

STAFF REPORT LAND MANAGEMENT COMMITTEE

Land Management Committee Meeting, July 17, 2019

Agenda Item 4

Applicant: Shannon and Angel Zimmerman

Request: Modify Conditions of CUP for Belle Vinez Winery

Background:

The applicant received a Conditional Use Permit (CUP) to establish the "Belle Vinez" winery with incidental food service in August 2013. The applicants also reside on the 20 acre parcel. The Land Management Committee approved an expansion in 2016 to allow year-round operation and a Food and Wine Plan, detailing how the food operations will be incidental and subordinate to winery operations, in 2014. The operation opened to the public in May, 2015. The commercial structure includes a tasting room, kitchen, dining area, restrooms and offices/conference rooms.

The applicant is requesting to modify condition #11 to allow for two additional hours of operation for special events only, such as corporate events or weddings.

Issues Pertaining to the Request:

- The property is located in the SW ¼ of the NW ¼ of Section 3, T27N, R19W in the Town of Clifton. The home address is W10877 875th Ave. and the property is zoned General Rural Flexible-8.
- The tasting room is permitted to be open seven days a week. The hours of operation are 11 a.m. to 9 p.m. Off-sale wine and other various crafts are sold in this area. Only appetizers are served in the tasting room. Customers of the tasting room are welcome to use the plaza and lounge for seating.
- The pizza service is open Thursday through Sunday with hours of operation being 11 am to 9pm with lights out by 10p.m.

(The wording of this condition has been discussed at previous meetings and it was concluded that service for the customers would stop at 9p.m and customers would leave the premises by 10pm)

- Condition #10 states, Hours of operation shall be 11am to 9pm.
- Condition #16 states, Weddings and special events may not exceed established business hours and must be conducted consistent with the other conditions of this permit.
- The Town of Clifton recommended approval of this request on July 2, 2019 with the following comment: The Clifton Town Board approved the CUP modification/expansion of operating hours for special events (2 hours or 12:00am).
- Existing conditions are:
 1. Activities shall be conducted consistent with the application unless modified by another condition of this approval.
 2. Applicant shall obtain all necessary permits for any future structures or signs not presented in this plan from the Zoning Office.
 3. The winery shall produce "wine" as defined by the State of Wisconsin.
 4. Applicant shall develop and implement a Waste Stream Management Plan which is compliant with DNR and DSPS regulations.
 5. The applicant shall obtain necessary licenses from the Town of Clifton.

Applicant: Zimmerman
CUP Modification- Winery
July 17, 2019

6. Applicant shall obtain all other necessary permits from state and municipal agencies.
7. The parking lot shall have at least 71 parking spaces. There shall be no on-street parking.
8. Seating capacity for the pavilion and plaza shall not exceed 120.
9. Applicant shall install signs detailing the need for reservations and no parking on the street.
10. Hours of operation shall be 11am to 9pm.
11. Full menu food service (pizza and appetizers) may be provided Thursday through Sunday. Hours of operation shall be 11am to 9pm with lights out by 10pm. Limited menu food service (appetizers only) may be provided in the tasting room during regular hours of operation.
12. No beer or liquor shall be served in the tasting room.
13. Lighting shall comply with the Land Management Department policy.
14. Sound system shall only be within the structures.
15. No audio bird repellent shall be used onsite.
16. Weddings and special events may not exceed established business hours and must be conducted consistent with the other conditions of this permit.
17. This Conditional Use Permit shall expire in 2 years.
18. Applicant understands that any intensification or expansion of the use will require the issuance of a new Conditional Use Permit.
19. Berm shall be established on the east perimeter of the property with adequate vegetative cover.
20. Adequate vegetative cover shall be established to visually screen the parking lot from the road.
21. Applicant shall adhere to the approved Food and Wine Plan and shall ensure that food operations remain incidental/subordinate to winery operations.
22. Sound shall be limited to no more than 80 decibels at the property line.
23. Promoted access route shall be along County Road M.
24. Arrangements shall be made to establish a visual screen along the southern property boundary.

Recommendation:

Staff recommends the Land Management Committee consider whether any other additions or modifications to the established conditions are necessary to help mitigate off site impacts. If no additions or modifications are necessary, staff recommends the LMC modify this permit with the following conditions: (staff is proposing to modify conditions 10 and 16 to address the requested modification and is proposing to remove conditions 19, 20 and 24 due to completion of those items by the applicant)

1. Activities shall be conducted consistent with the application unless modified by another condition of this approval.
2. Applicant shall obtain all necessary permits for any future structures or signs not presented in this plan from the Zoning Office.
3. The winery shall produce "wine" as defined by the State of Wisconsin.
4. Applicant shall develop and implement a Waste Stream Management Plan which is compliant with DNR and DSPS regulations.
5. The applicant shall obtain necessary licenses from the Town of Clifton.
6. Applicant shall obtain all other necessary permits from state and municipal agencies.
7. The parking lot shall have at least 71 parking spaces. There shall be no on-street parking.
8. Seating capacity for the pavilion and plaza shall not exceed 120.
9. Applicant shall install signs detailing the need for reservations and no parking on the street.
10. Hours of operation shall be 11am to 9pm. **Hours of operation for special events shall be 11am to 11pm with lights out at 12am.**

Applicant: Zimmerman
CUP Modification- Winery
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11. Full menu food service (pizza and appetizers) may be provided Thursday through Sunday. Hours of operation shall be 11am to 9pm with lights out by 10pm. Limited menu food service (appetizers only) may be provided in the tasting room during regular hours of operation.
12. No beer or liquor shall be served in the tasting room.
13. Lighting shall comply with the Land Management Department policy.
14. Sound system shall only be within the structures.
15. No audio bird repellent shall be used onsite.
16. Weddings and special events ~~may not exceed established business hours and~~ must be conducted consistent with the other conditions of this permit.
17. This Conditional Use Permit shall expire in 2 years.
18. Applicant understands that any intensification or expansion of the use will require the issuance of a new Conditional Use Permit.
- ~~19. Berm shall be established on the east perimeter of the property with adequate vegetative cover.~~
- ~~20. Adequate vegetative cover shall be established to visually screen the parking lot from the road.~~
21. Applicant shall adhere to the approved Food and Wine Plan and shall ensure that food operations remain incidental/subordinate to winery operations.
22. Sound shall be limited to no more than 80 decibels at the property line.
23. Promoted access route shall be along County Road M.
- ~~24. Arrangements shall be made to establish a visual screen along the southern property boundary.~~

Submitted By: Brad Roy
Zoning Administrator

Land Management Committee

Belle Vinez Vineyard & Winery
(July 17, 2019)
CUP - Modification

Legend

 Dwellings

 Zimmerman CUP

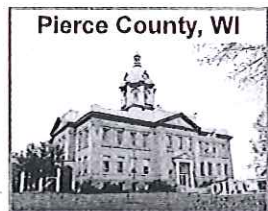
 Parcels

Contours (10ft)

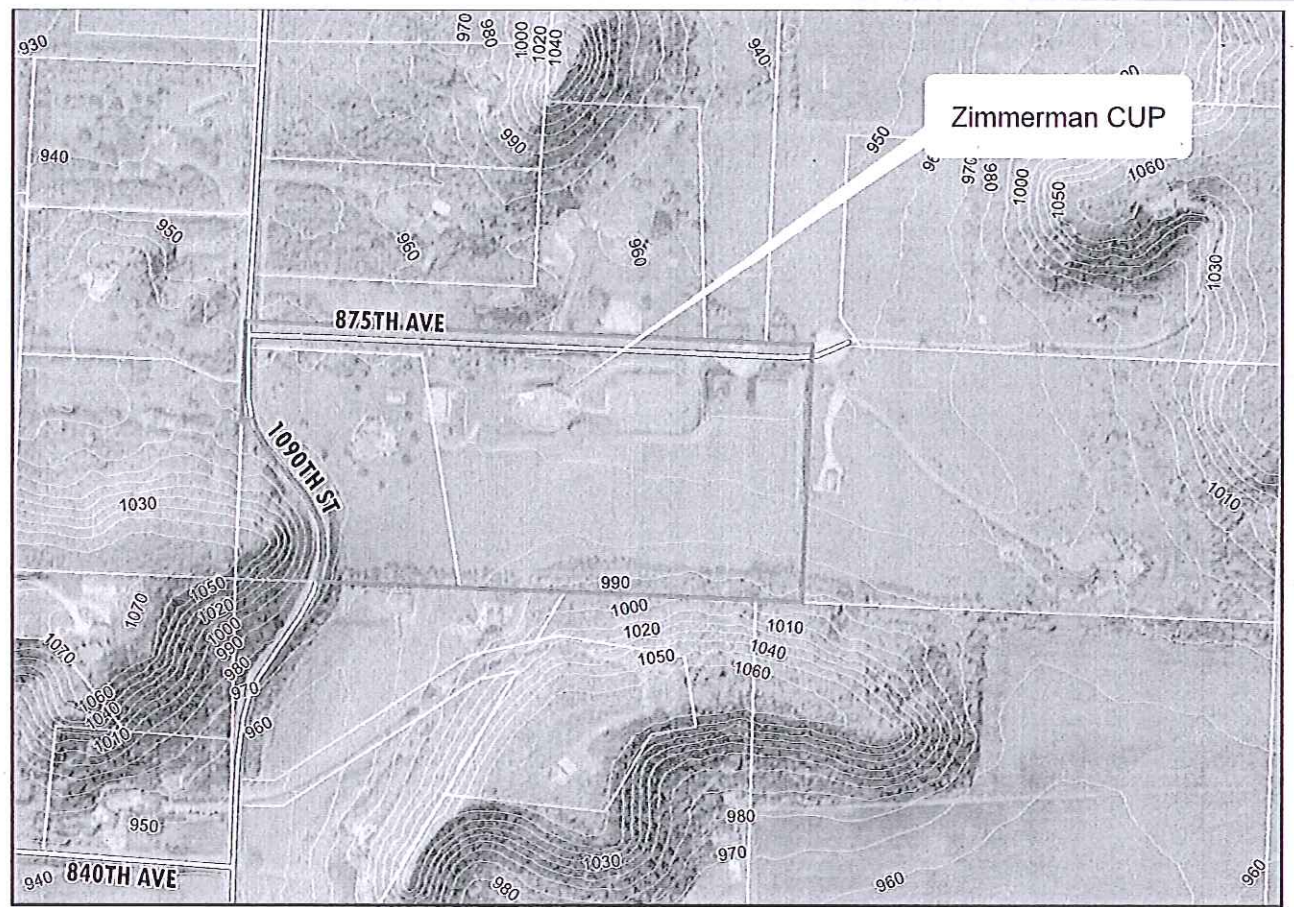
Zoning

 General Rural Flexible - 8
 River Falls ETZ

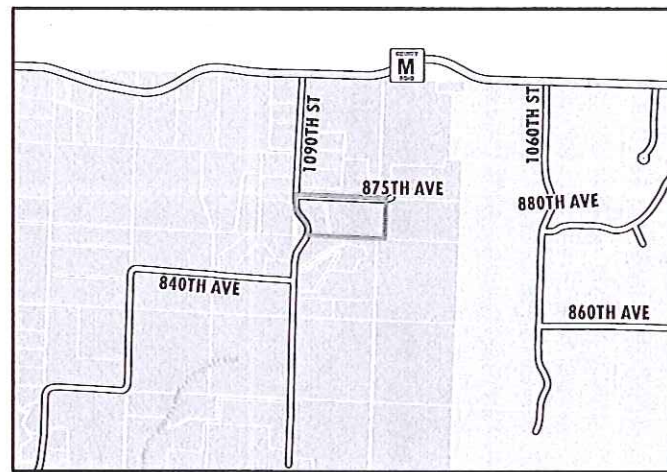
Orthophotography - 2018 NAIP/FSA



Prepared by the Department of Land Management



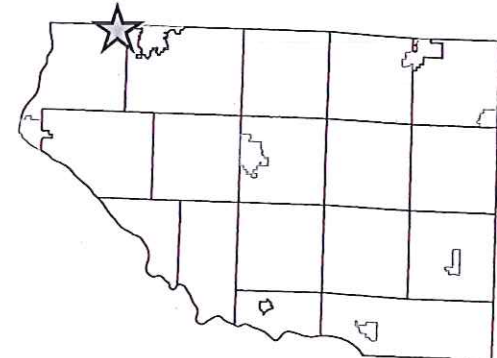
1,000 500 0 1,000 Feet



0.5 0.25 0 0.5 Miles

Site Location

W10829 875TH AV
Town of Clifton



STAFF REPORT LAND MANAGEMENT COMMITTEE

Land Management Committee Meeting, July 17, 2019

Agenda Item 5

Applicant: MC Storage LLC, Jay McGrath (Agent)

Request: Site plan review for commercial mini-storage units.

Background:

On November 7, 2018 the applicant received Site Plan Approval for Mini-storage in the Commercial district. At the meeting the neighboring land owner (Hager Heights Drive In) presented concerns to the LMC regarding the safety of a stormwater pond near the property line and his customers. He wanted a fence or barrier to help keep people out of the pond.

The LMC placed Condition #3 on the approval which states, "Applicant shall work with Department of Land Management staff on a fencing plan."

Initially, staff directed the two property owners to work together to determine what type of fencing would be best. Discussions between the property owners broke down and no agreement was able to be reached. At that time staff informed the applicant that chain-link fence 3-4 feet tall would be needed on the south-west property line which wraps around the north and south sides a short distance.

The two landowners recently agreed to a land sale which results in the driveway being located entirely on the Hager Heights property and also to remove the easement from the MC Storage property. With the sale now completed, the Hager Heights property owner is no longer requesting a fence.

The applicant is now questioning the need for a fence due to the total depth of the pond being 3 feet and the pond outlet being 1 foot above the pond bottom.

Issues Pertaining to the Request:

- The parcel is located in the SW ¼ of the SE ¼, Section 35, T25N, R18W, Town of Trenton, Pierce County, WI. The property is in zoned Commercial.
- The property is bordered by the Commercial district to the north, west and south, the Rural Residential 20 district to south. The Industrial district is to the east. That land is currently used for agriculture.
- Access to the site is off of 170th Avenue.
- Pierce County Code § 240-75 requires site plan review for commercial structures, the purpose of which is to assure site designs that promote compatibility between land uses, create safe and attractive site layouts and structures, provide proper access to streets and transportation, protect property values and contribute to efficient land use in Pierce County.

The LMC should consider proposed structures, architectural plans, neighboring uses, use of landscaping and open space, parking areas, driveway location, loading and unloading areas, highway access, traffic generation and circulation, lighting, drainage, water and sewer systems, as well as proposed operations.

- The slope of the pond begins approximately 3 feet from the edge of the Hager Heights driveway. (Photos are included.)
- The Site Plan was approved with the following conditions:

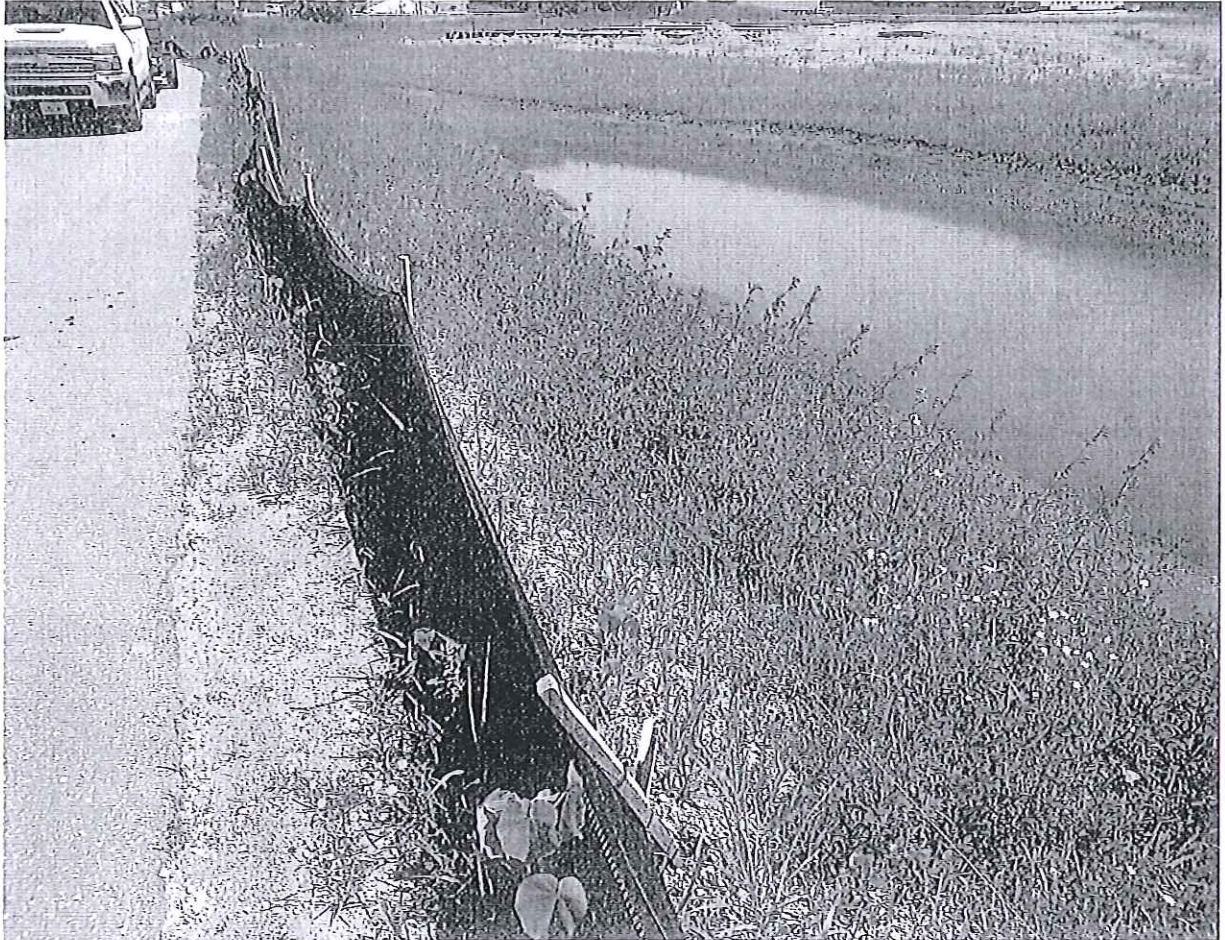
MC Storage
July 17, 2019
Site Plan Review

1. All signage shall be permitted by the Zoning Office and WisDOT when applicable.
2. All lighting shall comply with the Department Lighting Policy.
3. Applicant shall work with Department of Land Management staff on a fencing plan.

Recommendation:

Staff recommends the Land Management Committee determine if any additions or modifications to the previous approval are warranted.

Submitted By: Brad Roy
Zoning Administrator




Land Management Committee

MC Storage LLC
(July 17, 2019)

Site Plan Review

Legend

 Address Points

 Review Site

 Parcels

Contours (10ft)

Zoning

 Commercial

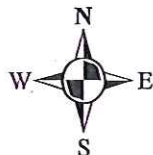
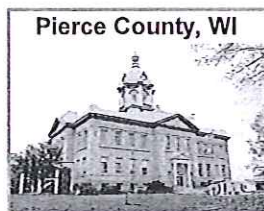
 General Rural Flexible

 Industrial

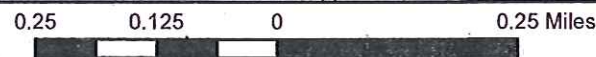
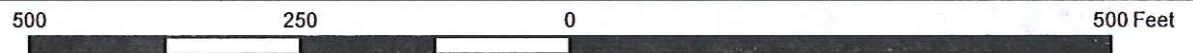
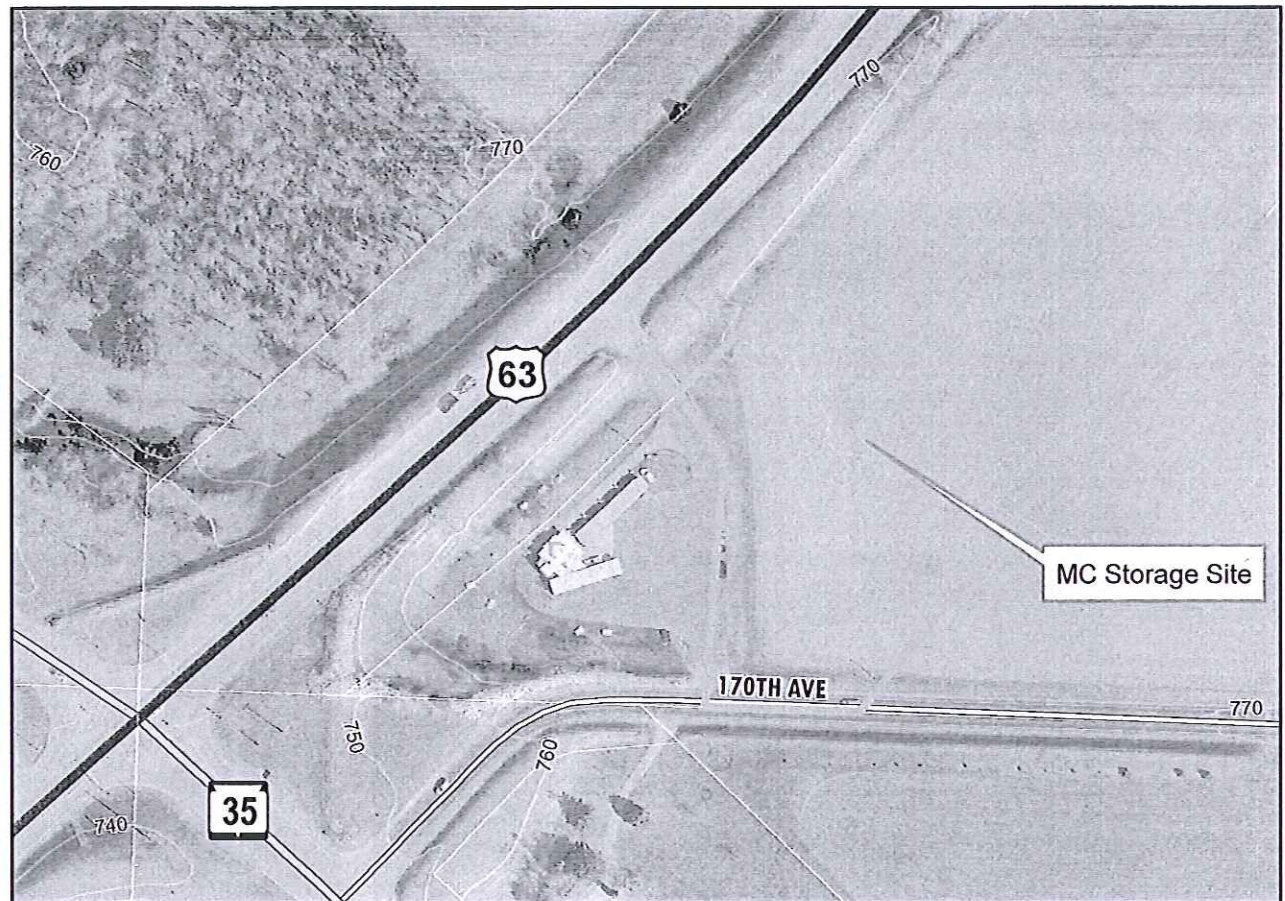
 Rural Residential - 20

 Rural Residential - 8

Orthophotography - 2015 Pierce County

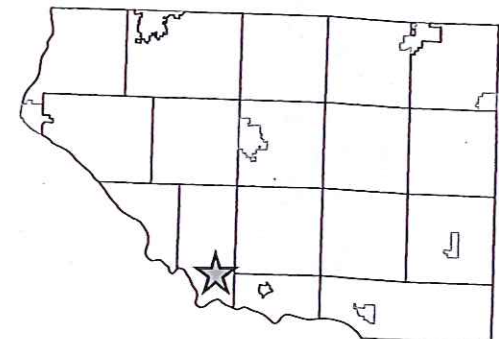


Prepared by the Department of Land Management



Site Location

W7858 170TH AVE
TOWN OF TRENTON



STAFF REPORT LAND MANAGEMENT COMMITTEE

Land Management Committee Meeting, July 17, 2019

Agenda Item 6

Applicant: Wisconsin Industrial Sand Company, LLC (WISC)

Request: Renewal of a Conditional Use Permit (CUP) for a Nonmetallic Mining Operation

Background:

The WISC mining operation encompasses approximately 2,077 acres total with approximately 1,587 acres located in the Town of Maiden Rock. Of the 1,587 permitted acres in the Town, approximately 580 acres have been mined to date. Due to market conditions the mine shut down in April of 2016 but started back up in January of 2017. The mine recently shut down again in May of 2019. Before the shutdown, the mine was operating 24 hours a day, 5 days a week and employed 46 people. The goal is to have 70 employees working 24 hours a day, 7 days a week.

Since the shutdown, only four employees are onsite daily to maintain ventilation, make sure everything is stable underground, check pumps, etc. All DNR and other permits are being kept active and all major assets remain onsite to allow the mine to start back up if market conditions change.

The mine received its first CUP from the Land Management Committee (LMC) in 2004. In April 2012, a new loadout facility was constructed with a conveyor and railcar loading spout. A fugitive dust plan was developed for the loadout facility. The mine was expanded in 2013 and the LMC approved the location of a new vent shaft in 2014. WISC began using a new wash plant with a water recycling system that reduced the amount of water used in their process. Most of the activity associated with the operation takes place within the Village of Maiden Rock, which houses the processing plant.

Issues Pertaining to the Request:

- The properties are located in Sections 3, 10, 11, 13, and 14, T24N, R16W in the Town of Maiden Rock. The property is zoned Agriculture-Residential.
- WISC creates tunnels by blasting and use a room and pillar mining method. Mining activities take place underground, including blasting and washing. Surface activity is limited to the processing plant in the Village of Maiden Rock.
- The land currently has agricultural, residential and undeveloped uses.
- There are currently 4 wells on-site. Three of the wells are high capacity wells capable of pumping 1,000 gallons per minute, with the other being a residential capacity well.
- Recent mining activity is taking place at approximately 800-830 ft. MSL; the Water-Table elevation in this area is mapped at approximately 750 ft. MSL.
- When the mine is operating, blasting typically takes place three or four days a week; the blasts usually occur around 5:30 pm.
- The WDNR (and other agencies) regulate many of the activities of a mining operator. This regulatory authority originates not only in the mining laws, but in different environmental statutes. For example, primary authority for the regulation of storm water runoff, impacts to navigable waterways, and high capacity wells rests with the WDNR and other State agencies, but are not included in the mining laws.

- WISC submitted a Groundwater Response Plan for the facility. The plan addresses the source and use of groundwater within the facility as well as measures to protect the quality of the water. As part of this plan, WISC has installed two transducers and data loggers to continuously measure and record groundwater elevations in two residential water supply wells located within the permitted mining area.
- WISC developed a Damage Response Plan as previously requested by the LMC. Said plan was to be developed jointly with an ad hoc citizens committee. An agreement was unable to be reached regarding draft parameters. The LMC directed WISC to present the proposed Damage Response Plan to the Town of Maiden Rock for review and comment (condition #11). The Town of Maiden Rock, at their April 10, 2013 meeting, reviewed and approved the Damage Response Plan as drafted.
- Staff has not received concerns/complaints about this request, but in the past citizens have raised concerns about this operation which include:
 - Health effects of silica in the air.
 - Depletion of the aquifer.
 - Contamination of the aquifer and surface water.
 - Blasting effects on wells and structures.
 - Potential decrease in property values.
- Staff contacted the Town of Maiden Rock Chairman regarding this renewal request; the Town did not have any concerns at this time.
- The existing conditions are:
 1. Blasting shall occur up to seven days a week with no time limit constraint unless complaints are received. If complaints are received, previous time restrictions shall be reinstated. (Blasting shall occur no earlier than 5 AM up to four times per week, including Saturday.)
 2. Comprehensive water testing will be conducted annually for residential wells located within the boundaries of the mined area. Testing of the wells on properties on which mineral rights are not leased and fall within 1000' of mining activity shall be comprehensively tested, including for suspended solids, nitrates and dissolved solids and chlorides, two times each year. Test results and the base line data tests shall be provided to the Department of Land Management.
 3. A 100-foot buffer shall be maintained from the active mining to the boundaries of non-leased properties, and where already closer than 100-feet, there shall be no further encroachment. Mining under a leased property shall be a minimum of 100' from any well.
 4. Evidence of compliance with applicable state and/or federal regulatory agencies shall be submitted to the Land Management Department.
 5. Any intensification of use or change in approved plans will require the issuance of an amended conditional use permit.
 6. A map of mining activity and areas of future expansion shall be provided to the Town of Maiden Rock.
 7. Applicant agrees that any erosion issues that arise shall be addressed to the satisfaction of the county.
 8. A map of the facility and underground tunnels shall be updated annually and submitted to the Land Management Department.
 9. This permit shall expire in two years.

Applicant: Wisconsin Industrial Sand
Conditional Use Permit Renewal for Nonmetallic Mining
July 17, 2019

10. An annual report demonstrating adherence to approved conditions submitted to the Land Management Department on or before December 31st of each year.
11. The Damage Claim Response Plan, as approved by the Town of Maiden Rock, shall be adhered to.
12. The Town of Maiden Rock's recommendations/comments, from the January 19, 2011 public hearing, shall be adhered to.
 - a) Wisconsin Industrial Sand should be required to establish a historical average for each private water well they are mandated to test. This information should be shared with the owner of the well along with an explanation of what the data means.
 - b) The Commission had concerns about the air from the mines and wanted reassurances that noxious fumes and bad odors would not affect near-by neighbors. Therefore, the Commission recommends that Wisconsin Industrial Sand set up a monitoring system that would test the air from the air shafts before and after blasts are set off in the mine.
 - c) The Planning Commission recommended that no new portals can be built for this site in the Town and that Wisconsin Industrial Sand would not be allowed to build more than 3 air shafts for this permit. If the Sand Company wants to build any additions to this permit they must seek another approval from the Town of Maiden Rock.
13. WISC will be subject to control methods deemed adequate by the LMC for silica emissions if current or future studies suggest a significant public health threat from such emissions.
14. A fugitive dust plan shall be developed for the processing facility and submitted to the Zoning Office.
15. The operator shall provide notice to the County of any orders to cease and desist from MSHA.
16. All polyacrylamide flocculants must be used consistent with WI DNR permit requirements.
17. No ventilation shafts or secondary access portals shall be developed until after such time as the proposed location is reviewed by the Town and approved by the LMC.

The applicant is requesting to amend condition #2 to only require comprehensive water testing on residential wells during times of active mining.

The amendment of condition #2 was presented to the Town of Maiden Rock on 6/19/2019 and the Town had no objection to the proposed change.

Recommendation:

Staff recommends that the Land Management Committee determine whether any additions or modifications are necessary, if none, staff recommends the Land Management Committee to renew this CUP with the following conditions (proposed additions are in **bold**):

1. Blasting shall occur up to seven days a week with no time limit constraint unless complaints are received. If complaints are received, previous time restrictions shall be reinstated. (Blasting shall occur no earlier than 5 am up to four times per week, including Saturday.)
2. **When blasting has taken place**, comprehensive water testing will be conducted annually for residential wells located within the boundaries of the mined area. Testing of the wells on properties on which mineral rights are not leased and fall within 1000' of mining activity shall be comprehensively tested, including for suspended solids, nitrates and dissolved solids and chlorides, two times each year. Test results and the base line data tests shall be provided to the Department of Land Management. **If no blasting has taken place within a calendar year, well testing is not required to be conducted that year.**

Applicant: Wisconsin Industrial Sand
Conditional Use Permit Renewal for Nonmetallic Mining
July 17, 2019





3. A 100-foot buffer shall be maintained from the active mining to the boundaries of non-leased properties, and where already closer than 100-feet, there shall be no further encroachment. Mining under a leased property shall be a minimum of 100' from any well.
4. Evidence of compliance with applicable state and/or federal regulatory agencies shall be submitted to the Land Management Department.
5. Any intensification of use or change in approved plans will require the issuance of an amended conditional use permit.
6. A map of mining activity and areas of future expansion shall be provided to the Town of Maiden Rock.
7. Applicant agrees that any erosion issues that arise shall be addressed to the satisfaction of the county.
8. A map of the facility and underground tunnels shall be updated annually and submitted to the Land Management Department.
9. This permit shall expire in two years.
10. An annual report demonstrating adherence to approved conditions submitted to the Land Management Department on or before December 31st of each year.
11. The Damage Claim Response Plan, as approved by the Town of Maiden Rock, shall be adhered to.
12. The Town of Maiden Rock's recommendations/comments, from the January 19, 2011 public hearing, shall be adhered to.
 - a) Wisconsin Industrial Sand should be required to establish a historical average for each private water well they are mandated to test. This information should be shared with the owner of the well along with an explanation of what the data means.
 - b) The Commission had concerns about the air from the mines and wanted reassurances that noxious fumes and bad odors would not affect near-by neighbors. Therefore, the Commission recommends that Wisconsin Industrial Sand set up a monitoring system that would test the air from the air shafts before and after blasts are set off in the mine.
 - c) The Planning Commission recommended that no new portals can be built for this site in the Town and that Wisconsin Industrial Sand would not be allowed to build more than 3 air shafts for this permit. If the Sand Company wants to build any additions to this permit they must seek another approval from the Town of Maiden Rock.
13. WISC will be subject to control methods deemed adequate by the LMC for silica emissions if current or future studies suggest a significant public health threat from such emissions.
14. A fugitive dust plan shall be developed for the processing facility and submitted to the Zoning Office.
15. The operator shall provide notice to the County of any orders to cease and desist from MSHA.
16. All polyacrylamide flocculants must be used consistent with WI DNR permit requirements.
17. No ventilation shafts or secondary access portals shall be developed until after such time as the proposed location is reviewed by the Town and approved by the LMC.

Submitted By: Adam Adank
Zoning Specialist

Land Management Committee

Wisconsin Industrial Sand - CUP
(July 17, 2019)
WISC Renewal

Legend

-  Dwellings
-  WISC CUP
-  Parcels
-  Floodplain

Zoning

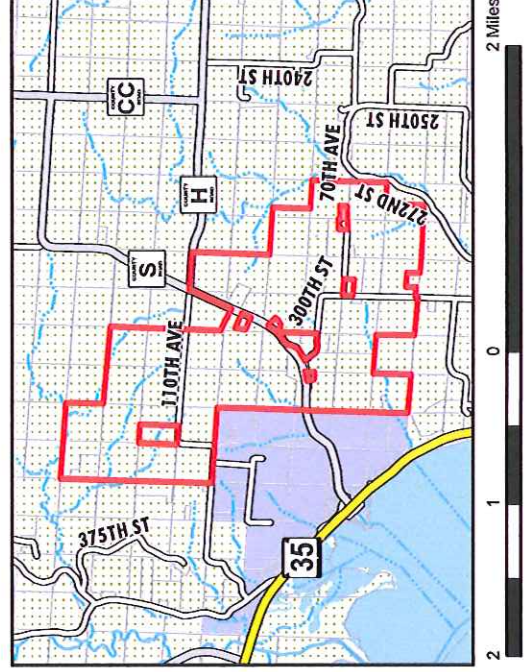
-  Agriculture - Residential
-  Cities/Villages



Orthophotography - 2015 Pierce County

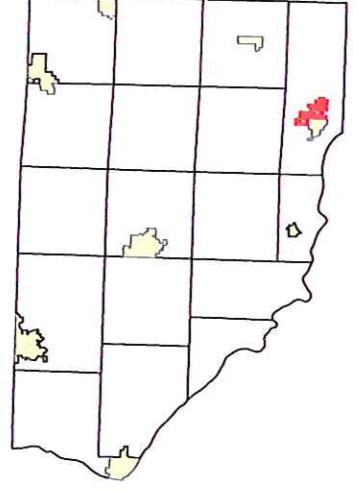


Pierce County, WI



Site Location

T-24 R-16 SEC-3,10,11,13,14
Town of Maiden Rock



STAFF REPORT LAND MANAGEMENT COMMITTEE

Land Management Committee Meeting, July 17, 2019

Agenda Item 7

Applicant: Muskie Proppant LLC

Request: Conditional Use Permit Renewal for a Heavy Industrial Use (Sand Processing Facility)

Background:

This facility was permitted in 2011 and began full operation in 2012. Due to market conditions Muskie shut down operations at the plant in June, 2015. The plant restarted operation in January 2017 and was producing washed and dried sand at capacity up until September 2018.

In September of 2018 the plant shut down again and has had no work activity at the site since. At the time of the shutdown the facility grounds were treated with a bio degradable material to keep any remaining sand on the ground in place. Grounds are mowed, and the building is inspected to insure there are no issues. Water sampling, testing, etc. continues on site as well.

At this time the company is unsure of the future of the plant but would like to renew the permit as there is always a possibility that they could resume operations.

Issues Pertaining to the Request:

- The legal description for this property is in Section 7, T25N, R15W in the Town of Union. The property is zoned Industrial.
- When the facility is operating, sand is trucked to the site, off-loaded, conveyed to a raw sand stockpile, then dried and processed for sale. The facility also has byproduct storage stockpiles, storm water ponds, a high capacity well, process water treatment facilities, and elevators for the storage silos. The final product is trucked primarily to St. Paul.
- The facility was previously operating 24 hours a day, five days a week, weather and labor permitting with periodic weekend work.

Industrial uses within the Industrial District typically have not had hour restrictions due to the purpose and intent of the district.

- A Fugitive Dust Plan has been submitted. The plan details potential sources, control measures and daily record keeping.

Land Management staff received 2 complaints regarding track out on Hwy 10 since the last CUP renewal. One of these complaints was due to the sweeper being down for a 1-2 day period where staff was hand sweeping the track out. Since that time they have purchased an extra sweeper attachment to use as a backup. In May 2018 a utility worker position was created with the main responsibility to monitor the driveway, dust control, and sand piles. No complaints have been received since the creation of that position.

- There have been no complaints about engine braking since Condition 6 was added.
- Staff has contacted the Town of Union Chairman regarding this renewal request; the Town did not have any concerns at this time.

Applicant: Muskie Proppant
Renewal of Mining Accessory Use CUP
July 17, 2019

- PCC §240-76I discusses termination of Conditional Use Permits and states, "Termination. If an established conditional use is not conducted in conformity with the permit or this chapter, the conditional use permit may be terminated by action of the Land Management Committee. If an established use permitted as a conditional use ceases for a period of more than 12 months, the conditional use permit shall terminate, and all future activity shall require a new conditional use permit."

If the applicant wishes to retain "active" status, activities related to processing, even if very minor, will need to be conducted.

- The existing conditions are:
 1. Applicant shall follow all recommendations and receive all necessary permits from WI DNR, Department of Safety and Professional Services, MSHA and other agencies if required.
 2. Activities shall be conducted as submitted in the application and as presented to the LMC, unless modified by another condition of this CUP.
 3. Applicant understands that expansion or intensification for this use will require modification to the conditional use permit.
 4. Applicant shall obtain all necessary permits and approvals for any construction and signage for the site.
 5. Raw product and load out stockpiles shall be limited to 35 feet in height above grade.
 6. No jake brakes shall be used in sensitive areas when approaching the facility along the designated haul route.
 7. The Fugitive Dust Plan shall be adhered to.
 8. Byproduct shall be utilized in the reclamation of an existing licensed nonmetallic mine or disposed of or stockpiled consistent with Pierce County Solid Waste Code.
 9. Any potential new or modified haul route shall be reported to the Land Management Department and road agreements shall be secured from applicable municipalities prior to route use.
 10. The facility shall be subject to control methods deemed adequate by the LMC for silica emissions if current or future studies suggest a significant public health threat exists.
 11. All polyacrylamide flocculants must be used consistent with WI DNR permit requirements.
 12. Any unforeseen dust and/or erosion issues that arise shall be addressed to the satisfaction of the County.
 13. The conditional use permit shall expire in 2 year.

Recommendation:

Staff recommends that the Land Management Committee consider whether any modifications to the existing conditions are necessary. If no changes or additions are necessary, staff recommends that the LMC renew this CUP with the following conditions:

1. Applicant shall follow all recommendations and receive all necessary permits from WI DNR, Department of Safety and Professional Services, MSHA and other agencies if required.
2. Activities shall be conducted as submitted in the application and as presented to the LMC, unless modified by another condition of this CUP.
3. Applicant understands that expansion or intensification for this use will require modification to the conditional use permit.
4. Applicant shall obtain all necessary permits and approvals for any construction and signage for the site.

Applicant: Muskie Proppant
Renewal of Mining Accessory Use CUP
July 17, 2019

5. Raw product and load out stockpiles shall be limited to 35 feet in height above grade.
6. No jake brakes shall be used in sensitive areas when approaching the facility along the designated haul route.
7. The Fugitive Dust Plan shall be adhered to.
8. Byproduct shall be utilized in the reclamation of an existing licensed nonmetallic mine or disposed of or stockpiled consistent with Pierce County Solid Waste Code.
9. Any potential new or modified haul route shall be reported to the Land Management Department and road agreements shall be secured from applicable municipalities prior to route use.
10. The facility shall be subject to control methods deemed adequate by the LMC for silica emissions if current or future studies suggest a significant public health threat exists.
11. All polyacrylamide flocculants must be used consistent with WI DNR permit requirements.
12. Any unforeseen dust and/or erosion issues that arise shall be addressed to the satisfaction of the County.
13. The conditional use permit shall expire in 2 years.

Submitted By: Adam Adank
Zoning Specialist

Land Management Committee






Muskie Proppant
(July 17, 2019)

CUP Renewal - Sand Processing Facility

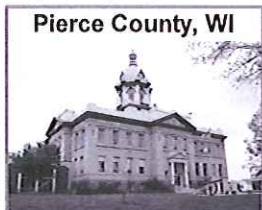
Legend

-  Dwellings
-  CUP Site
-  Parcels
-  Contours (10ft)

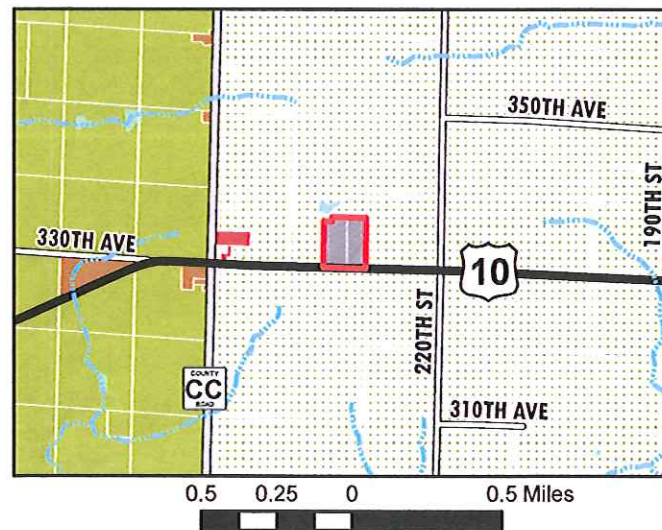
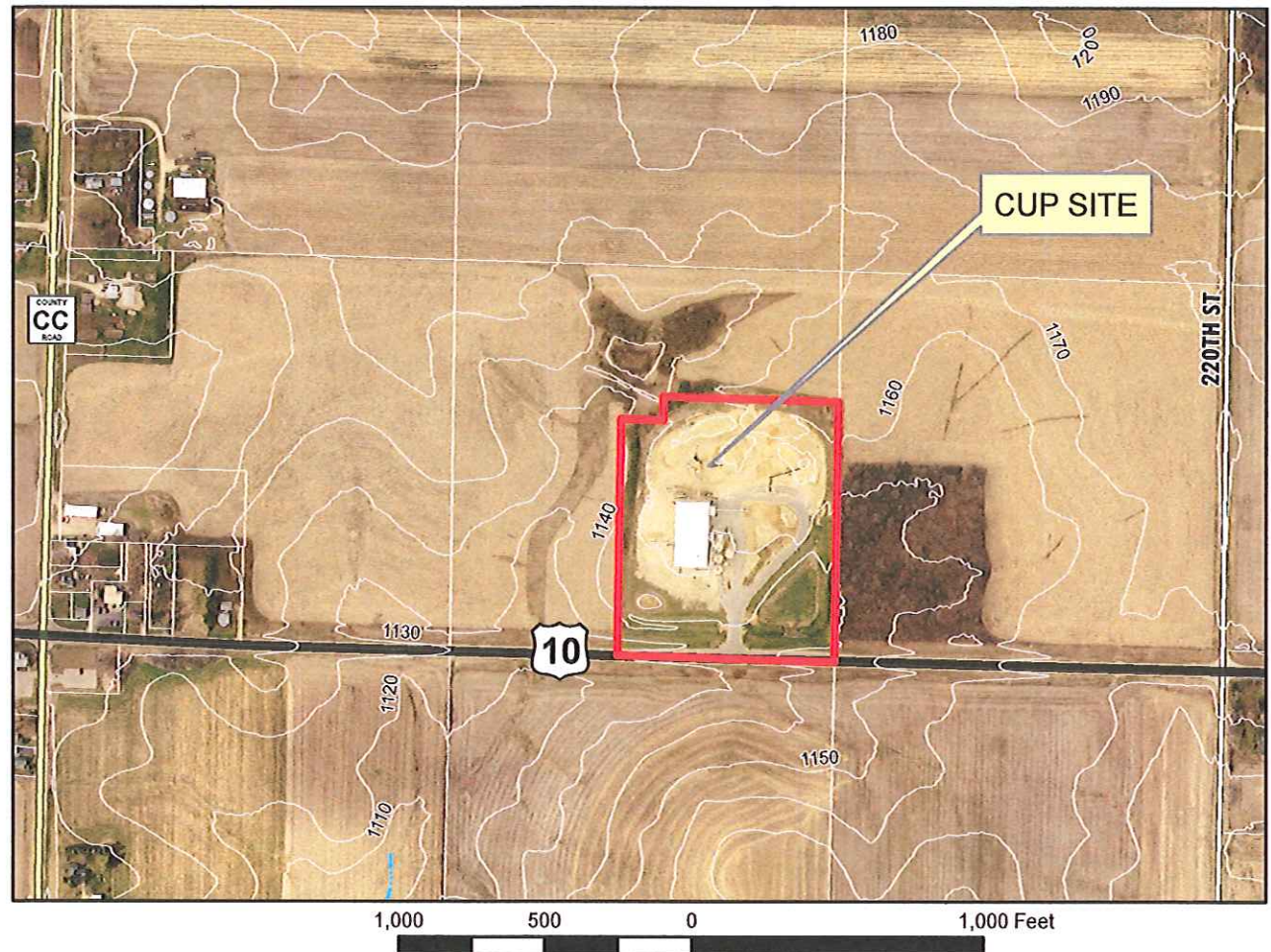
Zoning

-  Agriculture - Residential
-  Commercial
-  General Rural
-  Industrial
-  Primary Agriculture

Orthophotography - 2015 Pierce County

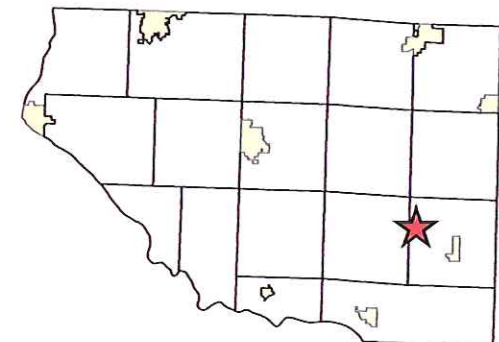


Prepared by the Department of Land Management



Site Location

W2326 HIGHWAY 10
TOWN OF UNION



STAFF REPORT LAND MANAGEMENT COMMITTEE

Land Management Committee Meeting, July 17, 2019 Agenda Item 8

Applicant: Michael Dorricott

Request: Conditional Use Permit Renewal - Expansion of a Nonconforming Structure

Background:

On August 1, 2018 the applicant was granted a Conditional Use Permit for expansion of a nonconforming structure located at W9636 295th Ave in the Town of Diamond Bluff. The applicant proposed to construct a 2-3 bedroom dwelling addition off the west side of the existing nonconforming garage. Due to the wet spring and the applicants busy work schedule, he has been unable to get started on the proposed development and is seeking permit renewal.

The proposed building plans are the same as those presented in 2018. The plans consist of a 26' x 30' addition with a 14' x 30' room located in the roof truss design. A smaller 16' x 16' one story addition is also proposed to be added to the west side of the 26' x 30' addition. The applicant proposed that the new construction be setback 4 feet from the rear yard property line.

In 1995 a former property owner obtained a Land Use Permit (LUP) for a 14' x 70' mobile home and a 26' x 30' garage. When the garage was constructed it encroached on the 10' rear yard property line setback. The applicant was able to estimate a property line boundary by running line from 2 apparent property markers. Based on these markers the existing garage is approximately 5' 6'' from the rear yard property line. Lot lines have not been verified by a surveyor.

The location of the existing mobile home in relation to the rear yard property line and existing garage restrict the applicant's area to build. The applicant intends to live in the mobile home during construction of the proposed dwelling.

Issues Pertaining to the Request:

- The property is located in Lot 2, Marissa's Addition in the NW ¼ of the NW ¼ in Sec. 19, T25N, R18W, Town of Diamond Bluff.
- The property is zoned Rural Residential 20. Adjacent property is zoned Rural Residential 20 and Agriculture-Residential.
- Adjacent land uses surrounding the property are residential and wooded.
- PCC § 240-67A.(2) states, "Additions to or extensions of nonconforming structures are permitted, provided that such additions or extensions comply with all the provisions of this chapter or a conditional use permit is granted as provided in § 240-76."
- PCC § 240-76A states "Applicability. A conditional use permit shall be required for the establishment of each use permitted as a conditional use and for an addition to or expansion of a nonconforming structure, or expansion or intensification of a nonconforming use."

Applicant: Michael Dorricott

July 17, 2019

CUP Renewal - Expansion of Nonconforming Structure

- PCC § 240-23 states, “Minimum requirements. Developments shall meet the minimum requirements for the applicable district shown in the Table of Dimensional Requirements.”
- PCC § 240-42 (E) states, “Temporary residence during construction of principal dwelling. An existing dwelling or manufactured home may be used as a temporary residence during construction of a new dwelling on the same parcel, subject to the following:
 - (1) A land use permit shall be obtained for the temporary residence.
 - (2) A temporary residence, if a manufactured home moved onto a lot, shall comply with all setback requirements of this chapter.
 - (3) Such temporary residence shall be connected to an approved wastewater disposal system.
 - (4) A permit for a temporary residence shall lapse at such time as the principal dwelling is completed and has been connected to utilities or 12 months from the date of issuance, whichever is earlier.
 - (5) The temporary residence shall be removed or destroyed at the time the permit for such temporary residence lapses or converted to a nonresidential use.
- A sanitary permit was obtained in 1995 for a 3 Bedroom Private On-site Wastewater Treatment System (POWTS).
- The existing well is located under the front part of the existing trailer over 14’ from the proposed addition and the septic system is located south of the existing trailer. Both meet the required setbacks from the proposed addition.
- The proposed expansion area is currently used as open yard space and should not negatively impact the functionality of the site.
- The nearest dwelling is located approximately 125 feet to the west of the proposed expansion.
- The Town of Diamond Bluff recommended approval of this request on 7-12-2018. The Town did not reference its Comprehensive Plan.

The existing conditions are:

1. Activities shall be conducted as proposed in the application and as presented to the LMC unless modified by another condition of this permit.
2. The applicant shall maintain a rear yard property line setback of 4 feet. Lot line shall be verified by a registered land surveyor or as agreed upon by the adjacent property owner.
3. A Sanitary Reconnect Permit shall be obtained prior to any construction.
4. The applicants shall follow Pierce County Solid Waste Code Ch. 201 and Wisconsin Administrative Code NR 447 for disposal of used and unusable building materials.

Applicant: Michael Dorricott
July 17, 2019
CUP Renewal - Expansion of Nonconforming Structure

5. The applicant shall follow PCC §240-42(E). Temporary dwelling during construction of principal dwelling and secure all necessary permits.
6. The proposed expansion shall be completed within 12 months of CUP approval.
7. Applicant shall contact the Town Building Inspector, All Croix Inspections, to determine if a building permit is required and shall secure any permits determined to be necessary.

Recommendation:

Staff recommends the Land Management Committee determine whether or not the established conditions are adequate to protect the public interest, public health and safety, and the character of the area. If no additions or modifications are deemed necessary, staff recommends that the LMC renew this conditional use permit with the following conditions:

1. Activities shall be conducted as proposed in the application and as presented to the LMC unless modified by another condition of this permit.
2. The applicant shall maintain a rear yard property line setback of 4 feet. Lot line shall be verified by a registered land surveyor or as agreed upon by the adjacent property owner.
3. A Sanitary Reconnect Permit shall be obtained prior to any construction.
4. The applicants shall follow Pierce County Solid Waste Code Ch. 201 and Wisconsin Administrative Code NR 447 for disposal of used and unusable building materials.
5. The applicant shall follow PCC §240-42(E). Temporary dwelling during construction of principal dwelling and secure all necessary permits.
6. The proposed expansion shall be completed within 12 months of CUP approval.
7. Applicant shall contact the Town Building Inspector, All Croix Inspections, to determine if a building permit is required and shall secure any permits determined to be necessary.






Submitted By: Adam Adank
Zoning Specialist

Land Management Committee






Michael Dorricott
(July 17, 2019)

CUP Renewal for Nonconforming structure expansion

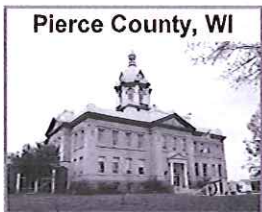
Legend

-  Dwellings
-  Dorricott CUP
-  Parcels
-  Contours (10ft)
-  New Structure

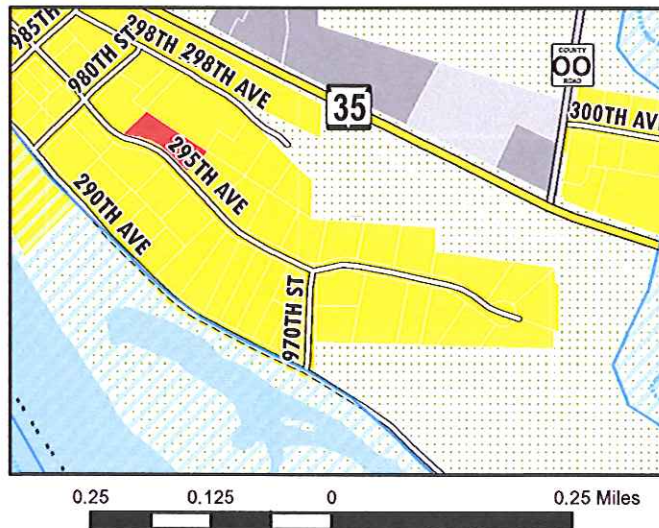
Zoning

-  Agriculture - Residential
-  Commercial
-  Industrial
-  Light - Industrial
-  Rural Residential - 20

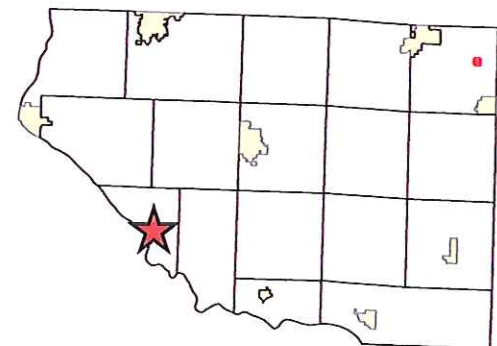
Orthophotography - 2015 Pierce County



Prepared by the Department of Land Management



Site Location
W9636 295TH AVE
TOWN OF DIAMOND BLUFF



STAFF REPORT LAND MANAGEMENT COMMITTEE

Land Management Committee Meeting, July 17, 2019

Agenda Item 9

Request: Discuss and take action on proposed changes to GIS Specialist position description.

Background:

Staff is proposing to change the position description associated with GIS Specialist position in the Land Management Department. The proposed change would transfer the duties of the Land Information Officer (LIO) from the Director to the GIS Specialist position. The GIS Specialist position is currently responsible for the development and implementation of the County's Land Records Modernization Plan and is responsible for planning, budgeting, and monitoring Department expenditures from the Land Records Modernization Fund.

The proposed change would formalize the position's role as the County's point person for GIS and Land Information related issues. The Land Management Director would continue to be responsible for oversight of the GIS function and Land Records Modernization efforts.

Recommendation:

Staff recommends that the Land Management Committee review the attached draft position description to determine whether changes or clarification are necessary. If no changes are needed, staff recommends the position description be approved as written.

Submitted By: Andy Pichotta
 Director

**Pierce County
Position Description**

Name: Department: Land Management
Date: July 28, 2014 **FLSA Status:** Exempt
Position Title: GIS Specialist **Reports To:** Land Management Director
Hours: 8:00 a.m. – 5:00 p.m. Monday - Friday

Purpose of Position:

Under the direction of the Director, the GIS Specialist is responsible for maintaining and developing all spatial data for the County's GIS and the maintenance of databases for tax parcels, zoning districts, 911 addresses, street centerlines, building permits, floodplain and shore land districts, emergency service districts, and related digital imagery. Duties include establishing data specifications, inputting, correcting data and assuring data integrity; assisting county staff in better analyzing and displaying spatial data; servicing as the County's Land Information Officer, developing and implementing the County's Land Records Modernization Plan and planning, budgeting, and monitoring Department expenditures from the Land Records Modernization Fund; maintaining spatial data on the county web site; and providing assistance and recommendations for new hardware and software for the maintenance of GIS and land records.

Essential Duties and Responsibilities:

To perform this job successfully, an individual must be able to perform each essential function satisfactorily and in a timely manner. The following duties are normal for this position. These are not to be construed as exclusive or all inclusive. Other duties may be required or assigned.

Maintenance of GIS data:

- Analyzes, prepares, updates and maintains GIS data for the department.
 - Assists staff in use of GIS and troubleshooting of hardware or software problems.
 - Develops and prepares maps and reports for the Department of Land Management.
 - Assists in assigning universal address number assignments.
 - Provides base maps and other data for County Surveyor to assist in remonumentation activities.
 - Prepares GIS data for inclusion into the GIS.

Develop GIS data:

- Develops and maintains current parcels, address, zoning and street centerline data within the GIS. Updates zoning, UAN, street centerlines, building permit, municipal boundary files, public land survey corner and control map, emergency service boundary, and digital imagery files. Coordinates parcel updates with the Property Lister to generate county-wide parcel update. Updates GIS data on individual computers in the County.

Coordinate GIS data applications:

- Provides assistance to county staff in the use of GIS. Develops new databases and assists staff in identifying data needs and requirements to provide GIS solutions to needs.

- Develops and implements the County's Land Records Modernization Plan and is responsible for planning, budgeting, and monitoring Department expenditures from the Land Records Modernization Fund; supervises employees assisting in the implementation of the Land Records Modernization Plan. Serves as primary contact for consultants contracted to assist in Land Records Modernization Plan implementation.

Serve as contact for GIS data:

- Collaborates and consults with other governmental units and the public regarding GIS data and analysis needs. Responds to Land Management questions concerning GIS data or data on the web site. Responds to special requests from towns, cities or other units of government for GIS data.

Maintain GIS web site data:

- Maintains GIS data on the County web site and coordinates all revisions and modifications to the site with the Webmaster and Information Services Department. Makes recommendations regarding the distribution, operation, and maintenance of the ArcView licenses and software.
- Develops and maintains county board supervisory district boundary maps, consistent with 59.10 Wis. Stats.
- Ensures compliance with 59.72 Wis. Stats. regarding Land Information Office duties and responsibilities.
- Keeps abreast of current GIS trends and developments. Performs other duties of a comparable level or type, as required.
- Assists the County Surveyor in performing the duties prescribed under Sections 59.45 and 59.74 Wis. Stats. And amendments thereto.
- Performs other duties of a comparable level or type, as required.

Minimum Qualifications:

4 year Bachelor's Degree in Geography, Planning, GIS or related area with 3-5 years of experience in the administration, implementation, updating and maintenance of GIS land records. Requires a valid driver's license and familiarity with ESRI products.

Preferred Qualifications:

Knowledge, Skills, and Abilities

Principles of geodetic surveying and global positioning systems and GPS equipment. Principles used in the preparation and interpretation of land descriptions and land records. Principles of geographic information systems and spatial databases. Principles, practices, and techniques of cartography and map design. Laws, rules, regulations, guidelines, or policies pertaining to job assignments. Principles, concepts, and approaches to the design of databases, web design, and GIS.

Ability to plan, enhance, and implement new programs and improvements in GIS operations, applications, and software. Ability to prepare numerical and narrative reports. Ability to explain and

provide technical assistance to the public and County personnel regarding GIS questions, concerns, or needs in understandable and non-technical terms.

Ability to organize work and develop work procedures with minimum supervision; ability to establish and maintain effective working relationships with the staff, committees, and general public; ability to prepare and maintain records.

Skilled in the use of applicable software, including ESRI, MS Access, Excel, MrSID, Avenue, Visual Basic, etc. Skilled in installing, maintaining, and configuring software enhancements, new programs, hardware, or peripherals. Skilled in maintaining, inputting, correcting, and assuring the integrity of data and databases of GIS.

Communication, interpersonal skills as applied to interaction with coworkers, supervisor, the general public, etc. sufficient to exchange or convey information, to explain ordinances and information, and provide direction to administrative support. Must be dependable, tactful, and maintain confidentiality. Above average written and verbal communication skills. Must be able to read, write, and understand English.

Physical Requirements:

Ability to operate equipment and machinery with some requiring complex and rapid adjustments, such as computer terminal, plotter, and calculator.

Requires speaking and hearing, repetitive motions with moderate physical effort in sedentary to light work, frequently requires standing and reaching with hands and arms and occasionally requires sitting, walking, climbing stairs, balancing, stooping, kneeling, crouching, carrying, pushing, pulling and lifting up to 50 pounds. Work requires close vision, ability to adjust focus, color perception and peripheral vision, vocal communication is required for expressing or exchanging ideas by means of the spoken word and conveying detailed or important instructions to others accurately. Hearing is required to perceive information at normal spoken word levels and to receive detailed information through oral communications and/or to make fine distinctions in sound. Ability to coordinate eyes, hands, and limbs in performing semi-skilled movements such as drawing, data entry, assembling, and rapid keyboard use. Ability to recognize and identify degrees of similarities or differences between characteristics of forms and sounds associated with job-related objects, materials and tasks.

Special Requirements:

Environmental Ability:

Essential duties and responsibilities associated with this position involve working in typical County offices and surroundings where there are minimal risks and hazards associated with performing the requirements of the work.

Pierce County is an Equal Opportunity Employer. In compliance with the American Disabilities Act, the County will provide reasonable accommodations to qualified individuals with disabilities and encourages both prospective and current employees to discuss potential accommodations with the employer.

Employee's signature

Date

Supervisor's signature

Date

Personnel Department

Date