

PIERCE COUNTY BOARD OF SUPERVISORS

Tuesday, July 23, 2019 – 7:00 p.m.
Courthouse – County Board Room
414 W. Main St., Ellsworth, WI 54011

1.	Call to order
2.	Call of the roll by the Clerk 2a) Establish Quorum 2b) Adopt Agenda
3.	Pledge of Allegiance to the flag
4.	Public Comment: County Board will receive public comments on any issue not related to agenda items, discussion by board members may take place but no action will be taken on any item raised.
5.	Resolutions for consideration: First reading: 5a) None
6.	Resolutions for consideration: Second reading: 6a) None
7.	Ordinances for consideration: First reading: 7a) Ordinance No. 19-02 Map Amendment (Rezone) for 2.367 Acres from Commercial District to General Rural in the Town of Spring Lake, Pierce County, WI; Brent & Tiffany Gregg
8.	Ordinances for consideration: Second reading: 8a) Ordinance No. 19-01 Amend Chapter 240 (Zoning), Article II (Zoning Districts; Use Regulations), §240-17 (Table of uses), Article IV (Particular Use Requirements), §§240-35 (Agricultural uses) and 240-40 (Residential uses) and Article XIII (Word Usage and Definitions), §240-88 (Definitions) of the Pierce County Code
9.	Appointments: 9a) Housing Committee: Kathleen McCardle; 3 year term; April 2019 through April 2022.
10.	Future agenda items
11.	Next meeting: August 27, 2019; 7 p.m.; County Board Room, Courthouse
12.	Adjourn
Questions regarding this agenda may be made to Jamie Feuerhelm at 715-273-6744. Upon reasonable notice, efforts will be made to accommodate the needs of individuals with disabilities requiring special accommodations for attendance at the meeting. For additional information or to make a request, contact the Administrative Coordinator at 715-273-6851.	

jrf 07/12/2019

7a.

Ordinances for First Reading:

**Ordinance No. 19-02 Map Amendment
(Rezone) for 2.367 Acres from
Commercial District to General Rural
in the Town of Spring Lake, Pierce
County, WI; Brent & Tiffany Gregg**

ORDINANCE 19-02

**MAP AMENDMENT (REZONE) FOR 2.367-ACRES FROM
COMMERCIAL TO GENERAL RURAL IN THE TOWN OF SPRING LAKE
(BRENT & TIFFANY GREGG)**

The Board of Supervisors of Pierce County, Wisconsin does ordain as follows:

- Section 1: The Official Pierce County Zoning Map for the Town of Spring Lake is amended to change the zoning from Commercial to General Rural containing 2.367-acres and is described as Lot 1 Certified Survey Map (CSM) Volume 12 Page 100 being part of the NW ¼ of the SW ¼ of Section 6, T27N, R15W, Town of Spring Lake, Pierce County, Wisconsin (Tax Parcel Number 028-01014-0320).
- Section 2: That this ordinance shall not be codified.
- Section 3: That this ordinance shall take effect upon its adoption and publication as required by law.

Dated this 23rd day of July, 2019.

Jeffrey A. Holst, Chair
Pierce County Board of Supervisors

ATTESTED TO BY:

APPROVED AS TO FORM AND LEGALITY BY:

Jamie Feuerhelm, County Clerk

Bradley D. Lawrence, Corp. Counsel

Adopted: _____

Rezone application was approved by Land Management Committee on July 3, 2019.

STAFF REPORT LAND MANAGEMENT COMMITTEE

Land Management Committee Meeting,

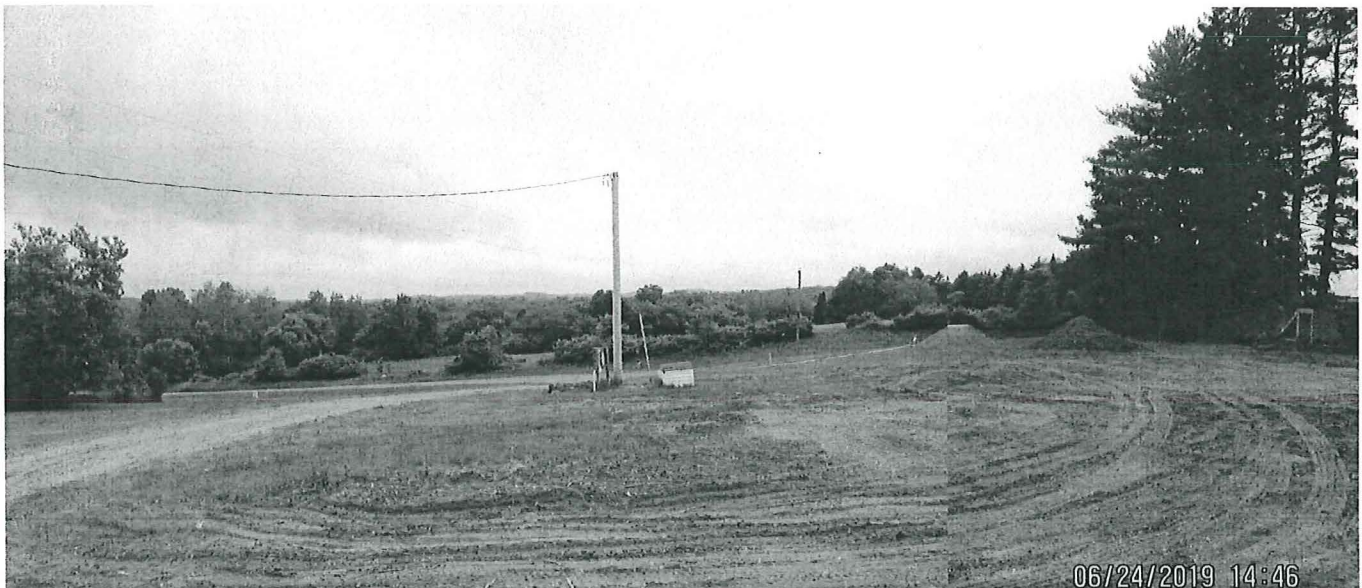
July 3, 2019

Agenda Item 4

Applicant: Brent & Tiffany Gregg

Request: Map amendment (rezone) from Commercial to General Rural

Background: The applicant is proposing to rezone the 2.367 acre property from Commercial to General Rural to enable construction of a residence. Prior to 4-22-2009, the applicants parcel was a part of the adjacent parcel to the east. At that time, a mobile home was on the property as an accessory residence to a commercial use (allowed per 240-40A(1)). After the land was subdivided, the mobile home was no longer accessory to a commercial use and became a preexisting nonconforming use. The applicants have removed the mobile home and the land is currently vacant.



Issues Pertaining to the Request:

- The parcel's address is N8714 250th Street and contains 2.367-acres. The legal description is Lot 1 CSM Vol. 12 Pg. 100 being part of the NW ¼ of the SW ¼ of Sec. 6, T27N, R15W in the Town of Spring Lake.
- Adjacent land uses are agricultural, commercial, residential, and mining.
- The parcel is currently zoned Commercial. Adjacent zoning districts are Commercial and General Rural.
- Pierce County Zoning Code §240-15 Purpose and Intent of Zoning Districts states:
General Rural is established to maintain and enhance agricultural operations in the county. The district also provides for low-density residential development which is consistent with a generally rural environment and allows for nonresidential uses which require relatively large land areas and/or are compatible with surrounding rural land.

Applicant: Brent & Tiffany Gregg
Map Amendment (Rezone)
July 3, 2019

Commercial is established to provide for retail shopping and personal service uses to be developed either as a unit or in individual parcels to serve the needs of nearby residential neighborhoods as well as the entire county. The purpose of the district is to provide sufficient space in appropriate locations for certain commercial and other nonresidential uses while affording protection to surrounding properties from excessive noise, traffic, drainage or other nuisance factors.

- Pierce County's adopted Comprehensive Plan states: "The County will approve re-zonings or map amendments only when the proposed change is consistent with an adopted or amended town comprehensive plan. In cases where a town has not adopted a comprehensive plan, rezoning will be approved only when consistent with the Pierce County Plan (encouraged vs. discouraged). In such cases, Pierce County will solicit a non-binding town recommendation regarding the proposed rezone."
- The value of land for agricultural use according to the USDA Web Soil Survey is as follows:

Soil Map Unit Name	Slope	% Area	Capability Unit	New Farmland Classification
Vlasaty Silt Loam (816B2)	2-6%	54%	2e	All areas Prime Farmland.
Whalen Silt Loam (823C2)	6-12%	46%	3e	Farmland of Statewide Importance

- The Town of Spring Lake recommended approval of this request on 6-11-2019. They stated, "A residence has been on this site for years and the Town of Spring Lake wants to keep this parcel as a residential site." They also referenced Objective 8.4.1 in the Land Use section of their Comprehensive Plan to support the recommendation that states, "Promote an organized pattern of development that will minimize conflicting land use and provide for controlled development."

Staff Recommendation:

Given that the Spring Lake Town Board has determined that this proposed map amendment (rezone) of 2.367-acres from Commercial to General Rural is consistent with their Comprehensive Plan, staff recommends that the LMC approve this map amendment (rezone) and forward a recommendation to the County Board of Supervisors.

Submitted By: Emily Lund
Assistant Zoning Administrator

Land Management Committee




BRENT & TIFFANY GREGG
(July 3, 2019)

REZONE
Commercial to General Rural

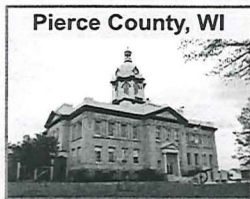
Legend

-  Dwellings
-  Rezone Parcel
-  Contours (10ft)

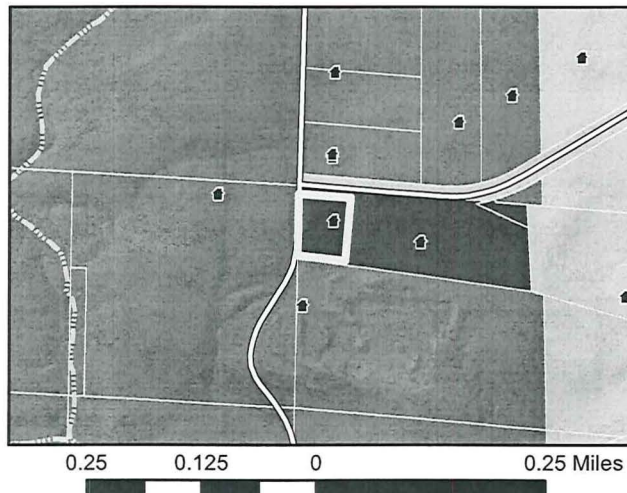
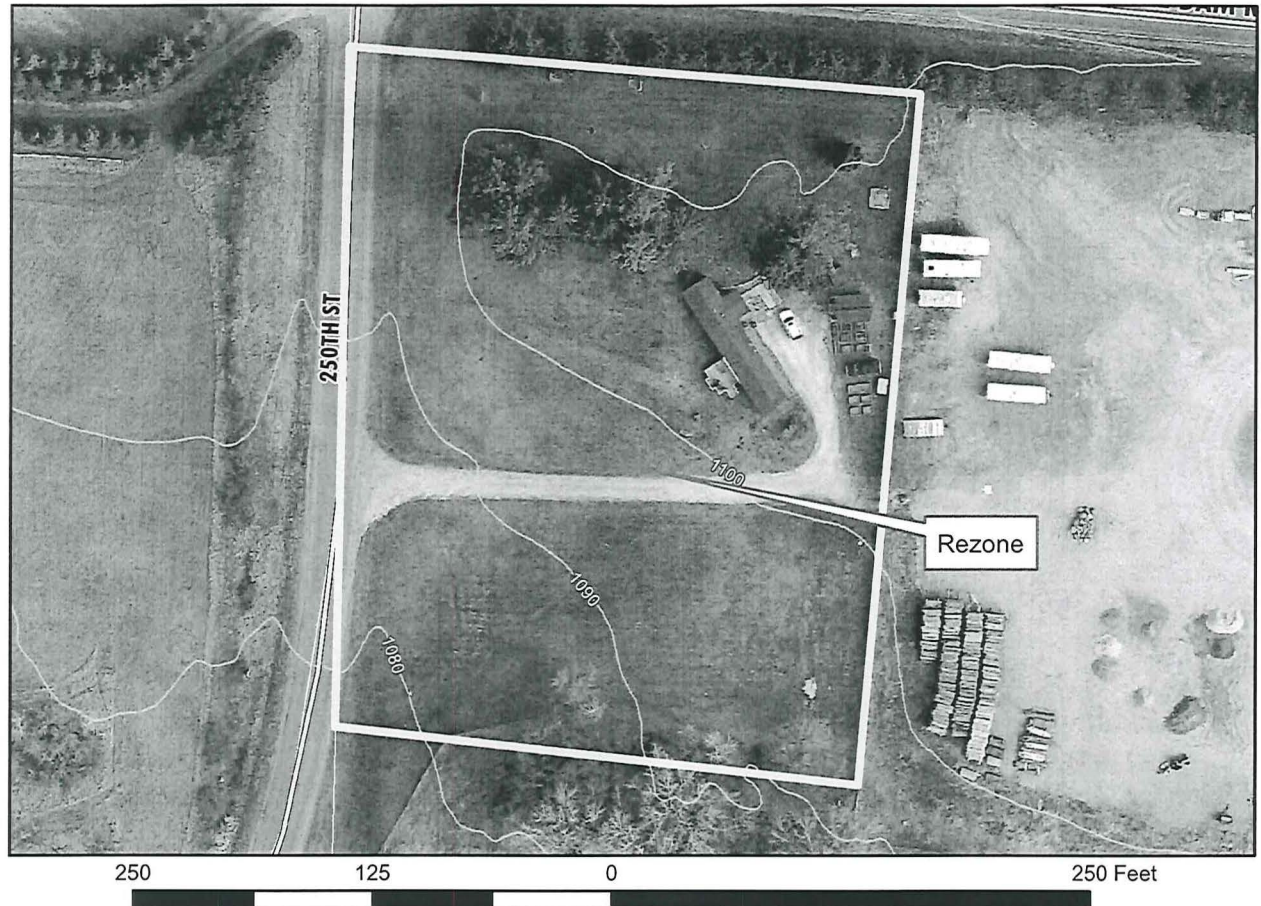
Zoning

-  Commercial
-  General Rural
-  Village of Spring Valley

Orthophotography - 2015 Pierce County

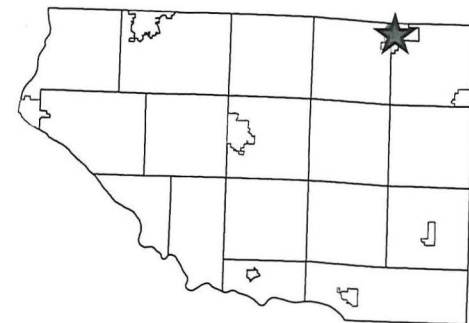


Prepared by the Department of Land Management



Site Location

N8714 250TH ST
TOWN OF SPRING LAKE



Pierce County Herald

Affidavit of Publication

State of Wisconsin

ss.

Pierce County

Becky Wagner Ruka, being duly sworn on oath, says:

I am the publisher or the publisher's designated agent of the
PIERCE COUNTY HERALD, a weekly newspaper of general circulation,
published in the County of Pierce, State of Wisconsin.

The printed

7/3/19 Hearing
Gregg Rezone

which is attached, was cut from the columns of said newspaper, and was
printed and published once each week for 2 successive weeks;
It was first published on Wednesday, June 19, 2019
and was thereafter printed and published on every Wednesday, to and
including Wednesday, June 26, 2019

By:

Subscribed and sworn to before me on this 26th day of June 2019

Notary Public:

Susanne R. Loosmore
Notary Public
State of Wisconsin

My Commission expires
July 23, 2021

JUL 01 2019

Client #	254501
Ad #	2766022
Size	2 col. x 3"
Publication Fee	\$45.79

NOTICE OF PUBLIC HEARING

State of Wisconsin)

) ss.

County of Pierce)

Public notice is hereby given to all persons in Pierce County, Wisconsin, that a public hearing will be held on the 3rd day of July, 2019, at 6:00 pm, in the County Board Room in the Courthouse, in Ellsworth, WI before the Land Management Committee to consider and take action on a request for a Map Amendment (Rezone) from Commercial District to General Rural District for Brent & Tiffany Gregg, owners, on property described as Lot 1, Certified Survey Map (CSM) V12, P100, in the NW ¼ of the SW ¼ of Section 6, T27N, R15W, Town of Spring Lake, Pierce County, WI.

All persons interested are invited to said hearing and to be heard.

BRAD ROY, Zoning Administrator
Pierce County, Wisconsin

(Pub. 06/16/19, 06/26/19) WNAXLP

8a.

Ordinances for Second Reading:

Ordinance No. 19-01 Amend Chapter 240 (Zoning), Article II (Zoning Districts; Use Regulations), §240-17 (Table of uses), Article IV (Particular Use Requirements), §§240-35 (Agricultural uses) and 240-40 (Residential uses) and Article XIII (Word Usage and Definitions), §240-88 (Definitions) of the Pierce County Code.

ORDINANCE NO. 19-01
Amend Chapter 240 (Zoning),
Article II (Zoning Districts; Use Regulations), §240-17 (Table of uses), Article IV
(Particular Use Requirements), §§240-35 (Agricultural uses) and 240-40 (Residential uses)
and Article XIII (Word Usage and Definitions), §240-88 (Definitions)
of the Pierce County Code

PIERCE COUNTY BOARD OF SUPERVISORS DOES HEREBY ORDAIN AS
FOLLOWS:

**SECTION 1: That Chapter 240 Section 240-17 of the Pierce County Code is hereby
revised as follows:**

§240-17 Table of Uses.

Land uses in Pierce County shall be allowed as shown in the Table of Uses.^[1]

[1] *Editor's Note: The Table of Uses is included at the end of this chapter.*

**SECTION 2: That Chapter 240, Section 240-35 of the Pierce County Code is hereby
revised as follows:**

§ 240-35 Agricultural uses.

A. General Cultivation agriculture.

~~(1) Barnyards, feed lots and farm structures housing animals shall be located at least 100 feet from navigable water and shall be located so that manure will not drain into navigable water.~~

~~(2)~~(1) General Cultivation agricultural practices shall be allowed in all ~~agricultural zoning~~ districts without issuance of a land use permit, except that structures shall require a land use permit.

~~(3)~~(2) ~~General agricultural practices, except for barnyards, feed lots and uses involving agricultural structures, shall be allowed in all nonagricultural zoning districts without issuance of a land use permit.~~ Agricultural structures shall not be the principle structure in a residential, commercial, or industrial zoning district.

B. General agriculture.

(1) Barnyards, feed lots and farm structures housing animals shall be located at least 100 feet from navigable water and shall be located so that manure will not drain into navigable water.

(2) General agricultural practices shall be allowed in all agricultural districts without issuance of a land use permit, except that structures shall require a land use permit.

BC. Agricultural business operations. [Added 6-26-2012 by Ord. No. 12-07]

(1) Agritourism.

(2) Direct market agriculture.

(a) Except for temporary structures not exceeding 160 square feet of floor area, all structures associated with direct market agriculture shall meet all setbacks and other provisions of this chapter. Temporary direct market structures which do not exceed 160 square feet of floor area shall be considered a minor structure such as those listed in § 240-32A(1).

(b) Only one direct market structure shall be permitted on a lot.

(3) Farmers market.

(a) Such use shall principally involve the sale of farm and garden products, but other types of merchandise may be sold, provided such merchandise occupies not more than 25% of the indoor and outdoor display area of the farm market.

(b) At least one off-street parking space shall be provided for each 200 square feet of indoor and outdoor display area.

(c) Combined indoor and outdoor display areas shall not exceed 2,000 square feet.

(d) The farmers market shall obtain site plan approval and a land use permit.

(4) Nursery.

(5) Orchard.

(6) Winery.

D. Domestic fowl in Residential Districts.

(1) For parcels under 2 acres in size:

(a) No more than 10 domestic fowl shall be allowed on a parcel.

(b) Roosters (non-castrated male chickens) shall not be allowed.

(2) For parcels 2 acres or more in size:

(a) There shall be no limitation on number or sex of domestic fowl.

SECTION 4: That Chapter 240, Section 240-40(D) of the Pierce County Code is hereby revised as follows:

§ 240-40 Residential Uses

D. Second farm residence for worker principally engaged in the farm operation or for a retired farm owner, subject to the following:

(1) The residence may be a manufactured home.

(2) Manufactured homes used as residences for farm employees, parents and/or adult children of farm operators shall comply with the following:

(a) Such manufactured home shall provide housing for farm employees who assist farm operators engaged in ~~general agriculture or intensive~~ agriculture activities or for parents and/or adult children of farm operators.

(b) The manufactured home shall not be placed on a separate lot.

(c) The manufactured home shall meet the minimum floor area requirements and all setback and yard requirements of this chapter.

(d) When the manufactured home is no longer occupied by said farm employees, parents or adult children, the manufactured home shall be removed from the farm operator's property.

(e) The manufactured home shall be connected to a code-compliant wastewater disposal system.

(f) The number of such manufactured homes shall not exceed one manufactured home per 80 acres of land owned by said farm operator.

(g) All portions of such manufactured home shall be located within 300 feet of the dwelling unit of said farm operator.

(3) A residence which is not a manufactured home may be separated from the farm operation as a single-family dwelling, pursuant to Subsection E, provided that no more than one second farm dwelling constructed since the effective date of this chapter may be so separated from a farm or future divisions of a farm. This section shall not apply to a second farm residence which can be separated in conformance with lot size and lot density requirements of the zoning district in which it is located.

(4) A second farm residence in the Exclusive Agriculture District shall be restricted to a worker who earns a majority of his or her income from conducting farm operations.

[Added by Ord. No. 99-11]

SECTION 4: That Chapter 240, Section 240-88 (Agriculture, General; Animal Husbandry; Cultivation Agriculture; Domestic Fowl; and Livestock) of the Pierce County Code is hereby revised as follows:

§ 240-88 Definitions. [Amended 10-26-1999 by Ord. No. 99-11; 3-27-2001 by Ord. No. 00-14; 9-25-2001 by Ord. No. 01-02; 10-19-2004 by Ord. No. 04-14; 4-22-2008 by Ord. No. 07-09; 6-23-2009 by Ord. No. 09-01]

When used in this chapter, the following terms shall have the meanings herein assigned to them. Words used in this chapter, but not defined therein, shall carry the meanings as defined in Webster's Unabridged Third International Dictionary or its successor volumes.

Agriculture, General: Any agricultural use, except those listed for intensive agriculture, including apiculture; animal husbandry; dairying; floriculture; forage crop production; forest crop production; grain production; grazing; horticulture; orchards; specialty crop production, such as maple syrup, mint and willow; viticulture; and truck farming. Agricultural uses with higher amounts of input and output compared to cultivation agriculture including but not limited to animal husbandry; grazing; dairying; apiculture; etc.

Animal husbandry: The raising of livestock.

Cultivation Agriculture: Low impact agricultural uses that involve the cultivating of soil and harvesting of crops, including horticulture; floriculture; grain production; forest crop; and specialty crop production such as viticulture; maple syrup; mint and willow; and truck farming.

Domestic fowl: Any domestic breed of chicken or duck. No other species of bird shall fall under this definition.

General Agriculture: See "agriculture, general."

Livestock: ~~Any horse, bovine, sheep, goat, pig, domestic rabbit or domestic fowl, including game fowl raised in captivity.~~ Domesticated animals used in an agricultural setting to produce income, labor, or commodities such as meat, eggs, milk, leather, wool or other animal byproducts. For the purposes of this ordinance, horses shall be regulated under outdoor recreational uses.

SECTION 5: That this Ordinance shall become effective upon its adoption and publication as required by law.

Dated: June 25, 2019.

Jeffrey A. Holst, Chair
Pierce County Board of Supervisors

ATTESTED TO BY:

APPROVED AS TO FORM AND LEGALITY BY:

Jamie Feuerhelm, County Clerk

Bradley D. Lawrence, Corp. Counsel

Adopted: _____

[Amended 3-27-2001 by Ord. No. 00-14; 4-22-2008 by Ord. No. 07-09; 6-23-2009 by Ord. No. 09-01; 4-17-2012 by Ord. No. 12-02; 8-27-2013 by Ord. No. 13-07; 8-18-2015 by Ord. No. 15-02; 9-27-2016 by Ord. No. 16-03]

[illegible]

Accessory residence (§ 240-40A)	C	C	C	C	C	C	C	C	P	P	P	
Duplexes		C	C	C	C	C	C	P				
Manufactured homes (§ 240-40B)	P	P	P	P	P							
Manufactured home parks (§ 240-40C)			C	C	C							
Multiple-family dwellings								C				
Second farm residence (§ 240-40D)	P	P	P	P	P							
Separated farm residence (§ 240-40E)	C											
Single-family residences	P	P	P	P	P	P	P	P				
Miscellaneous Uses												
Airports (§ 240-41A)			C		C							
Airstrips (§ 240-41A)	C	C	C	C	C							
Clean fill site (§ 240-41B)	C	P	P	P	P	P	P	P	P	P	P	
WCSF		P	P	P	P	P	P	P	P	P	P	
Substantial Modification (WCSF)		P	P	P	P	P	P	P	P	P	P	
Filling and grading (§ 240-41E)	C	C	C	C	C	C	C	C	C	C	C	
Large solar energy system (§ 240-41D)	C	C	C	C	C	C	C	C	C	C	C	C
Large wind energy system (§ 240-41D)	C	C	C	C	C	C	C	C	C	C	C	C
Sludge disposal	C	C	C	C	C							
Small solar energy system (§ 240-41D)	P	P	P	P	P	P	P	P	P	P	P	P
Small wind energy system (§ 240-41D)	P	P	P	P	P	P	P	P	P	P	P	P
Solid waste facility		C	C	C	C							
Utility facilities (>1,000 square feet) (§ 240-41F)	C	C	C	C	C	C	C	C	C	C	C	
Unspecified temporary uses (§ 240-42A)	C	P	P	P	P	P	P	P	P	P	P	
Camping during construction of a residence (§ 240-42B)	P	P	P	P	P	P	P	P				
Contractor's project office (§ 240-42C)		P	P	P	P	P	P	P	P	P	P	
On-site real estate sales office (§ 240-42D)					P	P	P	P				
Second residence during construction (§ 240-42E)	P	P	P	P	P	P	P	P				
Temporary concrete or asphalt plant (§ 240-42F)	C	C	C	C	C							

Response summary

Timestamp

Wed May 29 2019 11:26:56 GMT-0400 (EDT)

Username

[object Object]

Meeting Date

2019-06-03

Agenda Item

Discuss take action on Ordinance No. 19-XX Amend Chapter 240 (Zoning), Article II (Zoning Districts; Use Regulations) §240-17 Table of Uses, Article IV (Particular Use Requirements), §§240-35 (Agricultural uses) and 240-40 (Residential uses) and Article XIII (Word Usage and Definitions), §240-88 (Definitions) of the Pierce County Code

Requesting Agency

Department of Land Management

Background

The raising of backyard fowl in residential areas has become quite popular in recent years. Current zoning ordinance language under § 240-35 Agricultural uses, prohibits animal husbandry, including domestic fowl, in residential zoning districts. On May 1, 2019 the Land Management Committee held a public hearing to consider proposed amendments to § 240-35 Agricultural uses. The proposed amendments would allow domestic fowl on residentially zoned parcels and would also clarify and better define which agricultural uses are allowed in specific zoning districts. No questions or concerns were raised by the public or the affected Towns at the public hearing.

Staff Recommendation

Staff recommends that the Finance and Personnel Committee approve the proposed language and forward a recommendation to the County Board of Supervisors.

Recommended Motion: (Motion by seconded by to approve and authorize)

Motion by _____ seconded by _____ to approve the Ordinance amending Chapter 240 and to forward to the County Board of Supervisors.

Requestor's email address

apichott@co.pierce.wi.us

12a.

Appointments:

- 12a) ADRC: Kathleen McCardle & Mary Foster.
Both 3 year terms; June 2019 through June
2022. Ratification by County Board required.**

9a.

Appointments:

HOUSING COMMITTEE: Kathleen McCardle; 3 year term; April 2019 through June 2022.