

STAFF REPORT LAND MANAGEMENT COMMITTEE

Land Management Committee Meeting,

September 4, 2019

Agenda Item 4

Applicant: Dale Olson

Request: Conditional use permit (CUP) for an accessory residence.

Background:

In December of 1984 a Land Use Permit was issued for the applicant's property to authorize a mobile home. A 12' x 36' addition was later added to the mobile home that included a living room and bedroom. At that time the mobile home was considered to be the Primary Residence. In March of 1991 another Land Use Permit was issued to authorize a single family dwelling on the property. Both residences were connected to the same septic system. After the single family dwelling was built, the mobile home was used as a rental unit. In 2017 the applicants decided to remove the mobile home from the property due to its deteriorating condition but the 12' x 36' living room/bedroom addition remains on the property.

The applicant would now like to move an 8' x 28' office trailer onto the property and attach it to the existing living room/bedroom addition. The office trailer would be converted to have a kitchen and bathroom area. The office trailer and existing living room/bedroom addition would have a total square footage of 656 feet. The proposed new accessory residence now requires a conditional use permit given that the previous use has been discontinued for a period of time exceeding 12 consecutive months.

Issues Pertaining to the Request:

- The applicants own a 14 acre parcel located in the SE¼ of the SE ¼ of Sec. 6, T27N, R17W, Town of Martell.
- The property is in the Primary Agriculture zoning district.
- Pierce County Code (PCC) § 240-40(A) allows accessory residences which are accessory to single-family residences in the Primary Agricultural District with the issuance of a CUP.
- PCC § 240-88 defines Accessory Residence as:
 - A. A dwelling unit that is accessory to a nonresidential use on the same lot, is the only dwelling unit on the lot, and provides living quarters for the owner, proprietor, commercial tenant, employee, or caretaker of the nonresidential use.
 - B. A dwelling unit located in an accessory building located on a residential parcel.
- PCC § 240-88 defines Accessory Building as, "building, not attached to a principal building by means of a common wall, common roof, or an aboveground roofed passageway, which is:
 - A. Subordinate to and serves a principal structure or a principal use.
 - B. Located on the same lot as the principal structure or use served.
 - C. Customarily incidental to the principal structure or use.
- The existing primary residence has 3 bedrooms and a total floor area of approximately 3200 square ft.

Applicant: Dale Olson
September 4, 2019
CUP – Accessory Residence

- The existing conventional septic system was permitted and installed in 1984 and is sized for a 3 bedroom house.
- The existing single family dwelling has an address of N8589 690th Street. The mobile home that was removed from the property had an address of N8593 690th Street. The proposed accessory residence would continue to use the N8593 690th Street address.
- Other existing structures on the property consist of a 36' x 54' pole barn to the north of the accessory residence, a 20' x 24' car port, a 34' x 48' barn, and a 32' x 48' pole shed to the south of the proposed accessory residence.
- The Martell Town Board recommended approval of this request on 12-11-18 without any concerns or recommended conditions. The Town did not reference its Comprehensive Plan.
- No renewal of this request will be necessary provided the use is established within 12 months of approval.

Recommendation:

Staff recommends that the Land Management Committee determine whether the 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 to be 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, Todd Dolan, to determine whether a permit from the town is needed and to ensure compliance with the Uniform Dwelling Code (UDC) requirements.
2. The applicant shall obtain a sanitary permit for the connection of the accessory residence to the existing septic system or obtain the proper permits to install a new septic system. If connecting to the existing septic system, the applicant shall either expand the existing tank and drainfield or record a per capita flow statement documenting that the septic system sizing is based on number of occupants and not the number of bedrooms.





Submitted By: Adam Adank,
Zoning Specialist

Land Management Committee


Dale Olson
(September 4, 2019)

CUP - Accessory Residence

Legend

-  Dwellings
-  CUP
-  Structure
-  Contours (10ft)

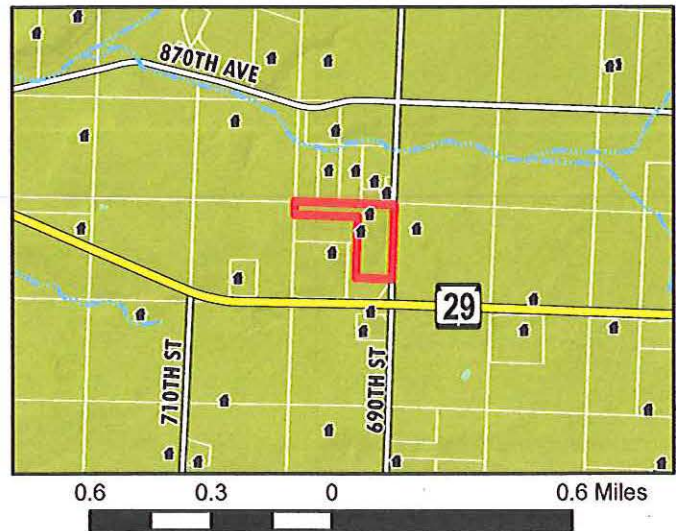
Zoning

-  Primary Agriculture

Orthophotography - 2015 Pierce County

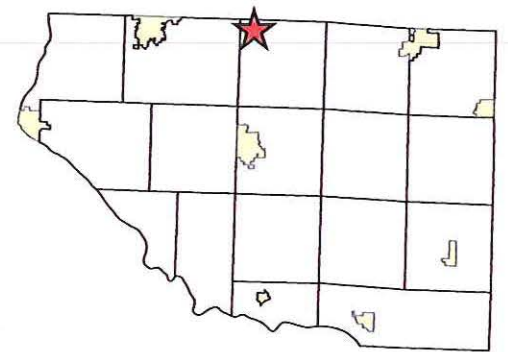


Prepared by the Department of Land Management



Site Location

N8589 690TH ST
TOWN OF MARTELL



STAFF REPORT LAND MANAGEMENT COMMITTEE

Land Management Committee Meeting, September 4, 2019 Agenda Item 5

Applicant: B.S. Construction/Steve Schoeder Properties, Jeff Schoeder - agent

Request: Status Report of conditional use permit for Nonmetallic Mining.

Background:

B.S Construction/Steve Schoeder Properties owns a mine which was expanded in 2006. In 2006, the mine operator at that time and the Syllas agreed to allow mining within 50 feet from the property line as long as the mining did not encroach within 400 feet from the house and peak particle velocity would not exceed .35 inches per second.

On September 5, 2012 the LMC modified the condition regarding peak particle velocity for the blasts. The peak particle velocity was raised from .35 to .50. It was stated that the low peak particle velocity makes it more difficult to blast the rock as it gets closer to the Sylla's structure. The higher peak particle velocity will allow the blasters to obtain a higher frequency in the blast and utilize electronic detonators with proper timing to get better results for the operators and the Syllas.

The previous operator was instructed to report back to the LMC after the next full-face production blast with the Peak particle velocity limit of .50 to determine if any modifications to the permit were necessary. To date there has not been a full-face production blast with a peak particle velocity limit of .50. At the 2017 renewal, Condition #14 was added to allow for continued use of the .35 peak particle velocity without a signature hole and full face blast requirements.

The Sylla's continue to be concerned about the effects of the blasts to them as well as their structures. As the blasting gets closer to their residence they believe that higher peak particle velocity will make the blasting less tolerable to them.

A partial face blast was recently conducted. The blast was designed to stay under .35 peak particle velocity. The reading at the Sylla residence was .64. Other nearby graphs showed peak particle velocity below .35. No other blasts have occurred since then.

Issues Pertaining to the Request:

- The legal description for this property is in the SW 1/4 of the SE ¼ in Section 15, T26N, R15W in the Town of Rock Elm. The property is zoned Agriculture- Residential.
- The mining site has approximately 10 unreclaimed acres. Access to the mine is off of County Road S.
- Bechel Sand and Gravel has a lease with owners. Mining activity is sporadic and the operators have expressed a willingness to work with the Syllas.
- Due to the unplanned peak particle velocity of the last blast, the blaster (Terry Johnson, Quick Supply Co.) recommends that a signature hole be completed prior to any other blasts. He stated this will help the blasting process for the site and produce better results for the mine operators and the surrounding land owners.

Applicant: B.S. Construction
Status Report of conditional use permit for Nonmetallic Mining
September 4, 2019

- Besides the issue with blasting near the residence, the Sylla's have two concerns about well testing and dust control. The well was last checked in 2014 and dust issues come up during certain conditions (strong north winds).
- Staff contacted the Town of Rock Elm regarding this renewal. No response was received at the time this report was sent.
- The existing conditions are:
 1. Hours of operation shall remain consistent with daylight hours or Monday through Friday, 6:00am - 9:00pm during the construction season with an occasional Saturday, 6:00 am to 6:00 pm, property owners within 300 ft and Mr. Huebel shall be notified in advance of Saturday operation hours. .
 2. Applicant shall receive all necessary permits from other agencies.
 3. The reclamation financial assurance information shall be kept current and approved by Corporation Counsel.
 4. Applicant shall comply with DNR NR 135 Annual Reclamation Permits (Ch 241 PCC).
 5. Applicant shall identify blasting frequency and all blasting shall be done by a certified state licensed blaster.
 6. Property owners located within 1000 feet shall be given adequate notice (48 hours) of any planned blasting. Peak particle velocity shall not exceed 0.50 inches per second. A signature hole process will be conducted to minimize vibrations.
 7. Well tests for nitrates, suspended solids, and dissolved solids shall be conducted for all existing wells within 1000 feet of the proposed mining operation to establish a baseline. This shall be completed prior to blasting and every two years thereafter.
 8. Dust control measures shall be implemented when necessary. The operator will water when necessary.
 9. This CUP shall be renewed every two years.
 10. 50 foot setback shall be maintained from all property lines and a 400 foot setback shall be maintained from all existing dwellings.
 11. A vegetative buffer shall be established to screen adjacent residences.
 12. Operator shall ensure that fly-rock does not negatively impact adjacent properties.
 13. The operator shall come back before the Land Management Committee as soon as possible after the next production blast for a status report and to review conditions.
 14. The need to conduct a full face blast/signature hole and appear before the LMC to review conditions may be eliminated by limiting peak particle velocity to .35 inches per second.

Recommendation:

Staff recommends that the Land Management Committee consider whether established conditions continue to be adequate or whether additions and/or modifications are necessary. If no additions or modifications are necessary staff recommends the LMC renew this permit with the following conditions:

1. Hours of operation shall remain consistent with daylight hours or Monday through Friday, 6:00am - 9:00pm during the construction season with an occasional Saturday, 6:00 am to 6:00 pm, property owners within 300 ft and Mr. Huebel shall be notified in advance of Saturday operation hours. .
2. Applicant shall receive all necessary permits from other agencies.
3. The reclamation financial assurance information shall be kept current and approved by Corporation Counsel.

Applicant: B.S. Construction
Status Report of conditional use permit for Nonmetallic Mining
September 4, 2019





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7. Well tests for nitrates, suspended solids, and dissolved solids shall be conducted for all existing wells within 1000 feet of the proposed mining operation to establish a baseline. This shall be completed prior to blasting and every two years thereafter.
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9. This CUP shall be renewed every two years.
10. 50 foot setback shall be maintained from all property lines and a 400 foot setback shall be maintained from all existing dwellings.
11. A vegetative buffer shall be established to screen adjacent residences.
12. Operator shall ensure that fly-rock does not negatively impact adjacent properties.
- ~~13. The operator shall come back before the Land Management Committee as soon as possible after the next production blast for a status report and to review conditions.~~
13. A signature hole blast shall be conducted prior to any other production blast. Results shall be presented to the LMC to determine if any modifications to the permit are necessary. Signature hole blast shall occur no later than December 31, 2019.

Submitted By: Brad Roy
Zoning Administrator

Land Management Committee

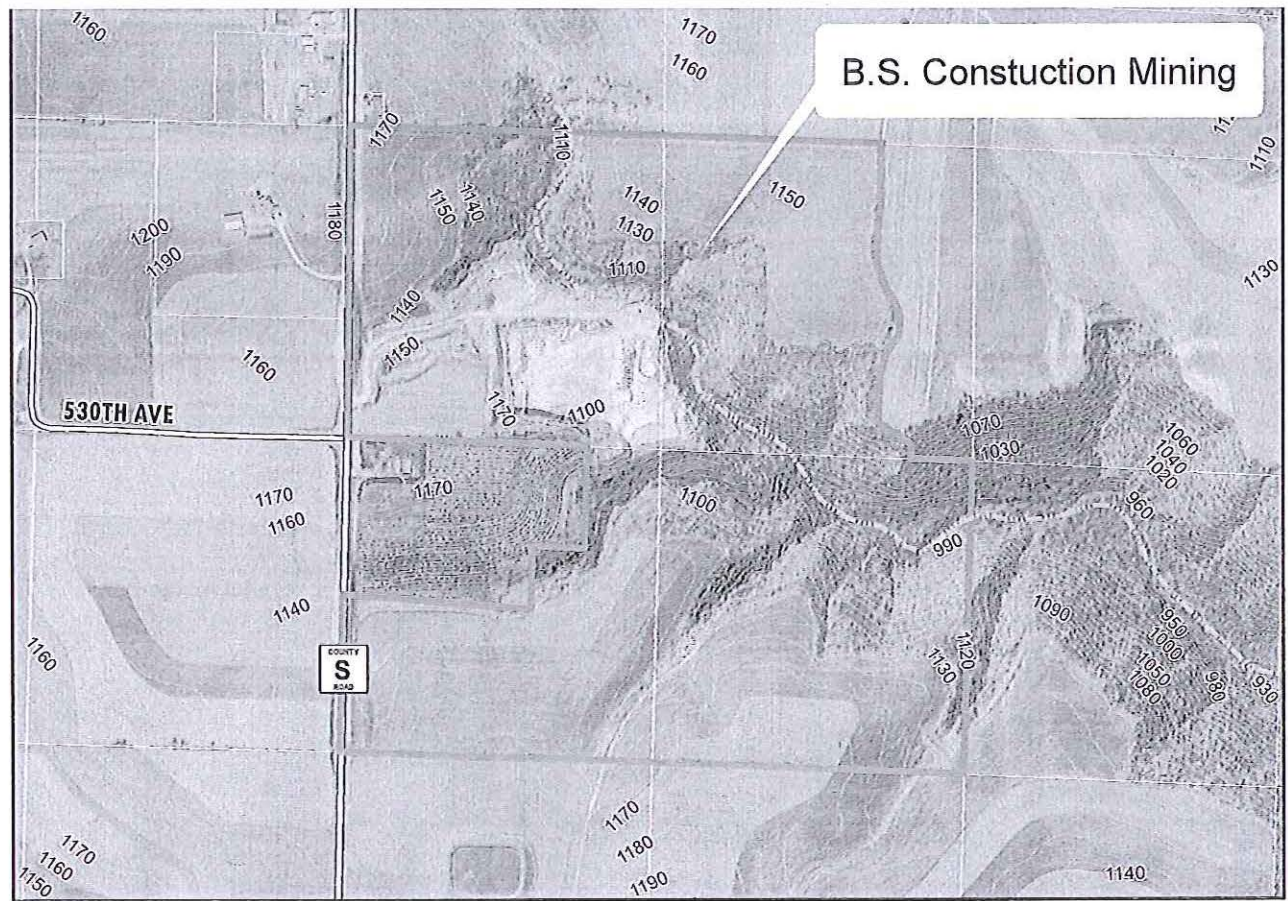
B.S. Construction Mining
(September 4, 2019)
CUP Renewal

Legend

-  Dwellings
-  B.S. Construction
-  Parcels
-  Primary Intermittent Stream

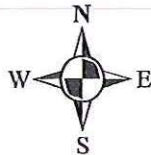
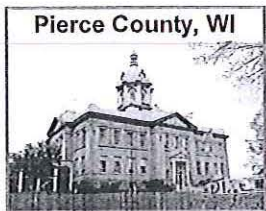
Zoning

-  Agriculture - Residential

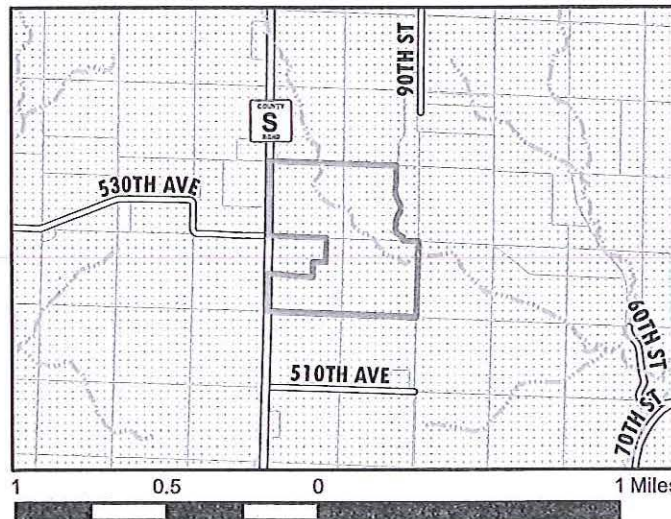


1,500 750 0 1,500 Feet

Orthophotography - 2015 Pierce County



Prepared by the Department of Land Management



Site Location

T-26 R-15 SEC. 15, 22
Town of Rock Elm

