

**PIERCE COUNTY WISCONSIN**  
**DEPARTMENT OF LAND MANAGEMENT & RECORDS**  
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MINUTES - Pierce County Land Management Committee Meeting, January 5, 2022, in-person meeting for committee/staff, remote meeting for applicants/public.

Present: Jon Aubart, Joe Fetzter, Neil Gulbranson, Jeff Holst, and Eric Sanden

Others: Andy Pichotta, Brad Roy, and Shari Koehler

Chairperson Joe Fetzter called the Pierce County Land Management Committee meeting to order at 6:00pm in the County Boardroom.

Next meeting dates: January 19, February 2<sup>nd</sup> & 16<sup>th</sup>, 2022.

Approve Minutes from the December 1, 2021 Land Management Committee meeting: **Holst moved to approve the Land Management Committee minutes from December 1, 2021/Sanden seconded. All in favor. Passed with Gulbranson recusing himself due to his absence from the last meeting.**

**Public hearing to consider and take action on a request for a conditional use permit for an Accessory Residence, pursuant to Pierce county Code §240-40A in the Rural Residential 12 District for Richard and Pamela Thorsen, owners, on property located on Lot 4, Certified Survey Map (CSM) V1, P160, in the NE ¼ of the SW ¼ of Section 19, T26N, R19W, Town of Oak Grove, Pierce County, WI.**

**Staff Report – Andy Pichotta:** The applicants are applying for a CUP for an accessory residence. The house on this property was permitted along with a mound septic system in 1994. Then a detached garage with an art/music studio and a bathroom was permitted to connect to the existing mound system in 1998. The Thorsen’s purchased this property in 2019 and are requesting a CUP to convert the studio to an accessory residence. The accessory residence will be used by family members to reside. The parcel is 3 acres and located in Section 19, Town of Oak Grove. This property is zoned Rural Residential 12. Pierce County Code (PCC) §240-40A(2) allows accessory residences which are accessory to single-family residences in the Rural Residential 12 District with the issuance of a CUP. The existing principal house is a one-story dwelling without a basement and a 2-car attached garage. The dwelling is 64ft x 25ft or 1,600 sq ft. The proposed accessory residence is 30ft x 20ft or 600 sq ft. The state sanitary permit was issued in 1998 for a mound septic for a two-bedroom dwelling. The house has one bedroom and the proposed accessory residence has one bedroom, so it meets the sizing requirements. PCC Ch 115 Numbering of Buildings and Roads requires that all principal buildings have an address. The principal dwelling has an address of W12034 497<sup>th</sup> Avenue. The accessory residence would need a separate new address. The Oak Grove Town Board recommended approval of this CUP request on 11/15/2021. The Town, “approved for use as described on the application (i.e. family/guest, not rental or short-term rental), subject to inspection/permit requirements through building inspector.” Renewal of this CUP will not be necessary provided the use is established within 12 months of approval.

**Staff Recommendation:** Staff recommends the Land Management Committee determine whether this request is contrary to the public interest and whether it would be detrimental or injurious to public health, public safety, or the character of the surrounding area. If found not contrary to the above, staff recommends the Land Management Committee approve this conditional use permit for an accessory residence with the following conditions:

1. The applicant shall work with the Town Building Inspector, All Croix Inspections, to determine whether a permit from the town is needed and to ensure compliance with the Uniform Dwelling Code (UDC) requirements.
2. Applicant shall obtain a new uniform address number for the accessory residence.

**Chairperson Fetzer opened the hearing to the public.** Michelle Boogren lives across the street from the Thorsen's, stated she got the notice in the mail regarding the Adult Daycare and she thought it was the Thorsen's residence. No more public comment. **Chairperson Fetzer closed the public hearing.** **Holst moved to approve the conditional use permit for an accessory residence for Richard and Pamela Thorsen, due to the fact it is not found to be contrary to the public interest, nor detrimental or injurious to public health, public safety or the character of the surrounding area, with conditions #1 - #2/Gulbranson seconded. All in favor. Passed.**

**Discuss take action on potential code amendments for an Unclassified Use (Adult Daycare) pursuant to Pierce County Code §240-21. Staff Report – Brad Roy:** The Zoning Office recently received an application for an "Adult Daycare." The proposal is for a home to be utilized as an Adult Daycare (Special Needs Adults), five days a week, with meals and snacks provided. There would be no overnight stays. The Zoning Code has Family Daycare (PCC §240-36C) which is a permitted use. "Family Daycare Home" is defined as: "A dwelling unit where supervision and care and/or instruction for not more than eight children under the age of seven is provided for periods of less than 24 hours per day and which is licensed by the Wisconsin Department of Health and Family Services."

There are no other regulations/restrictions on a Family Daycare (e.g. size, employees, etc.) imposed by the zoning code. Since the proposal we received is to care for adults, the "Family Daycare Home" designation did not apply. Pierce County Code §240-21A Uses not listed has an outline for staff for uses that aren't classified. Pursuant to §240-21A Staff has determined that the proposed use cannot be classified as one of the principal uses already listed in the zoning code. Pursuant to §240-21B(1) staff has determined that the proposed use is significantly similar to a "Family Daycare Home" with the only difference is the age of the clients/customers (children vs. adults). Given this, staff intends to proceed by processing the proposed use consistent with the principal use "Family Daycare Home" – which will result in the issuance of a Land Use Permit authorizing the proposed use. §240-21C requires that staff, after making a determination regarding a proposed use, recommend an amendment adding the previously unclassified use to the Table of Uses. Staff believes that, in this case, a change in the definition of "Family Daycare Home" would be more appropriate. Staff proposes the following modified definition:

A dwelling unit where supervision and care and/or instruction ~~for not more than eight children under the age of seven~~ is provided for periods of less than 24 hours per day and which is licensed by the Wisconsin Department of Health and Family Services.

This new definition removes any requirement relating to age and number of children. It would continue to require that the operation be licensed by the Wisconsin Department of Health and Family Services, so staffing requirements of the State would need to be followed.

**Staff Recommendation:** Staff recommends the Land Management Committee consider the above and determine if a code amendment is appropriate. If determined to be appropriate, staff should be directed to formalize ordinance amendments for future LMC consideration. The LMC could also consider whether such determinations regarding unclassified uses should be brought to the LMC for determination.

Aubart asked Brad does the Wisconsin Department of Health and Family Services regulate Adult Daycare or license them? His understanding with talking with staff in Human Services, it comes down to Medicare payments. If they are getting Medicare payments then they have to be licensed with the State but there isn't anything that says if you aren't getting Medicare payments then you have to be licensed. Aubart stated if you aren't licensed, daycares are probably the same way then and they don't need a permit. Aubart stated with the wording "and which is licensed by the Wisconsin Department of Health and Family Services". Whether it be a child daycare or an adult daycare that suggests that if they are not licensed then they aren't required to get a permit. Pichotta stated that we have viewed that as that they need to be licensed through the State in order to get a permit through the department. Holst stated he believes that type of licensing agreement is more the business for across the street than it is for our business here tonight. These are needed facilities. Unless we start seeing a number of them pop up, he doesn't think we need a specific definition for them in our code. He thinks we can address them under this code, like we have been addressing child daycare facilities. Say we reach a number of half a dozen or ten then all of a sudden perhaps we should look at them on a stand-alone basis but at this time, he doesn't feel we have a need for that. They are a needed thing. Sanden stated he would agree with staff, looking at this as a similar use. Whether or not we change the code, he understands Jeffs point, and it is a very

good point. As far as your determination that it is a similar use, he would agree with that because with adults or children with disabilities, age is really not an issue. Michelle Boogren, Town of Oak Grove, stated that she didn't understand what adult daycare was, she is assuming it's for elderly or disabled, is that correct? Chairperson Fetzer stated he would classify it as that, yes. Chairperson Fetzer asked if there was anyone else that would like to comment. No comments. Chairperson Fetzer asked if staff wanted a motion. Pichotta stated what we are looking for is some direction and if that is to carry on and lump similar uses. He stated that he has a running list of things that may at some point require amendments at some point. He will add it to the list and when we've got a package of items, then bring all of those forth at the same time. Holst stated he doesn't think we need a definition of everything that comes before the committee. Holst noted that staff are professionals and are able to use their judgement if it is similar to another use. Pichotta asked if the committee is comfortable with staff making the determinations. Chairperson Fetzer agreed with Holst. Committee consensus to direct staff to continue making such use determinations and to not amend the code at this time.

**Discuss take action on Travel/Training Requests.** Pichotta stated he has one travel/training request for Louie Filkins, the County Surveyor, to attend the Wisconsin Society of Land Surveyors annual conference which is January 26<sup>th</sup> & 27<sup>th</sup> at the Kalahari at Lake Denton. We have money budgeted for this. **Holst moved to approve the travel/training request for Louie Filkins to attend the Wisconsin Society of Land Surveyors Conference in January 2022/Sanden seconded. All in favor. Passed.**

#### **Departmental Update and Future Agenda Items**

Pichotta stated we have no items for the next meeting. We have renewal for Big Dog Daddy's Conditional Use Permit coming up in February so the February 2<sup>nd</sup> meeting will be the earliest we meet. A second meeting in January won't be necessary.

**Motion to adjourn at 6:19pm by Sanden/Aubart seconded. Motion passed.**

Respectfully submitted by S. Koehler