

PIERCE COUNTY WISCONSIN
DEPARTMENT OF LAND MANAGEMENT & RECORDS
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MINUTES - Pierce County Land Management Committee Meeting, December 1, 2021, in-person meeting for committee/staff, remote meeting for applicants/public.

Present: Jon Aubart, Joe Fetzer, Jeff Holst, and Eric Sanden

Excused: Neil Gulbranson

Others: Andy Pichotta, Emily Lund, Adam Adank, and Shari Koehler

Chairperson Joe Fetzer called the Pierce County Land Management Committee meeting to order at 6:13pm in the County Boardroom.

Next meeting dates: December 15th, all in 2021.

Set next meeting dates: Pichotta stated he is assuming you will want to continue with the first and third Wednesday's of each month starting at 6:00pm. Committee consensus.

Approve Minutes from the November 17, 2021 Land Management Committee meeting: **Sanden moved to approve the Land Management Committee minutes from November 17, 2021/Aubart seconded. All in favor. Passed with Fetzer recusing himself due to his absence from the last meeting.**

Public hearing to consider and take action on a request for a Map Amendment (Rezone) for Big Dog Daddy's Roadhouse LLC (John Grabrick), owner, from General Rural District to Commercial District, on part of an approximate 5.45 acre parcel, located in part of the NW ¼ of the NE ¼ of Section 7, T24N, R17W, Town of Isabelle, Pierce County, WI.

Staff Report – Emily Lund: The applicant proposes to rezone 0.831 acres of a developed 5.45-acre parcel from General Rural to Commercial. The property had a commercial bar and grill for many years that was previously known as the Hideaway. The applicant bought the property on 11/16/2012 and renamed the bar and grill to Big Dog Daddy's Roadhouse. After a bad wind and hail storm, the bar and grill caught fire on two separate events and burnt down on 6/13/2021. The applicant would like to rebuild the bar and grill. The portion of the applicant's property that is currently zoned commercial has outdoor volleyball courts and a portion of the neighboring residential property to the west is also zoned commercial. However, the area of the property containing the bar is not zoned commercial. This situation is likely due to a mapping error that occurred in the 1990's. This rezone will address the mapping error on this parcel and allow the rebuilt bar to be located in a compliant zoning district. The parcel is located in part of Government Lot 3 & 4, Section 7, Town of Isabelle. The parcel is both General Rural and Commercial zoning districts. Adjacent zoning districts are General Rural and Commercial. Current land use is commercial. Neighboring land uses are an airport, residential, and wooded. Rezoning the property will allow the reconstructed bar to be considered a compliant structure and use, rather than a nonconformity. This will provide the owner more options when it comes to construction, future expansion, and uses of the structure. The zoning code Purpose and Intent of Zoning Districts are listed in the staff report. The Pierce County Comprehensive Plan states: "The County will approve re-zonings or map amendments only when the proposed change is consistent with an adopted or amended town comprehensive plan. The Town of Isabelle recommended approval of this request on 10/18/2021. The Town referenced their Comprehensive Plan by citing language in Chapter 6, Economic Development on page 62 in Chapter 8, Land Use on page 76 that directly relates to this request.

- Economic Development – Objective 1: "Commercial development should be located in commercially zoned districts at nodes of major intersections."
- Land Use – Objective 4: "To encourage non-residential development to balance the economic base."
- Land Use – Objective 5: "Promote an organized development pattern that will minimize conflicting land uses and provide for a controlled rate of development."

The value of the land for agricultural use according to the USDA Web Soil Survey shows that the property is not in Farmland Preservation.

Staff Recommendation: Given that the Town of Isabelle Board of Supervisors recommended approval of this proposed map amendment (rezone) and has found the request to be consistent with the Town's adopted Comprehensive Plan, staff recommends that the LMC approve this map amendment (rezone) of 0.831 acres from General Rural to Commercial and forward a recommendation to the County Board of Supervisors.

Chairperson Fetzer opened the hearing to the public. No public comment. **Chairperson Fetzer closed the public hearing. Chairperson Fetzer asked Mr. Grabrick if he had any comments.** Mr. Grabrick stated he is just trying to correct an error that they found on their zoning map. The error happened sometime in the 90's. The commercial block was drawn over on the neighboring property and half on his property instead of on the front of his property where it should be. Even though they had a commercial business operating there since the 70's, the zoning did not have the building in the commercial zone. This is just to correct that problem.

Chairperson Fetzer stated it seems pretty straight forward to us.

Holst stated, given that the Town of Isabelle Board of Supervisors have recommended approval of this proposed map amendment for Big Dog Daddy's Roadhouse and this request is consistent with the Town's Comprehensive Plan, he moved to approve this map amendment of 0.831 acres from General Rural to Commercial and forward a recommendation to the County Board of Supervisors/Sanden seconded. Holst stated this has happened a few times before where we have had mapping inconsistencies, basically, the townships or the county have goofed up when we did the map, while not common, it has happened before. **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 John and Wanda Yunker, owners on property located in the NW ¼ of the SW ¼ of Section 9, T27N, R17W, Town of Martell, Pierce County, WI.

Staff Report – Emily Lund: The applicants are requesting to have a mobile home brought to the site as an accessory residence. The mobile home hasn't been purchased at this time. The mobile home will be secured to concrete footings and may also have a 10ft x 16ft deck constructed on the east side. The proposed accessory residence is intended for a family member to occupy. The 30-acre parcel is located in Section 9, Town of Martell. 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) §240-40A allows accessory residences which are accessory to single-family residences in the Primary Agriculture zoning district with the issuance of a CUP. The definitions for Accessory Residence and Accessory Building are listed in the staff report. The existing principal house is a one-story 36ft x 26ft dwelling with a 36ft x 26ft basement and 100 sq ft entryway that totals 1,972 sq ft. The proposed 2-bedroom accessory residence is 16ft x 80ft or 1,280 sq ft. A state sanitary permit was issued on 5/26/1992 for a replacement mound septic system that is sized for a 5-bedroom dwelling. This size does meet the existing 3-bedroom principal dwelling and the proposed 2-bedroom mobile home. The applicant shall hire a Wisconsin Licensed Plumber to obtain a County Sanitary Permit to allow the reconnection of the existing system to the new accessory residence. PCC Ch 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 existing single-family dwelling has an address of N2973 320th Street. The applicants shall obtain a separate uniform address number for the proposed accessory residence. PCC §240-40B states, "The following requirements apply to manufactured homes which are not located in manufactured home parks;

1. Manufactured homes shall comply with federal inspection requirements per Housing Act of 1976 and its successors.
2. The towing and transportation equipment, including the wheel assembly shall be removed and the manufactured home shall be mounted on and attached to a permanent foundation.
3. Manufactured homes shall be a minimum of 14 feet wide.

The Town of Martell recommended approval of this request on 10/12/2021 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 hire a Wisconsin Licensed Plumber to obtain a County Sanitary permit to allow the reconnection of the existing system to the new accessory residence.
2. The applicant shall obtain a new uniform address number for the accessory residence.
3. The mobile home shall meet the minimum requirements of PCC §240-40B.
4. 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.

Chairperson Fetzer opened the hearing to the public. Wanda Yunker stated the address listed is not current. Lund apologized and stated the correct address is N8224 650th Street. Ms Yunker stated she has already contacted a plumber and he was supposed to have submitted something to show the reconnect is ready to go.

Chairperson Fetzer closed the public hearing.

Sanden moved to approve the accessory residence for John & Wanda Yunker, due to the fact this is not found to be contrary to public interest, nor detrimental or injurious to public health, public safety, or the character of the surrounding area, with conditions #1 - #4/Aubart seconded. All in favor. Passed.

Discuss take action on Site Plan Review for Asphalt Paving Storage for Lacey Swartz, owner, by Brandon Ferguson, agent, pursuant to Pierce County Code Chapter §240-75, in the Light Industrial District on property located on Lot 8, Certified Survey Map (CSM) V12, P26, in the SE ¼ of the NE ¼ of Section 14, T26N, R19W, Town of Oak Grove, Pierce County, WI. Staff Report – Adam Adank: The applicants own a blacktop paving company called Community Blacktop LLC based out of Hastings, MN that provides asphalt paving services for highways, county roads, streets, driveways, railroads, and parking lots. Their services include installing, sealing, repairing, and maintaining all types of pavement. The company website is <http://www.communitypavrite.com/>, which is listed in the staff report. The applicants are seeking site plan approval for a new pole shed that will be utilized to store asphalt pavers, asphalt rollers, tractors, and other asphalt paving tools. Pierce County Code §240-75 requires site plan review for new construction for industrial uses. The purpose 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 property is 7.51 acres and is zoned Light Industrial. The property is bordered by agricultural, residential, and institutional (Cemetery) land uses. Adjacent properties are zoned Light Industrial and General Rural Flexible 8. The 40ft x 48ft storage shed has been constructed this fall and is 21ft 8in in height. The shed does not have running water or bathroom facilities but the septic system building sewer was stubbed into the pole shed for a possible future bathroom. PCC §240-15J states that the purpose and intent of the light industrial zoning district is “primarily for production, processing, and assembly plants that are operated so that noise, odor, dust, and glare from such operations are completely confined within an enclosed building. Traffic generated by these industries should not produce the volume of traffic generated by heavy industrial uses. The district is also designed to accommodate warehouse and limited commercial uses.” PCC §240-23 states, “Developments shall meet the minimum requirements for the applicable district shown in the Table of Dimensional Requirements.” PCC §240 Attachment 2, Table of Dimensional Requirements lists a 40ft side yard and 40ft rear yard setback from residential districts and 10ft side yard and 10ft rear yard setbacks from all other districts when building in a Light Industrial Zoning District. PCC §240-27A regulates structure setbacks from state and federal highways; “The required setback for all structures fronting on state and federal highways shall be 110 feet from the centerline of the road or 77 feet from the edge of the right-of-way, whichever is greater.” The WI DOT right-of-way along this stretch of highway is 50ft. Therefore, the setback to the centerline of the road shall be no less than 127ft. PCC §240-27C regulates structure setbacks from town highways; “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.” The policy regarding Vision Clearance Triangle is stated in the staff report. There is no building in the Vision Clearance Triangle requested. The structure is approximately 105ft from the Hwy 10 road right-of-way according to the submitted survey map, 130ft from the centerline of State Hwy 10 and over 750ft to the centerline of 560th Avenue. There are no other structures on the property at this time. The applicants are not

proposing to install any exterior security lighting on the building. No advertising signs are proposed on the property. PCC §240-31 states, “Landscape buffer requirements shall only apply to proposed uses in cases where a commercial or industrial use abuts a residential or agricultural district; or such landscape buffer is required by a provision of this chapter.” PCC §240-31C lists the general requirements of landscape buffers:

1. Landscape buffers shall be located in such a manner that principle buildings and outdoor storage areas associated with the proposed use are screened as viewed from the vantage point of the principle structures on affected adjoining lots.
2. Landscape buffers may be located in an area devoted to meeting minimum or side yard requirements.
3. Landscape buffers, when required, shall be established on a lot at the time of the lot’s development or at the time the use of the lot is changed to a use which requires a landscape buffer.
4. Landscape buffers shall be provided on each lot as required by this section independent of existing landscape buffers on adjoining lots.
5. Installation and maintenance of the required landscape buffers shall be the responsibility of the owner on the lot.
6. Existing woody plants which meet the requirements listed in Subsection D may be used to meet the landscape buffer requirements.

PCC §240-31D states “Landscape buffers, at the time of establishment, shall meet the design specification on file in the Zoning Office as approved and incorporated into this chapter.” The Land Management Department Policy on Minimum Landscaping Requirements states “Vegetation, earthen berms and/or fencing shall be placed between nonresidential development and adjacent properties so as to render the development as visually unobtrusive, as is practical, from adjacent properties or from public view. Native vegetation should be utilized whenever practical. Vegetated screening buffers shall be maintained in good condition.” The applicant has presented a landscape buffer proposal in the application that they feel will meet the minimum landscaping requirements. The proposal includes 6 pine trees to be planted along the Hwy 10 road right-of-way as shown on the site plan survey map. The Committee should review this plan to determine if the proposed landscape buffer satisfies the requirements or if changes are necessary. The committee may also wish to establish size, exact location, and species of trees used in the proposed landscape buffer plan if deemed necessary. The Landscape buffer proposal presented by the applicant does not have any proposed vegetation to screen the neighboring property as required by code. A total of 2 parking spaces are proposed. PCC §240-54A requires two off-street parking spaces for manufacturing/trade or contractor establishments. No customers are anticipated onsite. The applicant proposed limited activity on the site, with equipment leaving and returning to the site. No information regarding the number of employees was provided. The applicant can provide additional details regarding hours of operation and number of employees at the meeting. The property was issued an address number of W10177 560th Ave. in June 24, 2021.

Staff Recommendation: Staff recommends the Land Management Committee review the proposed site plan and determine if any changes or modifications are necessary. The LMC should consider proposed structures, architectural plans, neighboring uses, use of landscaping and open space, parking areas, driveway locations, loading and unloading areas, highway access, traffic generation and circulation, lighting, drainage, water and sewer systems, as well as proposed operations. The LMC may impose time schedules for completion of buildings, parking areas, open space uses, drainage and erosion control systems and landscaping and may require appropriate sureties to guarantee that requirements will be completed on schedule. If no changes or modifications are determined to be necessary, staff recommends the LMC approve the Site Plan as proposed with the following conditions:

1. A landscape buffer shall be established consistent with the plans submitted in the application or as specified by the Land Management Committee.
2. Applicants shall obtain a Land Use Permit prior to any constructions, reconstruction, location, relocation, erection, extension, enlargement, conversion or structural alteration of any existing or future buildings/structures.
3. Applicant shall contact the Town Building Inspector, All Croix Inspections, to determine whether or not commercial plan review and approval is required from Department of Safety & Professional Services and receive all necessary permits.
4. One parking space shall be ADA compliant per Pierce County Code §240-54I.

Chairperson Fetzer invited Brandon Ferguson to comment. Chairperson Fetzer asked Brandon if the shed that is already up is the shed he is going to use and not build a new shed. Mr. Ferguson stated yes sir, that is correct. He asked if they could review his site plan. To the right of the building, he is going to be putting a modular home up there and that would be the proposed location for the modular home. Chairperson Fetzer asked Andy if Brandon has to come back for anything. Pichotta stated no, the accessory residence is a permitted use associated with a Light Industrial use once it's established. Holst commented, he used to farm that and he is quite familiar with it. His site plan looks like it will do what this committee has intended it to do. Will it shield the public view from those pink trucks? Mr. Ferguson stated yes, it will. Holst stated it takes a lot of guts for a black topper to drive a pink dump truck. Chairperson Fetzer asked how close is the closest house? Also, the landscape buffer proposed by the applicant does not have any proposed vegetation to screen the neighboring property as required by code. Adank stated he knew the number at one time, but based on these dimensions of his site plan, it's on the other side of 560th Avenue, it's probably seven or 800ft. Holst stated that is a real number. Chairperson Fetzer said so it's quite a ways away. He asked you are just going to have stuff rolling in and out in the morning and back in at night? Mr. Ferguson stated, "Yes sir, that is correct." Sanden asked Adam on the map, what is the house southeast of the proposed site? Chairperson Fetzer stated there is one right on the corner. Sanden asked if that is the one he is referring too that is 500ft away? Adank stated no, he was referring to the one on 560th Ave. which is more to the west. The one to the south, the terrain goes up there and that house would not be able to see Brandon's operation. Holst stated there is a hill there, doc and that guy is on the other side of the hill. If you took where the shed is and drew a line, all are in excess of 600 feet, six to eight hundred away. Sanden stated he was only concerned about that southeast one. Holst stated that's the shed and the house sits here. The house is shielded from it by their own vegetation. Sanden stated he thinks Joe already cleared this up but just for his own information, the plan says we are looking at site plan for a new shed construction and the blueprint shows an existing shed. Is this going to be constructed or is it already constructed? Adank stated it's already constructed. The house on the west is not on the other side of 560th Ave. but based on the scale on the map it's at least 500 feet to his property line and probably another 300 to 500 feet to the shed. Sanden stated he was just concerned about the building to the south. As was stated, it's not visible from there so he is fine. Holst stated that squiggly blue line, that is kind of the top of a knoll and then it drops off pretty substantial on the other side. Chairperson Fetzer asked Brandon if he had anything else to add. Mr. Ferguson stated as long as I'm able to put that modular home up, that's pretty much all we're worried about. Aubart asked Joe if they have to determine the kind of trees and the height of them? Chairperson Fetzer stated we typically, a pine tree, is it six or eight feet? Pichotta stated six-foot has been typical, he believes. Chairperson Fetzer stated we are talking about the pine trees that we are looking for, Brandon, typically we are looking for a six-foot pine tree, blue spruce or what was the other kind? Adank stated Norway Spruce was what was required in the last one. Sanden stated we can say conifer tree. Chairperson Fetzer stated we can put that in the conditions and typically they space them eight feet about. Pichotta stated he thinks it's been twenty-five feet apart. Adank stated the committee did Norway Spruce every twenty feet apart for Redeye just a couple months ago. Chairperson Fetzer stated we try to be consistent and his memory isn't what it used to be. We will go with that, twenty feet apart and six-foot trees. Holst stated this is a different circumstance than what we had in Hager. People in Hager seem to want closer with better and all that stuff. He believes along Hwy 10, this farm field has never had a tree in the right-of-way. It's not to make it so you don't see it, it's just to cover it up a little. He thinks if he plants the six trees and does what he says he is going to do, we are OK. You might get some complaints from the people that live all the way to the north but they are going to be pretty quiet. Sanden asked if anyone sees a need for timing schedules, it suggests in the report about imposing time schedules. He personally doesn't see a need but just wondering if anyone else does. Holst stated it's getting kind of late in the fall to get them in now. If he could have them in the spring. Give him a timeframe prior to July 1st or something like that. Adank just wants to clarify to Brandon that this site plan approval doesn't permit the proposed house in the future. Just so he knows he will need another permit for that at a later date. Brandon stated OK, will he come into the County Building obtain another building permit or go through All Croix Inspections, how does that work? Adank stated you will have to come through us first and he will email that information this week. **Sanden moved to approve the site plan for an Asphalt Paving Storage and equipment, modifying condition #1 to include "The conifer trees shall be no less than six feet in height, spaced as presented on the site plan document and established by August 1, 2022 and conditions #2 -#4/Aubart seconded. All in favor. Passed.**

Discuss take action on Travel/Training Requests. Pichotta stated he has one travel/training request for Kevin Etherton to attend the WLIA GIS Conference in Elkhart Lake, at the Osthoff Resort on February 23rd through the 25th, 2022. He will be taking a county car and we get a grant for him to attend this. **Aubart moved to approve the travel/training request for Kevin Etherton at the WLIA GIS Conference in Elkhart Lake, in February 2022/Sanden seconded. All in favor. Passed.**

Departmental Update and Future Agenda Items

Pichotta stated we have three items potentially for the January 5th, 2022 meeting, the first one is a public hearing to consider a request for another accessory residence, note the first reading at the County Board for accessory residences that language, will be the end of this month, the second reading in January. The second item is request for a rule exception to the requirement that every land division front or abut a public or private street for a distance of at least 66ft, for Bill Holst in the Town of Oak Grove and lastly potentially we have an unclassified use that we may be bringing in front of the committee to get the sense of how you want to handle it. It's Adult Daycare versus Family Daycare, if we classify it and permit it to the closest thing in the code, the code says we need to bring it to you to determine whether or not a code amendment is necessary. Pichotta noted that there won't be a second meeting in December.

Motion to adjourn at 6:55pm by Sanden/Aubart seconded. Motion passed.

Respectfully submitted by S. Koehler