

STAFF REPORT LAND MANAGEMENT COMMITTEE

Land Management Committee Meeting, February 17, 2021

Agenda Item 5

Applicant: Mark Walinske & Marcia Miller (agents) for Sharon Hills & Rebecca Bersch (owners)

Request: Conditional use permit for a Nature Based Operation – Beginner Fly Fishing School

Background: The applicants propose a year-round beginner fly fishing school and gathering place to be called 'margo+lola.' They plan to educate students about the beautiful geological area, pristine Rush River valley, and create shared activities to support the local community. The fly fishing school focuses on first time fly fishers, inspires women to fly fish, and host half or full-day classes with small student to teacher ratio. The gathering place is for small group team meetings to learn fly fishing basics and for hosting off-season events. If this CUP is approved, the agent intends to purchase the parcel from the owners.

Issues Pertaining to the Request:

- The property is located in the SW ¼ of the SE ¼ of Sec. 33, T26N, R16W, Town of El Paso.
- This 40-acre parcel is located in the General Rural zoning district.
- All adjacent land surrounding this parcel are also in the General Rural zoning district.
- Adjacent land uses include agriculture, forest, low density residential, and a nature-based operation (Vino in the Valley).
- The property is undeveloped and has an 80 ft Flint Hills Resources/Koch Pipeline easement.
- Pierce County Code (PCC) § 240-88 defines Nature-Based Operation as “A site-specific operation reliant on the property’s natural environment and characteristics and may include multiple related uses managed as one operation [Added 6-26-2012 by Ord. No. 12-07].”
- PCC Ch. 240 Table of Uses allows nature-based operations in the General Rural zoning district with the issuance of a CUP and is listed under Outdoor Recreational Uses in § 240-39C.
- The school will offer dry land casting instruction, “wet” instruction in the river during the WI DNR fishing seasons, and off-season activities with guest speakers and events, like fly tying.
- The school anticipates 3-6 students/class for half or full-day instruction up to 12 times/month. They propose 1-2 group gatherings/month with 6-10 people/event. Students are required to obtain their own WI DNR fishing license prior to classes or events.
- Fishing season hours will comply with WI DNR regulations. Hours of operation are proposed to be year-round with non-fishing activities held 10 AM – 7 PM.
- The 2 business owners propose 1 full-time employee and up to 4 contracted fishing instructors.
- Over the next 2 years, 4 structures are proposed to be constructed (see attached map), are permitted with the issuance of this CUP, are proposed to be built outside of the mapped floodplain area and the town road setback, and include:
 - Building 1 (B1) - 15’x30’ gathering space for students, changing rooms, and restrooms;
 - Building 2 (B2) - 15’x30’ fishing instructor sleeping accommodations;
 - Building 3 (B3) - 15’x30’ common area, kitchen, and dining rooms for all; and
 - Storage 1 (S1) - 10’x20’ yard maintenance equipment storage.
- A small gift shop is proposed to sell fishing supplies and business promotional products (e.g. t-shirts).

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- The applicant also plans to use Building 2 as a residence on a very limited basis when classes are not being conducted.
- The driveway access is located on 400th Street and on the east side of the road. The applicant will need to obtain written driveway access approval from the Town of El Paso prior to establishing a driveway.
- The applicant will need to obtain a Uniform Address Number (UAN) and sign from the Department for this property.
- A 20'x60' gravel parking pad will be installed with a gravel foot path to Building 1. They proposed up to 6 off-street parking spaces available for guests and instructors.
PCC § 240-54A specifies minimum parking provisions for schools shall be 1 parking space per 2 students. The plans submitted show ample parking area to fulfill this requirement.
- An adequate, code-compliant, on-site wastewater facility (a.k.a. septic system) is proposed and the proposed location is shown on the attached map.
- One on-premise advertising sign that is proposed to be no larger than 3 ft x 5 ft, located near the driveway entrance, would be permitted with this CUP, and allowed per PCC § 240-61C(1)(b). The 3'x5' sign shall be located outside of the Town Road right-of-way, or at least 33 ft from the centerline of the road.
- Lighting is proposed to be installed on the interior and exterior areas of the buildings. The parking area lighting is proposed to have 4-6 way-finding, low glare, solar power light heads with 90-140 lumens, and spaced about 20 ft apart.
- The proposed construction is exempt from Landscape Buffer requirements per Pierce County Code § 240-31B.
- The El Paso Town Board recommended approval of this request on 1-11-2021. The Town listed “building style” under concerns/suggested conditions.
- PCC § 240-76G discusses expiration of Conditional Use Permits and states, “All conditional use permits shall expire 12 months from the date of issuance where no action has commenced to establish the authorized use. If a time limit has been imposed as a condition for the permit, the permit shall expire at the end of the time limit.”
- Based on advice from Corporation Counsel, staff is generally not recommending any conditions which require the permitting of, or compliance with, other agencies, organizations, or departments regulations or rules.
- The applicant is strongly encouraged to comply with relevant local and state ordinances and regulations and secure all necessary permits and licenses (e.g. Department of Safety & Professional Services (DSPS), Department of Health and Family Services, etc.).

Recommendation:

Staff recommends the Land Management Committee determine whether the proposed use at the proposed locations would be 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 Nature Based Operation – Beginner Fly Fishing School and Gathering Place with the following conditions:

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1. Activities shall be conducted as presented in the application unless modified by a condition of this CUP.
2. Actions to establish the use shall commence within 12 months.
3. Applicants shall hire a WI Licensed Master Plumber to obtain a State Sanitary Permit for an adequate, code-compliant, on-site septic system.
4. Applicants shall obtain a Land Use Permit for all future structures or signs prior to construction or installation.
5. The applicant shall obtain written driveway access approval from the Town of El Paso prior to connecting a driveway access to the road.
6. The applicant shall obtain a Uniform Address Number (UAN) and sign for this property.
7. The advertising sign shall be no larger than 3ft x 5ft and located out of the Town Road right-of-way, or at least 33 ft from the centerline of the 400th Street.
8. At least 6 off-street parking spaces and a minimum of 1 ADA compliant parking spot shall be provided onsite.
9. Hours of operation shall be year-round with non-fishing activities held Monday-Sunday from 10 AM – 7 PM.
10. Sale of retail items shall be limited to fly fishing supplies and business promotional products.
11. Applicant understands that expansion or intensification of this use will require issuance of a new conditional use permit. If applicant has questions as to what constitutes expansion or intensification, Land Management staff should be contacted.
12. This conditional use permit shall be renewed every 2 years. Permit may be renewed administratively if no compliance issues arise.

Submitted By: Emily Lund
Assistant Zoning Administrator



These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

Proposed Buildings

Walinske-Miller

1:1,200

This map is not a substitute for accurate field survey or verification of actual property lines and associated features.

Date: 12/3/2020

Pierce County, WI






Land Management Committee

Agent: Mark Walnske
 Owner: Sharon Hills & Rebecca Bersch
 (February 17, 2021)

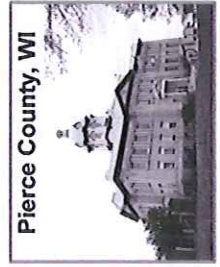
**CUP: Nature-Based Operations
 (Beginning Fly Fishing School)**

Legend

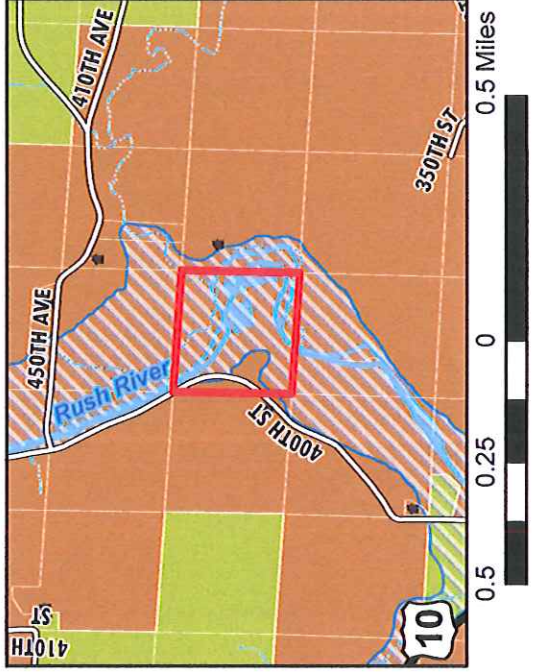
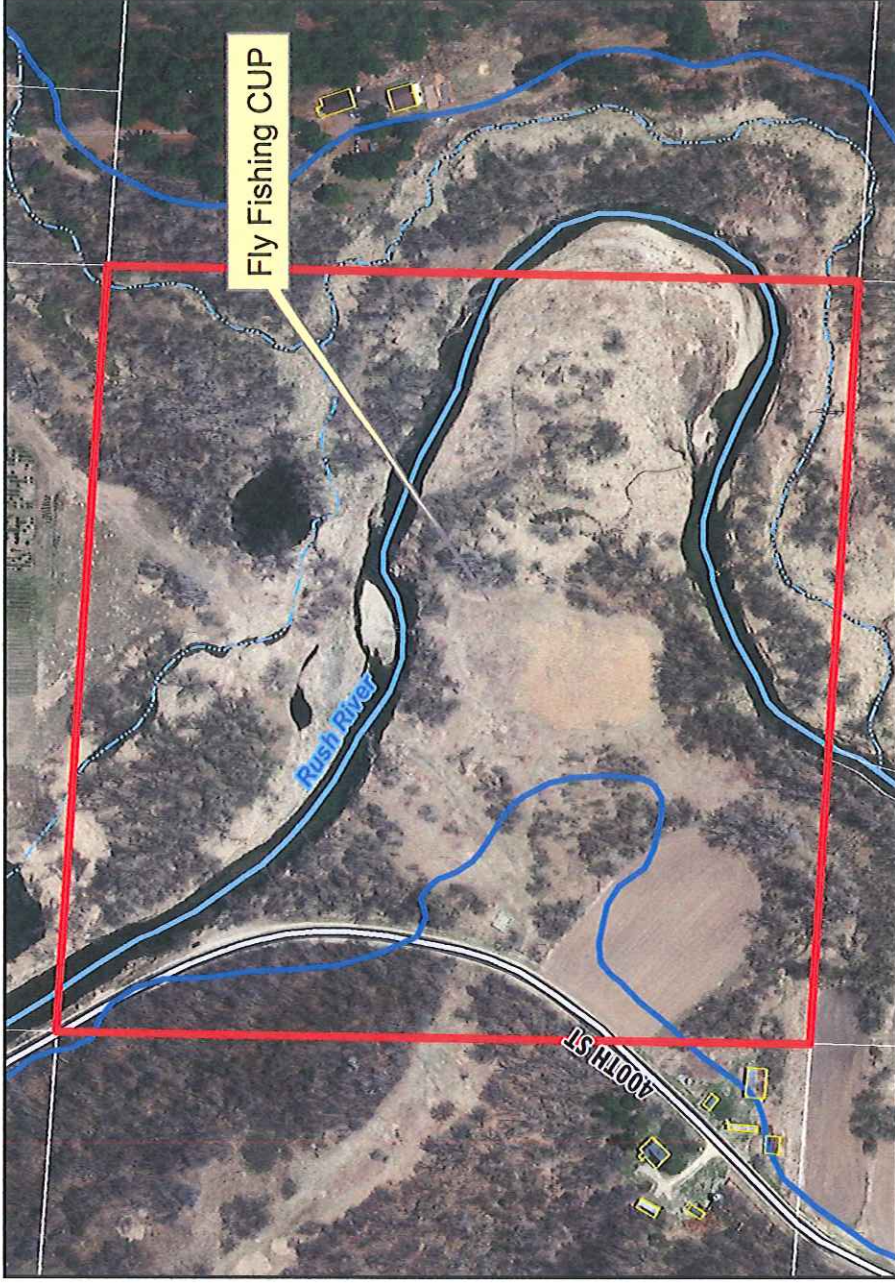
-  Dwellings
-  CUP Parcel
-  Building Footprints

- ### Zoning
-  General Rural
 -  Primary Agriculture
 -  100 Yr Floodway/
No Base Elev. Det

Orthophotography - 2020 Pierce County



Prepared by the Department of Land Management



Site Location
 SW - SE of SEC. 33
 TOWN OF EL PASO

