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MINUTES - Pierce County Land Management Committee Meeting, June 16, 2021, in-person meeting for committee/staff, remote meeting for applicants/public.

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

Absent: Joe Fetzer

Others: Andy Pichotta, Brad Roy, Emily Lund, Adam Adank and Shari Hartung

Acting Chairperson Jeff Holst called the Pierce County Land Management Committee meeting to order at 6:00pm in the County Boardroom.

Next meeting dates: July 7th & 21st, August 4th & 18th, all in 2021.

Approve Minutes from the May 19, 2021 Land Management Committee meeting: **Sanden moved to approve the Land Management Committee minutes from May 19, 2021/Gulbranson seconded. All in favor. Passed with Jeff Holst abstaining because of absence at the last meeting.**

Public hearing to consider and take action on a request for a conditional use permit for an Accessory Residence in the Primary Agriculture District, pursuant to Pierce County Code Chapter §240-40A for Jason Vance, owner on property located in NE ¼ of the NE ¼ of Section 5, T27N, R16W, Town of Gilman, Pierce County, WI.

Staff Report – Emily Lund: The applicants purchased this property from Patsy Vance on 1/23/2019. In September 2020, a sanitary permit was obtained and a system installed. In March 2021, a land use permit was obtained to authorize the construction of a principal structure/residence. The proposed accessory residence is intended for Jason’s mother, Patsy Vance, to occupy. The 17.85 acre property is located in Section 5, the Town of Gilman. The property is zoned Primary Agriculture. Adjacent properties are zoned General Rural and Primary Agriculture. Pierce County Code (PCC) Chapter §240-40A(2) allows accessory residences that are accessory to single-family residences in the Primary Agriculture zoning district with the issuance of a CUP. There are two definitions in the Pierce County Code for Accessory Residence and Accessory Building, listed in the staff report. PCC §240-32C states, “An accessory structure shall not be permitted until its associated principal structure is present or under construction.” The principal structure/residence will need to be under construction before the accessory residence may commence construction. The sanitary permit for a 5-bedroom mound was obtained on 9/14/2020 and a system install on 9/15/2020. The land use permit was obtained on 3/5/2021 for a 2,720 sq ft principal structure/residence that includes 3 bedrooms, 1 office with a closet, and a 2-car attached garage. The proposed accessory residence is 600 sq ft and includes 1 bedroom and a 1-car attached garage. The principal structure/residence has an address of N8829 410th St. The applicants will need to obtain a separate uniform address number for the proposed accessory residence. The Gilman Town Board recommended approval of this CUP request stating, “It is consistent with all aspects of the Housing Section of the Gilman Town Comprehensive Plan.” They suggested that “all construction including septic design, should meet all necessary county requirements for these structures.” Renewal of this CUP will not be necessary provided the use is established within 12 months of approval.

Staff Recommendation:

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

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

Chairperson Holst opened the hearing to the public. Samantha LeTourneau, W4199 890th Ave, right next to the proposed structures on the Vance property. She just heard about this due to the public hearing notice. These are large structures and she is already being screwed on one side by your solar panels. That is taking up one side of her property and this is directly the other side of her property which is two large structures. It's just never ending, seems like the County will just approve anything. Wayne LeTourneau, Samantha's father. Samantha and her significant other are new land owners to beautiful rural landscape of the County. She grew up in his home in Woodbury where she is this evening monitoring this proceeding. We are battling Ranger Power now with all the issues, through an attorney, to at least provide some compensation for Samantha and Samuel. Chairperson Holst asked Mr. LeTourneau to limit his comments to the CUP in front of the board. Mr. LeTourneau stated there is context here and that is that his daughter feels now that there is encroachment on both sides of what was to be a pastoral, rural, place to live and raise a family and grow. He speaks as a concerned father for his 22-year-old daughter. This is now some significant encroachment. She left the grip of the met council to get away from this. There is more encroachment here than he has seen living 26 years in Woodbury. **Chairperson Holst closed the public hearing.** Gulbranson stated this is a 600 sq ft accessory building with one bedroom and a one car garage. It's pretty small. Ms LeTourneau stated that is after the 5-Bedroom home that is built, it's not just 600 sq ft, that is also 2,720 sq ft residence going up. Roy stated that single-family residences are permitted in the zoning district so the 2700 sq ft principal residence isn't up for debate, that is a permitted use. The question tonight is the 600 sq ft accessory residence. Ms LeTourneau asked how long the 600 sq ft residence would be present, is that permanent? Roy stated yes, this would not be a termination permit where they would have to remove it after a certain amount of time. **Gulbranson moved to approve the conditional use permit for an Accessory Residence for Jason Vance, due to the fact that this is not contrary to public interest, nor detrimental or injurious to public health, public safety or the character of the surrounding area, with conditions #1 - #3/Sanden seconded. Roll call vote, Aubart-Yes, Gulbranson-Yes, Sanden-Yes, Holst-Yes. All in favor. Passed.**

Public hearing to consider and take action on a request for a conditional use permit for an Accessory Residence in the Primary Agriculture District, pursuant to Pierce County Code Chapter 240-40A for Richard & Sheila Eggen, owners on property located in the NW ¼ of the NW ¼ of Section 17, T27N, R17W, Town of Martell, Pierce County, WI.

Staff Report – Adam Adank: The applicants have an existing 1654 sq ft house already located on the property. Recently, they poured a foundation for a 60ft x 68ft pole shed with a 20ft x 68ft lean-to off the north side of the building. The applicants are now proposing a 1616 sq ft accessory residence that will be connected to the south and east side of the pole shed building. A 22ft x 48ft office/game room/storage room/bathroom for the pole shed is also proposed to be built off the south side of the pole shed building. The property 41.26 acres in size and is in Section 17, Town of Martell. The property is in the Primary Agriculture zoning district. Surrounding land uses are residential, woodland, and farmland. Pierce County Code (PCC) §240-40A allows accessory residences which are accessory to single-family residences in the Primary Agriculture zoning district with the issuance of a CUP. PCC §240-88 defines Accessory Residences and Accessory Buildings as shown in the staff report.

The original home is a 3-bedroom slab on grade home approximately 1654 sq ft in size. The accessory residence is proposed to have a floor area of 1616 sq ft and will have one bedroom. The existing At-Grade septic system was permitted and installed in 2009 and is sized for a 4-bedroom house. The applicant plans to submit a sanitary reconnect permit to connect the proposed 1-bedroom accessory residence to the existing At-grade system. The existing system is sized large enough to accommodate the increase in wastewater flow from the proposed 1-bedroom accessory residence. The existing single-family dwelling has an address of N8072 690th St. The new dwelling would need its own address. The Martell Town Board recommended approval of the

CUP request on 5/11/2021 without any concerns or suggested conditions. No renewal of this request will be necessary provided the use is established within 12 months of approval.

Staff Recommendation: Staff recommends 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. Applicant shall obtain a new uniform address number and sign for the second residence on the property.
2. Applicant shall obtain a sanitary reconnect permit prior to the start of construction of the accessory residence.
3. Applicant shall contact the Town Building Inspector, All Croix Inspections, to determine whether a permit from the town is needed and to ensure compliance with Uniform Dwelling Code (UDC) requirements.

Chairperson Holst opened the hearing to the public. No public comment. **Chairperson Holst closed the public hearing.** Chairperson Holst asked about access and whether there is an easement. Adank stated for their property there is no easement. Sanden asked staff about accessory uses and what demonstrates incidental to the primary structure. Correct him if he is wrong but square footage does have a part to play in it, he would assume. He thinks the question they were discussing last meeting was if they had a pole shed that was much larger than the home but they only dedicated a small portion as a living facility that would be all that was considered as far as comparison of square footage. This one is almost as large as the primary residence, so how does that all play out in this scenario? Roy stated he thinks we have to look at what they designate for the residential unit. He has been in garages and sheds where there is no residence in there, but there is a back room and it's pretty nice but that doesn't make that whole structure residential. Sanden stated theoretically if he were to build a home twice as large as his primary residence and just tell you that we are only going to count this front half because the back half is going to be a bedroom/bathroom/storage/office but it's not considered part of my residence. How do we determine whether or not it's arbitrary as far as what they declare to be the residence? Pichotta stated this is part of the reason we are seeking to do some amendments to the portion of our code relating to accessory residences. Customarily subordinate and incidental to, we have used the square footage but that is not currently listed in our code as a consideration. Basically, what we are looking at is a dwelling unit located in an accessory building located on residential parcel. That certainly fits the bill in this particular case. We have, as you suggest, looked at square footage in that the accessory residence has to be smaller than the house. This is barely smaller but it does meet what we have done in the past. We are looking at changes to the language simply for reasons just like this. Adank stated for clarification, it might be important to note that there is no access to this game room from what they are designating as residence. They would have to access that through the pole shed. Sanden stated that is something and that's good. **Sanden moved to approve the conditional use permit for an Accessory Residence for Richard & Sheila Eggen, due to the fact this is not contrary to the public interest, nor detrimental or injurious to public health, public safety or the character of the surrounding area, with conditions #1 - #3/Aubart seconded. Roll call vote. Aubart-Yes, Gulbranson-Yes, Sanden-Yes, Holst-Yes. All in favor. Passed.**

Public hearing to consider and take action on a request for a conditional use permit for Private Outdoor Recreation in the Agriculture Residential District, pursuant to Pierce County Code Chapter 240-39E for Phillip & Cynthia Symes and Cody & Anne Marie Sjoquist, owners on property located in the SE ¼ of the SE ¼ of Section 8, T25N, R18W, Town of Diamond Bluff, Pierce County, WI. Staff Report – Brad Roy: The applicants are proposing to construct and operate a Commercial Riding Stable which will also host indoor and outdoor events. Limited camping would also be provided to event participants only. Bedding and feed will also be sold on the site. The owners own two adjoining 40-acre parcels, one in the Town of Diamond Bluff and the other in the Town of Trenton. All activities will take place in the Town of Diamond Bluff. The applicants intend to construct a duplex and reside on the site. The following CUP request will address the duplex. The property is located in section 8, Town of Diamond Bluff and zoned Agriculture Residential. Surrounding land uses are primarily agriculture and undeveloped land. There are a limited number of residences in the area as well as a permitted nursery. Private Outdoor Recreational Uses are conditionally permitted in the Agriculture Residential zoning district. Private Outdoor Recreation is defined as: Land uses which offer

recreation activities primarily outdoors, including such uses as private parks, sportsman's clubs, campgrounds, golf courses and ski hills, and which are operated for members or on a commercial basis for members of the public and may include multiple related uses managed as one operation. The property is accessed from 340th Ave, which is entirely in the Town of Trenton. The Trenton Chairperson was contacted about this request. Staff was informed that the Town has no issues with the request and the necessary improvements to 340th Ave have been completed.

Boarding Facility

- * Hours of operation will be 7am to 10pm, seven days a week for boarders. There will be no tacking after 9pm to assure everyone is off the property by 10pm.
- * There will be no more than 50 total boarded horses between pastured and stall boarded horses. Immunizations will be required and kept on file.
- * The applicants will ensure adequate parking on the site. There will be no parking on 340th Ave.
- * There will be composting bunkers for the manure.
- * Security lighting will be installed and directed to stay on the property. Electric fencing will be installed.
- * The indoor arena will be 70ft x 200ft with no indoor permanent seating. There will be five indoor stalls installed on a concrete pad with a horse wash down area.
- * The outdoor arena will be 150ft x 220ft using continuous fencing.
- * Trails will be provided to ensure boarders stay on the property unless agreements are made with neighboring property owners. There will always be at least one property owner on the site at all times.

Events

- * Events will take place at the indoor and outdoor arena which include Barrel Racing, Steer Roping, Pole Bending, Goat Tying, and Penning events.
- * Each event will be limited to 150 riders, preregistration will be required. Immunizations will be required for all participants and kept on file.
- * Portable toilets will be brought in for events. The applicant's plan to construct bathroom facilities in the future with either a holding tank or septic system.
- * The outdoor arena will have lighting along with a sound system for announcing.
- * For sanctioned events Ellsworth EMS will be on site, they will be on-call for other events.
- * If inclement weather is forecasted, events will be rescheduled.
- * All parking will be on site, no parking will be on 340th Ave.
- * Camping will be available for event participants to reduce road usage. Quiet times will begin at 10:30pm. In the future the applicants intend to construct gravel hookup sites for participant camping.

Sales

- * Sales of hemp stem will be offered, which is the same material used for bedding in the stables.
- * Horse feed as well as chicken, dog, cat food and others will be offered.
- * The feed will be kept in a grain room and the hemp will be kept in the barn.

PCC 240-39B Riding Stables, states:

- (1) Minimum lot size for riding stables shall be 10 acres for commercial riding stables and three acres for private riding stables.
- (2) There shall be at least one acre of open space provided on the lot for each horse kept on the lot.
- (3) All stables shall be located at least 100 feet from the ordinary high-water mark of navigable water and shall be located such that manure will not drain into navigable water.

PCC 240-54 Off-street parking requires one space per 3 horses (17 spaces) for commercial riding stables and one space per 4 patrons (participants plus guests) for commercial recreation. The Department Lighting Policy states, Power and orientation of light fixture: No exterior light fixture may be placed or oriented so that the lighting element or associated convex lens is visible from an adjacent lot line, ordinary high-water mark line or public road right-of-way easement line. No limitations on noise (sound system) or the number of events were presented or recommended by the Town. If the LMC has concerns, additional conditions could address the issues. Applicant should work with other relevant local and state departments and agencies and secure all necessary permits and licenses (e.g. Pierce County Public Health, Department of Safety and Professional Services (DSPS), DNR, Town Building Inspector etc.). The applicant presented this request to the Town of Diamond Bluff on May 13, 2021. The Town recommended approval of this request with no reference to its Comprehensive Plan or concerns/suggested conditions.

Staff Recommendation: Staff recommends the Land Management Committee determine whether the proposed use in the proposed location 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 a Private Outdoor Recreational Use with the following conditions:

1. The operation shall be conducted as described in the application, unless modified by a condition of this permit.
2. 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.
3. Adequate portable satellite waste stations (1 per 50 people) shall be provided.
4. Solid waste dumpsters or waste containers shall be located on-site and maintained.
5. Any advertising signs shall comply with the zoning code standards and any necessary permits shall be secured prior to sign installation on property.
6. All lighting shall comply with the Department Lighting Policy.
7. Adequate liability insurance shall be maintained.
8. If camping is allowed for participants and guests, camping shall be limited to day prior and day after the event.
9. A minimum of 17 permanent parking spaces for the stable shall be delineated. Adequate parking area (1 per 4 patrons) shall be delineated for events.
10. The CUP shall expire in 2 years. Renewal may be completed administratively if no complaints or compliance issues arise.

Adding a number 11:

11. A status report shall be completed in one year.

Chairperson Holst opened the hearing to the public. Jane Braddock, N3247 845th St, her property adjoins the SE corner of the Diamond Bluff property. What is the projected number of events on the property per year? Mr. Symes stated they are planning on an average of three events a week throughout the year. Outdoor arena, obviously, in the spring/summer and fall and then indoor event in the winter time. Ms Braddock, what would be the additional number of horses beyond the 50 horses boarded that you would expect to be arriving. Mr. Symes stated as they put in their CUP application they would aim for 150 horses as the maximum at this time. Ms Braddock asked if all the trailers and activity be taking place on the Diamond Bluff 40 acres? Mr. Symes stated the events will, yes, parking will be in fields and paddocks as space allows. Ms Braddock stated so both properties. Mr. Symes stated yes, he doesn't think he needs a CUP for parking. Ms Braddock asked if the horses will be tied to trailers on both properties and leaving manure on both properties? Mr. Symes stated they are purchasing a tow/sweep and collect system, so any manure that is left out in the fields would be picked up and bunkered. As you know, being a horse person, people typically pick up for themselves but we will have bunkers and buckets for everybody wherever their horses are at. Ms Braddock stated good and asked about the announcing system, will it be projecting across all 80 acres or just localized to the arena areas. Mr. Symes stated it will be localized kind of like what the St Croix Riders outside of Baldwin has. It will be a small system, not like Treasure Island going to have 50,000 watts of power going out there. Ms Braddock stated so it's not something that will be mounted on top of poles, it's just a smaller portable system. Mr. Symes stated it will be up but it will be shot down towards the arena. He doesn't want to blare it out to Reuver's, Amundson's and all around. He wants everyone that is there to hear but he doesn't want to advertise it out around the County. We will respect you. Ms Braddock asked if there is any concerns on that dirt road of potentially 70 horse trailers three times a week figuring two horses per trailer on the dirt road, the wash-boarding and pot-holing on that road, are there any concerns about maintenance costs? Roy stated he spoke with the Town of Trenton Chairperson and they did not have any concerns about the road. Ms Braddock said OK and good luck.

Chairperson Holst closed the public hearing. Sanden has a question and he brings this up only because it is an Ag Residential zone not an Ag zone. Lighting has been addressed within the conditions and he thinks the neighbors brought up some good points. He asked if there is any precedent in a similar situation, do you think it would be prudent to address sound or wait to see if there are any complaints? It sounds like the applicant gets along with the neighbors and respects the neighbors so I'm just wondering what your general thoughts are and if there was a past example. Pichotta stated as far as the Ag Residential district, that is in fact an agriculture zone.

When the current zoning scheme came into play in the late 90's this district was offered to towns that were hesitant to come under County zoning and it was basically a catch-all agricultural district that recognized residential would also be allowed, but it is an agricultural zone. As far as a condition relating to noise, certainly a condition could be crafted but the truth is the applicants answer to that is probably adequate. If they do what they said they were going to do, he doesn't imagine we will have an issue but when they do the status report, that is an opportunity to hear if there are any issues that have popped up. There would be the potential to modify conditions at that point and if in two years there was anything unexpected or unforeseen, that is also an opportunity to adjust and mitigate at that point. Sanden stated that lends a lot of clarity, so it's an ag zone first and residential secondary. Gulbranson stated at the end of this road there is a public nursery that's Reuver's that's fairly busy. He has been there many times and it's open to the public. That's a gravel road back there. Pichotta stated yes, the LMC actually issued a CUP for that use some years ago. **Gulbranson moved to approve the conditional use permit for Private Outdoor Recreation, due to the fact it is not found to be contrary to the public interest, nor detrimental or injurious to public health, public safety or the character of the surrounding area, with conditions #1 - #11/Sanden seconded. Roll call vote. Aubart-Yes, Gulbranson-Yes, Sanden-Yes, Holst-Yes. All in favor. Passed.**

Public hearing to consider and take action on a conditional use permit request for a Duplex in the Agriculture Residential District, for Phillip & Cynthia Symes and Cody & Anne Marie Sjoquist, owners on property located in the SE ¼ of the SE ¼ of Section 8, T25N, R18W, Town of Diamond Bluff, Pierce County, WI. Staff Report – Emily Lund: The applicants purchased 80 acres from Gerald Kaneen on 4/20/21. They propose to build a 60ft x 150ft pole barn/duplex that has a 50ft x 60ft residence on each end and a 50ft x 60ft shop in the center. Mr. Kaneen will continue to live in the existing farm house and the co-owners intend to live in each side of the proposed duplex. Also, if this CUP is approved, they will subdivide the land so the existing farm house and proposed duplex are located on their own separate parcels of land. The property is located in Section 8, Town of Diamond Bluff. This parcel is in the Agriculture Residential zoning district. Existing and adjacent land uses are agriculture, forested, and residential. Pierce County Code (PCC) Chapter 240-88 defines Duplex as, "Two attached building units on a single lot regardless of the form of ownership of the units." PCC 240-24D describes Lot Requirements as, "Only one single-family residence or one duplex shall be permitted on a lot, except as provided elsewhere in this chapter." The applicants will need to subdivide the land so the existing farm house and proposed duplex are located on their own separate parcels of land. PCC Table of Uses allows Duplexes in the Agriculture Residential zoning district with the issuance of a CUP and does not reference any code provisions. The Wisconsin Historical Society recorded a cataloged Native American Burial Site that appears to be located southwest of the proposed duplex location. The applicants shall maintain the 10ft minimum setback from the Native American burial site cataloged area per WI Statutes Chapter 157. PCC Chapter 115 Numbering of Buildings and Roads states that all properties or parcels and principal buildings shall be assigned an address based on the uniform numbering system. The principal structure/residence has an address of W8913 340th Ave. The applicants shall obtain separate uniform address numbers for each residences of the duplex. The Diamond Bluff Town Board recommended approval of this request on 5-13-2021 with the suggested condition stating, "Maintain 20ft driveway up to County Road Standards. Owner has to live in at least one side of the duplex." This CUP shall expire 12 months from the date of issuance if no action has commenced to establish the use.

Staff Recommendation: Staff recommends that the Land Management Committee determine whether the proposed use at the proposed location 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 a duplex with the following conditions:

1. The applicant shall work with the Town Building Inspector, All Croix Inspections Corporation, to determine whether a permit from the town is needed and to ensure compliance with the Uniform Dwelling Code (UDC) requirements.
2. Within 12 months of the CUP approval, the applicants shall subdivide the land so the existing farm house and duplex are on their own separate parcels of land.
3. The applicants shall maintain the 10ft minimum setback from the Native American burial site cataloged area.

4. The applicant shall obtain separate Uniform Address numbers for each unit of the duplex. **Chairperson Holst opened the hearing to the public.** No public comment. **Chairperson Holst closed the public hearing. Aubart moved to approve the conditional use permit for a Duplex for Phillip & Cynthia Symes and Cody & Anne Marie Sjoquist due to the fact it is not found to be contrary to the public interest, nor detrimental or injurious to public health, public safety or the character of the surrounding area, with conditions #1 - #4/Sanden seconded. Roll call vote, Aubart–Yes, Gulbranson –Yes, Sanden–Yes, Holst–Yes. All in favor. Passed.**

Discuss take action on a request for a Height Exemption for a Radio Communication Tower in the Primary Agriculture District, pursuant to Pierce County Code Chapter 240-37A, for Wisconsin Department of Transportation, owner by Edge Consulting Engineers, agent on property located in the NW ¼ of the NE ¼ of Section 36, T25N, R17W, Town of Hartland, Pierce County, WI.

Staff Report – Emily Lund: In 2018, WisDOT Division of State Patrol acquired the Bay City Tower, 4.4 acres, and an access easement from the Army Corps of Engineers (ACOE) through a Public Benefit Conveyance provided it would be used for public safety communications. This replacement radio communication tower will fill a large radio coverage gap throughout Pierce County, enhance radio communications with the State Patrol and DNR, and improve voice communication with public safety users of the Wisconsin Interoperable System of Communications (WISCOM). The existing 260ft guyed tower and radio support building were built in the mid-1960s for the ACOE, are beyond their product useful service life, and is not sufficient to accommodate the WisDOT needs. The applicants are seeking a height exemption pursuant to Pierce County Code (PCC) §240-29D to construct a replacement Wireless Communication Service Facility (WCSF) that is 280ft tall self-supported tower because it exceeds 35ft in height. The proposed WCSF is located in Section 36, Town of Hartland. This and the surrounding property are in the Primary Agriculture zoning district. Adjacent land uses are residential, agricultural, and forested. Access is through a 30ft easement off of 510th Street. The proposed structure is a self-supported tower with a height of 280 feet. There will be 20ft antennas placed on top of the tower that makes the overall height of the structure 300 feet. PCC Attachment 1 – Table of Uses allows Wireless Communication Service Facilities (WCSF) in the Primary Agricultural zoning district with the issuance of a Land Use Permit. The applicants shall obtain a Land Use Permit for this structure and pay associated permit fees. PCC §240-23 refers to Attachment 2 – Table of Dimensional Requirements, and in the Primary Agricultural zoning district, the minimum setback requirement is 10 foot from the side and rear yard. PCC §240-41C(3)(d) states, “WCSF Support Structures shall comply with the height requirements of §240-29D.” PCC 240-29D states, “Industrial and commercial structure heights may be granted exemptions by the Land Management Committee, provided that all required setback and yards are increased by not less than one foot for each foot the structure exceeds 35 feet.” PCC §240-27C is regarding Town roads and states, “Except as provided in Subsection E, the required setback for all structures fronting on town highways shall be 75 feet from the centerline of the road or 42 feet from the edge of the right-of-way, whichever is greater.” WI Stats §16.85 requires certain public entities to participate in competitive bidding and contracts when the estimated projects costs exceed \$50,000. The applicants need the height exemption approval before they can submit the project for public bids. After the applicants award the project to a contractor, the applicants will submit the tower design plans and fall zone certification letter to the department and ensure it will meet setbacks and fall zone requirements. The 297ft tower will be designed to collapse within a fall radius of 172 feet. Overall, the proposed design will meet setbacks: the calculations are listed in the staff report. PCC Chapter 115 Numbering of Buildings and Roads states that all properties or parcels and principal buildings shall be assigned an address based on the uniform numbering system. The applicants shall obtain uniform address numbers for the tower. Staff will verify appropriate setbacks prior to issuing a Land Use Permit for the structures. PCC §240-88 Definitions are provided for fall zone, support structure, yard, rear yard and side yard.

Staff Recommendations: Staff recommends the Land Management Committee review the proposed WCSF Height Exemption and determine if any changes or modifications are necessary. If none, staff recommends the LMC grant approval of the height exemption with the following conditions:

1. After the applicants award the project to a contractor, the applicants shall submit the tower design plans and fall zone certification letter to the Department and ensure the tower continues to meet setbacks and fall zone requirements.
2. The applicants shall obtain Uniform Address Number for the tower and pay \$75 fees.

3. The applicants shall obtain a Land Use Permit for the replacement WCSF and pay \$3000 fees. Sanden asked so the setbacks are 147 feet as proposed? Lund stated the tower is 147 feet from the side and rear lot line but it won't be any closer than 182 feet. It's going to be further away. Chairperson Holst stated if it replaces the one that's there it will be better because the one that's there is a little questionable. Gulbranson asked if we have anything to say about lighting? Is that all set up by the state? Pichotta stated our ability to regulate cellphone towers was substantially curtailed a few years ago.

Sanden moved to approve the Height Exemption for Wisconsin Department of Transportation with conditions #1 - #3/Gulbranson seconded. Roll call vote, Aubart-Yes, Gulbranson-Yes, Sanden-Yes, Holst-Yes. All in favor. Passed.

Discuss take action on Travel/Training Requests. Pichotta stated he has no travel/training requests..

Departmental Update and Future Agenda Items

Pichotta stated the next meeting will be July 21st. We have a public hearing to consider code amendments relating to Accessory Residence as well as code relating to Solar, also a nonmetallic mine renewal for WISC in Maiden Rock. We may have other things that come up.

Motion to adjourn at 6:52pm by Aubart/Sanden seconded. Roll call vote, Aubart-Yes, Gulbranson-Yes, Sanden-Yes, Holst-Yes. All in favor. Motion passed.

Respectfully submitted by S. Hartung