

PLAN COMMISSION  
MEETING MINUTES  
TOWN OF GRANT  
June 6, 2016

**PRESENT:** Jim Wendels (Chairperson), Nathan Wolosek, Ron Becker, Sharon Schwab, Tom Reitter (Committee Members), Marty Rutz (Zoning Administrator), Kathy Lee (Secretary)

**CITIZENS:** Connie Behrend, Ron Johnson, Cecile Stelzer-Johnson, Rick Antin, Rhonda Carrell, Criste Greening, Sue Savage, Bill Leichtnam, Penny VanTassel

**CALL TO ORDER:**

The meeting was called to order at 6:32 pm by Jim Wendels

**STATE OF PUBLIC NOTICE**

It was stated that the agenda was posted at two posting stations (Grant Town Hall and Grant Transfer Station) and on the Town’s website.

**MINUTES**

It was moved by Nathan Wolosek and seconded by Ron Becker to approve the May 16, 2016 Plan Commission Meeting Minutes. The motion passed with unanimous ayes.

**CITIZEN INPUT:**

Connie Behrend owns property on the curve at 93th Street and Buena Vista Road. She is concerned about the number of vehicles at the adjacent property. Following a land survey, they had vehicles removed that were trespassing on their property. Mrs. Behrend was informed that she was not the first to complain and a site visit had been made about two years ago. The Town does not have an unlicensed vehicle ordinance and therefore has no control over vehicles people have on their property. A Town-wide ordinance was attempted in the past, but did not pass because of opposition from citizens in agricultural areas. The Plan Commission plans to reconsider developing a retroactive ordinance that would apply to residential areas only. It was recommended she continue to monitor the property line.

Bill Leichtman from the Town of Saratoga is concerned about the groundwater flowing through the Town of Grant into Saratoga. He submitted a draft of a Joint “Clean Water” Resolution which he would like to be adopted by the Towns of Saratoga and Grant. Several others spoke in support of the resolution and to specify their concerns.

- Rhonda Carrell described in detail manure being hauled by Wysocki Produce Company to a property owned by Scott Kotlowski. She has additional concerns about a new high-capacity well on a property owned by Ellis Industries and a UAP allowing a pipe go under 90<sup>th</sup> Street. She asked if driveway permits have been purchased for Tower Road. She reported that liquid manure was running down 90<sup>th</sup> Street because it was been applied at heavy rates (a truck every 3 minutes) during a time of heavy rains.
- Criste Greening on Oak Street (Wood Co) added tilling took place following spreading the liquid manure, but this occurred during a time when the entire State was in high runoff risk (red warning) and spreading should not have taken place. Road damage has also occurred which lead to damage to her truck.

- J. Wendels questioned if the DNR enforces the violation? R. Carrell stated if the manure stays on the field it is the DNR, but once the manure leaves the field and is on the road, Land Conservation enforces.
- Ron Johnson asked if weight limits apply to agriculture vehicles and he was told they do apply.
- A discussion took place identifying several joint community projects that have taken place in the state including a joint letter/resolution requesting including more waterways in a study of the Little Plover River.
- Several individuals were concerned about the amount of land being designated as “Farmland Preservation”, that Farmland Preservation (FP) allows for the growth of farms without providing protection for residential areas, and that it parallels Smart Growth. The difference between Smart Growth (a comprehensive plan that addresses multiple issues for the town including zoning) and Farmland Preservation (a program for tax credits) were explained. K. Lee will send two maps to R. Carrell which illustrates land considered for FP by Portage County and land proposed by the T. of Grant as FP.
- R. Carrell stated it is possible that Grant has become the manure waste dump for the manure winter storage of Central Sands Dairy and thereby exceeding the 500 head limit identified in the Town’s Zoning Ordinance. Nathan responded that a nutrient management plan needs to be followed and managing plan is the responsibility of DATCP and the DNR. This was countered by R. Carrell and C. Greening with there being inadequate public notice of a plan making it difficult for citizens to comment.
- The development of an ordinance against aerial spraying was strongly encouraged by R. Carrell.
- The UW-Extension Study on manure application was described as a best practice study of how to apply and did not address health concerns or other dangers. The intent of the study did not include safety of the practice.
- A Golden Sands Dairy statement read by J. Wendels indicates they have applied for the option of center pivot manure applications, but such applications will not be made on the start of the Saratoga farm. They have not determined if they will ever use the practice. If they do, will follow all guidelines.
- The Town of Saratoga and Adams Co have bans against aerial spraying of manure.
- Cecile Stelzer-Johnson summarized points of the Portage County Groundwater Citizens Advisory Committee’s publication and expressed concern about a lower level of water in Plover and Bancroft despite stable yearly rainfall amounts. She is concerned too much water is being used for agriculture purposes.
- A document on the 10 Mile Creek Flow Data was shared.

**DETACHED RESIDENCE ON COMMERCIAL PROPERTY**

An inquiry has been received from Bob McDonald regarding placing a detached 720 sq. ft. home on property zoned commercial (Mickey’s Tip Up/Chat-R-Box). He wants to know how to proceed. Our zoning ordinance only addresses attached residences in commercial areas. Mr. McDonald has consolidated 3 parcels at that location. Septic, which is separate from the business septic, already exists, but would require a reconnect permit. The Plan Commission (PC) has addressed a similar request for a business owner on Hwy 73. Because of past experience it was viewed as preferable for the PC to address his request instead of the Board of Adjustment.

ACTION: Marty Rutz will contact Mr. McDonald and tell him to proceed with a CUP. He should include a site plan with the setbacks and pay the fee. The CUP would be contingent on the reconnect.

ACTION: Add “detached home” as a conditional use for commercial property when the zoning ordinance is revised.

### **PORTAGE COUNTY COMMUNICATIONS TOWER SETBACK**

J. Wendels received a call from Portage County indicating they are working with Okray and have identified a possible tower site at the Okray Farms maintenance building site. The tower is designed to fall in half. They would like to have a half setback from the north property line (125 ft), but would have a full setback from County F (250 ft) for the 250 foot tower. J. Wendels has instructed Portage County to talk with McCain Foods (property to the north) before proceeding. They will need geotech and soil borings done, and it is preferable to do this only once. It was questioned if the Board of Adjustment should be involved. J. Wendels stated it is allowable for the Plan Commission to document any variance and allow it. We would need approval in writing from McCain as part of the documentation. Rationale to allow the variance would include no effects to transportation, facility, residence, plus McCain’s approval. The CUP fee will not be waived.

### **REVIEW OF ATV/UTV ORDINANCE PUBLIC HEARING COMMENTS**

Copies of the written comments and draft minutes from the public hearing were distributed and reviewed. This item will also be on the Town Board meeting scheduled for Wednesday.

Comments:

- There has been no attempt to develop trails.
- Fatalities have occurred.
- ATV/UTV manufactures state they are not for use on roads and therefore they do not need to meet federal safety standards.
- The differential speed is a greater contributor to accidents on state roads, but not on local roads because of the low volume of traffic.
- If all roads are open, the traffic is not concentrated on a few roads.
- With regulation, ATV can be discouraged from the areas we do not want them. There is no control without the ordinance.
- There is a concern with youth riding on the roads as some are responsible, but others are not.
- It would be difficult to open most roads and exclude only a few (e.g. Lake Rd.). More people would flaunt their violating the ordinance.
- Is it the Town’s role to make it possible to recreate? The charge is to protect the health, safety, and welfare of the residents.
- Individuals against ATV routes do not want noise, damage to property, or accidents.
- We were sensitive to people on Mill who were against it and now Town Line residents are against it.
- The Town of Grant is not buying signs. What can the clubs afford for signage? It could influence which roads and how many roads are opened.
- It would be interesting to see on a map where the supporters live and where the opponents live.
- Charlie Gussel has suggested having a nonbinding referendum.
- We need to act, so we can move on.

- It does provide connectivity if T. of Buena Vista opens up.
- A suggestion could be made to the Town Board to consider opening more roads to lessen the pressure on anyone route.
- If complaints occur, the Board could close things down at any time.
- Our minimal routes get people through the town and close to downtown. It is up to Buena Vista to open their road. They say they need reassurances legally before they would open roads.
- The Board can do an ordinance addendum and add routes in the future.
- The Town has limited liability. Most ATV riders will have insurance.
- The conservation warden was asked about the ordinance not addressing noise and he said it is not necessary to add it to the ordinance. When hunting, fishing, or traveling for agriculture, a helmet is not necessary; but it was recommended to keep our helmet restriction in the ordinance.
- ATVs will likely stay on the roads.

### **FARMLAND PRESERVATION**

According to the Portage County website the “recommendation by the Ad Hoc Committee was to have the Portage County Land and Water Conservation and Agriculture and Extension Education Committees join Planning and Zoning in a joint review and recommendation of the draft. The Plan was received by the Planning and Zoning Committee on May 24, 2016, and a joint meeting of the Committees will be scheduled in the second half of June.”

No objections are expected from Jeff Schuler for our text and map. We can send the text and map to Scott Karrel (DATCP) and include a copy to Jeff Schuler (Portage County).

**ACTION:** Sharon will ask Rod Sutter to create a map with one color designating the Farmland Preservation land that is not part of the Comp Plan. Once the new map is obtained the map and text will be sent to Scott Karel and Jeff Schuler.

### **FOLLOW-UP TO CITIZEN INPUT**

Discussion took place regarding farming practices using manure, Wysocki’s plan to grow organic corn, the use of a digester, inadequate communication/education from Wysocki to lower public anxiety/concerns, controlled use of water on fields, the safety of food grown in the USA, and the need to find middle ground between farmers and citizens.

### **ZONING ADMINISTRATOR REPORT**

Deb Lafarge would like to live in camper while her house is being built. The three acre property is south of Tower on 80<sup>th</sup> in an area that is zoned General Ag. It was recommended to show her the conditions set on Lyle Allison’s CUP. She would need sanitation. Portage County has no objections for living in the trailer for up to 6 months according to Tracy Pelky.

**ACTION:** M. Rutz will inform her to use the CUP approach.

In May, there were 13 permits for a total of \$1260. This includes three accessory buildings, a porch, two new residence, a collocation, two pools, a deck/porch, a raze, an address, and two UAP. M. Rutz will address the Wysocki driveway issue on Tuesday.

S. Schwab observed heavy equipment being hauled from a property at Quarry and 100<sup>th</sup>. She suspects a large equipment repair business is being run from the location. It is difficult to know if the activity is a business or work being done for friends. The road is not posted with weight

limits. M. Rutz asked her to call when she observes activity on the property as he has never found anyone there.

**TOWN BOARD REPORT**

Farmland Preservation: Discussed earlier.

Highway 54/County U intersection: S. Schwab was not able to attend. K. Lee reported the project will begin as soon as all paper work is completed. They had hoped to start as early as today. During the first phase, the outside lane on Hwy 54 will be closed. During the second phase, the inside lane will be closed and a “mini J” will be in place. In August, County U will be closed for three weeks. R. Becker added that the completion date is September 1<sup>st</sup> and that plans are included to allow turns during the ski show weekend. S. Schwab shared the diagram of how to drive a J-turn and video on navigating the completed intersection were viewed.

**ADJOURN**

Nathan Wolosek moved to adjourn and Ron Becker seconded the motion. The motion was approved with unanimous ayes. The meeting was adjourned at 9:30 pm.

Respectfully submitted,

*Kathleen D. Lee*

Plan Commission Secretary

Approved July 12, 2016