

PIERCE COUNTY WISCONSIN
DEPARTMENT OF LAND MANAGEMENT & RECORDS
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MINUTES - Pierce County Land Management Committee Meeting, October 6, 2021, in-person meeting for committee/staff, remote meeting for applicants/public.

Present: Jon Aubart, Neil Gulbranson, and Eric Sanden

Absent: Joe Fetzer & Jeff Holst

Others: Andy Pichotta, Emily Lund, and Shari Koehler

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

Next meeting dates: October 20th, November 3rd & 17th, all in 2021.

Approve Minutes from the August 18, 2021 Land Management Committee meeting: **Sanden moved to approve the Land Management Committee minutes from August 18, 2021/Gulbranson seconded. All in favor. Passed.**

Public hearing to consider and take action on a request for a conditional use permit for an Accessory Residence, pursuant to Pierce County Code Chapter §240-40A in the Primary Agriculture District for Kane Farms, Inc, Michael Kane, owner on property located in SW ¼ of the SW ¼ of Section 14, T25N, R16W, Town of Salem, Pierce County, WI.

Staff Report – Emily Lund: The applicants are requesting to have a 16ft x 80ft mobile home brought to the site as an accessory residence. The mobile home will be secured to concrete footings and a 10ft x 16ft deck will be built. The mobile home was constructed in 1997 and has two bedrooms. The proposed accessory residence is intended for Michael Kane's son, Scott Kane, to occupy. The 40-acre parcel is located in Section 14, Town of Salem. This parcel and the surrounding parcels are in the Primary Agriculture zoning district. Existing and adjacent land uses are agriculture, forested, and residential. Pierce County Code (PCC) Chapter §240-40A allows accessory residences which are accessory to single-family residences in the Primary Agriculture zoning district with the issuance of a CUP. Pierce County Code definitions for Accessory Residence and Accessory Building are before you and have been read in the past. The existing principal farm house is a two-story dwelling with a basement. The applicants estimate the primary dwelling is ~3,375 sq ft with an unfinished basement. The proposed 2-bedroom accessory residence is 1,280 sq ft. The state sanitary permit was issued on 9/1/2021 for a mound septic system that is sized for a 2-bedroom dwelling. The applicants will need to obtain a separate uniform address number for the proposed accessory residence. There are many other existing farm structures on the property that include a barn, several sheds, ~5 silos, feed bunk, and more. The Town of Salem recommended approval of this request on 9/7/2021 without any conditions. 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 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, 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. Applicant shall obtain a new uniform address number for the accessory residence.

Chairperson Aubart opened the hearing to the public. No public comment. **Chairperson Aubart closed the public hearing.** Sanden stated it looks very straight forward. Gulbranson stated he doesn't have any questions.

Gulbranson moved to approve the conditional use permit for an Accessory Residence for Kane Farms, Inc, Michael Kane, due to the fact that this 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 - #2/Sanden seconded. All in favor. Passed.

Discuss take action on a request for a rule exception to the requirement that an erosion control plan be submitted for a 2-Lot Major Certified Survey Map (CSM) for Brian Furlong, owner on property located in part of the NE ¼ of the NE ¼ of Section 2, T24N, R18W, Town of Trenton, Pierce County, WI.

Staff Report – Emily Lund: Brian Furlong created Lot 1 & 2 CSM Vol 15, Pg 104, on 11-16-2020. He is proposing to create the 3rd and 4th parcel within a five-year period, which is considered a Major CSM per Pierce County Code (PCC) §237-9B. Major CSM land divisions are described in PCC §237-11. PCC §237-17A(3)(a) also states, “Accompanying information shall include erosion control plans.”

Rule exceptions per PCC §237-30 states:

- A. Where the Land Management Committee finds that undue difficulties will result from strict compliance with the regulations of this chapter or better design will result, it may vary the regulations so that substantial justice may be done and the public interest secured, provided that such rule exception will not have the effect of nullifying the intent and purpose of this chapter.
- B. A majority vote of the entire membership of the Land Management Committee shall be required to grant any rule exception to these regulations and any rule exception thus granted shall be entered into the minutes of the Committee setting forth the reasons which, in the judgment of the Committee, justified the rule exception.

The property is located in Section 2, Town of Trenton. The zoning district is Rural Residential 20. The land use is agricultural and some wooded areas. The following conditions must be present for a proposed land division to qualify for this type of rule exception (LMC policy):

1. No roads are being constructed as part of the land division.
2. No erosion problems are present on the property.
3. There are no problems with stormwater or surface water flow on the subject property or that originate on the subject property.

No roads are being constructed as part of this proposed land division. Staff visited the site on 8-2-2021 and noticed the site is stable. The cover crop is oats and the road ditches have grass and trees. Both lots adjoin 170th Avenue to the north side.

Staff Recommendations: Staff recommends the Land Management Committee consider whether or not this situation warrants a rule exception.

Sanden moved to approve this request finding it meets the conditions for a rule exception to the requirement that an erosion control plan be submitted for a 2-Lot Major Certified Survey Map (CSM) for Brian Furlong on property located in part of the NE ¼ of the NE ¼ of Section 2, T24N, R18W, Town of Trenton/Gulbranson seconded. All in favor. Passed.

Discuss take action on a request for approval of a 2-Lot Major Certified Survey Map (CSM) for Brian Furlong, owner on property located in part of the NE ¼ of the NE ¼ of Section 2, T24N, R18W, Town of Trenton, Pierce County, WI.

Staff Report – Emily Lund: Brian Furlong created Lot 1 & 2 CSM Vol 15, Page 104 on 11-16-2020. He is proposing to create the 3rd and 4th parcel within a five-year period, which is considered a Major CSM per Pierce County Code (PCC) §237-9B and requires LMC review per §237-11B. A rule exception to the requirement that an erosion control plan be completed was just approved. The property is located in Section 2, Town of Trenton. The surrounding land use is mainly agricultural and residential, with an industrial area and wooded areas. The parcel’s zoning district is Rural Residential 20. The maximum residential density per PCC §240-25C is calculated as follows: (18.69 ac) x (20 lots/40 ac) = 9.3 lots. Rounding allows 9 lots. The proposed CSM illustrates Lot 3 is proposed to be 2 acres and Lot 4 is proposed to be 1.16 acres. PCC §237-26C, F, & G is regarding the lot configurations. Each lot needs at least 66 feet of road frontage. At the building setback line, each lot shall be at least 100 feet wide. The proposed CSM meets these requirements and the lots have road frontage along 170th Avenue. PCC §237-26E requires that each lot “shall contain at least one acre of net area with slopes less than 20%, of which ½ acre shall be less than 12% slopes.” The CSM meets the slope

requirements. Per PCC §237-17B(3), staff reviewed if the land was subject to any hazards to life, health, or property; no such hazards were found. A soil test was completed and recommended on each lot and a conventional septic system is recommended for both of them. The property is not in any Farmland Preservation Programs per Land Conservation Department. Pierce County Surveyor, Louie Filkins, reviewed the CSM on 5-24-2021 and approved. The CSM review fees have not been paid. The applicant shall pay the CSM review fees prior to final CSM approval by the Department. Trenton Town Board reviewed and approved the CSM on 9-14-2021. The Town of Trenton's minimum lot size of 1-acre is met. Driveway permits were submitted for each lot and they both will have a shared driveway with the lot that adjoins them, as noted on the CSM.

Staff Recommendation: Since the rule exception has been granted for the erosion control plan requirement, staff recommends the Land Management Committee approve this major CSM with the following conditions:

1. The applicant shall pay the CSM review fees in the amount of \$350 prior to the final CSM approval by the Department.

Gulbranson moved to approve the 2-Lot Major Certified Survey Map (CSM) for Brian Furlong with condition #1/Sanden seconded. 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 we will be having a meeting on October 20th as well as November 3rd. On the 20th, we will have a public hearing to consider a request for Xcel for a Utility Facility in the Town of Martell. Then we have another rule exception on a major CSM as well as approval of a major CSM in the Town of Trimbelle. On the November 3rd meeting, we have a request for a Rezone from Agriculture Residential to Industrial in the Town of Diamond Bluff.

Motion to adjourn at 6:15pm by Gulbranson/Sanden seconded. Motion passed.

Respectfully submitted by S. Koehler