

STAFF REPORT LAND MANAGEMENT COMMITTEE

Land Management Committee Meeting,

June 16, 2021

Agenda Item 4

Applicant: Jason Vance & Kimberly McGee

Request: Conditional use permit (CUP) for an Accessory Residence

Background: The applicants purchased this property from Patsy Vance on 1/23/19. 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.

Issues Pertaining to the Request:

- The 17.85-acre property is located in the NE ¼ of the NE ¼ of Sec. 5, T27N, R16W, Town of Gilman.
- The property is in the Primary Agriculture zoning district. Adjacent properties are zoned General Rural and Primary Agriculture.
- Pierce County Code (PCC) § 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.
- PCC § 240-88 defines "Accessory Residence" as:
 - A. A dwelling unit that is accessory to a nonresidential use on the same lot, is the only dwelling unit on the lot, and provides living quarters for the owner, proprietor, commercial tenant, employee, or caretaker of the nonresidential use.
 - B. A dwelling unit located in an accessory building located on a residential parcel.
- PCC § 240-88 defines "Accessory Building" as, "a building, not attached to a principal building by means of a common wall, common roof, or an aboveground roofed passageway, which is:
 - A. Subordinate to and serves a principal structure or a principal use.
 - B. Located on the same lot as the principal structure or use served.
 - C. Customarily incidental to the principal structure or use.
- PCC § 240-32C states, "An accessory structure shall not be permitted until its associated principal 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 9/14/20 and a system installed on 9/15/20.
- The Land Use Permit was obtained on 3/5/21 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.

Applicant: Jason Vance & Kimberly McGee
June 16, 2021
CUP – Accessory Residence

Recommendation:

Staff recommends that 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. 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.


Submitted By: Emily Lund,
Assistant Zoning Administrator

Land Management Committee



Vance/McGee
(June 16, 2021)

CUP- Accessory Residence

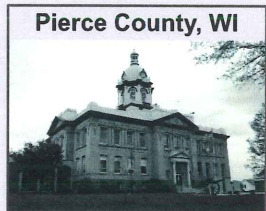
Legend

-  Dwellings
-  CUP Parcel
-  Parcels
-  New Residences

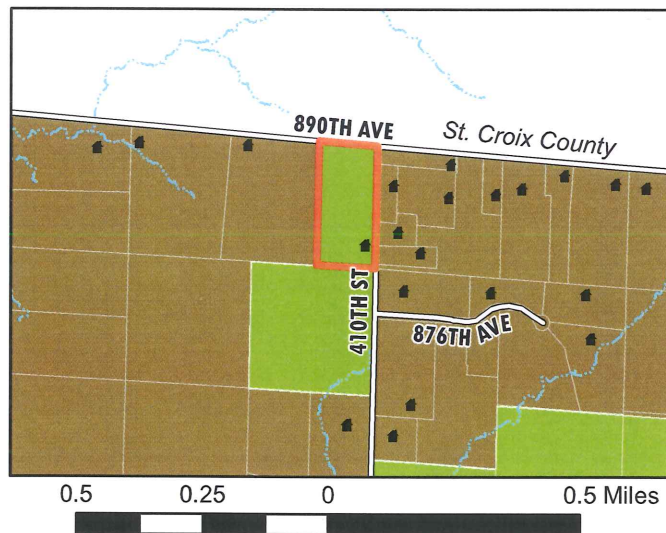
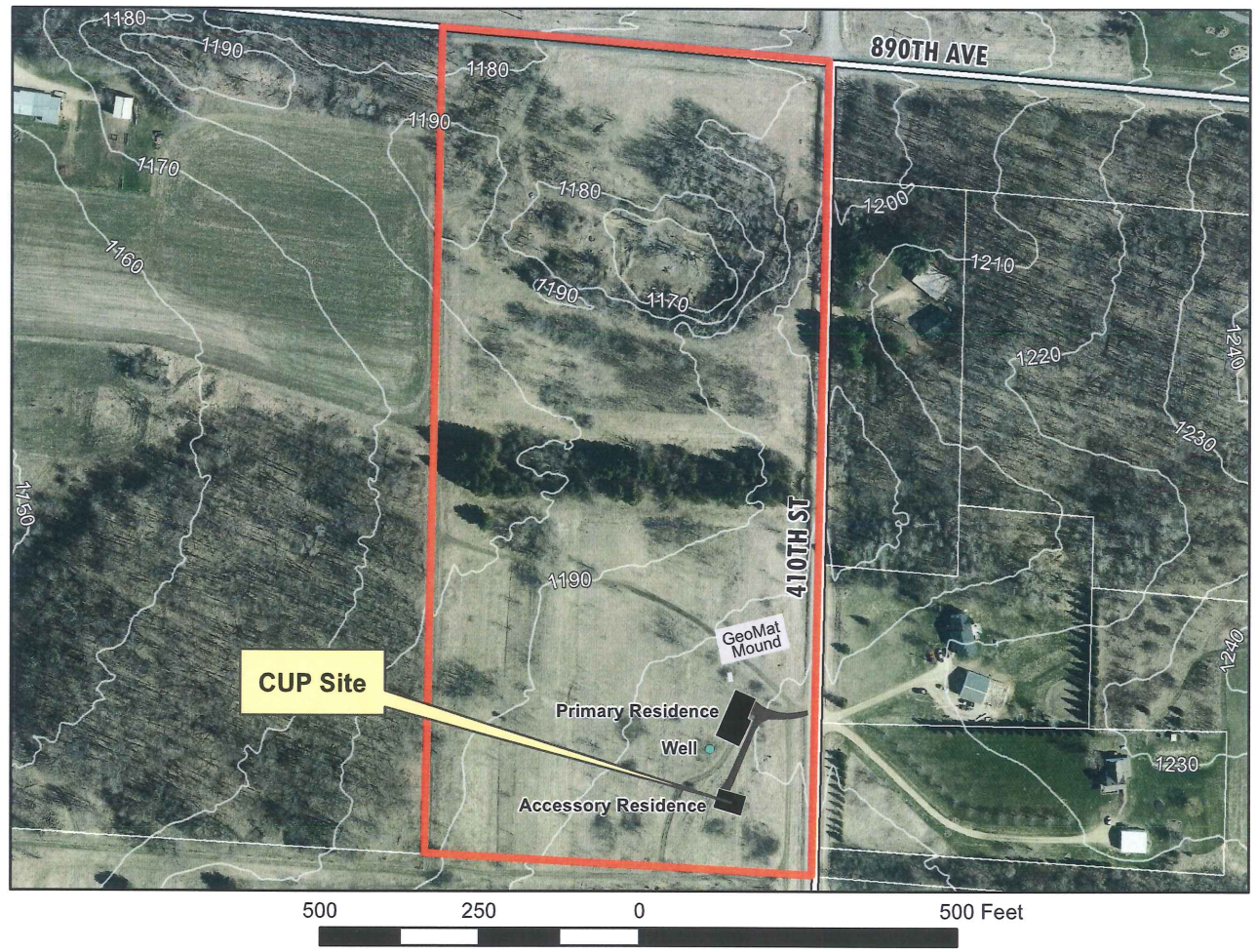
Zoning

-  General Rural
-  Primary Agriculture

Orthophotography - 2020 Pierce County

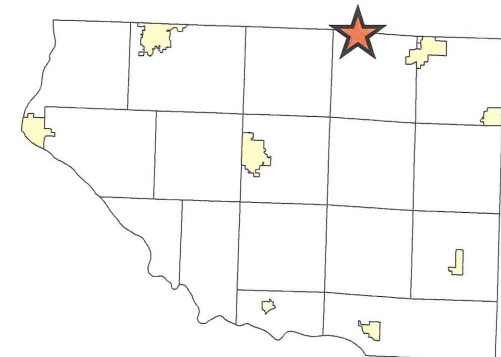


Prepared by the Department of Land Management



Site Location

NE - NE of SEC. 5
TOWN OF GILMAN



STAFF REPORT LAND MANAGEMENT COMMITTEE

Land Management Committee Meeting,

June 16, 2021

Agenda Item 5

Applicant: Richard and Sheila Eggen

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

Background:

The applicants have an existing 1654 square foot house already located on the property. Recently, they poured a foundation for a 60' x 68' pole shed with a 20' x 68' lean-to off the North side of the building. The applicants are now proposing a 1616 square foot accessory residence that will be connected to the South and East side of the pole shed building. A 22' x 48' 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.

Issues Pertaining to the Request:

- The property is 41.26 acres in size and located in the NW¼ of the NW ¼ of Sec. 17, T27N, R17W, Town of Martell.
- The property is in the Primary Agricultural zoning district. Surrounding land uses are residential, woodland, and farmland.
- Pierce County Code (PCC) § 240-40(A) allows accessory residences which are accessory to single-family residences in the Primary Agricultural zoning district with the issuance of a CUP.
- PCC § 240-88 defines Accessory Residence as:
 - A. A dwelling unit that is accessory to a nonresidential use on the same lot, is the only dwelling unit on the lot, and provides living quarters for the owner, proprietor, commercial tenant, employee, or caretaker of the nonresidential use.
 - B. A dwelling unit located in an accessory building located on a residential parcel.
- PCC § 240-88 defines Accessory Building as, "building, not attached to a principal building by means of a common wall, common roof, or an aboveground roofed passageway, which is:
 - 1. Subordinate to and serves a principal structure or a principal use.
 - 2. Located on the same lot as the principal structure or use served.
 - 3. Customarily incidental to the principal structure or use.
- 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 1 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.

Applicant: Richard + Sheila Eggen

June 16, 2021

CUP – 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.

Recommendation:

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

1. 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 on 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.

Submitted By: Adam Adank,
Zoning Specialist

Land Management Committee


Sheila & Richard Eggen
(June 16, 2021)

CUP- Accessory Residence

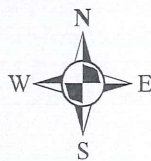
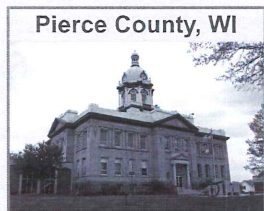
Legend

-  Dwellings
-  CUP Parcel
-  Parcels
-  New Structure

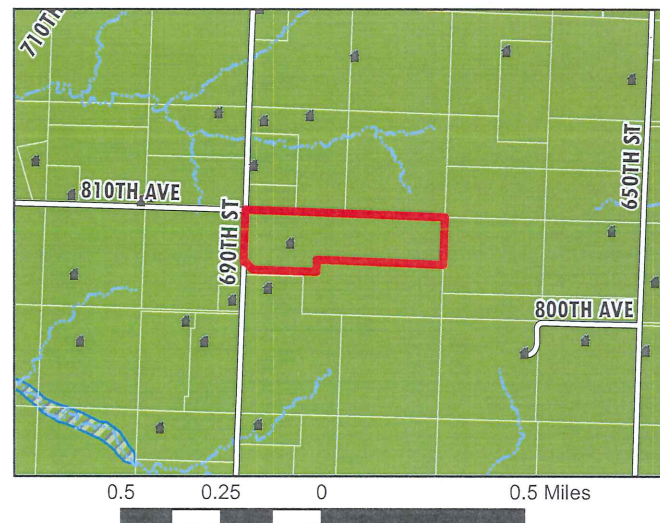
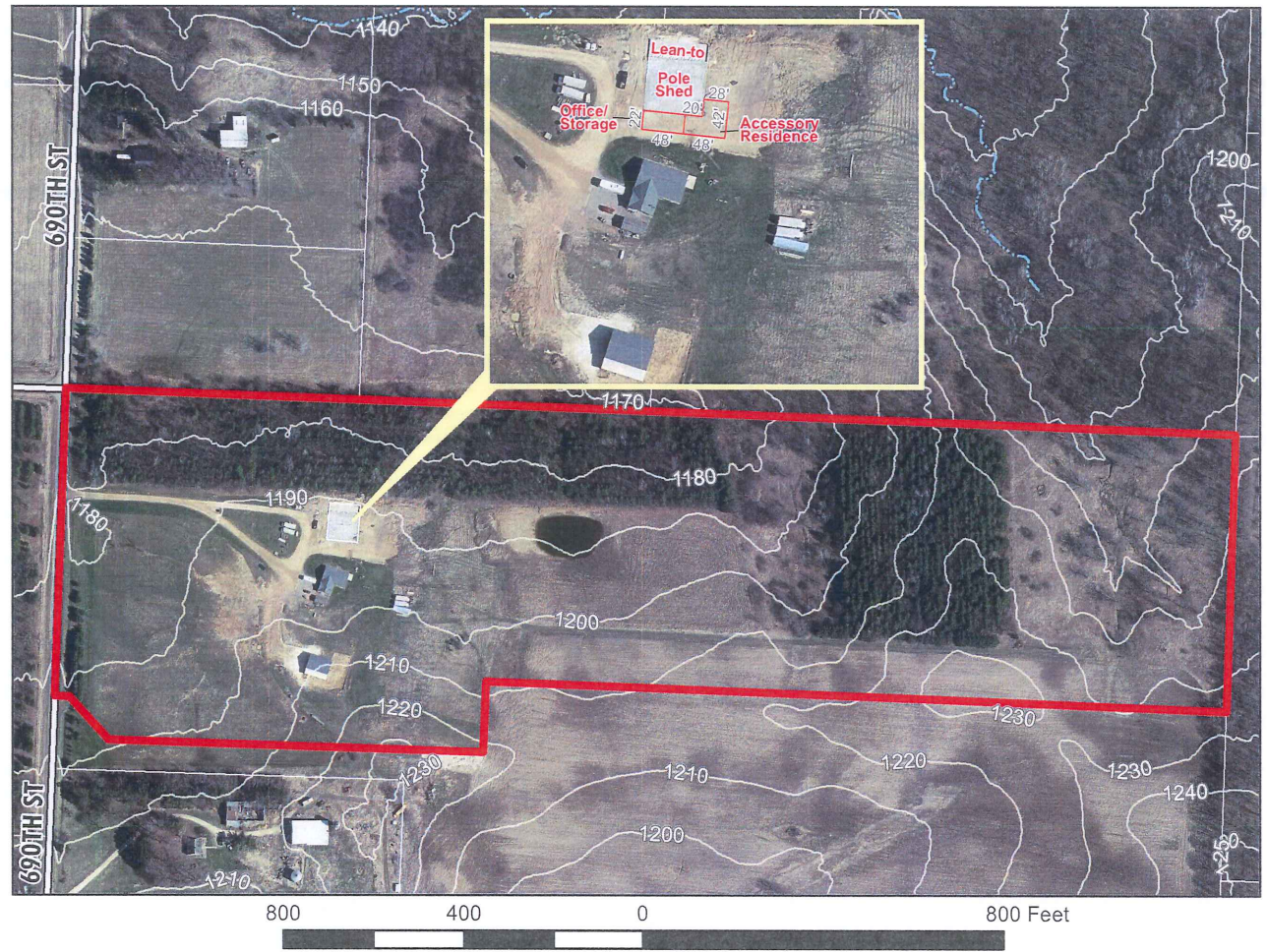
Zoning

-  Primary Agriculture

Orthophotography - 2020 Pierce County

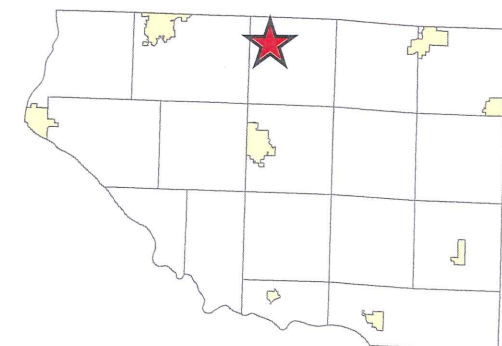


Prepared by the Department of Land Management



Site Location

N8072 690TH ST
TOWN OF MARTELL



STAFF REPORT LAND MANAGEMENT COMMITTEE

Land Management Committee Meeting, June 16, 2021

Agenda Item 6

Applicant: Phillip & Cynthia Symes and Cody & Anne Marie Sjoquist

Request: Private Outdoor Recreational Use

Background:

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.

Issues Pertaining to the Request:

- The property is located in the SE ¼ of the SE ¼ of Section 8, T25N, R18W in the Town of Diamond Bluff. The parcel is 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 on 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 7 am to 10pm, seven days a week for boarders. There will be no tacking after 9 pm to assure everyone is off the property by 10 pm.
 - 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 70'x200' with no indoor permanent seating. There will be 5 indoor stalls installed on a concrete pad with a horse wash down area.
 - The outdoor arena will be 150'x220' 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 10:30 pm. 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 1 space per 3 horses (17 spaces) for commercial riding stables and 1 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 orientated 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:

Applicant: Symes and Sjoquist
Private Outdoor Recreational Use
June 16, 2021

Staff recommends that 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.

Submitted By: Brad Roy, Zoning Administrator




Land Management Committee

Cynthia & Phillip Symes /
Anne Marie & Cody Sjoquist
(June 16, 2021)
CUP - Private Outdoor Rec.

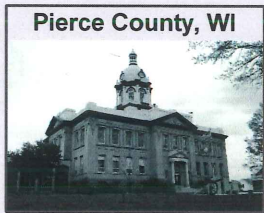
Legend

-  Dwellings
-  CUP Parcel
-  Parcels
-  New Residences
-  Shop
-  Indoor Arena/Stable

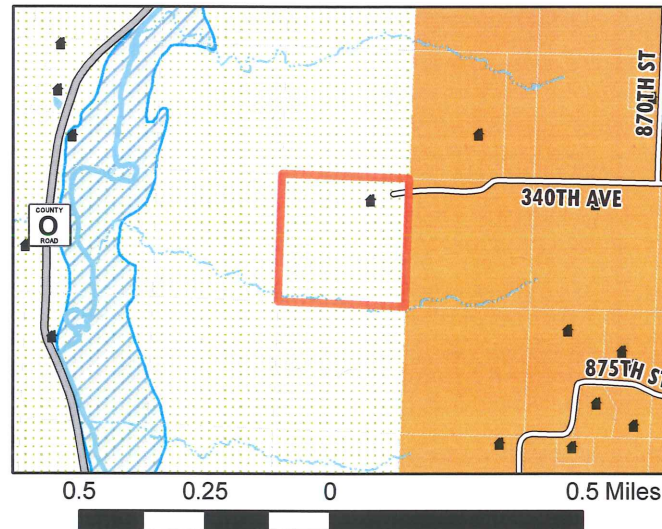
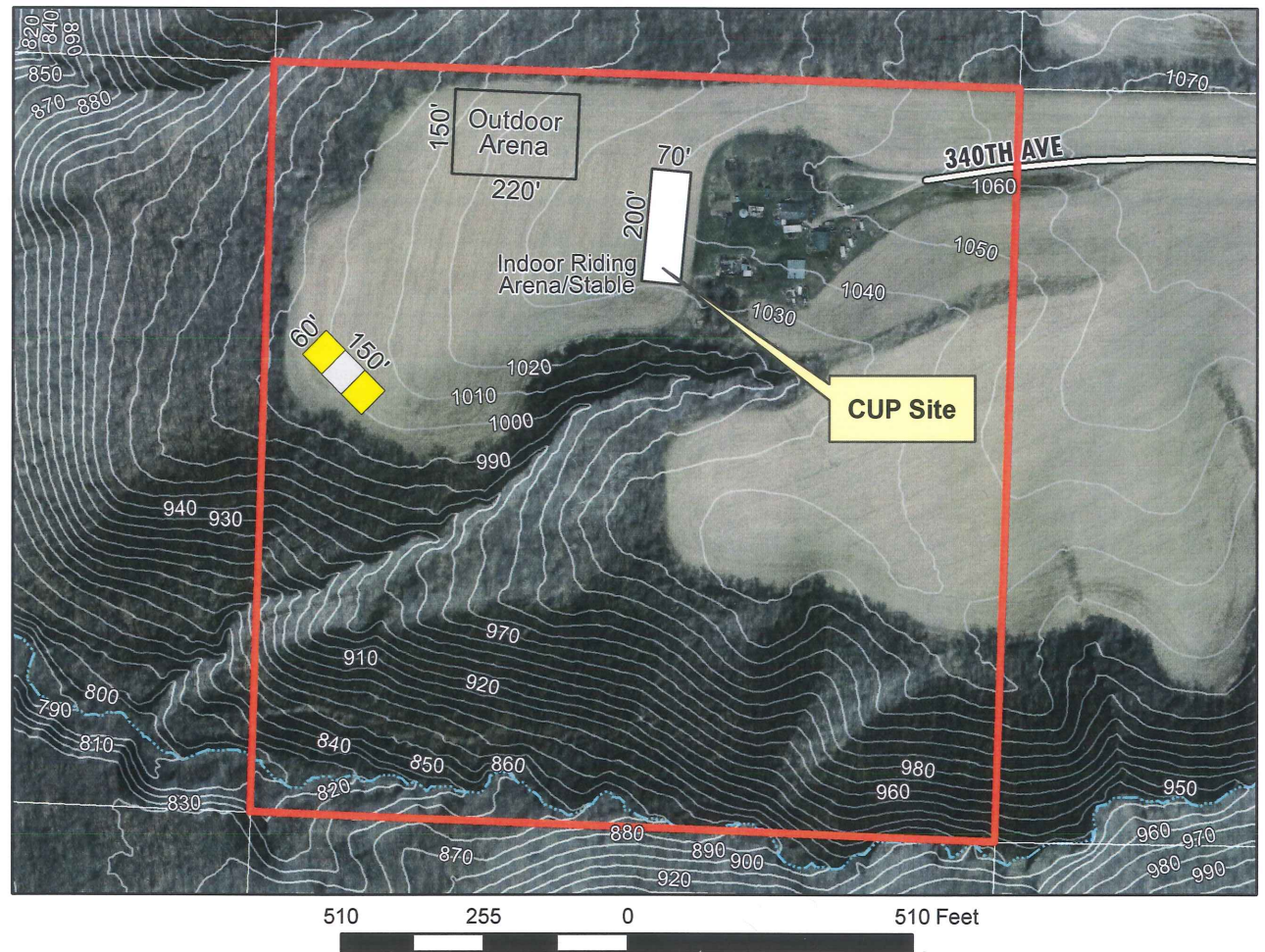
Zoning

-  100 Yr Floodway/
No Base Elev. Det
-  Agriculture - Residential
-  General Rural Flexible

Orthophotography - 2020 Pierce County

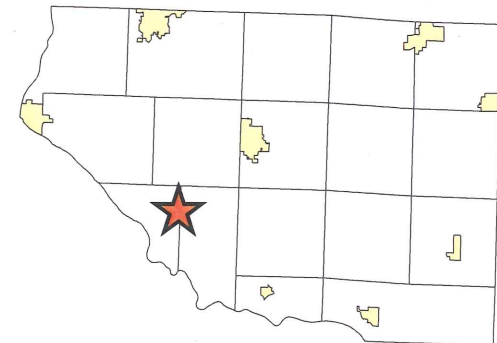


Prepared by the Department of Land Management



Site Location

W8913 340TH AVE
TOWN OF DIAMOND BLUFF



STAFF REPORT LAND MANAGEMENT COMMITTEE

Land Management Committee Meeting,

June 16, 2021

Agenda Item 7

Applicant: Phillip & Cynthia Symes and Cody & Anne Marie Sjoquist

Request: Conditional use permit (CUP) for a Duplex

Background: The applicants purchased 80 acres from Gerald Kaneen on 4/20/21. They propose to build 60'x 150' pole barn/duplex that has a 50' x 60' residence on each end and a 50' x 60' 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.

Issues Pertaining to the Request:

- The property is located in part of the SE ¼ of the SE ¼ of Sec. 8, T25N, R18W, Town of Diamond Bluff.
- This parcel is in the Agricultural Residential zoning district.
- Existing and adjacent land uses are agriculture, forested, and residential.
- Pierce County Code (PCC) § 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 Agricultural 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 10 ft minimum setback from the Native American burial site cataloged area per WI Stats. Ch. 157.
- 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 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 20 ft 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.

Applicant: Symes & Sjoquist
June 16, 2020
CUP – Duplex

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 10 ft minimum setback from the Native American burial site cataloged area.
4. The applicant shall obtain separate Uniform Address Numbers each unit of the duplex.

Submitted By: Emily Lund,
Assistant Zoning Administrator




Land Management Committee

Cynthia & Phillip Symes /
Anne Marie & Cody Sjoquist
(June 16, 2021)
CUP- Duplex

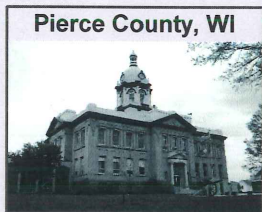
Legend

-  Dwellings
-  CUP Parcel
-  Parcels
-  New Residences
-  Shop
-  Indoor Arena/Stable

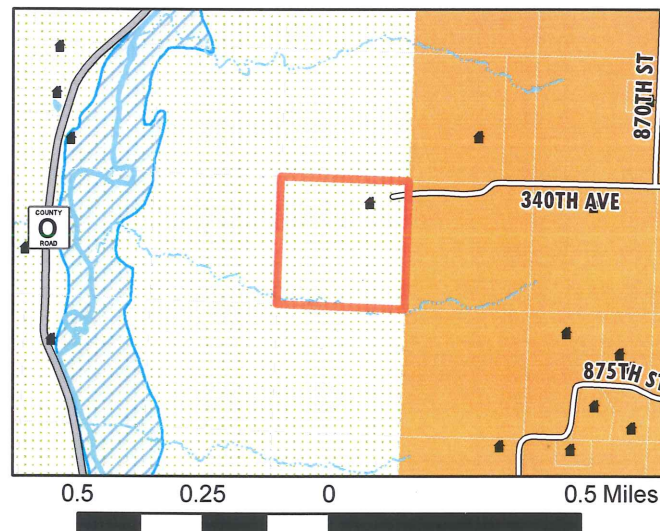
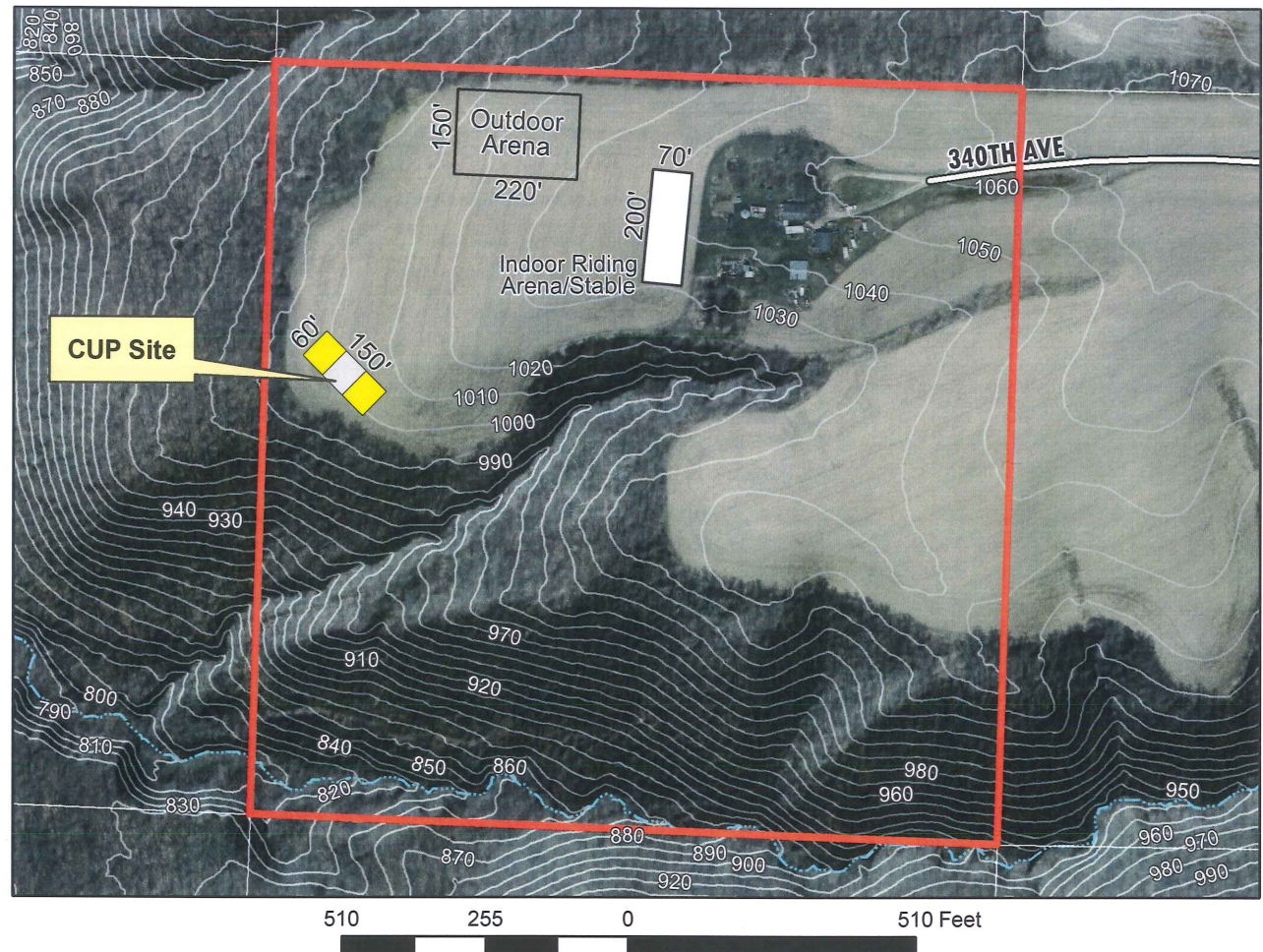
Zoning

-  100 Yr Floodway/
No Base Elev. Det
-  Agriculture - Residential
-  General Rural Flexible

Orthophotography - 2020 Pierce County

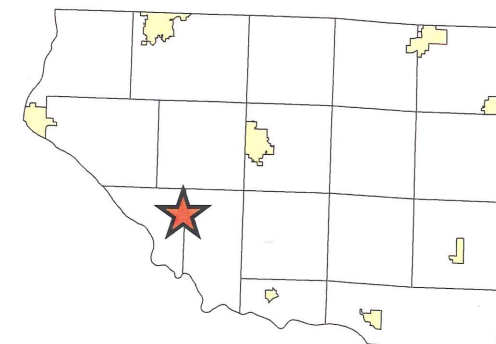


Prepared by the Department of Land Management



Site Location

W8913 340TH AVE
TOWN OF DIAMOND BLUFF



STAFF REPORT LAND MANAGEMENT COMMITTEE

Land Management Committee Meeting,

June 16, 2021

Agenda Item 8

Applicant: Wisconsin Dept. of Transportation (owner) and Edge Consulting Engineers Inc. (agent)

Request: Height Exemption for a Radio Communication Tower

Background: 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 260 ft 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 280 ft tall self-supported tower because it exceeds 35' in height.

Issues Pertaining to the Request:

- The proposed WCSF is located in the NW ¼ of the NE ¼ of Section 36, T25N, R17W in the 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 30 ft easement off of 510th Street as recorded in DOC# 577104 on 1/31/2018.
- The proposed structure is a self-supported tower with a height of 280 feet. There will be 20 ft 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 297 ft tower will be designed to collapse within a fall radius of 172 ft. Overall, the proposed design will meet setbacks:
 - The tower height exemption is calculated by $172 \text{ ft} - 35 \text{ ft}$ (max height requirement) = 137 ft.
 - The tower has a setback of 212 ft (=137ft+75ft) from the centerline of 510th St or 179 ft (=137ft+42ft) from right-of-way, whichever is greater.
 - The site plan illustrates the tower is proposed to be 449.4 ft from the right-of-way of 510th St.
 - The tower has a 147 ft (=137ft+10 ft) setback to the side and rear lot lines.
 - The site plan shows the tower will be no closer than 182 ft from the nearest rear property line.
- 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 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 defines:
 - FALL ZONE – the area over which a support structure is designed to collapse.
 - SUPPORT STRUCTURE – an existing or new structure that supports or can support a mobile service facility, including a mobile service support structure, utility pole, water tower, building or other structure.
 - YARD - A required area on a lot, unoccupied by buildings and open to the sky, extending along a lot line to a specified depth or width.
 - YARD, REAR - A yard extending along an entire rear lot line from the rear lot line to the depth or width as specified in the yard requirements for the applicable district.
 - YARD, SIDE - A yard extending along an entire side lot line from the side lot line to the depth or width specified in the yard requirements for the applicable district.

Recommendation:

Staff recommends the LMC 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 \$3,000 fees.

Submitted By: Emily Lund
Assistant Zoning Administrator




Land Management Committee

Owner: WisDOT
Agent: Edge Consulting Eng.Inc.
(June 16, 2021)
Height Exemption -
Replacement Radio
Communication Tower

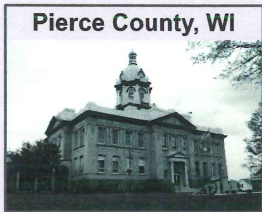
Legend

-  Dwellings
-  Site Parcel
-  Parcels

Zoning

-  General Rural
-  General Rural Flexible
-  Primary Agriculture

Orthophotography - 2020 Pierce County



Prepared by the Department of Land Management



250 125 0 250 Feet



Site Location

NW-NE of Sec. 36
TOWN OF HARTLAND

