

GRANT COUNTY CONSERVATION, SANITATION, & ZONING COMMITTEE MEETING

October 5, 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 October 5, 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, Adam Day Excused. Others present in the County Board room; Erik Heagle, Annette Lolwing, Justin Johnson, Robert Keeney, Shane Drinkwater, Ron and Linda Martin. Zoom: Eheagle, Grant County Board Room, Shane Drinkwater, Mike Adams, Tonya White, Wepkings, Jason Richardson, and Emily Schildgen.

Certification of Open Meeting Law

Annette Lolwing sent the agenda to the County Clerk's office to post in the Administration Building, Courthouse, 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 the County Clerk's office, Herald Independent, Platteville Journal, Muscoda Progressive, Boscobel Dial, Fennimore Times, and Bob Middendorf.

Approval of October 5, 2023, Agenda

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

Approval of the September 7, 2023, Minutes

Motion by Porter Wagner, seconded by Brian Lucey to approve the September 7, 2023, minutes. Motion carried.

Review & Accept the Bills

Motion by Joe Mumm, seconded by Brian Lucey to accept the September bills. Motion carried.

Public Hearing for Rezones

Chairman Northouse opened the Public Hearing

#RZ23-19 Williams Inter Vivos Trust & Goke Evelyn Trust, South Lancaster Twp. are requesting to change the zoning classification on PIN: 056-00643-0000 of +/- 1.0 ac. from FP to A-2 to allow for the continued use of a nonfarm residence regarding a proposed shed.

In Favor: South Lancaster Twp. approved on September 6, 2023.

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 Brian Lucey. Motion carried. Joe Mumm Abstained. See Attachment A Worksheet.

Chairman Northouse opened the Public Hearing

#RZ23-22 Casey Roelli, Clifton Twp. is requesting to change the zoning classification on PIN:012-00455-0000 of +/- 21.793 ac. from FP to A2 to allow for the continued use of a nonfarm residence.

In Favor: Clifton Twp. approved on August 9, 2023.

In Opposition: None.

In Interest: None

Committee Discussion: Porter asked if this was a dry creek bed or is it a running creek that goes through there? Justin stated that this did require a shoreland zoning permit. This permit requires that the home be constructed at least 75' from the stream and that there is less than 15% of impervious surface.

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 Joe Mumm. Motion carried. See Attachment B Worksheet.

Public Hearing for Conditional Use Permits

Chairman Northouse opened the Public Hearing

#CUP23-018 Terry Lyght., Harrison Twp. is requesting a Conditional Use Permit on PIN: 020-00886-0000 of +/- 27.5 ac. to allow for the proposed use of an outdoor sports business inside the existing home under 3.07 (2) (c) of the Grant County Comprehensive Zoning Ordinance.

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

In Opposition: None

In Interest: Justin Johnson disclosed that due to the posting that was published in the newspaper listed this CUP as 23-017 and should have been 23-018. This was an oversight by our department. This was run by the County Corporation Council that the CRP23-017 was used the previous month. Corp Council confirmed that the substance of the request was the same and that we could move forward with having it on the agenda for today's meeting. The rezone request for Terry Lyght was approved by County Board on Tuesday, October 3rd. This is for Bulls Eye Sports in Platteville. The owner is relocating the business to his home as he is not going to be running the business full time at the Platteville location anymore. The home is not going to expand. This is just an internal conversion. The home use is still going to coincide with the use as well. Ron and Linda Martin were in attendance for informational purposes only.

Committee Discussion: None

Chairman Northouse closed the Public Hearing.

Motion by Porter Wagner to recommend approval of the Conditional Use Permit, seconded by Pat Schroeder. Motion carried. See Attachment C Worksheet.

Zoning/Sanitation Report

Sanitation - Sanitation permits issued in 2022 were 135 permits, in 2023 – 111 permits. There are about 10 state submissions waiting for permits. Deadline for the 3-year maintenance forms was September 30, 2023, have not received about 700 forms as of September 29th. The second notices for 3-year maintenance forms will be mailed out the week of October 16th. There were a couple of court hearings on September 15th & 19th. There was a no show for court hearing on the 15th (guilty by default), guilty on the 19th. Jim Bergles is transitioning to sanitation position. Jim is signed up to take the soils test in January 2024.

Zoning - Erik reported that we have had 223 permits in 2022, compared to 245 zoning permits in 2023. Erik reported that he and Justin are working on parcel zoning updates in GIS so they can work on the DATCP recertification of the Comprehensive Zoning Plan. They are working with Tiffany with GIS. In the middle of updating the GIS they are finding that not all people with rezones regarding split parcels are submitting their plat of survey or their certified survey maps to the Register of Deeds. Going forward, nobody will be getting a permit until their survey is recorded with the Register of Deeds. Permits will be held until the surveys and certified survey maps are recorded. These situations need to be on the county tax roll.

Erik reported that we will be short staffed throughout the Month of October. Justin, Jim and Erik will be at the Wisconsin County Code Administrators conference the last week of October.

Farmland Preservation Program

Erik reported that Greg & Linda Ruchti and David & Jenny Dixon have opted out of the Farmland Preservation Program. There is a cancellation of noncompliance for Tom & Kimberly Gerlach. The Gerlach's have come back into compliance and reenrolling back into the Farmland Preservation Program.

County Cost Sharing: Beginning Balance \$19,659.28/Ending Balance \$18,340.50

Erik presented final approval request for county cost sharing on a well decommissioning for Greg & Terri Jewett, Wingville Twp., \$507.75. Motion by Pat Schroeder, seconded by Brian Lucey to approve payment. Roll Call: 5 Yes, 0 No, 1 Excused. Motion carried.

Erik presented final approval request for county cost sharing on the 3rd and final year for rye cover crop for Terry & Helen Adams, Watterstown Twp., \$811.03. Motion by Joe Mumm, seconded by Porter Wagner to approve payment. Roll Call: 5 Yes, 0 No, 1 Excused. Motion carried.

2022 DATCP Cost Sharing: Beginning Balance \$4,931.12/Ending Balance \$0.00

Erik presented final approval request for 2022 & 2023 DATCP Cost Sharing on a streambank protection project for Ann Walter, Clifton Twp., \$4,931.12, 2022 DATCP Cost Sharing, and \$2,486.78, 2023 DATCP Cost Sharing for a total of \$7,417.90. Motion by Pat Schroeder, seconded by Joe Mumm to approve payment. Roll Call: 5 Yes, 0 No, 1 Absent. Motion carried.

2023 DATCP Cost Sharing: Beginning Balance \$59,500.00/Ending Balance \$9,876.80

Erik presented final approval request for 2023 DATCP cost sharing for a diversion and access road for Steven & Christine Wagner, Waterloo Twp., \$6,636.42. Motion by Brian Lucey, seconded by Joe Mumm to approve payment. Roll Call: 4 Yes, 0 Absent, 1 Excused, Steven (Porter) Wagner Abstained. Motion carried.

Erik presented final approval request for 2023 DATCP cost sharing for a streambank protection project for Sorghum Valley LLC, Castle Rock Twp., \$13,500.00. Motion by Porter Wagner, seconded by Brian Lucey to approve payment. Roll Call: 5 Yes, 0 Absent, 1 Excused. Motion carried.

Erik presented final approval request for 2023 DATCP cost sharing for a barnyard runoff control system for Northside Genetics, Fennimore Twp., \$13,500.00. Motion by Pat Schroeder, seconded by Joe Mumm to approve payment. Roll Call: 5 Yes, 0 Absent, 1 Excused. Motion carried.

Erik presented final approval request for 2023 DATCP cost sharing for a streambank protection project for Donna Haines, Ellenboro, Twp., \$15,195.68. Motion by Joe Mumm, seconded by Porter Wagner to approve payment. Roll Call: 5 Yes, 0 Absent, 1 Excused. Motion carried.

2021 MDV Cost Sharing: Beginning Balance \$44,024.09/Ending Balance \$0.00

Erik presented final approval request for 2021 MDV cost sharing on a milk house waste facility for Landon Farms, North Lancaster, Twp., \$44,024.09. Motion by Pat Schroeder, seconded by Brian Lucey to approve payment. Roll Call: 5 Yes, 0 Absent, 1 Excused. Motion carried.

Storage Permit Approval:

Erik reported that he has approved 2 waste storage closure plans. Randy and Kay Waterman will be completing a pit closure. Lydell Wegner, Mt. Ida Twp., is abandoning an old waste storage facility and is constructing a new manure storage structure. Manure storage plans were drawn up by MSA and were also approved by DATCP on August 17th, and Erik approved the construction plan the week of September 25th when he received their nutrient management plan. They have around 170 milking and dry cows along with some young stock on site.

Erik reported that last month we approved Larry Jarrett, North Lancaster Township for the citizen member to be a non-voting member on the CSZD committee. We were notified by DATCP that Larry can be a voting member for the conservation items. Committee members were in concurrence of having Larry be a voting member on the conservation side.

CSZD Administrator Report

Meetings

- Professional Leadership Academy – Erik and Justin are both attending. The Leadership Academy sessions are Online for 12 weeks. Group meetings each Thursday and a live event every Friday. Anywhere from 2-6 hours of work per week to do.
- First Farmer Written NMP classes were held in the past 3 years at the Youth & Ag Building. About 10 out of 20 that were invited showed up. Had positive feed back from the class.
- Met with Joyce on position classification change (sanitation tech to zoning/sanitation tech. transitioning Jim into sanitation role) and creating new assistant administrator position. Hopefully coming to committee in November?
- BOA was on September 22nd. Thanks to those who showed up. Both variances passed and the administrative appeal was upheld. Got email confirmation that this is not over yet. Takes a lot of time with public records request and getting all the items together. The transcripts from the administrative appeal should be complete in a couple of weeks.

One of the BOA appeals from September 22nd that was approved has been issued a stop work order. They were approved to have their building 79' from the property line and they are now 60' from the property line. Landowner was given 5 options as to what he can do. Landowner is working with his building contractor.

Information

- Position changes & Reclassifications
- Still working with public records requests, very time consuming.
- Phone number change will take effect on 10/10/2023. Our new phone number will be 608-723-6080.
- Submitting the grant reimbursement from the FP Plan update. Erik can claim a little of his time on this grant reimbursement. Came about \$6,000-\$7,000 under initial budget of (\$18k). DATCP will reimburse half.

Continuous Improvement

No Report.

NRCS Report: Mike Adams

- October 1st starts the new Fiscal Year. Some of the programs (software) are done for a while.
- CRP is complete and all the reenrolls got done before the end of the Fiscal Year.
- EQIP – November 3rd sign up date for cost sharing for cover crops and structural practices.
They have some practice certifications that they are working on. Some forestry practices that just got completed and lots of cover crops that staff have been out in the field collecting documentation and getting payments out.
- CSP – They have 2 reenrolls that they are working on. The ranking deadline is later this month. Will find out then if they get funded.
- Ty Larson, the State Conservationist will be stopping by the office today.

FSA Report: Emily Schildgen

Emily reported on some general things. FSA will have a new hire starting on October 10th. This will be the first time in over a year that they are finally fully staffed. It takes 1 to 2 years to get trained.

Emily reported that the office is closed on October 9th for the holiday.

- October 1st starts a new fiscal year for federal. They are limited on usage of the computer programs for payments.
- There was a Dairy Margin that came out last week. The margin came in a \$6.46. About half the payment size as they were in July. Hopefully that means that the farmers are getting more payment for their milk.
- The LFP program, Livestock Forage Disaster Program, is a pasture program because of the drought that we had last summer. Purpose of the program is to help cover any costs of not having the pasture. There is a lot that goes into the program. Emily is requiring in office appointments. FSA has a huge list of interested producers. They sent out 708 letters to producers that certified pastures last summer. There have been at least 80 producers that have called in that had not certified any pastures last summer. FSA has around 120 applications in the hopper and has a list of around 350 producers. They are working on the applications in order as they call in. The LFP applications need to be completed by January 30th.
- It is fall crop reporting time. Anybody that has fall seeded small grains like wheat or rye or planting any cover crops that need to be reported by November 15th for the fall seeded small grains. Abby and Casey have sent out maps to producers that stated in the spring that they intend to fall seed.

The next meeting is scheduled for November 2, 2023, at 9:00 a.m. in the County Board room. Motion by Pat Schroeder, seconded by Brian Lucey. Motion carried.

Respectfully Submitted by Annette Lolwing for Porter Wagner

Review of Standards for Rezoning Land out of Farmland Preservation

Date: 10/5/23 Landowner: Williams Inter Vivos Trust + Goke Evelyn 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 (structures) already exist.

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 Town Participation Form dated 9/19/23

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 Non farm development already exists

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 1 acre was split from farm site + site is outside of shoreland zone

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 Neighboring farms are still operating.

3.4 Non-farm residential development will be directed to existing platted subdivisions and sanitary districts. Yes - N/A No Not a Platted Subd. 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 - N/A No No ag related development will occur

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: Even though prime farmland soil is present, the non-farm use already exists

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

(Circle one)
POSTER/Brian

Review of Standards for Rezoning Land out of Farmland Preservation

Date: 10/5/23 Landowner: Casey Zoell

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:

Site (development) is outside of mapped 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 dated 8/9/23

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 ag soils

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

The remaining land use is woods and the development meets shoreland zoning

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

No farm operation present on property. Standards

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

Not a platted subdivision

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: Development is outside of mapped prime farmland soil.

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

(Circle one)
Pat/ Joe

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.

BEFORE GRANT COUNTY
CONSERVATION, SANITATION AND ZONING DEPARTMENT

CONDITIONAL USE PERMIT
FOR TERRY LYGHT
2870 COUNTY ROAD O, HARRISON TOWNSHIP, GRANT COUNTY, WI

FINDINGS OF FACT

The agency finds that:

1. Terry Lyght owns property located within the NW ¼ of the SW ¼ & NE ¼ of the SW ¼ of Section 36, Township 3 North, Range 2 West, Harrison Township, Grant County, WI. Such property consists of tax parcel number PIN:020-00886-0000
2. On August 2nd, 2023 the Conservation, Sanitation and Zoning Department (CSZD) received a rezone application and conditional use permit application to allow for the proposed use of an outdoor sports business inside an existing residence under 3.07 (2) (c) of the comprehensive zoning ordinance.
3. On October 3rd, 2023 the Grant County Board of Supervisors approved the rezone request from Farmland Preservation to Agricultural-2
4. On July 11th, 2023, the Harrison Township Town Board recommended approval for the CUP. 3 were in favor and 0 opposed. No conditions were placed by the Town Board on the permit.
5. On September 21st, 2023 and September 28th, 2023, a public notice was published in the County's official newspaper for the CUP request.
6. On October 5th, 2023, the CSZC reviewed the CUP request through a public hearing and determined the findings of fact to **approve** or **deny** the CUP application.