

STAFF REPORT LAND MANAGEMENT COMMITTEE

Land Management Committee Meeting,

Feb. 5, 2020

Agenda Item 4

Applicant: Christopher Brekken

Request: Conditional use permit for a private airstrip (heliport).

Background: Mr. Brekken is requesting a conditional use for the private airstrip and heliport landing area on his 34 acre residential property. The airstrip/heliport will have a turf surface and will be used primarily by helicopter and cub type of airplane.

Issues Pertaining to the Request:

- The property is located in the N½ of the NE ¼ in Section 4, T25N, R19W in Diamond Bluff. The site address is N4175 1080th Street.
- Current land use is agricultural and residential. Neighboring land uses are agricultural and wooded.
- The airstrip will be located on 2 adjoining parcels that the applicant owns. The parcels total 34 acres in size and are zoned Agriculture-Residential.
- PCC Table of Uses allows airstrips in the Agriculture-Residential zoning district with the issuance of a CUP subject to the provisions in § 240-41A:
 - (a) The area proposed for this use shall be sufficient in size, and the site shall otherwise be adequate, to meet the standards of the Federal Aviation Administration (FAA), and Department of Transportation (DOT), for the class of airport proposed.
 - (b) One off-street parking space shall be required for every tie-down or plane space within the hangers.
- The Department of Transportation provided a certificate of airport site approval dated November 7, 2019 (copy attached).
- The Federal Aviation Administration (FAA) conducted an aeronautical study of the proposed airstrip and determined that the proposed airstrip will not adversely affect the safe and efficient use of navigable airspace by aircraft and had no objections to the proposed site.
- The site will not require lighting if used for daylight operations. Mr. Brekken indicated he typically flies during daylight hours but may on occasion fly after darkness.
- The FAA analysis determination and DOT certificate of airport site approval is for private use only. Code of Federal Regulations (CFR) §157.2 defines private use as *“available for use by the owner only or by the owner and other persons authorized by the owner.”*

Applicant: Chris Brekken
CUP for an Airstrip
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- The DOT certificate of site approval conditioned the aerial approaches to all runways clear all public roads, highways, railroads, waterways, and other traverse ways in accordance with Section 114.134 WI. Stats. (Airport and spaceport standards and approval). Required minimum clearances are as follows:
 - 10 feet above private roads
 - 15 feet above public roads
 - 17 feet above interstate highways
 - 23 feet above railways.
 - An amount equal to the height of the highest mobile object that would normally travel upon them for waterways and other traverse ways.
- WI State Statutes Trans 57.02 defines the approach surface as an inclined plane which extends outward and upward from the runway threshold at a slope of 20:1, or for every 20 feet horizontal to 1 foot vertical. This surface is bounded by the vertical projection of the boundaries of the approach area; which is a trapezoid centered on the extended runway centerline with an inner width of 250 feet, a length of 5,000 feet, and an outer width of 1,250 feet. This surface has been depicted on the attached drawing for your reference.
- The airstrip/heliport landing site ranges in elevation from approximately 964' to 990'.
- In relation to waterways within the approach surface, the nearest portion of the airstrip is located approximately 600' from the Mississippi river. At their nearest locations the Mississippi River has a water surface elevation around 676'.
- In relation to railways within the approach surface, the nearest portion of the airstrip is located approximately 550' to the Burlington Northern Railroad. At their nearest locations the Railroad has a track elevation around 688'.
- In relation to public roads within the approach surface, the nearest portion of the airstrip is located approximately 2260' to 1080th Street. At their nearest locations the public road has a surface elevation around 998'.
- The airstrip will run parallel and approximately 10' away from the North property line according to Mr. Brekken. Pierce County Code does not have setback requirement for airstrips or heliport landing areas.
- Based on proposed drawings the airstrip appears to be located at least 250' from all other property lines.
- The closest adjacent residences include:
 - N4102 1080th Street is located over 2060' to the east of the airstrip and sits on a ground elevation around 1010'. This is the only residence located within the boundaries of the DOT designated approach area.

Applicant: Chris Brekken
CUP for an Airstrip
February 5, 2020

- W11148 435th Ave is located over 1700' to the northwest of the airstrip and sits on a ground elevation around 972'.
- W11132 435th Ave is located over 1700' to the north of the airstrip and sits on a ground elevation around 960'.
- All other residences are greater than 2400' from the nearest portion of the landing strip.
- Land use permits were issued to Mr. Brekken on this property in 2019 for a dwelling with detached garage and a 60' x 100' pole shed. Those structures are currently under construction and can be seen in the attached site photos.
- In the past the LMC has placed conditions on airstrips/heliports relating to the number of flights allowed per month and the hours of use in response to the concerns of neighbors. The LMC should consider whether the inclusion of such conditions is necessary for this location.
- The Town of Diamond Bluff recommended approval of this request on 12-12-2019 with no concerns or suggested conditions. The Town did not reference its Comprehensive Plan.

Recommendation:

Staff recommends the Land Management Committee consider whether the proposed use at the proposed location is contrary to the public interest, or detrimental or injurious to the public health, public safety or the character of the surrounding area. If found not to be contrary to the above, staff recommends the Land Management Committee consider approval of this conditional use permit for the requested airstrip with the following conditions:

1. The conditional use shall be renewed in 2 years. Renewal may be completed by staff administratively unless complaints are received by the Land Management Department.
2. Any potential or future changes or intensification in the use of the airstrip/heliport shall be approved by the Land Management Committee.
3. All FAA and Wisconsin DOT regulations and requirements shall be met including any airstrip design and lighting requirements.
4. Proof of adequate liability insurance shall be provided.
5. The conditional use permit will terminate if the Dept. of Transportation revokes either their certificate of airport site approval or the property owners pilots license.
6. Onsite fuel storage must be in approved containment vessels.

Submitted By: Adam Adank
Zoning Specialist

Land Management Committee

Chris Brekken
(February 5, 2020)
CUP - Airstrip

Legend

-  Dwellings
-  CUP Parcel
-  Parcels
-  Proposed Airstrip

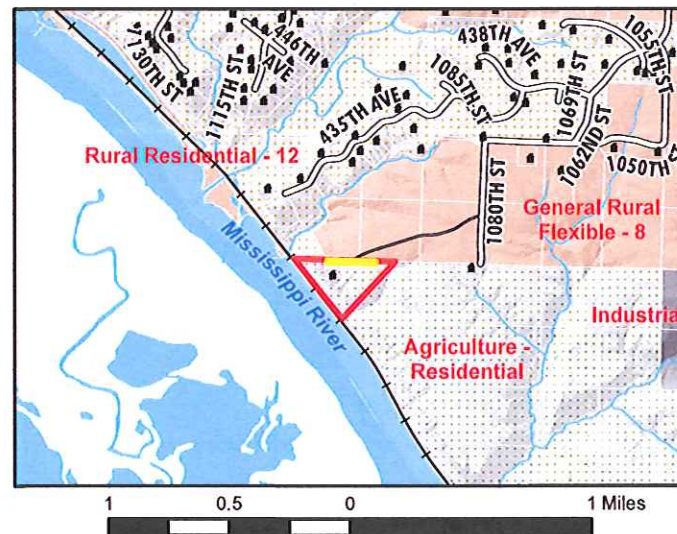
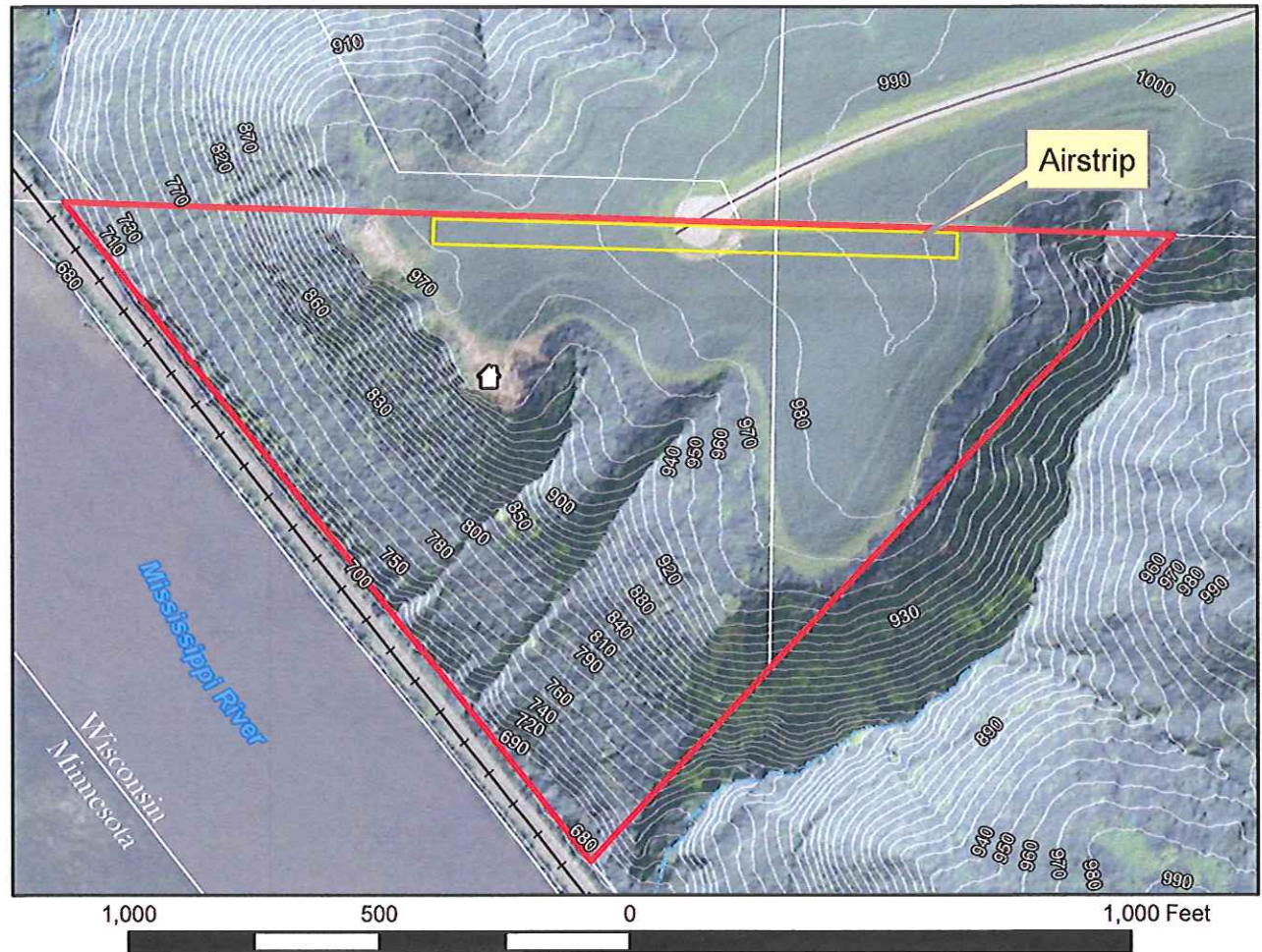
Zoning

-  Agriculture - Residential
-  General Rural Flexible - 8
-  Industrial
-  Rural Residential - 12

Orthophotography - 2018 FSA (NAIP)

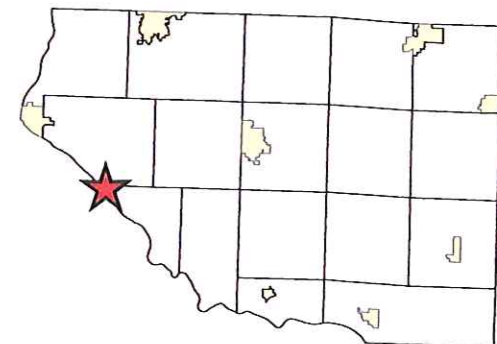


Prepared by the Department of Land Management



Site Location

N4175 1080th St.
Town of Diamond Bluff





Division of Transportation
Investment Management
PO Box 7914
Madison, WI 53707-7914

Governor Tony Evers
Secretary Craig Thompson
wisconsin.gov

Telephone: 608-266-3351
Facsimile (FAX): 608-267-6748

November 12, 2019

CHRIS BREKKEN
N4175 1080TH STREET
PRESCOTT, WISCONSIN 54021

**Certificate of Airport Site Approval
STOL Airport (65WI)
Prescott, Wisconsin**

Enclosed is the certificate of airport site approval issued by the Wisconsin Department of transportation for the location of your airport. The certificate is for private use only. Private use is defined in 14 CFR Part 157.2 as an airport available for use by the owner only or by the owner and other persons authorized by the owner. A new certificate is necessary if you wish to open the airport to the general public. The Federal Aviation Administration needs to be notified as well to be in accordance with their regulations.

The Department encourages private airport owners to maintain a clear approach surface to each runway end clear to a 20:1 slope ratio (20 feet horizontal to 1 foot vertical). This surface is recommended to be clear of all penetrating obstacles such as buildings, trees, vegetation, or other fixed objects. Trans 57 of the Wisconsin Administrative Code defines the approach surface as a trapezoid centered on the extended runway centerline. The inner width at the runway threshold is 250 feet and extends outward for a length of 5,000 feet. The outer width is 1,250 feet. We have enclosed an approach review map with a graphical depiction for reference.

In general, the Department cannot prevent the construction of structures near a private airport. The airport environment can only be protected through such means as local zoning ordinances, acquisitions of property in fee title or aviation easements, letters of agreements, or other means.

The certificate does not preempt or waive any ordinances, laws or regulations of any other governmental body. We urge you to contact your local town or village board and city/county zoning administrator with your proposal. During the transportation compatibility review, the Pierce County Zoning Administrator indicated a conditional use permit would be required through their agency.

Please contact us when the airport becomes operational or if you decide to not proceed with construction. Thank you for your interest in Wisconsin aviation.

Sincerely,

A handwritten signature in black ink that reads "Joshua W. Cothren".

Joshua Cothren
Airspace Safety Program Manager
landingareaapprovals@dot.wi.gov

jwc
Enclosures



Division of Transportation
Investment Management
PO Box 7914
Madison, WI 53707-7914

Governor Tony Evers
Secretary Craig Thompson
wisconsindot.gov

Telephone: 608-266-3351
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November 7, 2019

Chris Brekken
N4175 1080th Street
Prescott, WI 54021

Certificate of Airport Site Approval
STOL Airport (65WI)
2019-WIBOA-4728-NA

County: PIERCE PLSS: SWSE3326N16W
ARP: 44° 41' 19.41" N 92° 41' 08.48" W
ARP Elev: 980 ft

	Runway 09	Runway 27	Runway N/A	Runway N/A
Latitude:	44° 41' 19.30" N	44° 41' 19.52" N		
Longitude:	92° 41' 15.72" W	92° 41' 01.23" W		
Dimension:	1047 ft. x 50 ft.			
Surface:	Turf			
Displaced Threshold:	N/A	N/A		
Critical Aircraft:	Eurocopter SA-341 Gazelle			

The Wisconsin Department of Transportation, pursuant to Wis. Stat. §114.134 (1973), hereby issues a certificate of site approval for the location of an airport as shown above and described in the application for airport site approval dated December 10, 2018.


This Certificate is issued subject to the following conditions:

- (1) The above site is approved for a PRIVATE USE airport only. A change to public use requires further study, coordination and inspection by the Department of Transportation.
- (2) Aerial approaches to all runways shall clear all public roads, highways, railroads, waterways, and other traverse ways in accordance with Wis. Stat. § 114.134.
- (3) The certificate holder shall notify the Department of Transportation within 15 days of the operational activation of the airport, and subsequently of any change to airport layout, runway dimensions, surface, or change in ownership. Any airport changes may require additional review of compatibility with existing or planned transportation facilities prior to use.
- (4) In the event the above location is no longer used as an airport, the owner shall notify the Department of Transportation immediately, and the certificate will expire three months after the notice is received.
- (5) This certificate shall expire 18 months from the date issued if the airport has not been completed. The applicant may request an extension to complete the airport. The Department of Transportation may issue an extension or require the applicant to submit a new application for determination.

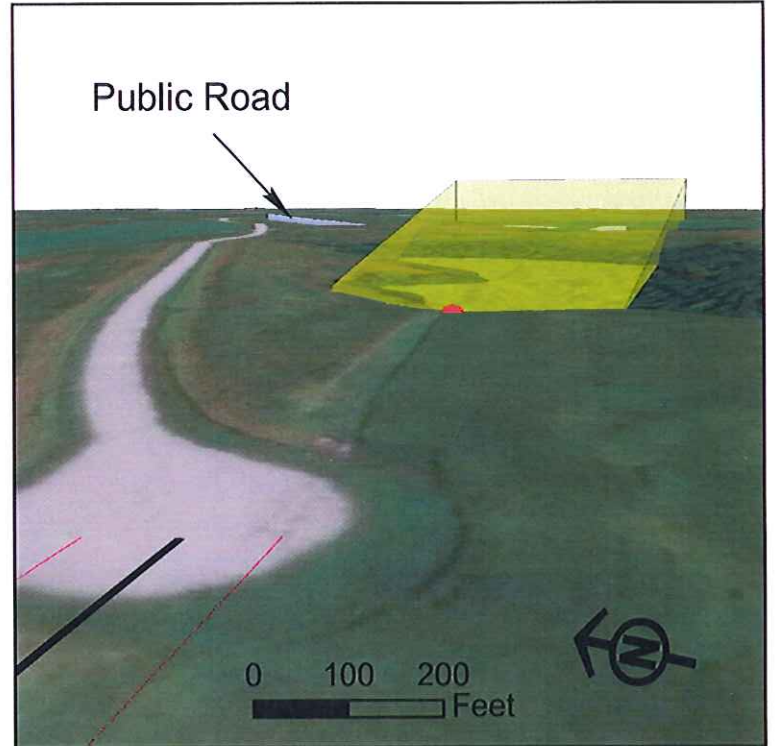
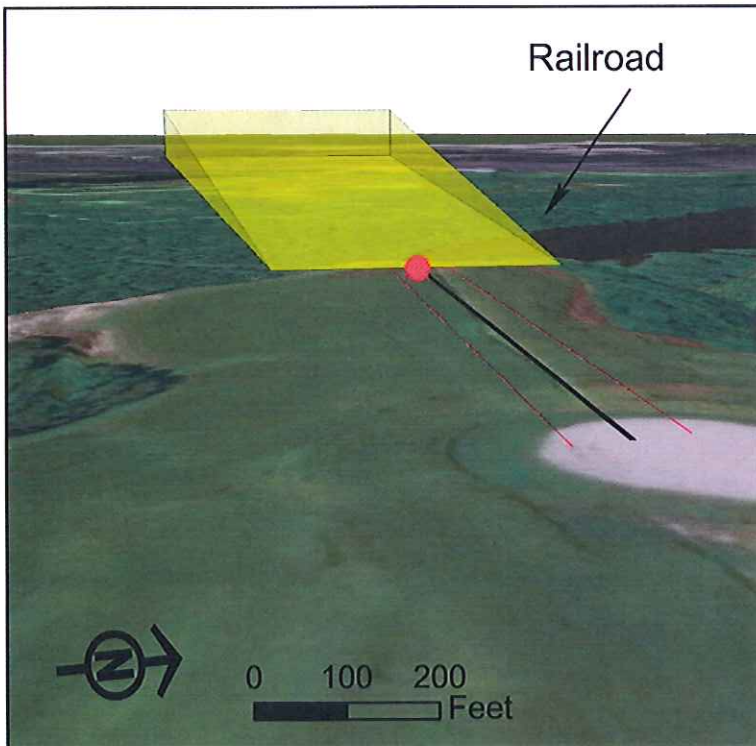
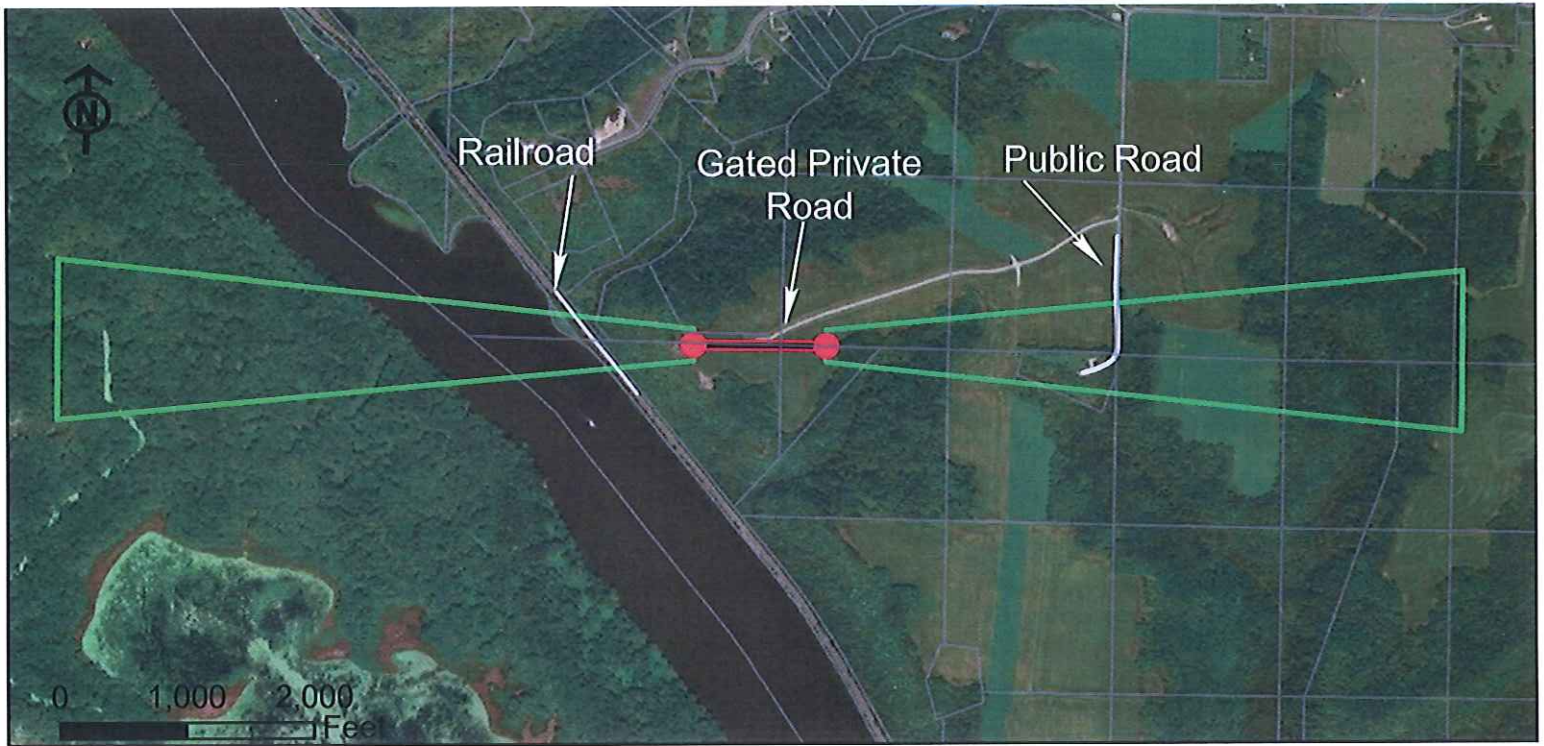
This certificate is issued and based upon the determination by the Department of Transportation, that the above proposed airport location is compatible with existing and planned transportation facilities in the area.

This determination in no way preempts or waives any ordinances, laws, or regulations of any other governmental body.

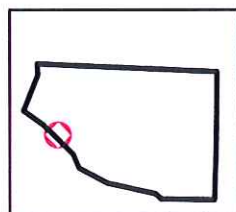
Craig Thompson, Secretary
Department of Transportation


by: Scott Brummond, Chief
Aeronautical/Technical Services
Bureau of Aeronautics

Imprinted Seal and Original Signature
required for valid permit.



- Runway
- Runway Centerline
- Parcel
- Approach
- Highway



Pierce County
FAA Location ID: 65WI

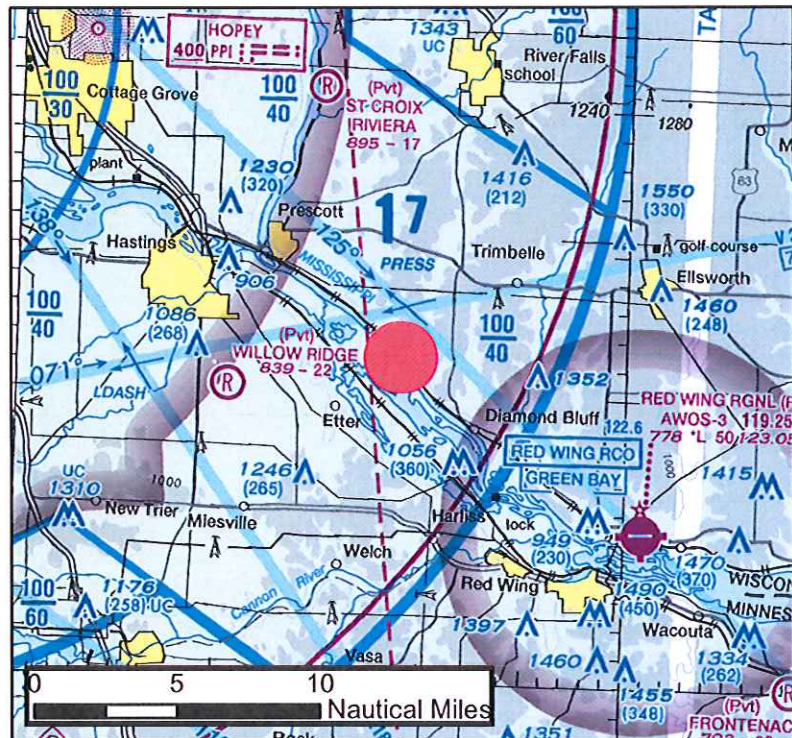
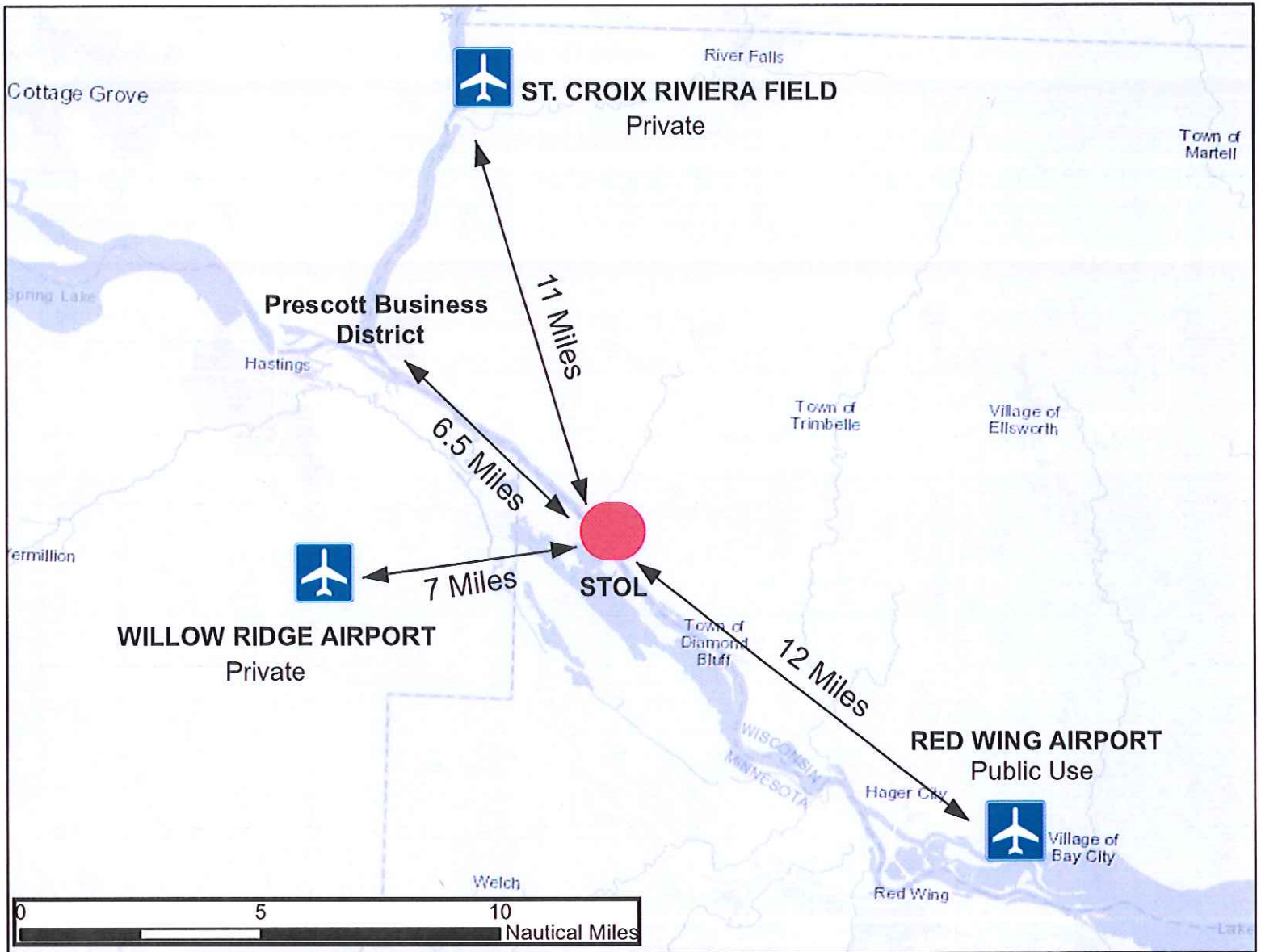
This map was created by the Wisconsin Department of Transportation's Bureau of Aeronautics. Any use or recompilation of the information, while not prohibited, is the sole responsibility of the user. WisDOT expressly disclaims all liability regarding fitness of the use of this information for other than DOT business. Airport information depicted on this map is for generalized use only.

2019-WIBOA-4728-AS
 44° 41' 19.41"N 92° 41' 08.48"W
 Pierce County
AIRPORT APPROACH COMPATIBILITY

Bureau of Aeronautics
 Wisconsin Department of Transportation



Checked By: JC
 Prepared By: BEH
 Date: 8/15/2019



2019-WIBOA-4728-AS

44° 41' 19.41"N 92° 41' 08.48W
Pierce County

AERONAUTICAL COMPATIBILITY

Bureau of Aeronautics
Wisconsin Department of Transportation



Checked By: JWC
Prepared By: BH
Date: 11/7/2019

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Approximate Airstrip Location

01/27/2020 12:58



Approximate Airstrip Location

01/27/2020 12:52



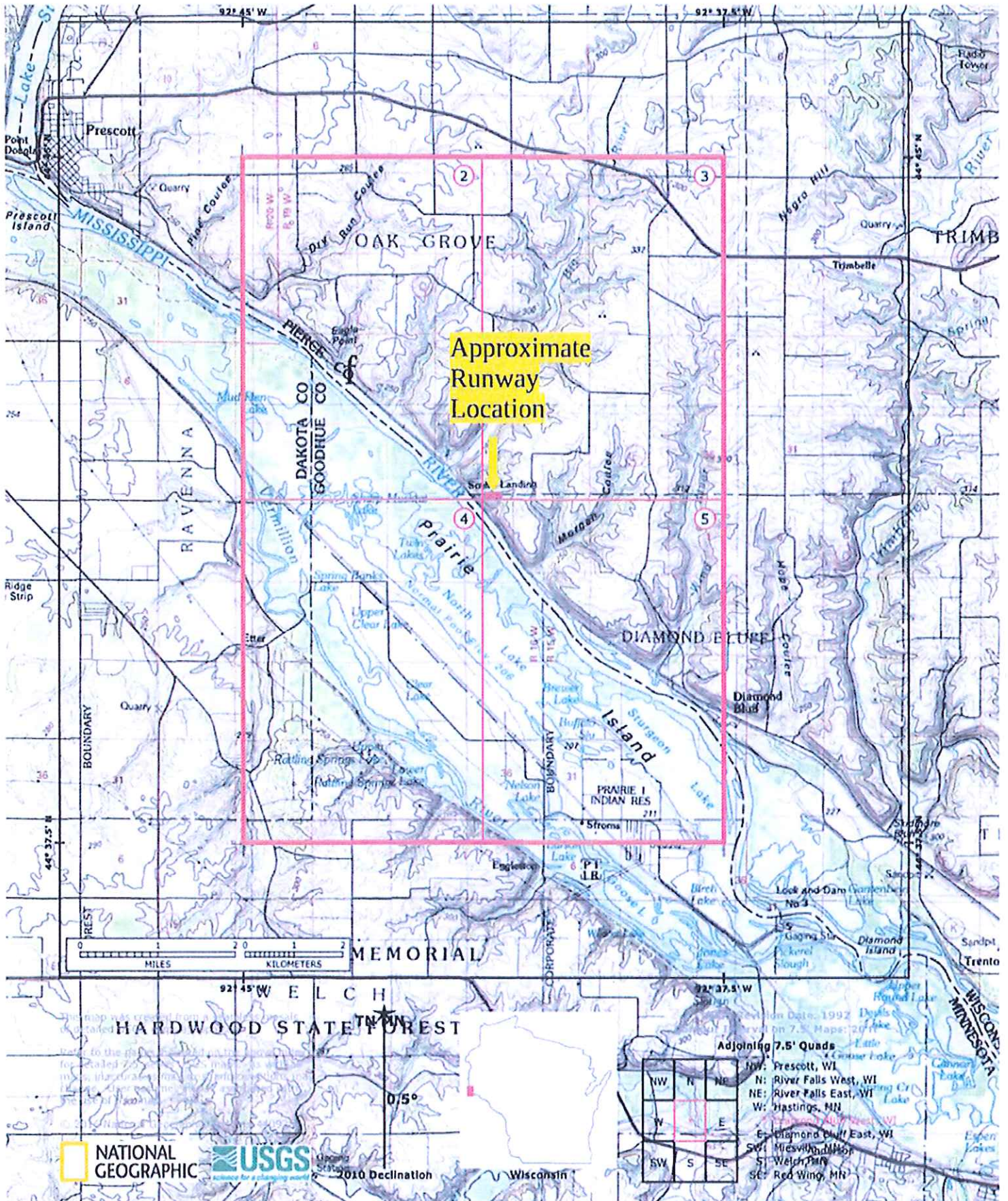
GPS 44° 41' 19.09"N 92° 41' 8.29"W

980' MSL

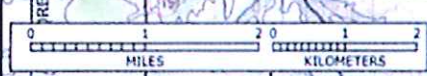
Runway

09

27



Approximate Runway Location



Adjoining 7.5' Quads

NW	N	NE
W	E	
SW	S	SE

NW: Prescott, WI
 N: River Falls West, WI
 NE: River Falls East, WI
 W: Hastings, MN
 E: Diamond Bluff East, WI
 SW: Miesville, MN
 S: Welch Park, WI
 SE: Red Wing, MN

NATIONAL GEOGRAPHIC

USGS

2010 Declination

Wisconsin

STAFF REPORT LAND MANAGEMENT COMMITTEE

Land Management Committee Meeting, February 5, 2020

Agenda Item 5

Applicant: John Grabrick, Big Dog Daddy's Roadhouse LLC

Request: CUP Renewal - Resort

Background:

The applicant is requesting to renew a CUP for a Resort. The resort will operate year-round and include 42 campsites, 24 cabins, a support structure with bathrooms and showers, and infrastructure (new roads, septic, electrical and water services).

No cabins or campsites have been constructed at this time. The applicant has removed vegetation and prepared the site for utility installation. A survey of the site was completed and it was determined that there was a discrepancy with the existing fence line and east property line. The applicant purchased a thirty foot strip of land from the neighboring property owner to the east (WDNR). The sale recently became final. The resort would have needed to be redesigned if the sale would not have been completed. Pending the completion of the sale, the applicant stopped construction activities on the site.

A Bar and Grill and mobile home is currently on the property. The applicant had previously stated the intention of purchasing the neighboring property to the west and making that his primary residence. The applicant was not able to purchase that property and will continue to reside onsite.

Issues Pertaining to the Request:

- The property is located in the NE ¼ of Section 7, T24N, R17W in the Town of Isabelle. Parcel is five acres and has two zoning districts. The northwest portion (volleyball courts) is zoned Commercial and the remaining property is zoned General Rural.
- Resort is defined as: A facility for transient guests where the primary attraction is generally on-site recreational features or activities and may include multiple related uses managed as one operation.
- Surrounding land uses are the Red Wing Airport to the north, railroad right-of-way to the south, vacant DNR property to the east and residential to the west.
- The proposed design is for camping cabins line the exterior west, south and east borders of the property. The 42 campsites will be in the interior area. Interior roads will have a minimum width of 26'. The applicant is proposing two styles of cabin. One style of cabin will have full bathroom and kitchenette. The other style will be a sleeping cabin.
- The applicant received a Land Use Permit to construct a shed in 2016. The structure was permitted to only be used for storage. The applicant intends to use this structure for the resort bathrooms and showers. The structure will need to have Commercial Plan approval from DSPS, prior to resort use. The plan is to also include retail space within the structure. A rezone of that area (including the Bar and Grill) to commercial will be needed.
- Pierce County Code 184 regulates campground under the Public Health Department. At this time, the Public Health Department has not issued a permit for the site.
- There is an existing sanitary system and holding tank; the applicant intends to update the systems to satisfy current state codes and use it for the resort.

Applicant: Grabrick
Resort Renewal
February 5, 2020

- Phase 1 of the plan includes construction of 17 campsites. Further development of campsites and cabins will occur based on demand.
- The applicant will also construct a pavilion near the volleyball courts (in the General Rural district) and replace an old sign and post with a new sign for the business.
- A survey of the site will be completed to verify all lot lines and setbacks prior to any resort construction.
- Staff contacted the Town of Isabelle Chairperson regarding this request. Staff had not received a response at the time this report was sent.
- The 6 month status report, required by condition #10, was not completed. This was largely due to activity ceasing pending the neighboring land purchase and the lack of any significant new information to provide to the LMC.
- A screening plan will need to be completed as required by Condition #4.
- The existing conditions are:
 1. The resort shall be conducted as described in the application, unless modified by a condition of this permit.
 2. A survey of all property lines, existing structures, and setbacks for cabins and campsites shall be completed. Land Management Department staff shall verify side yard setbacks and minimum campsite dimension requirements prior to campground operation.
 3. State Plan approval for the required improvements to the sanitary dump station, holding tank, and sewer services, as well as associated service contracts and contact information, shall be submitted to the Land Management Department prior to construction.
 4. If the applicant does not own the neighboring property to the west, a Screening plan shall be submitted to the LMC for approval. Any required screening shall be established prior to resort operation.
 5. Internal roads, camping pads, and water and sanitary improvements shall be constructed or implemented prior to operation of the resort. Staff shall be contacted to verify prior to operation.
 6. All advertising signage shall comply with the Pierce County Zoning Code.
 7. Applicant shall also comply with all relevant local and state ordinances and regulations and secure all necessary permits and licenses (e.g. Department of Safety & Professional Services (DSPPS), Department of Health-DHS standards etc.).
 8. The applicant shall comply with the following conditions, numbers 4, 6, 7, 10, 11, and 12 as modified, as recommended conditions of Town of Isabelle dated December 18, 2017 unless specifically modified by another condition of this CUP.
 4. Fires are allowed in fire rings and grill only. All fires shall not be left unattended and all fires shall be extinguished before being left unattended. The burning of garbage, plastic, glass, cans or other recyclable items shall not be permitted. To minimize the spread of diseases, firewood shall be purchased locally. Locally is defined as within a 25 mile radius of the site not including the State of Minnesota.
 6. Excessive noise is inconsiderate to fellow campers and of the general residences of the areas near the campground and bar area. Noise levels shall not exceed 80 decibels, DBs, at the property

Applicant: Grabrick
Resort Renewal
February 5, 2020

lines of Parcel #014-01019-0700 (applicant parcel) at any time. Additionally, the noise level shall not exceed 55DBs 200 feet west of the West property line of parcel #014-01019-0700 which is the west property line of parcel #014-01018-0910 (neighboring residential parcel). In addition, noise levels shall not exceed 70DBs (with the exception of air conditioners) at the property lines of Parcel #014-01019-0700 for a time duration of eight (8) hours commencing at 10 pm each day of the week except Friday and Saturday. The start time of the 70 DB limitation on Friday and Saturday shall be no later than 11 pm.

7. Fireworks shall not be permitted at any time on Parcel #014-01019-0700.
10. The warm weather camping season shall run from May 1st through October 31st. Approved electric, sewer and water hookups shall be provided during the warm weather camping season for each campsite as shown in Exhibit B. Cold weather camping shall be permitted if and only if permanent restrooms as defined by applicable Wisconsin Codes are operational. Year round residences shall not be permitted at the designated campsites and cabin sites.
11. The maximum number of campsites including cabin sites as shown in Exhibit A shall be limited to 66.
12. Applicant shall provide an annual status report to the Town of Isabelle.
9. Applicant understands that expansion or intensification of this use will require issuance of a new conditional use permit. If the applicant has questions as to what constitutes an expansion or intensification, Land Management staff should be contacted.
10. This permit shall in one year. A status report shall be presented to the LMC in 6 months to verify compliance.

- Following discussion with Legal Counsel, staff is recommending the removal of Condition#7. This condition, in essence, requires the Land Management Department and Committee to enforce local and/or state ordinances and regulations that they have no control over. With that condition in place, an applicants' failure to comply with, or dispute about the administration of, another agency's ordinance or licensing requirements could require the LMC to revoke their CUP. All local or state ordinances contain penalty provisions relating to noncompliance with that ordinance or rule. Given this, it is not necessary for the LMC to tie CUPs to compliance with other agencies rules and regulations.

Removal of this condition would not excuse an applicant from the need to obtain all necessary permits and approvals; it simply removes the Land Management Committee from enforcing them.

Staff Recommendation:

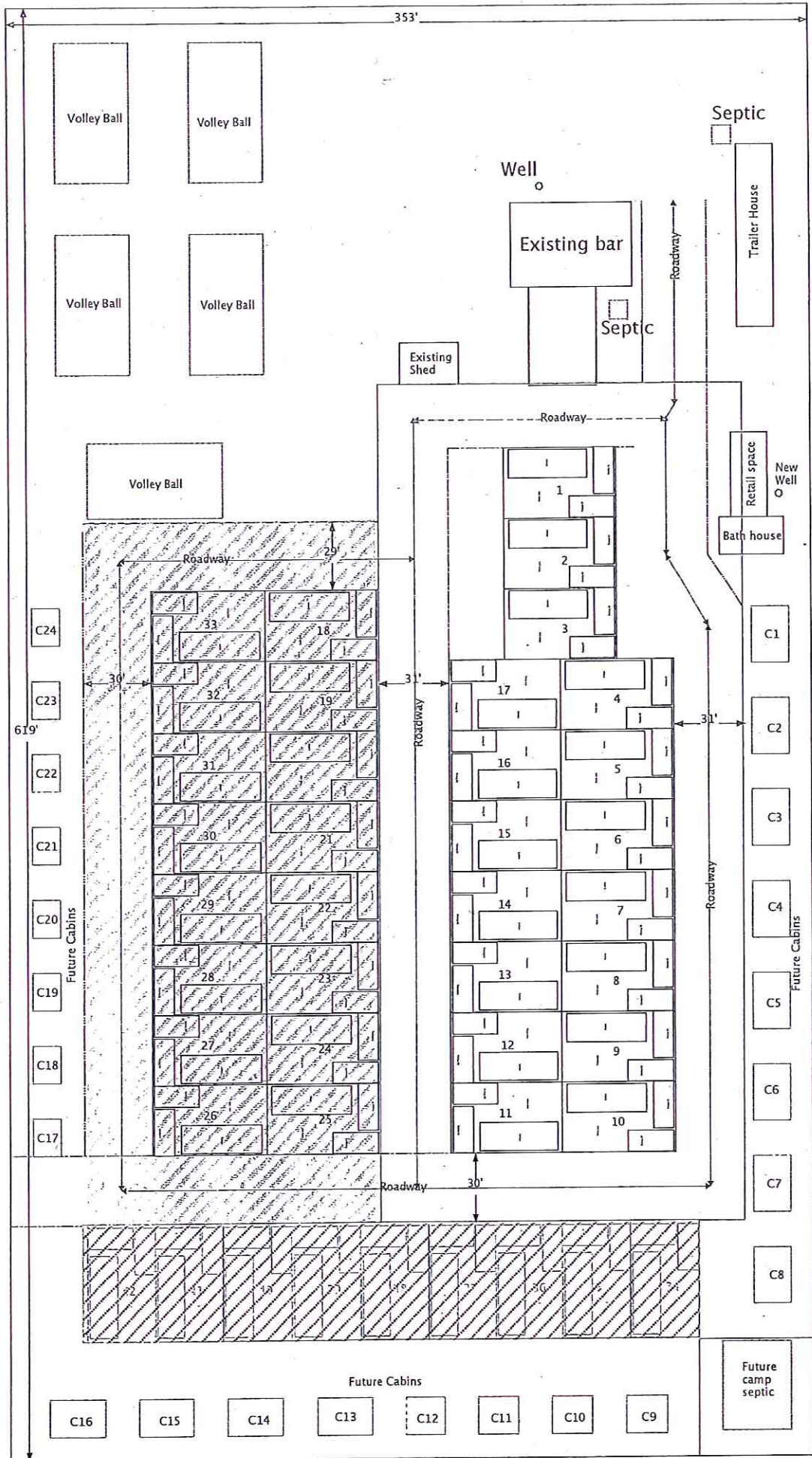
Staff recommends that the Land Management Committee determine whether the additional conditions are necessary to protect public health, public safety, or the character of the surrounding area. If not, staff recommends the Land Management Committee renew this Conditional Use Permit for a Resort with the following conditions:

1. The resort shall be conducted as described in the application, unless modified by a condition of this permit.

Applicant: Grabrick
Resort Renewal
February 5, 2020

2. A survey of all property lines, existing structures, and setbacks for cabins and campsites shall be completed. Land Management Department staff shall verify side yard setbacks and minimum campsite dimension requirements prior to campground operation.
3. State Plan approval for the required improvements to the sanitary dump station, holding tank, and sewer services, as well as associated service contracts and contact information, shall be submitted to the Land Management Department prior to construction.
4. If the applicant does not own the neighboring property to the west, a Screening plan shall be submitted to the LMC for approval. Any required screening shall be established prior to resort operation.
5. Internal roads, camping pads, and water and sanitary improvements shall be constructed or implemented prior to operation of the resort. Staff shall be contacted to verify prior to operation.
6. All advertising signage shall comply with the Pierce County Zoning Code.
7. The applicant shall comply with the following conditions, numbers 4, 6, 7, 10, 11, and 12 as modified, as recommended conditions of Town of Isabelle dated December 18, 2017 unless specifically modified by another condition of this CUP.
 4. Fires are allowed in fire rings and grill only. All fires shall not be left unattended and all fires shall be extinguished before being left unattended. The burning of garbage, plastic, glass, cans or other recyclable items shall not be permitted. To minimize the spread of diseases, firewood shall be purchased locally. Locally is defined as within a 25 mile radius of the site not including the State of Minnesota.
 6. Excessive noise is inconsiderate to fellow campers and of the general residences of the areas near the campground and bar area. Noise levels shall not exceed 80 decibels, DBs, at the property lines of Parcel #014-01019-0700 (applicant parcel) at any time. Additionally, the noise level shall not exceed 55DBs200 feet west of the West property line of parcel #014-01019-0700 which is the west property line of parcel #014-01018-0910 (neighboring residential parcel). In addition, noise levels shall not exceed 70DBs (with the exception of air conditioners) at the property lines of Parcel #014-01019-0700 for a time duration of eight (8) hours commencing at 10 pm each day of the week except Friday and Saturday. The start time of the 70 DB limitation on Friday and Saturday shall be no later than 11 pm.
 7. Fireworks shall not be permitted at any time on Parcel #014-01019-0700.
 10. The warm weather camping season shall run from May 1st through October 31st. Approved electric, sewer and water hookups shall be provided during the warm weather camping season for each campsite as shown in Exhibit B. Cold weather camping shall be permitted if and only if permanent restrooms as defined by applicable Wisconsin Codes are operational. Year round residences shall not be permitted at the designated campsites and cabin sites.
 11. The maximum number of campsites including cabin sites as shown in Exhibit A shall be limited to 66.
 12. Applicant shall provide an annual status report to the Town of Isabelle.
8. Applicant understands that expansion or intensification of this use will require issuance of a new conditional use permit. If the applicant has questions as to what constitutes an expansion or intensification, Land Management staff should be contacted.
9. This permit shall in one year. A status report shall be presented to the LMC in 6 months to verify compliance.

Submitted By: Brad Roy, Zoning Administrator



Legend

- Phase 1
- Phase 2
- Phase 3

SCALE 1"=30'

Land Management Committee




BIG DOG DADDY'S ROADHOUSE LLC
(February 5, 2020)

CUP RENEWAL - RESORT

Legend

-  Dwellings
-  Big Dog Daddy's CUP
-  Parcels
-  Contours (10ft)
-  Floodplain
-  Red Wing Airport

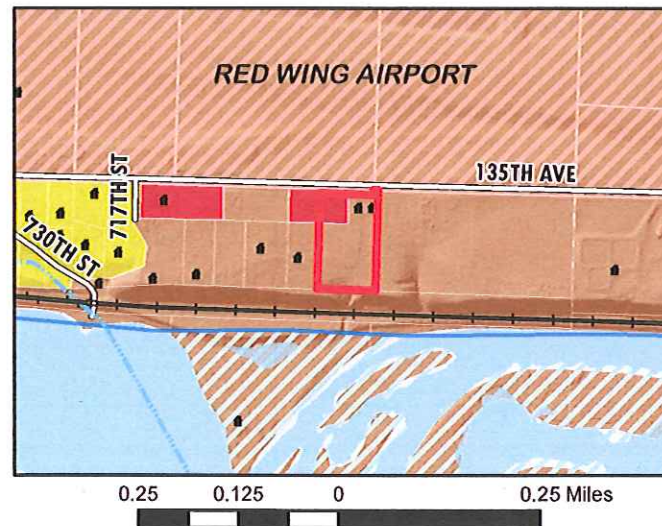
Zoning

-  Commercial
-  General Rural
-  Rural Residential - 20

Orthophotography - NAIP 2019 (Goodhue Co.)



Prepared by the Department of Land Management



Site Location

W7037 135TH AVE
TOWN OF ISABELLE

