconded by Joe Mumm to accept the August bills. Motion carried.

## **Public Hearing for Rezones**

Chairman Northouse opened the Public Hearing

#RZ23-19 Terry Lyght, Harrison Twp. is requesting to change the zoning classification on PIN: 020-00866-0000 of +/- 27.5 ac. from FP to A-2 to allow for the proposed use of an outdoor sports business inside the existing home.

In Favor: Harrison Twp. approved on July 11, 2023. Terry Lyght.

In Opposition: None

In Interest: None.

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 Adam Day. Motion carried. See Attachment A Worksheet.

Chairman Northouse opened the Public Hearing

#RZ23-20 Sam & Paul Stoltzfus, Hickory Grove Twp. are requesting to change the zoning classification on PIN:024-00671-0010 of +/- 3.0 ac. from C-1 to FP to allow for continued agricultural use.

In Favor: Hickory Grove Twp. approved on July 11, 2023. Sam & Paul Stoltzfus.

In Opposition: None.

In Interest: This rezone has one condition; the rezone needed to have the farmland preservation map amended before the rezone could take place. DATCP maps are all approved. The only thing that the Conservation, Sanitation, and Zoning Department would request is that the commercial sign on the property be removed. They are going to continue to sell flowers. This is not going to be a commercial used property.

Committee Discussion: Adam Day stated that it is going from Commercial to Farmland Preservation, but they are still going to be able to use it to sell flowers. In the farmland preservation standards, there is an agricultural use that a business can still be utilized under the farmland preservation zoning district. Adam asked Erik about stuff that needed to be fixed. Do these things need to be addressed? To move forward with citations and Orders for Corrections on the property, the property must be zoned as Farmland Preservation. Erik stated that the rezone would help to alleviate some of the issues. Robert Keeney mentioned that the way that it is mapped on the county web portal, do they need an easement for their driveway? Erik stated No, they do not. All the property surrounding them is contiguous property under the same ownership. The actual parcel lines are not necessarily where the lines are in parcel explorer.

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, with the stipulation that the commercial sign needs to come down, seconded by Adam Day. Motion carried.

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

Chairman Northouse opened the Public Hearing

#CUP23-017 Kowalski Kieler Inc., Fennimore Twp. is requesting a Conditional Use Permit on PIN: 016-00390-0000 of +/- 4.82 continued use of an asphalt and cement mix plant and proposal of a portable asphalt plant under 3.14 (2) (b) of the Grant County Comprehensive Zoning Ordinance.

In Favor: Fennimore Twp. approved on August 14, 2023. No conditions were placed on this request.

In Opposition: Erik did receive a phone call earlier in the week asking about the asphalt portion. Matt Rutkowski was contacted this morning and informed our office that there will not be an asphalt plant.

In Interest: Erik clarified that this parcel will not have an asphalt plant, just a portable cement mix plant. Ben Schroeder from Bard introduced Elijah Demmer. Elijah works with property management and mining development.

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 B Worksheet.

### **Zoning/Sanitation Report**

Sanitation - Sanitation permits issued in 2022 were 117 permits, in 2023 – 94 permits. Very busy with installs.

Still have court cases and hearings coming up. Deadline for the 3-year maintenance forms is September 30, 2023.

There has only been 1 applicant for the Sanitation Technician in the last 3 months.

Zoning - Erik reported that we have had 193 permits in 2022, compared to 215 zoning permits in 2023.

There has been no time to work on enforcement.

Jim Bergles passed his POWTS test but didn't pass the soils test.

There has been a large public records request and the upcoming Board of Adjustments has taken up a lot of staff time. BOA is scheduled for September 22, 2023, at 8:00 a.m. The BOA will have 2 variances and one administrative appeal of the White Tail decision. A stenographer has been hired, will cost \$1,000 to \$1,500.

### **Zoning Fee Schedule Language Update**

Erik reported that the CSZD has always charged the \$300.00 CUP fee for reclamations. The Reclamation Plans are handled through the Southwest Regional Planning Commission for non-metallic mining. The CSZD does all the postings in the newspapers. In the fee schedule the language wasn't quite right. The CSZD has always charged the fee but never had the correct language. The language should read: Non-Metallic Mining Public Hearing and to add Reclamation Plan Submissions. Motion by Adam Day, seconded by Joe Mumm to approve the language change to Non-Metallic Mining Public Hearing/Reclamation Plan Submissions = \$300.00. Motion carried.

### **Discussion & Possible Approval of 2024 Budget**

Erik reported that he has brought some totals down from the last few years and have increased the dollars in trainings and lodging. 2023 carryover accounts are not showing up in the 2024 budget. Motion by Pat Schroeder, seconded by Brian Lucey to approve the budget as presented. Motion carried.

Erik heard from DATCP that we need to have our Comprehensive Zoning Ordinance recertified by them by the end of the year. There are no extensions allowed. Most of the hard work is done and will need to reapply in Spring of 2024. If DATCP can get everything certified by the end of 2024, nobody will lose the Farmland Preservation tax credits.

### **Farmland Preservation Program**

Erik reported that Brian Conley has voluntarily opted out of the Farmland Preservation Program. He is not a resident of the state anymore, so he doesn't qualify for the program. Letters were sent out to all the participants explaining the new changes to the Farmland Preservation. Have been receiving some calls from producers. One of our Agronomist, Nina Carns, has passed away. Brady has been calling producers who have used her business to write their Nutrient Management Plans to inform them of her passing, so they know to make other arrangements. The CSZD will be offering a small farmer written NMP class on September 12<sup>th</sup> & 13<sup>th</sup> at the Youth & Ag building. Will be bringing back the NMP update class in January. The CSZD is also working with the Southwest Technical College with their farmer written NMP class. There is a charge to take those classes, but SW Tech receives grant money to give back to those individuals that are taking the NMP class.

### **County Cost Sharing:** Beginning Balance \$23,409.28/Ending Balance \$19,659.28

Erik asked for an extension request for Nikolaus & Katelyn Bognar, Potosi, Twp. well decommissioning project. Plumber is having issues with pulling the pump. Extension was given to the end of the year. Motion by Pat Schroeder, seconded by Porter Wagner to approve the extension to the end of the year. Motion carried.

Erik presented tentative approval request for county cost sharing on a waste facility closure for Randy & Kay Waterman, Hickory Grove Twp., \$3,750.00. Motion by Joe Mumm, seconded by Porter Wagner to approve the Waterman's cost share 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 \$59,500.00/Ending Balance \$59,500.00

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

### **Storage Permit Approval:**

None

### **Approval for New Phone System:**

Erik reported that he met with Shane, Jessie, and Chris from IT to discuss a new phone system for the CSZD. The cost is estimated to be \$2,000 - \$3,000. This will result in all new phones, phone numbers, and extensions. The plan is to have the new phones installed on October 9<sup>th</sup>, Columbus Day, the office will be closed. Motion by Brian Lucey, seconded by Joe Mumm to approve the CSZD new phone system. Motion carried.

### **Approval of Appointment of Citizen Farmer Non-Voting Member of Committee:**

Erik reported that we used to have an FSA representative on the Conservation, Sanitation, and Zoning committee. The FSA was a non-voting advisor. The state FSA withdrew the FSA representative from attending the CSZC meetings. The language was changed to a citizen farmer who then can be a representative of the CSZC. Larry Jarrett, North Lancaster Township, mentioned that he would be interested in joining the CSZC meetings. This is an advisory roll this is not a voting member. Motion by Porter Wagner, seconded by Joe Mumm to bring Larry Jarrett on to the Conservation, Sanitation, and Zoning committee as a non-voting member. Motion carried.

### **CSZD Administrator Report**

#### **Meetings**

- August 8th – Executive Committee
- August 9th – BOA, 2 items on agenda, recommended approval on both, both were approved.
- August 15th – County Board
- August 17th – Southern Area Association Meeting in Dodgeville
- August 22nd – Tech/Pic Committee in Stevens Point, conference planning
- August 24th – Land Info
- August 31st – Zoom meeting with new invasive species coordinator (Upper Sugar River Watershed)  
Matt Walrath left for UW.

#### **Information**

- FPP letters were sent out to all participants explaining changes in the program. Received some calls so far. We are now asking for all NMP's to be in to the CSZD by June 1<sup>st</sup> every year (new & updates). There will be an update class held in September for current year's spot check participants. There will be a NMP update class offered in January for all that took the class with us in the past. Collaborating with SW Tech to send all new folks to their classes and will assist them with their new and update classes. Erik will be getting in touch with UW Platteville when time allows. Chris Baxter reached out to Erik, they have a wetlands and hydrology class that they usually collaborate with the CSZD and the NRCS that they are doing a site visit on a site in the Blue River Watershed. Erik will be talking to the class sometime in October.

There is a BOA scheduled for September 22<sup>nd</sup> at 8:00 a.m. in the County Board Room.

Erik reported that the DNR has released their MDV funding for next year. Grant County has the availability for \$148,000. Anyone knows of any projects to spend the money on. There are limitations as to what we can do with those funds.

The FP Plan that was presented to the County Board in August was approved by DATCP. We are good for another 10 years.

Justin and Erik found out that DATCP had called to say that our Comprehensive Zoning Ordinance needs to be recertified by the end of the year. There are no extensions granted. Erik was told that the Comprehensive Zoning Ordinance must be certified by the end of 2024. If it is certified by the end of 2024 no one will be losing their Farmland Preservation tax credits.

### **Continuous Improvement**

No Report.

**NRCS Report: Mike Adams**

- Working on certifying cover crop applications. They have contracts for people that had cover crops that were seeded and flown on.
- Have been working on CRP Sign up's all summer.
- EQIP sign up – there is a list of individuals interested in various practices. NRCS will be contacting those individuals to get the planning done and hopefully they can get a contract over the winter.

**FSA Report: Emily Schildgen**

Erik reported that FSA is currently working on the pasture program, they are contacting landowners.

The next meeting is scheduled for October 5, 2023, at 9:00 a.m. in the County Board room. Motion by Joe Mumm, seconded by Pat Schroeder. Motion carried.

Respectfully Submitted by Annette Lolwing for Porter Wagner

Review of Standards for Rezoning Land out of Farmland Preservation

Date: 8/14 <sup>9/7/23</sup> Landowner: TERRY LIGHT

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 + site is developed already.

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: TOWNSHIP FELT Z7 Z4 CONSISTENT w/ COM PLAN PER MEETING ON 7/11/23

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

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

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

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

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 PROPOSED DEVELOPMENT

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 PROPOSED DEVELOPMENT, NO PRIME SOILS

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

BEFORE GRANT COUNTY  
CONSERVATION, SANITATION AND ZONING DEPARTMENT

CONDITIONAL USE PERMIT  
FOR KOWALSKI KIELER INC  
13380 US HWY 61, FENNIMORE TOWNSHIP, GRANT COUNTY, WI

**FINDINGS OF FACT**

The agency finds that:

1. Kowalski Kieler Inc. (BARD Materials) owns property located within the NW ¼ of the SE ¼ and the SW ¼ of the SE ¼ of Section 18, T6N, R2W, in Fennimore Township, Grant County, WI. Such property consists of tax parcel number PIN:016-00390-0000
2. On August 7<sup>th</sup>, 2023 the Conservation, Sanitation and Zoning Department disclosed to the applicant that a CUP is required for the proposed use of a portable cement mixing plant. There are no previous records of a CUP for the site and the use of cement mixing is existing on the property currently.
3. On August 15<sup>th</sup>, 2023 the Conservation, Sanitation and Zoning Department (CSZD) received a conditional use permit application to allow for the continued use of a cement mix plant.
4. On August 14<sup>th</sup>, 2023, the Fennimore Township Town Board recommended approval for the CUP request. 2 were in favor and 0 opposed. No conditions were placed by the Town Board on the permit.
5. On August 24<sup>th</sup>, 2023 and August 31<sup>st</sup>, 2023, a public notice was published in the County's official newspaper for the CUP request.
6. On September 7<sup>th</sup>, 2023, the CSZC reviewed the CUP request through a public hearing and determined the findings of fact to **approve** or **deny** the CUP application.

## FINDINGS OF FACT AND CONCLUSION

1. The CSZC (hereinafter referred to as the agency) has the authority pursuant to the Grant County Comprehensive Zoning Ordinance Ch. 315 Subsection 3.27 (5) to issue or deny conditional use permits. Prior to granting or denying a conditional use, the agency shall make a findings of fact based on evidence presented, issue a determination whether the standards of the ordinance are met, and require additional conditions, as needed. Based upon the above findings and information provided at the public hearing, the CSZD finds that the conditional use **does** or **does not** meet the following criteria:

2. The agency under Ch. 315 Subsection 3.27 (5) (c) shall consider the following criteria:

- (1) That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
- (2) That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
- (3) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
- (4) That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;
- (5) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;
- (6) That adequate prevention and control of water pollution including sedimentation are being provided;
- (7) That adequate measures will be taken to sustain existing topographic and drainage features and vegetation cover on the site;
- (8) That adequate location of the site with respect to flood plains and floodways of bodies of water;
- (9) That adequate consideration of erosion potential of the site based upon degree and direction of slope, soil type and vegetation cover;
- (10) That location factors are considered which address:
  - (a) Domestic uses shall be generally preferred;
  - (b) Uses not inherently a source of pollution within an area shall be preferred over uses that are or may be a pollution source; and
  - (c) Use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase the possibility.
- (11) That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Conservation, Sanitation & Zoning Committee; and
- (12) In the case of nonmetallic mining, the Conservation, Sanitation, & Zoning Committee shall also consider any reclamation plan submitted for the property and the reclamation plan's provisions for maintaining lateral support and for depth of the quarry pursuant to the standards set forth in Wisconsin Administration code Chapter NR 136.