

STAFF REPORT LAND MANAGEMENT COMMITTEE

Land Management Committee Meeting,

April 18, 2018

Agenda Item 7

Applicant: J & D Trading Co. (owner), David Chadima (agent)

Request: Conditional Use Permit (CUP) for an Accessory Residence

Background:

The applicant is proposing to remove an obsolete structure on the property and construct a residence for family or caregiver (if necessary).

Issues Pertaining to the Request:

- The property is located in part of the NW ¼ of the NW ¼ of Sec. 20, T26N, R19W, Town of Oak Grove. The property is in the Rural Residential-12 zoning district.
- Pierce County Code (PCC) § 240-40(A) allows accessory residences which are accessory to single-family residences in the Rural Residential-12 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:
 - 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.
- The applicant owns 200+ acres of land with a home, well, several farm buildings, and silos. There is also a septic system for the existing house and another septic system that is not being used.
- The principal residence is ±4,000 sq. ft. (1.5 story dwelling + basement) and attached garage (24’x24’). The conventional septic system was permitted in 1978.
- The applicants propose to build a 38’x48’ accessory residence includes an upstairs loft, 1-car garage. There is a proposed 38’x48’ basement and attached screened in porch (12’x12’). The accessory residence is proposed to be used by relatives or caregivers. The proposed residence will use the existing access off of 1160th St.
- The applicants propose to hire a plumber to inspect and assess if the existing unused septic system can be used and reconnected to the accessory residence. If the existing system needs to be improved or a new system needs to be installed, the applicant will need to obtain a sanitary permit.
- 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 applicant will need to obtain a separate uniform address number for the accessory residence.

Applicant: J&D Trading Co, David Chadima
April 18, 2018
CUP – Accessory Residence

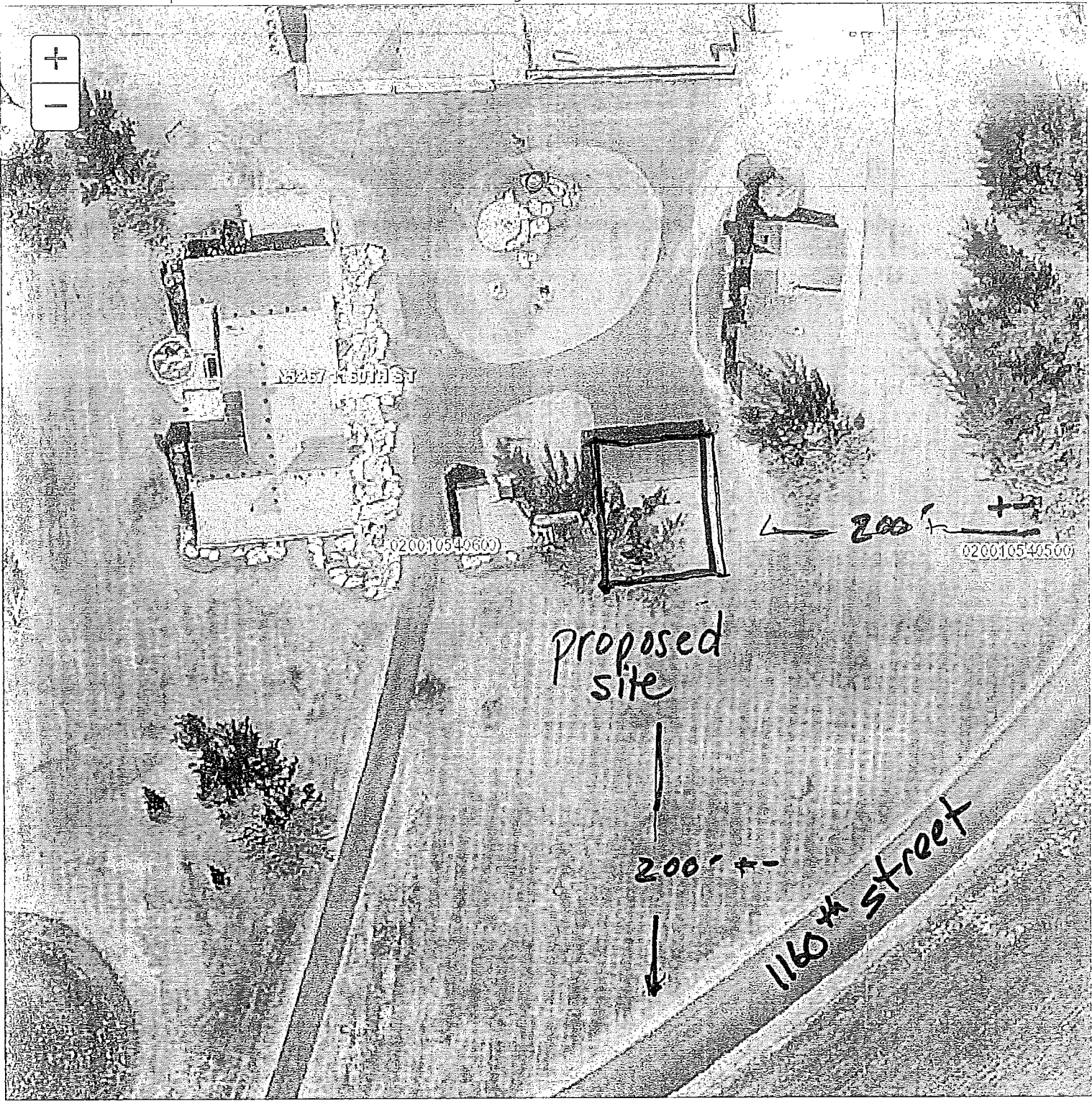
- The Oak Grove Town Board recommended approval of this request on 3-19-18 without any concerns or recommended conditions. The Town did not reference its Comprehensive Plan.
- No renewal of this request will be necessary provided the use is established within 12 months of approval.

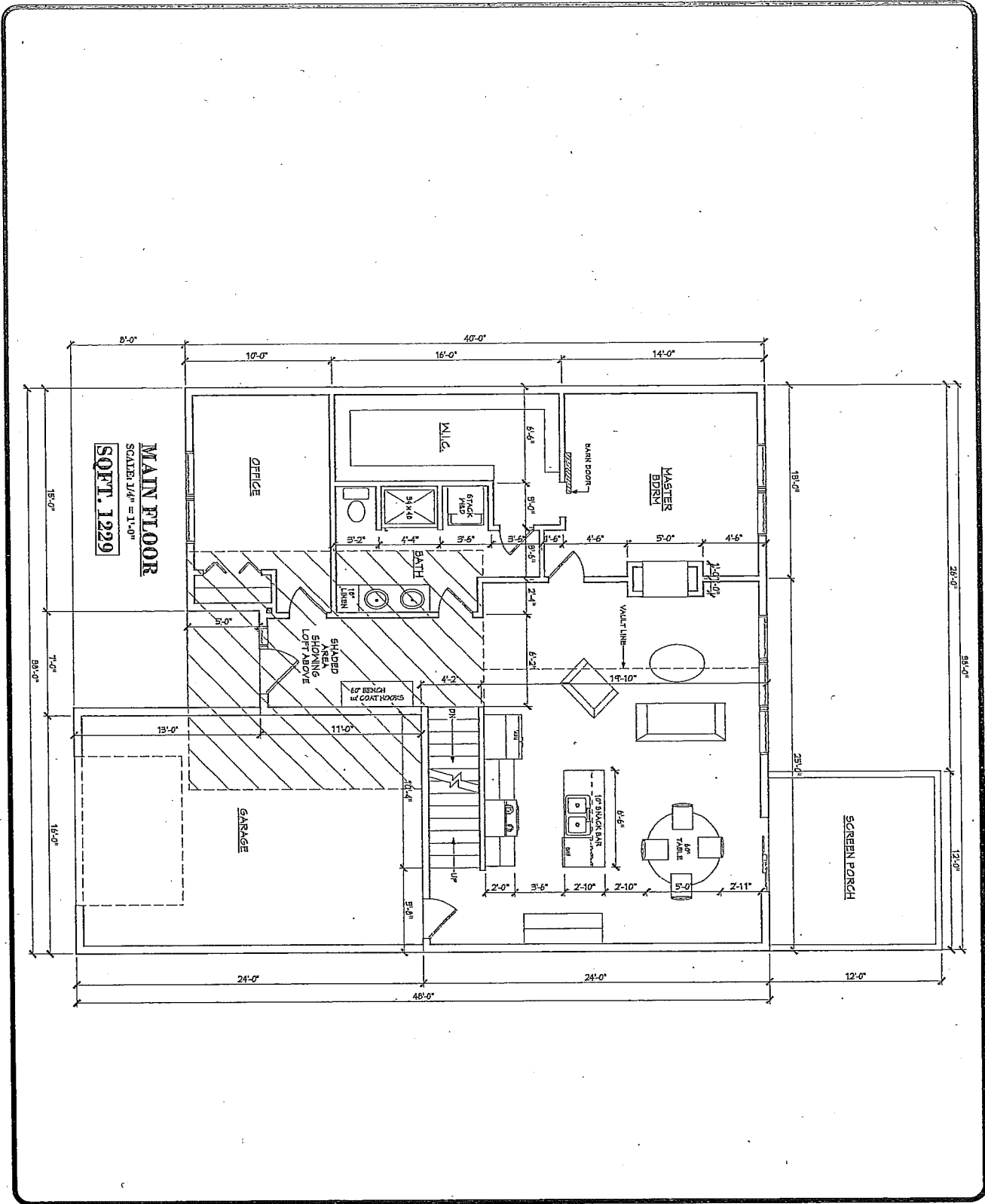
Recommendation:

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. The applicant shall hire a Wisconsin Licensed Master Plumber to assess the existing unused septic system. If the existing system needs to be improved or a new system needs to be installed, the applicant shall work with the Master Plumber to obtain a sanitary permit.
2. The applicant shall work with the Town building inspector, Todd Dolan, to determine whether a permit from the town is needed and to ensure compliance with the Uniform Dwelling Code (UDC) requirements.
3. The applicant shall obtain a separate uniform address number and sign for the accessory residence.

Submitted By: Emily Lund,
Assistant Zoning Administrator





MAIN FLOOR
 SCALE: 3/8" = 1'-0"
SQFT. 1229

DRAWN BY:
 Creative Design Works, LLC.
 612-708-2490

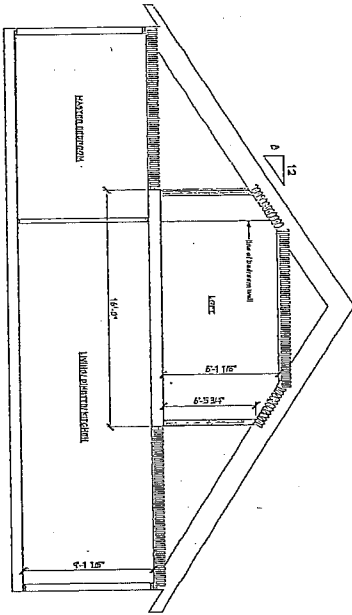
PLAN DATE: 10/7/2018

REVISIONS:
 1.
 2.
 3.

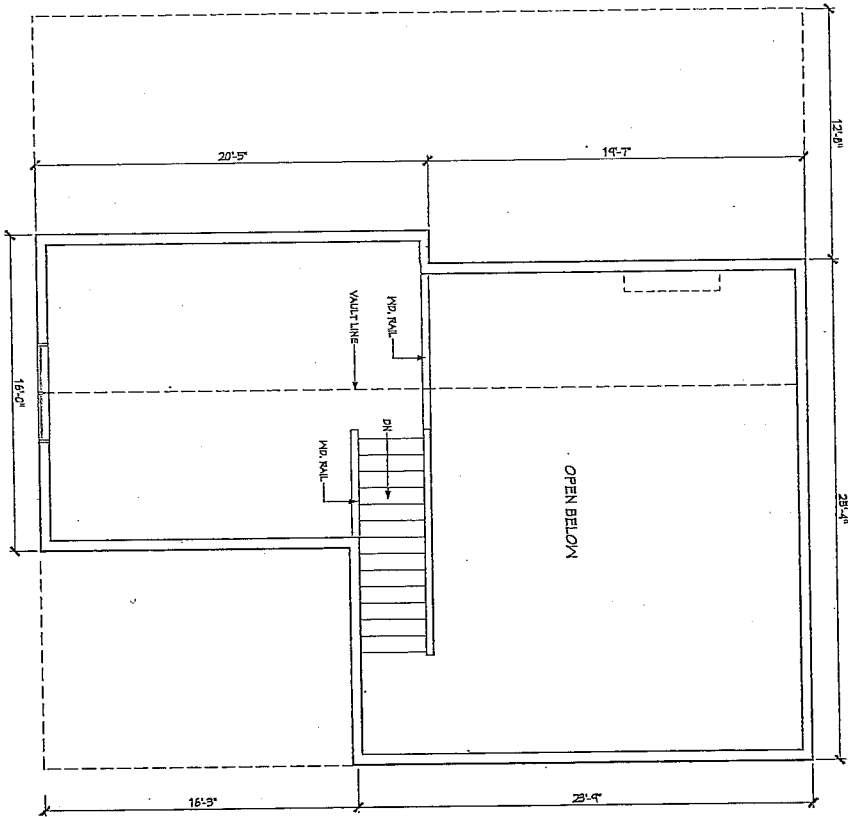
CHADIMA RESIDENCE

PROJECT LOCATION
 ADDRESS:

3/4



SECTION
SCALE: 1/4" = 1'-0"



LOFT AREA
SCALE: 3/16" = 1'-0"






<p>4/4</p>	<p>DRAWN BY: Creative Design Works, LLC. 612-708-2990</p>	<p>PLAN DATE: 1/7/2018 REVISIONS: 1. 2. 3.</p>	<p>CHADIMA RESIDENCE</p>	<p>PROJECT LOCATION ADDRESS:</p>
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Land Management Committee


J & D Trading Co, David Chadima
(April 18th, 2018)

CUP - Accessory Residence

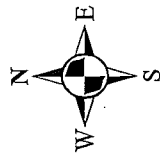
Legend

-  Dwellings
-  Accessory Res. - CUP
-  New Residence
-  Parcels
-  Contours (10ft)

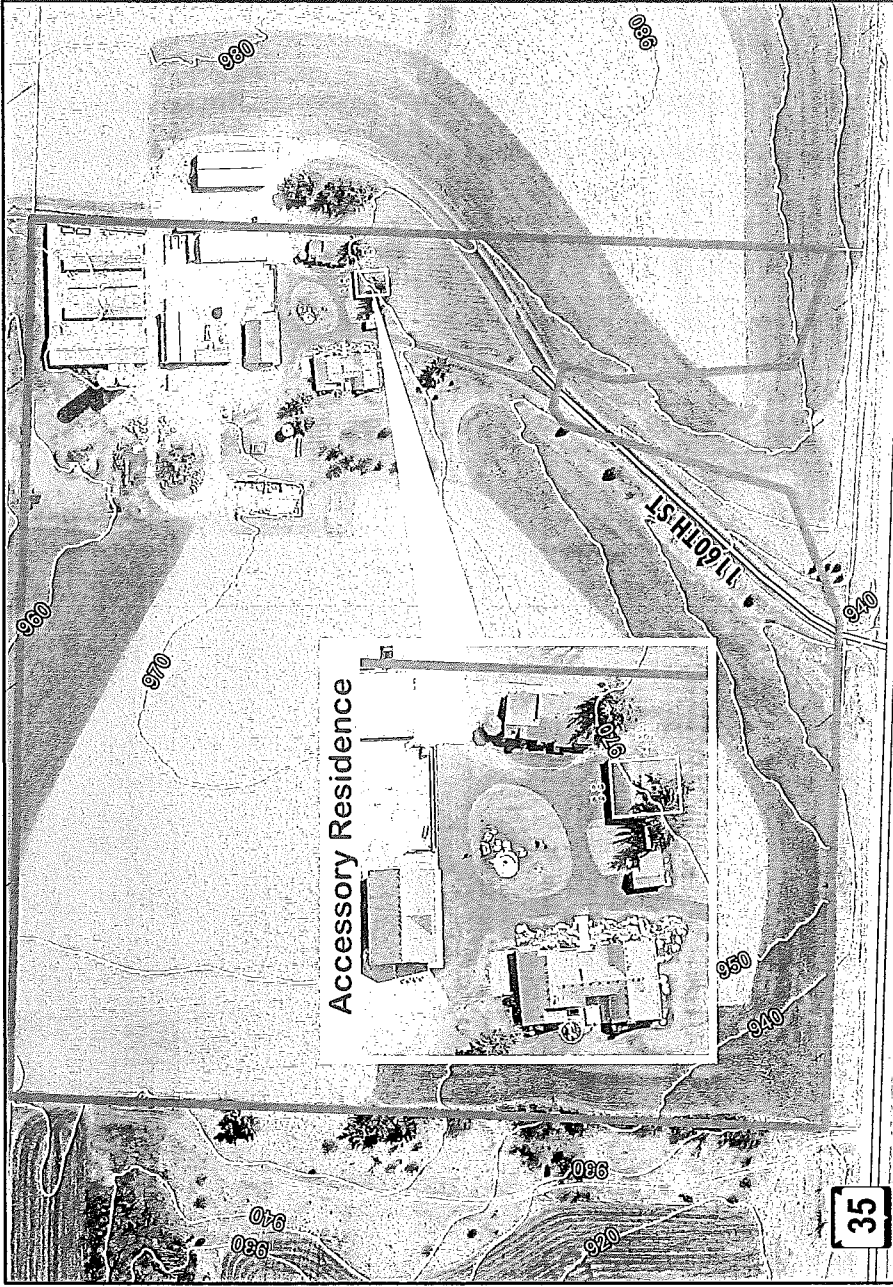
Zoning

-  General Rural Flexible - 8
-  Rural Residential - 12

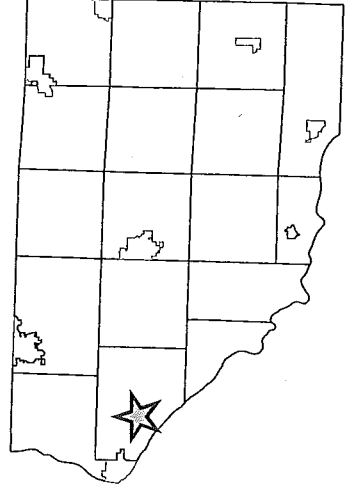
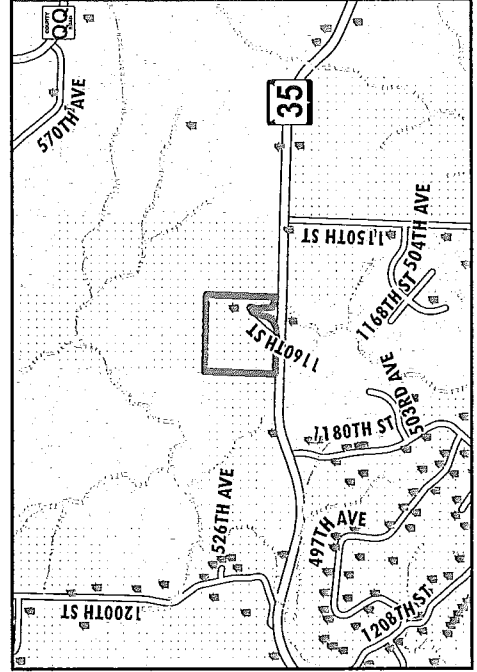
Orthophotography - 2015 Pierce County



Prepared by the Department of Land Management



Site Location
N5267 1160TH ST
TOWN OF OAK GROVE



STAFF REPORT LAND MANAGEMENT COMMITTEE

Land Management Committee Meeting, April 18, 2018

Agenda Item 8

Applicant: Rumpca Excavating, agent for John Rohl

Request: Conditional Use Permit for Nonmetallic Mining

Background:

Nonmetallic mining had previously been permitted on this parcel. However, the conditional use permit expired and the use ceased for more than 12 months in 2008. In 2015, staff became aware that mining had again begun on the site and notified the applicant that a new Conditional Use Permit was required. At that point mining activity was halted and the applicant began the process of applying for a new conditional use permit.

The property is subject to a conservation easement with the Kinnickinnic River Land Trust (KRLT). The easement required the mine to be reclaimed in 2010. The property owners and the KRLT came to an agreement to allow mining for a limited term and then have the site reclaimed. A CUP was issued in 2015. However, the previous mine operator could not accomplish sufficient mining within the agreed timeframe and chose not submit financial assurance to enable continued mining of the site. That permit expired, while the property owners and the KRLT continued to work on an amended agreement.

The applicant and the KRLT have come to an agreement to allow mining for a limited term and then have the site reclaimed. Rumpca Excavating operates a mine on the neighboring property. They are aware of the easement with KRLT and are submitting plans to extract materials and reclaim the site. Their initial plan is for the two mines to essentially be combined. A policy exception to the 100' mining setbacks would be needed for this to occur. Mining and reclaiming on the Rohl property will be a priority.

Issues Pertaining to the Request:

- The legal description for this property is in the NW ¼ of the SW ¼ in Section 28, T27N, R19W in the Town of Clifton. The property is zoned Primary Agriculture.
- The site has a residence and an active agricultural operation. Surrounding land uses are residential, agriculture and nonmetallic mining.
- The mining site has approximately 4 unreclaimed acres. Access to the mine is off of County Road MM. The extraction area will be expanded to allow for better reclaimed slopes.
- The site is relatively flat with the relief of approximately 25 feet. No major streams are present on the site. The active mining area is and will continue to be internally drained.
- Sand and gravel is present under the topsoil and is approximately 20 feet thick. The operation is for the extraction of the sand and gravel. Typical equipment on the site is bulldozer, backhoe, screener and trucks for hauling. Portable crushing equipment is brought in when needed.
- Mining had previously occurred within the 100 foot setback and over the property line. The plan is to connect the two operations. Proposed extraction is limited within the setback area; the plan is match elevation from the previous mining in the area and to construct a road between the two sites. A policy exemption will be required.

Applicant: Rumpca/Rohl Mining
Conditional Use Permit for Nonmetallic Mining
April 18, 2018

- There will be no blasting or use of chemicals on the site. Washing and processing of the material will occur on the adjacent Rumpca property.
- The average ground water elevation, determined by area wells, is 830 feet above sea level. The pit floor is approximately 1000 feet above sea level.
- The operation will be most active in the summer months. Typical summer hours of operation will be 7am to 7pm Monday through Friday and 7am to 4:30 on Saturday.
- The Reclamation Plan states that the post mining land use will be pasture land. The plan calls for sequential reclamation and covers approximately 8 acres. Final slopes will be no greater than 3:1. The applicants have been working with the Land Conservation Department to improve the runoff through the reclaimed mining area and farm.
- Rumpca Excavating has submitted financial assurance for the mine which is currently being reviewed by Pierce County's Corporation Counsel.
- This request was presented to the Town of Clifton on August 8, 2017. The Town recommended approval of the request with no reference to its Comprehensive Plan or concerns listed.

Recommendation:

Staff recommends the Land Management Committee determine whether the proposed use at the proposed location would be contrary to the public interest and or would be detrimental or injurious to public health, public safety or character of the surrounding area. If found to be not contrary to the above, staff recommends the LMC grant this conditional use permit with the following conditions, as well as any additional conditions deemed appropriate:

1. A 100-ft setback shall be maintained from all property lines for all mining activities, unless granted an exemption by the LMC.
2. Applicant shall comply with all requirements of Pierce County Code Chapter 241, Nonmetallic Mining Reclamation.
3. Applicant shall follow all recommendations and receive all necessary permits from WI DNR, Department of Safety and Professional Services, MSHA and other agencies if required.
4. Applicant shall submit to the Zoning Office a copy of the Storm Water Pollution Prevention Plan and a Spill Prevention, Control and Countermeasures Plan if these plans are required by other agencies.
5. A fugitive Dust Plan shall be developed and implemented for the mining site and haul roads.
6. Hours of operation shall be 7am to 7 pm Monday through Friday and 7:00 am to 4:30 pm on Saturday.
7. Final reclaimed contours for the Reclamation Plan shall be submitted to the Zoning Office.
8. Applicant agrees that any unforeseen erosion issues shall be addressed to the satisfaction of the county.
9. This CUP renewal shall expire in two years.
10. Any expansion or intensification shall require a new conditional use permit.

Submitted By: Brad Roy, Zoning Administrator

Land Management Committee

Rohl Nonmetallic Mining
(April 18, 2018)

CUP - Nonmetallic Mining

Legend

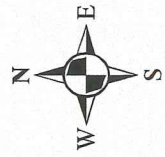
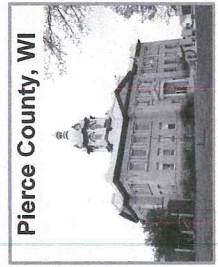
-  Dwellings
-  Nonmetallic Mining
-  Parcels

Zoning

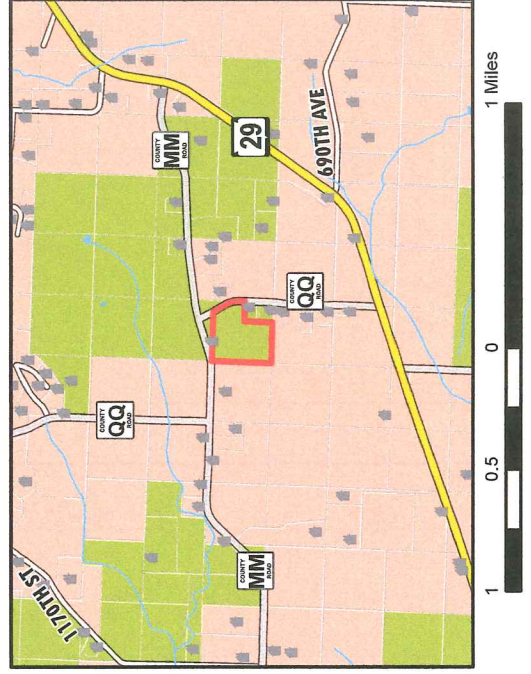
-  General Rural Flexible
-  Primary Agriculture



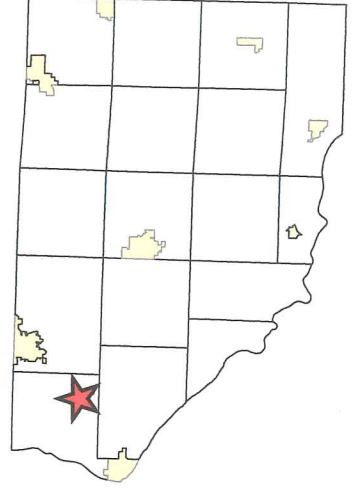
Orthophotography - Pierce County 2015



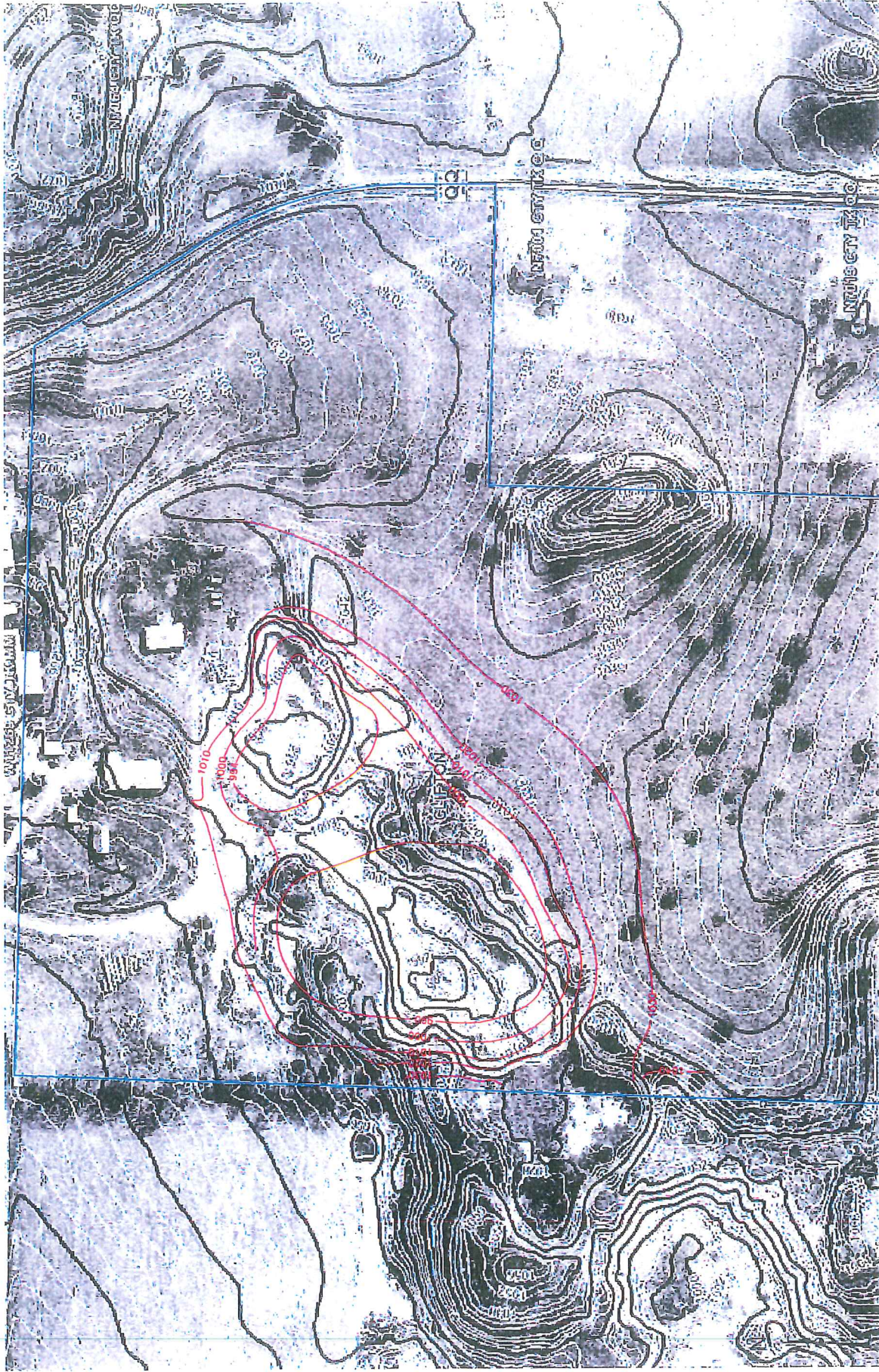
Prepared by the Department of Land Management



Site Location
S28-T27-R19
Town of Clifton




PROPOSED TOPOGRAPHICAL SKETCH FOR:
RUMPCA EXCAVATING



JOB NO. 70-17	SCALE AS SHOWN	REVISIONS REMARKS	SITE ADDRESS XXXX XXXX XXXX
BOOK/PAGE XX/XX	DRAWN CUB	DATE	PROPERTY DESCRIPTION XXXX XXXX XXXX
SHEET 1 of 1	REFERENCE		CHMARK XXXX

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly registered Land Surveyor under the laws of the State of Minnesota.
W. BROWN LAND SURVEYING, INC.
Woodrow A. Brown, R. L.S., MN REG 15230
Date: 04-21-2017



W. BROWN LAND SURVEYING, INC.
8030 Cedar Avenue So, Suite 228
Bloomington, MN 55425
Phone: (612) 854-0055
Fax: (612) 854-0055
EMAIL: WBLANDSURVEY@AOL.COM

Navigation: Zoom In, Zoom Out, Pan, Zoom Prev, Zoom Next, Zoom Select, Zoom Extent

Tools: XY, Map Tips, Measure, Pictometry, Legend, Results, View, Clear, Search, Identify, Links

Commands: Print Map, Reports



Single Feature

Available Reports: Parcel/Tax Data Go

Zoom to Feature

Feature Information	
Name	002010560100
Alternate Parcel Number	002227192941U362
Tax Year	2018
Municipality	TOWN OF CLIFTON
Plat Type	PLAT
Plat Description	NOT AVAILABLE
Block	
Lot	
Acres	40
Section	29
Township	27
Range	19
Physical Address 1	W11351 COUNTY RD MM
Physical Address 2	PRESCOTT, WI 54021
Attention	
Owner Name	RUMPCA EXCAVATING INC
Owner Address 1	10760 IDEAL AVE S

1 Items

Parcel Number	Alternate Parcel Number	Tax Year	Municipality	Plat Type	Plat Description	Block	Lot	Acres	Section	Township	Range	Physical Address 1	Physical Address 2	Attention
002010560100	002227192941U362	2018	TOWN OF CLIFTON	PLAT	NOT AVAILABLE		40	29	27	19	19	W11351 COUNTY RD MM	PRESCOTT, WI 54021	

Area where Crushing Equipment will be set up

STAFF REPORT LAND MANAGEMENT COMMITTEE

Land Management Committee Meeting, April 18, 2018

Agenda Item 9

Applicant: Rumpca Excavating and John Rohl

Request: Exception to the Departmental Policy requiring a 100 ft. setback to property lines for Non Metallic Mining.

Background:

Rumpca Excavating operates a mine on property it owns in the Town of Clifton and has applied for a conditional use permit to operate a mine on neighboring property to the east on property owned by John Rohl. Previous mining has occurred across the property line by a previous operator. Rumpca is now planning to match existing contours of the previously mined area and to construct a road to connect the two mines.

Issues Pertaining to the Request:

- The legal description for Rohl property is in the NW ¼ of the SW ¼ in Section 28, and the Rumpca property is in the NE ¼ of the SE ¼, T27N, R19W in the Town of Clifton. The properties are zoned Primary Agriculture and General Rural Flexible-8.
- On October 3, 2007, the LMC adopted a policy which requires a 100 ft. setback to property boundaries.
- Mining had previously occurred within the 100 foot setback and over the property line. The plan is to connect the two operations. Proposed extraction is limited within the setback area; the plan is match elevation from the previous mining in the area and to construct a road between the two sites. A policy exemption will be required.
- Extraction within the setback area on the Rumpca property will be limited to the area that is adjacent to the Rohl mining area.

Recommendation:

Staff recommends the Land Management Committee consider if this proposal warrants an exception to the departmental policy.



Submitted By: Brad Roy, Zoning Administrator

Land Management Committee

Rohl/Rumpca
(April 18, 2018)

Non Metallic Mining Setback Policy Exception

Legend

-  Dwellings
-  Rohl/Rumpca
-  Parcels

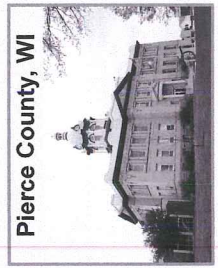
Zoning

-  General Rural Flexible - 8
-  Primary Agriculture

Flood Hazard Zones

-  100 Yr Floodway/
No Base Elev. Det

Orthophotography - 2015 Pierce County



Site Location

County Road MM
Town of Clifton

