

COMMITTEE MEETING

March 5, 2024

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 5, 2024, at 9:00 a.m. by Pat Schroeder, the Conservation, Sanitation, Zoning Committee Vice Chairman in Room #264, County Board Room of the Administration Building.

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Board members present in the County Board room #264: Porter Wagner, Pat Schroeder, Brian Lucey, Joe Mumm, and Larry Jerrett. Adam Day and Gary Northouse were excused. Others present in the County Board room; Erik Heagle, Annette Lolwing, Robert Keeney, Shane Drinkwater, David & Jolene Geodken, Corrine Robey, Carl Robey Jr., and Richard Henkel. Zoom: eheagle, Grant County Board Room, Robert Keeney, Shane Drinkwater, Wepkings, Lane Carver, Matt Fleming, and Mike Adams.

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 March 5, 2024, Agenda

Motion by Porter Wagner, seconded by Joe Mumm to approve the agenda. Motion carried.

Approval of the February 1, 2024, Minutes

Motion by Brian Lucey, seconded by Joe Mumm to approve the February 1, 2024, minutes. Motion carried.

Review & Accept the Bills

Motion by Larry Jerrett, seconded by Porter Wagner to accept the February bills. Motion carried.

Public Hearing for Rezones

Vice Chairman Schroeder opened the Public Hearing

RZ24-03 Bollant Farms Inc., Wingville Twp., are requesting to change the zoning classification on PIN:062-00718-0000 +/- 1.13 ac. from FP to A2 to allow for the use of a non-farm shed.

In Favor: Wingville Twp. approved on December 11, 2023.

In Opposition: None

In Interest: None

Committee Discussion: Porter asked how big is the shed going to be since the lot is only 89' wide? They are building a 48' x 36' shed. Part of the shed will be constructed in the pre-existing parcel and will meet all setbacks.

Vice Chairman Schroeder 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. See Attachment A Worksheet

Vice Chairman Schroeder opened the Public Hearing

RZ24-04 Richard & Judith Henkel, Potosi Twp., are requesting to change the zoning classification on PIN: 052-01209-0000 +/- 0.3 ac. from A1 to R3 to allow for the continued use of a cabin.

In Favor: Potosi Twp., approved on January 15, 2024. Corrine Robey, Carl Robey Jr., Richard Henkel, and Attorney, Matt Fleming.

In Opposition: Erik received a letter from Jolene & David Goedken strongly opposing the zoning change. Other properties in the area are zoned R1, they do agree to change the Henkels zoning request to R1 as a single family dwelling. Erik read the letter into the record. Erik received an email from Attorney, Laine Carver, for Joe & Tammie Vacha. Erik read the email into the record. The letter stated that the Henkel's have blatantly disregarded the comprehensive zoning ordinance by constructing an addition onto the preexisting structure. Attorney Carver mentioned that the Vacha's don't disagree with the rezone. The Vacha's just wanted to voice their objection to the fact that this rezone wasn't done before the construction of the addition. The Vacha's are not arguing about the Henkel's rezoning to R3. The Vacha's just want it noted that they don't want this to happen again where the occupants are able to take action without the proper zoning permits.

In Interest: This structure currently does not meet any correct setbacks, nor it doesn't have enough road frontage for an access easement. For any permits to be issued this will be a 2-step process: 1. Rezone approved 2. They need to apply for a variance with the Board of Adjustments for the relief of road frontage and the 66-foot-wide access easement. Attorney, Matt Fleming stated that this is a parcel that has existed since sometime in the 1950's. Matt stated that this is a pre-existing non-conforming structure. A1 zoning on this property doesn't allow anything other than just maintaining the non-conforming use. The surrounding area is exclusively single-family dwellings.

Rebuttal: David Goedken stated that his parents had purchased the property back in 1968/69. The Henkel's want to build a garage on the property. David is concerned that with rezoning to R3, you can do multiple units on that property. Anything that the Henkel's try to do to their property there is always going to be a conflict. Jolene mentioned, why R3 when all the other residents are R1? Erik stated that there are more parcels in R3 rather than R1 in that area. Erik stated that the reason for zoning it into R3 will make the structure conforming.

Rebuttal: Attorney, Matt Fleming gravitated to R1 because he had seen the other parcels in R1. R1 describes a minimum lot width of 90 feet, and this is measured at 80 feet. The existing structure had an addition. The addition puts back a piece of the structure that had historically been there but was previously removed.

Rebuttal: Carl Robey stated that when this all started, he contacted Brad Digman regarding the land. Carl wanted to install a fence and to build a garage. Carl stated that Brad told him to not change it from A1. A tree fell on the cabin roof. When they went to repair the porch, the neighbors claim that they were putting an addition on the house. That is when the Vacha's turned them in for not having any permits in hand for that project. They were just doing repairs to the porch that the tree fell on.

Attorney, Matt Fleming, stated with the issue of a violation, the request of the rezone is appropriate. The size of the property in its-self is not appropriate to the A1 use. A mistake deserves an adverse consequence which is taken care of through additional permit fees. Because they are changing the zoning classification it doesn't change if the property was properly zoned R1 or not. Putting property in its proper zoning is not rewarding bad behavior it is simply putting the property into the proper zoning for its size and for what it is going to be used for. If there are other consequences to constructing without a permit there are other mechanisms in place to make sure that those items are not encouraged.

Committee Discussion: Porter Wagner asked what are the R3 zoning setbacks: Erik replied R3 zoning setbacks on a county road is 50' from centerline of road, 8 feet side yard, and 40-foot rear setback, 20 feet minimum front yard, and a minimum lot width is 50'. Joe Mumm asked if this is the committee's responsibility to do within the law? Erik replied Yes. The easement has nothing to do with the decision today. Everything needs to be approved on the property to be eligible for permits and for the zoning to be approved. The zoning needs to be approved and the variance needs to be granted because they don't have the road frontage or the 66-foot-wide easement access. They have applied for a variance which will be at the next BOA meeting next month. Joe stated that the Henkel's are asking for an R3 rezone. This does not give the committee any reason to should not/would not approve the rezone request. By approving the R3 rezone request it would be meeting step 1 to get

the lot into a conforming parcel. Brian Lucey asked if there was a potential for the construction of a shed or a garage? Erik stated that there are no shed or garage permits applied for. Erik stated that the first thing that is looked at to make this conforming is what is being done, the rezone. What are the zoning setbacks and what is the building currently zoned at? If it doesn't meet, what are the options to make this a conforming structure? Pat Schroeder asked if they would need a permit to repair what was damaged to the cabin? Erik stated if there was construction in the same footprint, we wouldn't be at the meeting today. If there was construction outside of the original footprint then, Yes, they would need a zoning permit. Richard Henkel claims that he really didn't add on to the porch. The porch was all the way along the front of the cabin. When the tree fell on the porch it knocked ¾ of the porch off. They rebuilt it as far as they did, then decided to add the additional 10 feet on to the porch.

Vice Chairman Schroeder closed the Public Hearing.

Motion by Porter Wagner seconded by Joe Mumm to approve the rezone to the full County Board. Motion carried.

Zoning/Sanitation Report

Erik reported that the zoning and sanitation staff are working on the Orders for Corrections. There are approximately 50 to 60 OFCs for Sanitation, and approximately 20 OFCs for Zoning.

Sanitation – There were 14 sanitation permits issued in 2023, in 2024 there are 17 so far. Jim has approximately 8 sanitary permits waiting for Erik to approve the soils. There are approximately 5 or 6 zoning permits waiting for sanitary permits to come in before they can approve those zoning permits.

Zoning permits last year (2023) we were sitting at 28, and in 2024 to date we have 17 zoning permits.

Continuing to work on OFC's and citations. We are getting people saying, "I'm not getting permits". Erik issued 14 Zoning citations we still have 12 – 16 OFCs to get fixed before they go to citation. The 2024 3-year maintenance forms will be sent out the middle of March.

Approval to Hire a New Soil Conservationist

Erik mentioned that Brady Bartels is transitioning over to be the County Technician. Gary Northouse gave prior approval of hiring a new Soil Conservationist, it is already posted. Motion by Joe Mumm, seconded by Brian Lucey to officially approve the hiring of a new Soil Conservationist. Motion carried.

Farmland Preservation Program

Erik has reported that Echo Valley has opted out of the Farmland Preservation Program. Brady is starting to get several Nutrient Management Plans turned in. Around 130, 2024 spot check letters have been sent out. Weather pending, spot checks will be starting in April. Per DATCP recommendations, we will start sending out notices of non-compliance at the beginning of October. Asking that all NMP's need to be turned in by June 1st each year.

County Cost Sharing: Beginning Balance \$38,757.83/Ending Balance \$38,068.83

Erik presented an extension request from Joe Hrubes, Clifton Twp. to April 1st, for his well decommissioning project. Motion by Joe Mumm, seconded by Brian Lucey to approve the extension request to April 1st. Motion carried.

Erik presented tentative approval request for county cost sharing on a well decommissioning for Casey & Angela Updike, Hickory Grove Twp., \$740.00. Motion by Porter Wagner, seconded by Larry Jerrett to approve Updike's request. Motion carried.

Erik presented tentative approval request for county cost sharing on a well decommissioning for Wilma Landon Irrevocable Trust, Little Grant Twp., \$1,000.00. Motion by Joe Mumm, seconded by Larry Jerrett to approve the Landon's request. Motion carried.

Erik presented final approval request for county cost sharing on a well decommissioning for Kieler Farms Inc., \$351.25. Motion by Joe Mumm, seconded by Larry Jerrett to approve payment. Roll Call: 5 Yes, 0 No, 2 Excused. Motion carried.

Erik presented final approval request for county cost sharing on a well decommissioning for Kieler Farms Inc., \$337.75. Motion by Joe Mumm, seconded by Porter Wagner to approve payment. Roll Call: 5 Yes, 0 No, 2 Excused. Motion carried.

2024 DATCP Cost Sharing: Beginning Balance \$71,200/Ending Balance \$71,200

Storage Permit Approval:

None. We have seen an approval from DNR for a storage closure for Wolf's. Erik reached out to Wolf's about the need for permits prior to decommissioning and the availability of cost share funds, have not heard a reply back.

Approval for Submission of DATCP Staff & Support Grant

Erik reported that this is our yearly grant that we need to apply for. This is for our DATCP cost share money and for staff and support reimbursement. We typically receive between \$120,000 to \$130,000. Erik is requesting \$150,000. Motion by Brian Lucey, seconded by Joe Mumm to approve Erik to send in the DATCP grant request. Motion carried.

CSZD Administrator Report

Meetings

- February 7, 2024 – Meeting with county GIS on FP Zoning recertification
- February 12, 2024 – DSPS POWTS Audit
- February 13, 2024 – DNR/NRCS wetland & waterway permit training in Richland Center
- February 15, 2024 – Erik Heagle's performance review
- February 20, 2024 – BOA – department recommended denial; board approved
- February 20, 2024 – County Board
- February 21, 2024 – Monthly Team Meeting

Information

- Working with DATCP & Tiffany (GIS) on the submission of our FP Zoning Recertification. They are reviewing all the text. We need to resend all the GIS data and maps to DATCP, due to finding a large amount of errors in the mapping and spatial data from the previous GIS Tech. Erik had to go through and change about 113 mapping issues so far. No public hearing or approvals from committee or County board needed for this.
- Annual report is going to be digital this year. We were able to get a free Canva account from WL+W to design our report. We will make it available on our website and may end up putting an article in the Countryside Clinic announcing this once completed.
- We have sent out our Grant/Lafayette POWTS service provider meeting flyer to all on our service providers list. Thanks to Erica from Lafayette County for taking the reins this year. It's on March 14 in the auditorium of the Youth & Ag building. Must contact us to preregister. There will be hours of continuing education credits will be given.
- We have 3 known BOA hearings coming up. 2 have been submitted, waiting on 1. BOA will be on April 4th at 1:00 p.m.
- No qualified applicants yet for the zoning position. Nothing yet on the soil conservationist position.

- Not new but we are now getting issues with not only contractors not being honest with building costs to avoid permit fees but contractors are telling landowners to say that their project is below \$300,000 so they can pay less fees.
- The Whitetail Wind project is now being appealed at the PSC. More details to come. More inquires on wind projects. One company is reaching out to folks right now. Getting ready for my presentation at the WL+W Conference.

Continuous Improvement

Continued trainings for engineering certifications, POWTS, and computer trainings.

NRCS Report: Mike Adams

Mike reported that NRCS had 32 EQIP pre-approvals. The obligation deadline for those contracts is April 5th. With the highest priority to use the IRA funds that were obligated.

There were 21 applications for the Conservation Stewardship Program (CSP). The ranking deadline is April 19th.

The Soil Conservation Technician position was posted a little over a month ago, it is now closed. They did receive a panel of applicants. No interviews are set up and things are moving along.

Mike reported that the General CRP Sign Up opened and they are starting to get some interest.

FSA Report: Emily Schildgen

Erik Heagle read Emily Schildgen's report.

1. The 2024 Agriculture Risk Coverage/Price Loss Coverage (ARC/PLC) program sign up deadline is March 15, 2024. The office has been reaching out to people since January 1st about getting their sign up done. At this point, we are not able to mail contracts to producers to sign because of the timing of mail. Producers will either need to sign electronically using FDS's Box/OneSpan software or come to the office to sign.
2. The Dairy Margin Coverage (DMC) sign up for 2024 opened on February 28, 2024. This safety-net dairy program runs on the calendar year. So, coverage would be retro-active to January 1, 2024, and be effective until December 31, 2024, as long as a producer is still commercially marketing milk from cows. The program looks at the difference (or margin) between the national average all milk price and the national average feed cost. If the margin falls below the coverage level the producer selects for the year, that month triggers a payment. Producers select which coverage level they would like to have for their operation from a \$4.00 catastrophic level coverage for just the \$100 non-refundable administrative fee up to a \$9.50 margin coverage that has a premium fee associated with it. Depending on the operation size and the coverage level selected would depend on the premium fee due. As with past year, the \$100 non-refundable administrative fee must be paid at the time of sign up and producers have the option to have the premium taken out of their payments before they begin getting disbursed to them for the year or pay the premium by September 1, 2024.
3. Continuous Conservation Reserve Program (CRP) sign up is also currently open. This sign up is a little different with the Farm Bill extension this year. The 2018 Farm Bill had acreage amount that could not be exceeded. Since there was an extension to the Farm Bill, that acreage cap cannot be exceeded. Since there was an extension to the Farm Bill, that acreage cap cannot be exceeded. So, any CREP offers (offers for acreage into CRP that are along a stream bank to create a grass buffer and assist with stream bank erosion) are still processed as normal on a first-come, first-served basis. However, any non-CREP areas that are being offered into a continuous CRP program (such as the highly erodible land initiative (HELI) or state acres for wildlife Enhancement (SAFE) are not guaranteed at the time an offer is placed as they were in the past. Instead, these offers will be put in batching sets to ensure there is enough acreage left before the producer goes through the conservation planning process and is guaranteed a contract. The first batching is set to close March 15. The office has been focusing on re-enrollments first, then new offers. Hot off the presses, general CRP opened Monday, March 4 and closes Friday, March 29. Anyone interested in putting in a general CRP offer would need

to reach out to the office to be put on the list to have an offer completed. As of the time of these notes, this is all the information I have. Due to batching/deadline timeframes, continuous CRP offers will take priority over general CRP since that batching date is sooner than the General CRP ranking period.

The next meeting is scheduled for April 4, 2024, at 9:00 a.m. in the County Board room. Motion by Pat Schroeder, seconded by Adam Day. Motion carried.

Respectfully Submitted by Annette Lolwing for Porter Wagner

Review of Standards for Rezoning Land out of Farmland Preservation

Date: 3-5-24 Landowner: BOWEN FARMS

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: NEIGHBOR (PETER'S) PURCHASING +/- 1.13 AC TO BUILD A GARAGE - NON FARM USE

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: PURCHASED THE ADJACENT GROUND WILL ALLOW NEW CONSTRUCTION TO MEET SETBACKS

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 1 AC OUT OF 39
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

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: +/- 1.13 AC REMOVED FROM +/- 35.97 AC

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