NOTICE OF PUBLIC MEETING
DOOR COUNTY RESOURCE PLANNING COMMITTEE

DOOR COUNTY GOVERNMENT CENTER
421 NEBRASKA STREET
STURGEON BAY, WI 54235

The Door County Resource Planning Committee will conduct a regular business meeting on Thursday, February 6th, 2020 in the Chambers Room (Room C102, first floor), Door County Government Center, 421 Nebraska Street, Sturgeon Bay, Wisconsin, beginning at approximately 3:30 p.m., after public hearings scheduled to begin at 3:00 p.m.

AGENDA

1.0 Open meeting.

2.0 Verification of proper notice and posting procedures; quorum present; adoption of the agenda.

3.0 Public comment.
   a) Information may be received from members of the public, except information related to a pending hearing (e.g., zoning amendment or conditional use permit).
   b) Extensive discussion and all action must be deferred until and unless specific notice of the subject matter is included on the agenda.

4.0 Correspondence:
   - January 15, 2020: Attorney Michele McKinnon to Corporation Counsel Grant Thomas.
   - January 17, 2020: Corporation Counsel Grant Thomas to Attorney Michele McKinnon.
   - January 16, 2020: E-mail from Don Freix to RPC members.

All of the above relate to county communication tower regulations and broadband access.

5.0 Read and act on minutes of January 16th, 2020 meeting.

6.0 Zoning matters.

6.1 John L. Anderson (d.b.a. Beantown Campground); conditional use permit to expand the existing campground via ten (10) additional sites south of the existing campsites, resulting in 108 total campsites; 8300/8400 CTH F; Countryside (CS) zoning district; Baileys Harbor.

6.2 Burgess Nelson Partnership, LLC (d.b.a. Nelsons of Fish Creek, LLC); conditional use permit to construct 8,200 sq. ft. addition to existing 15,628 sq. ft. hardware store for a total of 23,828 square feet (retail is a permitted use but retail structure exceeding 20,000 square feet requires conditional use permit); 3449 STH 42; General Commercial (GC) zoning district; Gibraltar.

7.0 Addressing program: Continued discussion/potential action regarding address sign replacement request.

8.0 Future meeting schedule.
   - February 20, 2020 - Quarry Bluff zoning hearing at ADRC. 3:00 hearing start.
   - March 5, 2020 - ?
   - March 19, 2020 - ?
9.0 Meeting per diem code.
10.0 Adjourn.

** Deviation from the order shown may occur. **

Ken Fisher, Chair
Resource Planning Committee
County Government Center
421 Nebraska Street
Sturgeon Bay, WI 54235

MKG/SV/Ir
01/30/20

Notice in compliance with the Americans with Disabilities Act: Any person needing assistance to participate in this meeting should contact the Office of the County Clerk at (920) 746-2200. Notification 48 hours prior to a meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting.
NOTICE OF PUBLIC HEARINGS BEFORE THE
DOOR COUNTY, WISCONSIN RESOURCE PLANNING COMMITTEE

DOOR COUNTY GOVERNMENT CENTER

421 NEBRASKA STREET
STURGEON BAY, WI 54235

Public hearings will be held by the Door County Resource Planning Committee on Thursday, February 6, 2020 in the Chambers Room of the Door County Government Center (Room C-102, First Floor) at 421 Nebraska Street, Sturgeon Bay, Wisconsin. The purpose of the hearings is to give consideration to the following applications for conditional use permit as specified in the county comprehensive zoning ordinance.

Starting at 3:00 p.m.:

TOWN OF BAILEYS HARBOR

John L. Anderson (d.b.a. Beantown Campground) requests a conditional use permit as required by Sections 2.05(3)(a), 4.07(2), and 11.04. The applicant is proposing to expand the existing campground via ten (10) additional sites south of the existing campsites, resulting in 108 total campsites. The property is located at 8300/8400 CTH F in Section 18, Town 30 North, Range 28 East and in a Countryside (CS) zoning district.

TOWN OF GIBRALTAR

Burgess Nelson Partnership, LLC (d.b.a. Nelsons of Fish Creek, LLC), requests a conditional use permit as required by Door County Comprehensive Zoning Ordinance Sections 2.05(3)(b) (Footnote 3) and 11.04. The applicant proposes to construct an 8,200 square foot addition onto the existing 15,628 square foot hardware store for a total of 23,828 square feet. A retail store (hardware store) is a permitted use in the General Commercial (GC) zoning district; however, a retail store with a floor area that exceeds 20,000 square feet must be authorized by a conditional use permit. The property is located at 3449 STH 42 in Section 27 Town 31 North, Range 27 East and in a General Commercial (GC) zoning district.

A conditional use is one that has been determined to be compatible in a particular area, not a use that is always compatible at a specific site within that area. The use is subject to requirements and conditions, and is only allowed under a conditional use permit (CUP) issued by Door County.

The Door County Resource Planning Committee (RPC) decision to approve, approve with conditions, or deny the CUP must be supported by substantial evidence. A conditional use permit applicant has the burden of proof. S/he must demonstrate, by substantial evidence, that the application and all requirements and conditions established in the ordinance and by the RPC relating to the conditional use are or shall be satisfied. If an applicant meets their burden of proof, then the RPC must grant the CUP. If an applicant fails to meet their burden of proof, the CUP will be denied. The CUP may also be denied if there is substantial evidence opposing the conclusions and evidence of the applicant, as the RPC’s decision need only be supported by substantial evidence.

Testimony and exhibits offered by persons other than the applicant, whether in support of or opposition to the CUP, must also constitute substantial evidence.

Substantial evidence is defined by state statute as “facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.”

The purpose of the hearing is to allow parties to explain how their interests are affected, how the public is affected, and to bring out any facts pertinent to the case related to public health, safety, convenience, and general welfare. All interested parties are urged to attend and give testimony.

Written testimony will also be accepted on 8 1/2” x 11” paper at the Door County Land Use Services Department, 421 Nebraska Street, Sturgeon Bay, WI 54235 (FAX 920-746-2387) until 3:30 p.m. on February 5, 2020. Letters will be available for public inspection during normal business hours. Letters will be entered into the record; a summary of all letters will be presented at the hearing, but individual letters will not be read. Anonymous correspondence will not be accepted. Please note that any correspondence or testimony you may have submitted for any town-level proceedings regarding these matters does NOT get forwarded to the county.
A regular meeting of the Resource Planning Committee will follow the public hearings.

Ken Fisher, Chair  
Door County Resource Planning Committee  
Door County Government Center  
421 Nebraska Street  
Sturgeon Bay, WI 54235

The list of names to which this notice was sent is available upon request in the office of the Door County Land Use Services Department, 421 Nebraska Street, Sturgeon Bay, WI 54235 (phone 920-746-2323).

All application materials may be viewed at the Door County Land Use Services Department, 421 Nebraska Street, Sturgeon Bay, Wisconsin during normal business hours, 8:00 a.m. to 4:30 p.m., Monday-Friday. Application materials may also be viewed on-line beginning approximately four business days before the hearing at http://map.co.door.wi.us/Agendas-Minutes/Resource%20Planning/. Please note that if additional information is submitted to the Land Use Services Department after the packet has been posted or the website, another packet may be posted late afternoon the day before the hearing.
January 15, 2020

Re: Chapter 14 – Zoning Ordinances
Communication Support Structures and Related Facilities

Dear Attorney Thomas:

We represent Door County Broadband, LLC ("DCB") and are in receipt of the red-lined version of Chapter 14 of the Zoning Ordinances (the "Ordinance") you sent on December 16, 2019. As a local provider of fixed-wireless broadband services, DCB wishes to comment on the proposed changes. Unfortunately, despite our lengthy meeting on October 18, 2019, it appears that the Ordinance continues to contain significant barriers for residents who wish to obtain internet service through use of a fixed-wireless tower.

We do not believe there is any dispute that increased availability of reliable internet service throughout Door County is an overwhelming need. It appears that the County’s revisions to Section 14.04 are intended to mirror on the Broadband Forward! Community Model Ordinance issued by the Public Service Commission of Wisconsin (the “PSC”); however, Section 14.04(8) continues to incorporate all of the application, design, setback, and other requirements imposed on larger mobile towers via Section 14.01. At our last meeting, DCB urged the County to acknowledge the fundamental differences between fixed-wireless towers (governed by Section 14.04) and mobile towers (governed by Section 14.01), rather than treat them on par with one another. Specifically, fixed-wireless towers are much shorter in height, much narrower in diameter, and carry a significantly lighter wind load. Due to these differences, fixed-wireless towers do not impose the same “health and safety” concerns as do mobile towers.
Chapter 14, as edited, does not achieve the PSC’s stated goal of encouraging the developing broadband access. Rather, the Ordinance will have one of three negative impacts: either (1) residents will be denied availability of broadband services due to the administrative obstacles and costs, or (2) those residents who can afford the cost of private towers will each construct their own private tower, which will litter the Door County landscape with towers that are duplicative and unnecessary, or (3) municipalities will acknowledge the barriers caused by the Ordinance and will opt-out.

These impacts can be avoided altogether by expanding the exemption in either Section 14.01(4)(d) or Section 14.01(4)(e), which are made applicable to fixed-wireless towers by virtue of Section 14.04(4). Recall that fixed-wireless towers were, in fact, exempt in the 2004 version of the Ordinance; the nature of the fixed-wireless towers did not change but, for some reason, the Ordinance did. The County can easily revise the Ordinance to return to the exemption the towers once had by providing an exemption for either:

(d) Structures for residential satellite dishes, residential television antennas, fixed-wireless internet, or other antennas that are used to provide services to residential users only, provided further that the use constitutes ancillary or secondary use, and not primary use of the property.

OR

(e) Fixed-wireless internet support structures 125’ in height or less.

Expanding the exemption, as proposed above, would alleviate residents from the requirement that they obtain a written agreement from neighbors waiving setback and fall zone requirements. This requirement could create an insurmountable obstacle for many residents who seek to construct a fixed-wireless tower on their parcel. Uncooperative neighbors might simply ignore the request, barring a resident from services altogether. As I recall, the County’s main concern here is that the failure of a tower could create health and safety issues for neighbors. But DCB has explained that the height, width, and weight of the fixed-wireless towers are *di minimus* in comparison to mobile towers, and simply do not pose the same risk of injury or harm to neighbors or their property. Also, because each tower is limited in the amount of equipment it can accommodate, providers have no incentive to “overload” towers, as doing so would subject them to independent liability.

Also, expanding the exemption would relieve residential property owners of the requirement to put financial assurances in place at the start of the licensing requirement. Remember that these property owners are not *commercial* entities – they are Door County *residents*. The County already has procedures that allow it demand removal of structures that become dilapidated or
dangerous. There is no logical reason to require more “financial assurances” from residential home owners for building a fixed-wireless internet tower than for any other structure.

Lastly, the exemption would allow a resident to place a fixed wireless tower on their own property and, if the size of the tower permits, allow residential neighbors to also access services from that same tower (thereby avoiding “dotting” the landscape with more towers than are actually necessary). While one neighbor might charge the other for sharing space on the tower, the County should not interpret that as a “commercial” endeavor. In reality, it is no different than one neighbor charging another for an access or driveway easement.

The Ordinance, as currently proposed, will cause fixed-wireless providers to focus their service in areas of Door County that are not governed by the Ordinance and, indirectly, will likely cause many more municipalities to affirmatively opt-out of the Ordinance. It seems counterintuitive that the County would seek to adopt an Ordinance that requires municipalities to choose between two undesirable options: force its residents to live without affordable and reliable internet availability or opt-out of the County’s Ordinance.

Very truly yours,

LAW FIRM OF CONWAY, OLEJNICZAK & JERRY, S.C.

By: Michele M. McKinnon

MMM:mmm/3296648
C: Ken Pabich (kpabich@co.door.wi.us)
    Jim Schussler (jim@doorcountybusiness.com)
January 17, 2020

Michele M. McKinnon
Attorney at Law
Conway, Olejniczak & Jerry, S.C.
P.O. Box 23200
Green Bay, WI 54305-3200

RE: Ch. 14, DCCZO
Towers & Facilities

Dear Attorney McKinnon:

This is in response to your January 15, 2020 letter... and to some of the comments made at yesterday’s Resource Planning Committee meeting.

Counties, and other local units of government, are largely at the mercy of the state. The state has great authority to determine what counties, and other local units of government local governments may and may not do.

Counties, and other local government units, have the authority to regulate in this area. It’s fair to say that Wisconsin has, for the most part, left regulation of these towers and facilities to local government units.

The obvious exceptions are §66.0404, Wis. Stats. (effective 07-01-2013) and §66.0414, Wis. Stats. (effective 07-11-2019), which limit the authority of local government units to regulate certain towers and facilities. The actions of the State legislature, in creating these statutes, was an attempt to rein in or avoid perceived regulatory excesses by some local government units.

Ch. 14, DCCZO is consistent with Door County’s authority. It is not more restrictive than what the statutes (state legislature) allows.

A balanced approach was taken, where all parties’ interests were considered, in crafting the proposed amendments to Ch. 14, DCCZO. These amendments address, in some form or fashion, the vast majority of the concerns raised by your client.

We believe it is both unwise and unnecessary to exempt support structures (wireless or otherwise) up to 125’ in height from any regulation. 50’ in height is what the State has deemed reasonable and fair. The proposed amendment of Ch. 14, DCCZO does exempt support structures 50’ or less in height.
Bottom line is ... we do not want to let the safety ‘net down’. By ‘safety net’, I mean:

- Setbacks;
- Fall zone;
- FAA / BOA considerations;
- Critical public safety communications corridor; and
- Removal and restoration after operations cease.

The revised ordinance reasonably and fairly allocates risk and responsibility, and affords applicants flexibility in satisfying each requirement.

By way of example...there are two ‘outs’ for the setback / fall zone requirements. Those being:

- Written waiver by adjacent property owner; or
- Engineer’s certificate showing that the tower is designed to collapse within a smaller area (e.g., in sections) and therefore does not need as large a fall zone or setback.

Neither option seems overly burdensome, particularly in view of the fact that it is truly only an issue when there is no feasible alternative location.

Your client has asserted that its towers differ from others ... and do not pose the same risk as others. While I understand the argument, the assertion is unsubstantiated. I'm not sure any adjacent landowner would be comforted by these bare assertions (versus a written opinion by a licensed structural engineer) when faced with the prospect of a 125' tower looming on their property boundary line.

In view of the above ... whether or not, and to what extent, Ch. 14, DCCZO is an ‘obstacle’ to wireless service is fairly debatable. We would argue that such regulations protect the environment, public health and safety ... and respect the obvious benefits of reliable and robust wireless service.

We are compelled to point out that Door County did achieve Broadband Forward! Community Certification under §196.0504, Wis. Stats. The State (PSC or other sub-unit) did not, and has not...in so far as I am aware...expressed concerns about Door County regulations.

Hopefully this sheds some light on our perspective.

Thank you.

Respectfully,

CORPORATION COUNSEL OFFICE

Grant P. Thomas, Corporation Counsel

c: Ken Pabich, County Administrator
Ken,

Appreciate the slightly less than formal conduct of the informational meeting on the tower regulations for broadband RPC chairman, and thanks Mr Enigl for finally making a motion to postpone action and seek further information before tackling the ordinance changes.

Door County Broadband, was it Mr Vos, is correct about their services if one ignores the caveats in their own website literature about providing broadband under the most ideal transmission circumstances and the most recent definition of the term that I was able to easily discover, the 2015 FCC's definition:

"2015 FCC definition: Bandwidth that provides speeds of 25 Mbit/s down, and 3 Mbit/s up."

the rate sheet for the DC Broadband subscribers is here:

https://doorcountybroadband.com/service/residential-service/

Now consider that "almost," full broadband service (if you have an ideal location) is only available with Door County Broadband at about $200 a month, right there in line with the financially elite people like Mr Worrick, our recently retired Door County Memorial hospital CEO, but likely no-so-much with a struggling young family with children attending the local schools needing internet access for homework while struggling with less than living wage jobs in the county.

Thus my comment about wireless broadband being a short term enhancement for those with the money and not a long-term solution to help aspiring youth or the rest of us of lesser financial circumstances. So as a county let's just ignore them or the majority of us?

Best to all

Peace and Resolve,

Donald Freix
Fish Creek, WI

920 868 9513
MINUTES OF MEETING
DOOR COUNTY RESOURCE PLANNING COMMITTEE

January 16, 2020

1.0 Open meeting.

Chair Fisher called a meeting of the Resource Planning Committee to order at 3:00 p.m. in the Chambers Room (Room C102, first floor) of the Door County Government Center, 421 Nebraska Street, Sturgeon Bay, Wisconsin.

Present: | RPC Members | Others | Others |
---|---|---|---|
Ken Fisher | Mariah Goode | David Englebert |
David Enigl | Chris Moe | Jim Schuessler |
Jon Koch | Grant Thomas | Kevin Voss |
Richard Virlee | Chris Olson | Jessie Hatch |
Vinni Chomeau | Aaron LeClair | Nathan Drager |
 | Tammy Sternard | Nate Bell |
 | Don Freix | David Studebaker |
 | Jerry Worrick | Karen Studebaker |

2.0 Verification of proper notice and posting procedures; quorum present; adoption of the agenda.

After verification of proper notice and posting procedures, there was a motion by Koch, seconded by Chomeau, to adopt the agenda as presented. Motion carried unanimously.

3.0 Public comment.

a) Information may be received from members of the public, except information related to a pending hearing (e.g., zoning amendment or conditional use permit).

b) Extensive discussion and all action must be deferred until and unless specific notice of the subject matter is included on the agenda.

Public comments pertaining to the importance of making broadband access as easy as possible in Door County were made by Jerry Worrick, David Studebaker, Kevin Voss, and Jim Schuessler. Don Freix also spoke in public comment about broadband access, but noted that he thought current options were a “short term” fix, and that he was concerned about the possibility of there being no regulations, including no requirement for towers to be removed when obsolete or in disrepair.

4.0 Correspondence: BUG Fire Department and Town of Gardner, both re: address sign replacement needs. (See also agenda item 6.0.)

- Committee members noted that the two correspondence items received and placed in packets would be discussed under agenda item 6.0.
- Additional correspondence received after packets posted, distributed by staff at the meeting, also pertaining to agenda item 6.0: Town of Brussels letter to the Land Use Services Department regarding address sign replacement.
- Additional correspondence submitted at the meeting by David Englebert, also pertaining to agenda item 6.0: Town of Union letter to the county Public Safety Committee regarding address sign replacement.
MINUTES OF MEETING
RESOURCE PLANNING COMMITTEE
January 16, 2019

- Additional correspondence received after packets posted, distributed by staff at the meeting: Attorney Michele M. McKinnon to Corporation Counsel Grant Thomas pertaining to the proposed amendments to Chapter 14, Communications Support Structures and Related Facilities.

5.0 Read and act on minutes of December 19th, 2019 meeting.

Motion by Chomeau, seconded by Virlee, to approve the minutes as presented. Motion carried unanimously.

6.0 Addressing program: Discussion & potential action on correspondence from BUG Fire Department and Town of Gardner regarding address sign replacement and related addressing program matters.

Goode, Thomas, Moe, and Olson provided a brief overview of the addressing program to date, which included the following items:

- The county addressing program was established in 2000. The ordinance and manual with standards as to sign type (one-sided), size, placement (parallel to the road), color (green with white lettering), etc. were created at that time. Sign standards remain unchanged.
- No fees were charged for address signs until late July 2009, at which point a fee of $40 per sign was adopted by the county board. The county paid up until that point for the construction and installation of all signs, with the number of individual address signs estimated to be about 16,000 by July 2009. Summary signs are not included in that figure.
- A full-time staff person ran all aspects of the program for about ten years, administrative (clerical, billing, ordering, coordination with E911 and dispatch systems and software) and field-related (installation, inspection of all signs annually to ensure prompt replacement, etc.).
- Since the address system staff person’s retirement, program responsibilities have been split between two positions (both now in Land Use Services), one dealing with all administrative aspects (currently Chris Moe) and one dealing with the field work (currently Chris Olson).
- In 2019, fees were changed to $75 for new signs and $25 for replacement signs.
- Replacement signs have been ordered and installed largely on an as-requested basis since the retirement and subsequent elimination of the full-time addressing staff position. Generally, requests come from property owners, but in late 2019, the Town of Forestville provided the department a list of approximately 75 signs town officials felt needed to be replaced. So far about 45 of those signs have been replaced; the other property owners have not yet responded to the mailing indicating they needed to submit the replacement fee. The replacement of the signs took Olson about three weeks, spliced in amongst his regular Sanitarian responsibilities.

Land Use Services staff, Thomas, RPC members, LeClair, Sternard, and Englebert then discussed the correspondence and requests facing the committee from the BUG Fire Department and the Towns of Brussels and Gardner (similar correspondence is anticipated from Union) to, at the very least, replace the faded signs in their area, and preferably, to replace all the signs in their towns with double-sided signs. Moe researched costs for producing double-sided signs; they would be about $6 more per sign than the single-sided (approximately $24 compared to approximately $18). The cost for new replacement signs for all three towns is estimated to be about $66,000. (There are currently 2,650 signs, although that figure is for individual address signs only – it does not include “summary” signs at the beginning of shared driveways and in other unusual situations.) Lengthy discussion then ensued as to the significant issue of the time that would be required to replace all of the signs, and likely reinstall the posts, as they would need to be rotated to accommodate the double-sided signs. Olson indicated that, depending on terrain, soil depth, etc., installation of a post and sign can take anywhere from ten to 60 minutes per sign. Also discussed was what sort of process might work best if such a wholesale replacement were to be undertaken, even on “just” a
town-by-town basis, as there are currently about 18,000 individual signs in county jurisdiction and an unknown number of summary signs.

Motion by Enigl, seconded by Koch, to have staff revisit the ordinance and manual to determine what changes would need to be made to shift to a long-term goal of installation on a town-by-town basis of double-sided signs, and to develop potential proposals regarding the process and cost-sharing options which could be used. Motion carried unanimously.

7.0 Zoning matter: Consider sponsorship of zoning text amendments to Door County Comprehensive Zoning Ordinance Chapter 14, Communications Support Structures and Related Facilities.

Goode and Thomas reviewed and discussed the proposed amendments with RPC members and audience members as recognized by the chair. The amendments put forth would do the following:

- Exempt from ordinance requirements all towers and support structures that are 50 feet or less in height, regardless of type of usage (individual property owner or shared or commercial). The ordinance would no longer exempt all towers (regardless of height) for individual use, though.
- Exempt from ordinance requirements all small wireless facilities, as defined by the state, whether in or out of road rights-of-way.
- Allow neighbors to waive setback requirements for any tower, private or shared or commercial.
- Clarify submittal requirements for applicants to show FCC and FAA compliance (or non-applicability).
- Allow for required engineering information to come from any licensed engineer (as opposed to one licensed in/by Wisconsin).
- Allow for recordation at Register of Deeds of a statement of assurance that a tower will be removed when obsolete (as opposed to requiring provision of a letter or credit or performance bond).

Audience members who spoke all were in favor of completely exempting most if not all broadband towers – but definitely private-use towers – from the ordinance requirements.

Discussion topics also included the five towns that have opted out of the county ordinance. RPC members expressed interest in finding out whether the proposed amendments might cause any towns to opt back in, and what projects exactly those towns have pursued that they could not have pursued under the county regulations.

Motion by Enigl, seconded by Koch, to postpone the discussion to a later meeting which would afford more time to discuss the topic, and at which information could be reviewed regarding the towns' thoughts on the proposed amendments and projects that they have pursued since opting out of the county ordinance. Motion carried unanimously.

8.0 Future meeting schedule.

January 16, 2020 - 6:00 p.m. meeting at ADRC re: flooding issues, processes, resources.
February 6, 2020 - Zoning hearing(s), planning meeting.
February 20, 2020 - Zoning hearing.

RPC members noted that they planned on attending the flooding meeting that evening at ADRC.
Virlee may be late February 6th, the hearings for which were already advertised to start at 3:00.

The February 20th meeting will likely be the hearing for the proposed quarry development. All five RPC members indicated they are available to attend that day. The ADRC dining room has been reserved for the meeting. 3:00 would be the earliest possible start time due to the lunch program, which doesn't end until about 1:30. Fisher, Thomas, and Goode will meet next week to determine if those offering testimony need to sign up to do so in advance, and if time limits will be placed on testimony.

Meeting schedule as discussed noted.

9.0 Meeting per diem code.

Chair Fisher assigned code 116.

10.0 Adjourn.

Motion by Koch, seconded by Virlee, to adjourn the meeting. Motion carried unanimously.

Meeting adjourned at 4:37 p.m.

Reported by,

Mariah Goode
Land Use Services Director

Sue Vanden Langenberg
Zoning Administrator

MKG/SV/Tr
APPLICATION FOR CONDITIONAL USE PERMIT

TO THE ZONING ADMINISTRATOR: The undersigned hereby makes application for a CONDITIONAL USE PERMIT for the work described and located as shown herein. The undersigned agrees that all work shall be done in accordance with the requirements of the Door County Comprehensive Zoning Ordinance.

1. OWNER NAME AND MAILING ADDRESS
Name: John L. Anderson
No: PO Box 433
City: Baileys Harbor
State: WI
Zip: 54202
Home Phone #: 920-836-2635
Daytime Phone #: __________________________
Email: bench1962@yahoo.com

2. BUILDING SITE LOCATION
Fire #: 8300
Road: CTH F
Town of: Baileys Harbor
Local Phone #: __________________________

3. DEVELOPER NAME AND MAILING ADDRESS
Name: Owner
No: __________________________
Street: __________________________
City: __________________________
State: __________________________
Zip: __________________________
Phone #: __________________________
Email: __________________________

4. PROPERTY IDENTIFICATION
Parcel No: 00200180309420

5. USE
Proposed use of land or structure:
Additional comments:

6. SANITARY PERMIT
Type of System: Dosing Conventional
Sanitary Permit No: 427161
Date of Issuance: April 1, 2003
Approximate date of installation: July 2004

7. BUILDING PLANS AND SITE PLAN
TO SCALE BUILDING PLAN AND SITE PLAN REQUIRED. IF PLANS EXCEED AN 11" X 17" FORMAT, SUBMIT ONE COPY OF EACH SHEET REDUCED TO 11" X 17".

8. ROCKHOLES
A rockhole is any depression or opening in the ground surface through which gathered surface water enters bedrock and eventually joins groundwater.

To the best of your knowledge, do any rockholes exist on the lot?

X No ______ No

If yes, show location on Site Plan.

9. FEE $600.00
Make check payable to the Door County Treasurer.

10. AUTHORIZATION FOR INSPECTION
I hereby authorize the Zoning Administrator(s) to enter and remain in or on the premises for which this application is made at any reasonable time for all purposes of inspection relative to this petition.

11. SIGNATURES OF APPLICANT OR AGENT

Date: __________________________

Inspections:
Date Inspector Remarks

Permit Issued: (by) __________________________ (date) __________________________ (for) __________________________

Permit Denied: (by) __________________________ (date) __________________________ for the following reasons: __________________________
WETLAND NOTICE & ACKNOWLEDGMENT

According to 2009 Wisconsin Act 373, no permit may be issued until the property owner signs the statement below acknowledging that s/he received the following notice:

YOU ARE RESPONSIBLE FOR COMPLYING WITH STATE AND FEDERAL LAWS CONCERNING CONSTRUCTION NEAR OR ON WETLANDS, LAKES, AND STREAMS. WETLANDS THAT ARE NOT ASSOCIATED WITH OPEN WATER CAN BE DIFFICULT TO IDENTIFY. FAILURE TO COMPLY MAY RESULT IN REMOVAL OR MODIFICATION OF CONSTRUCTION THAT VIOLATES THE LAW OR OTHER PENALTIES OR COSTS. FOR MORE INFORMATION, VISIT THE DEPARTMENT OF NATURAL RESOURCES WETLANDS IDENTIFICATION WEB PAGE at http://dnr.wi.gov/topic/Wetlands/identification.html OR CONTACT THE DEPARTMENT OF NATURAL RESOURCES SERVICE CENTER.

By signing this, I acknowledge I have received this notice.

PROPERTY OWNER NAME: John Anderson  
SIGNATURE: John Anderson  DATE: 12/19/19  
PARCEL NUMBER:  
FIRE NUMBER & STREET ADDRESS OF PROJECT:  

M:\FORMS\Wetland Disclaimer Act 373 - 2010.Doc
PROJECT SCOPE DECLARATION
[2017 Wisconsin Act 68; Effective November 29, 2017]

Please provide a description of your project.
additional campsites are being proposed

§ 66.10015(2)(b), Wisconsin Statutes, provides as follows:

"If a project requires more than one approval or approvals from one or more political subdivisions and the applicant identifies the full scope of the project at the time of filing the application for the first approval required for the project, the existing requirements applicable in each political subdivision at the time of filing the application for the first approval required for the project shall be applicable to all subsequent approvals required for the project, unless the applicant and the political subdivision agree otherwise."

Please check which of the following two statements applies to this project.

☒ This is the first application filed for the project in which the full scope of the project has been identified. I acknowledge and understand that, for purposes of § 66.10015(2)(b), Wis. Stats., the full scope of the project is identified in this application.

☐ This is not the first application filed for this project where the full scope of the project was identified. The first application was filed with the Town/Village/City/County/State of __________ on the _____ day of ______, 20____. I acknowledge and understand that, for purposes of § 66.10015(2)(b), Wis. Stats., the full scope of the project was identified in the first application.

This Declaration is incorporated into and made part of the associated Door County application.

Property Owner(s) Name(s):

John L. Anderson

Signature: ___________________________ Date: 12/9/19

Signature: ___________________________ Date: ___________________________

Parcel Number (of Project): _________ - _________ - 00203183028420

Fire Number & Street Address (of Project): 8400 CTH F, Baileys Harbor, WI 54202
APPLICATION FOR CONDITIONAL USE PERMIT – ADDENDUM

A conditional use permit applicant has the burden of proof. She must demonstrate that the application and all requirements and conditions established by the Resource Planning Committee relating to the conditional use are or shall be satisfied, all of which must be supported by substantial evidence. “Substantial evidence” means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

If an applicant meets this burden of proof, the Resource Planning Committee will grant the conditional use permit. If an applicant fails to meet this burden of proof, the conditional use permit application will be denied.

To aid in its review of the proposed project, the Committee will consider the Door County Comprehensive Zoning Ordinance criteria set forth below. Answer all portions of all questions completely. State "not applicable," if appropriate, offering an explanation as to why facts and information were not provided.

Please provide the Resource Planning Committee members substantial evidence regarding:

1) Whether the proposed project will adversely affect property values in the area.
   No, project area is an expansion to existing campground and will be buffered by trees around the perimeter.

2) Whether the proposed use is similar to other uses in the area.
   Yes, existing campground to the north.

3) Whether the proposed project is consistent with the Door County Comprehensive and Farmland Preservation Plan or any officially adopted town plan.
   The current project area is indicated as residential per the future land use map. However, the project is an expansion of an existing land use (parks and recreation), which is currently designated on the north end of the parcel on future land use map.

4) Provision of an approved sanitary waste disposal system.
<table>
<thead>
<tr>
<th>Check One</th>
<th>Check One</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Sewer</td>
<td>Private Onsite Wastewater Treatment System (POWTS)</td>
</tr>
<tr>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Existing</td>
<td>Conventional Septic</td>
</tr>
<tr>
<td>New</td>
<td>Other In-ground System</td>
</tr>
<tr>
<td>Holding Tank</td>
<td></td>
</tr>
</tbody>
</table>

5) Provision for a potable water supply.
<table>
<thead>
<tr>
<th>Check One</th>
<th>Check One</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Water Supply</td>
<td>Well</td>
</tr>
<tr>
<td>(Liberty Grove Sanitary District #1 and Maplewood only)</td>
<td>X</td>
</tr>
<tr>
<td>Existing</td>
<td>Private Well</td>
</tr>
<tr>
<td>New</td>
<td>Shared Well</td>
</tr>
</tbody>
</table>

6) Provisions for solid waste disposal.
   | X | Commercial hauler |
   | | Private delivery to collection site |
   | | Other |

7) Whether the proposed use creates noise, odor, or dust.
   Noise: Construction equipment used to haul and grade imported aggregate and strip topsoil.
   Odor: None expected
   Dust: Related to hauling and grading aggregate, sand and soil
8) Provision of safe vehicular and pedestrian access.

Vehicular Access

X Existing Driveway(s) to ____________________________ (Road Name)

___ New Driveway(s) to ____________________________ (Road Name)


Pedestrian Access

___ Sidewalks

___ Path or Trail

X No Pedestrian Traffic


9) Whether the proposed project adversely impacts neighborhood traffic flow and congestion.

Existing traffic: _______ High Levels _______ Medium Levels _______ Low Levels


10) Adequacy of emergency services and their ability to service the site.

Take this form to the local Fire Chief with a copy of the plans for review. Have Fire Chief complete and sign below.

As Fire Chief of the [Fire Department], I have reviewed the plans of this project. Our Department can/cannot access this site for fire protection purposes. Other Fire Chief comments: [A Secondary Access to this Project Must Be Provided. At Present Time There Is Only One Access at This Time Can Be Designated as Emergency Access.]

[Signature]

[Date]

11) Provision for proper surface water drainage.

X Natural Infiltration (explain below)

___ Some Grading of the Site (explain below)

___ Engineered Stormwater and/or Erosion Control Plan (attach)

See attached plan. Some grading is expected.


12) Whether proposed buildings contribute to visual harmony with existing buildings in the neighborhood, particularly as related to scale and design.

No buildings currently proposed.
13) Whether the proposed project creates excessive exterior lighting glare or spillover onto neighboring properties.
   No additional lighting proposed

14) Whether the proposed project leads to a major change in the natural character of the area through the removal of natural vegetation or alteration of the topography:

   Natural Vegetation:  
   X  No Removal
   ____  Some Removal
   ____  Significant Removal (provide Landscape Plan)
   remove topsoil from proposed gravel areas

   Topography:  
   X  No Change
   ____  Some Change
   ____  Major Change (provide Grading Plan)
   majority of proposed gravel is expected to match existing elevations

15) Whether, and in what amount and form, financial assurance is necessary to meet the objectives of this ordinance.
   None; this is an established business with adequate finances

16) Whether, and to what extent, site-specific conditions should be imposed to mitigate potentially problematic impacts of the use.
   None

17) The impact of the proposed project on public health, public safety, or the general welfare of the County.
   None

The Resource Planning Committee will establish a completion date for the proposed project.
By what month and year will the project be completed?  May 3, 2020

The Resource Planning Committee is allowed to consider topics in addition to the above. Please provide information on additional topics you think the Committee should or may consider in evaluating this project.

Note that a conditional use permit will generally remain in effect as long as the conditions and requirements upon which the permit was issued are followed. Subsequent owners of the property are generally allowed to continue the use, subject to those conditions and requirements. An affidavit is to be recorded with the deed to provide successors in interest notice of the conditional use permit and conditions and requirements.

The Resource Planning Committee may, however, impose conditions regarding the permit’s duration, transfer, or renewal, in addition to any other conditions pertaining to ordinance standards or the specific criteria listed above. For example, the Committee may grant a limited term conditional use permit if a reasonable basis exists for such limitation. Any limited term conditional use permit may be subject to renewal after a re-evaluation of the use via a hearing before the Resource Planning Committee.
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<td>975100</td>
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**TOTALS** 17.22 241200 733900 975100

**F3-Exit**  **F5-Owners**  **F7-Tax Detail**  **F11-Districts**  **F12-Prev Scrn**  **F21-Geo Location**  **F8-Legal**  **F9-Directory**  **F10-Survey Index**  **F17-Fire#**  **F18-DOA Site**  **F6-Vol/Page Detail**
County of Door
PLANNING DEPARTMENT
County Government Center
421 Nebraska Street
Sturgeon Bay, WI 54235

STAFF REPORT
Conditional Use Permit Application

Applicant Information
- Name & property address: John L. Anderson; 8300/8400 CTH F
- Parcel identification number: 002-03-18302842D
- Zoning district: Countryside (CS)
- Petition request, including sections of zoning ordinance requiring permit:
  John L. Anderson is requesting a Conditional Use Permit for the expansion of an existing
  "campground" (i.e., Beantown Campground) on the property addressed 8300/8400
  County Highway F (PIN 002-03-18302842D) which is zoned Countryside (CS). The
  applicant is proposing to expand the existing campground via the addition of ten (10)
  additional sites south of the existing campsites, resulting in 108 total campsites within the
  campground.

  Ordinance sections: 2.05(3)(a), 4.07(2), and 11.04.

Description of Subject Property and Surrounding Area
Subject Property
- Lot area, width, and depth: 17.22 acres; 1,200’ +/- of width, 795’ +/- of depth.
- Frontage - water, road: No water frontage; 819.93’ road frontage along CTH F &
  1,014.89’ road frontage along Harbor Parkway (private road).
- Existing uses/structures: Campground, bath house/recreation room, office/storage
  building, two storage buildings, and two camping cabins/shelter units.
- Access: Four existing access driveways from CTH F. One proposed additional
  emergency access driveway connecting proposed campsites to an existing driveway to
  CTH F. Access to proposed campsites will also be via extensions of the existing
  campground driveway(s).
- Traffic patterns/road usage: This is a county highway with low to moderate traffic
  levels.
- Water and sanitation: There is an existing private well and a conventional septic
  system on the property which serve the existing campsites and will serve the proposed
  campsites on the subject parcel. The existing conventional septic system is adequately
  sized for a maximum of 113 campsites.
- Significant topography or vegetation: There is a change in elevation of about 22 ft.
  from the west along CTH F sloping down to the east side of the parcel along Harbor
  Parkway. There is only approximately 2’ – 4’ of elevation change within the proposed
  campground expansion area.

Surrounding Area:
- North: To the north are mostly large vacant lots and some smaller lots containing
  residences zoned Countryside (CS). Approximately ½ mile north are large lots zoned
  Heartland 3.5 (HL3.5) which are mostly vacant with some residences. To the northeast
  of Harbor Parkway are large and small lots zoned Light Industrial (LI) consisting of the
Premiere Concrete nonmetallic mine. Hidden Brook is located less than ½ mile northeast with large vacant lots primarily zoned Wetland (W) surrounding Hidden Brook on both sides. Northeast of Hidden Brook are small residential lots zoned Small Estate Residential (SE).

- **South:** Adjacent to the south is a small commercial lot containing Door County Broadband’s new building and two additional small vacant lots zoned Mixed Use Commercial (MC). South of CTH F are small residential lots zoned Single Family Residential 20,000 (SF20) and Small Estate Residential (SE). Further south are larger vacant and residential lots zoned Heartland 3.5 (HL3.5). Baileys Woods Campground is located less than ½ mile southwest. Baileys Grove Travel Park is adjacent to the southeast. To the southeast, adjacent to the north of CTH F, are small lots zoned Mixed Use Commercial (MC) and Single Family Residential 20,000 (SF20) consisting of commercial, multi-family residential, and single-family residential uses. Quietside Apartments are located less than ¼ mile southeast. To the southeast, south of CTH F, are small residential lots zoned Single Family Residential 20,000 (SF20) and Small Estate Residential (SE), and a residential development zoned High Density Residential (HD) which primarily consists of duplexes. Downtown Baileys Harbor is located less than 1 mile southeast, which consists of many small lots consisting of commercial and some residential uses primarily zoned Mixed Use Commercial (MC) and Commercial Center (CC). Small residential lots zoned Single Family Residential 20,000 (SF20) are also located near downtown Baileys Harbor.

- **East:** To the east are large and small lots zoned Light Industrial (LI) consisting of the Premiere Concrete nonmetallic mine, storage unit buildings, and other commercial/industrial uses. Large, vacant wooded lots owned by The Ridges are located west of STH 57 and southeast of CTH Q. East of STH 57 and north of CTH Q are small residential lots zoned Small Estate Residential (SE).

- **West:** Adjacent to the west of the proposed campground expansion, east of CTH F, are two small residential lots zoned Countryside (CS) and Rural Residential (RR). West of CTH F are large, vacant lots zoned Countryside (CS) with some residences. Town of Gibraltar boundary is slightly over ¼ mile west. There are large lots within the Town of Gibraltar zoned Countryside-S (CS5). Less than 1 mile west are also two (2) large lots zoned Light Industrial (LI) consisting of a nonmetallic mine owned by Harbor Construction. Peil Creek is 1.5 miles west.

**Background/History**
Beaumont Campground received a zoning permit for a 95-site campground in 2003 via the now-defunct Site Plan Review permit process. There were 12 conditions attached to the 2003 approval and are still applicable to the original campground. The campground was developed with only 90 sites at that time. In 2016, the applicant received a conditional use permit for a campground expansion via 8 additional sites (98 total sites). There were 9 conditions attached to the 2016 conditional use permit and are still applicable to the 2016 campground expansion.

The applicant is now proposing to expand the campground by adding 10 campsites on the subject parcel (108 total sites proposed), adjacent to the south of the existing campsites. Per John Teichtler, Door County Assistant Sanitarian, the existing sanitary system serving the campground is adequate for the proposed expansion. The proposed expansion complies with all minimum requirements of the Door County Comprehensive Zoning Ordinance.
Zoning Considerations

- **Purpose of zoning district: DCZO Section 2.03(6):** Countryside (CS). “This district is intended for mostly rural areas of the interior of the county where a mixture of low density residential, agricultural, and rural commercial activity exists or is desirable. The district provides for residential development at modest densities consistent with a generally rural environment and allows for nonresidential uses which require relatively large land areas and/or which are compatible with surrounding rural land. The district also accommodates agricultural uses and, hence, can serve as a transitional district between the Exclusive Agricultural, Prime Agricultural, and General Agricultural districts and more intensely developed areas. Lot sizes of at least 10 acres are required for new lots.”

- **Does the use meet the zoning ordinance’s stated purpose and intent?** The proposed project is a relatively modest expansion of an existing use, allowed in this district under the current zoning regulations.

- **Specific requirements for proposed use and/or possible conditions that may be relevant.** If the Resource Planning Committee determines that the proposed use at the proposed location will not be contrary to the public interest and will not be detrimental or injurious or the public health, public safety, or character of the surrounding area, the following are possible conditions that may be relevant.

  1. The use must be established within 12 months of the issuance of the conditional use permit.

  2. Any outdoor lighting erected in conjunction with this use shall utilize lighting fixtures whose hood, lens, or combination thereof allow no direct beams of light to be seen from off the property or to be cast skyward, and the lighting elements of which shall not be visible from adjacent properties. *(This is an existing condition for the 2016 campground expansion)*

  3. The use shall comply with all applicable local, state, and federal building codes and ordinances.

  4. The campground expansion shall be screened by means of a vegetative screening, as described in Sec. 3.10(4), landscape buffer tree requirements, along all lot lines as shown on the “Landscape Plan” submitted on December 10, 2019. *(This is a similar condition to an existing condition for the 2016 campground expansion and is an ordinance requirement)*

  5. A 10:00 p.m. curfew shall be required and all fires shall be extinguished by 12:00 a.m. *(This is an existing condition for all portions of the existing campground)*

  6. A secondary emergency access, as shown on the site plan submitted on December 10, 2019, shall be installed.

  7. The proposed driveways (including the secondary emergency access driveway) serving the new campsites shall be a minimum of 12' wide and driveway access shall be maintained such that emergency vehicles can drive through the parcel or turn around. *(This is a similar condition to an existing condition for the 2016 campground expansion)*

  8. The RPC will need to set a completion date for the project.

  9. An affidavit shall be recorded with the CSM (Deed) to provide successors in interest notice of the conditional use permit and conditions and requirements.
Comprehensive Plan Considerations

- County comprehensive plan land use map designation and description.

The area of the parcel proposed for the campground expansion is designated on the county plan’s future land use map as “Residential,” as described below and shown on the attached map:

"Areas designated as "Residential" are intended to be developed predominantly with single-family uses, or, where allowed by zoning or other ordinance, mobile homes, group quarters, or non-transient multi-family buildings. Some parcels designated as "Residential" may currently contain duplexes, multi-family developments, or resorts, if those uses are located on parcels currently zoned for primarily single-family residential development, or if the municipality wished to ensure that the long-term development of the property would be primarily residential rather than commercial in nature. "Residential" areas include the majority of the county’s shorelines and areas containing smaller lots and/or emerging small-lot residential development patterns."

Although the proposed use is inconsistent with the future land use description for this area of the parcel, the project is simply a modest expansion of an existing use located on an adjacent area of the parcel designated on the future land use map as Commercial and Parks & Recreation. The RPC should via establishment of appropriate conditions be able to render the use compatible with surrounding properties.

- Relevant goals/policies/action items from comprehensive plan: None

- Other relevant text from county comprehensive plan. None.
Future Land Use Map

John L. Anderson: 002-03-18302842D
Conditional Use Permit

Proposed Use: Expansion of an existing campground (Beantown Campground)
JOHN ANDERSON

CUP

LETTERS IN FAVOR
January 14th, 2020

Door County Planning Department
421 Nebraska Street
Sturgeon Bay, WI 54235

Re: Application for Conditional Use Permit for, parcel 002-03-1830842D, 8300/8400 CTH F

The Baileys Harbor Plan Commission has reviewed the above referenced petition at a meeting held January 8th. The Plan Commission voted to recommend approval; the Plan Commission was in support of the owner adding more campsites. The motion carried, 5-0. The Town Board also made a motion to recommend approval at the Town Board meeting on January 13th. The motion carried, voted 5-0. If you have any questions, please don’t hesitate to contact me.

Best regards,

Haley Adams
Clerk

RECEIVED
JAN 14 2020
DOOR COUNTY
LAND USE SERVICES DEPARTMENT
APPLICATION FOR CONDITIONAL USE PERMIT

TO THE ZONING ADMINISTRATOR: The undersigned hereby makes application for a CONDITIONAL USE PERMIT for the work described and located as shown herein. The undersigned agrees that all work shall be done in accordance with the requirements of the Door County Comprehensive Zoning Ordinance.

1. OWNER NAME AND MAILING ADDRESS

Name: TELECAST COMMUNICATIONS LLC

No. 24149 S. Street Rd. 8-7-12-7-

City: USA

State: WI

Zip: 53017

Home Phone: 814-596-2721

Daytime Phone: 218-378-8573

Email: info@telecast.com

2. BUILDING SITE LOCATION

Place: 34100 S. Road

Town: USA

County: WI

3. DEVELOPER NAME AND MAILING ADDRESS

Name: TELECAST COMMUNICATIONS LLC

No. 24149 S. Street Rd. 8-7-12-7-

City: USA

State: WI

Zip: 53017

Phone: 218-378-8573

Email: info@telecast.com

4. PROPERTY IDENTIFICATION

Parcel No.: 014-02-275-001 C

5. USE

Proposed use of land or structure: COMMUNICATIONS TRANSMISSION STATION

6. SANITARY PERMIT

Type of System: PERM

Sanitary Permit #: E3 1-14

Date of Issuance: 1-2014

7. BUILDING PLANS AND SITE PLAN

TO SCALE BUILDING PLAN and SITE PLAN required. If plans exceed an 11" x 17" format, submit one copy of each sheet reduced to 11" x 17".

8. ROCKHOLES

A rockhole is any depression or opening in the ground surface through which perched surface water enters bedrock and eventually joins groundwater.

To the best of your knowledge, do any rockholes exist on the lot? No:

Yes:

9. FEE $200.00

Make check payable to the Door County Treasurer.

10. AUTHORIZATION FOR INSPECTION

I hereby authorize the Zoning Administrator(s) to enter and remain in or on the premises for which this application is made at any reasonable time for all purposes of inspection relative to this petition.

11. SIGNATURE OF APPLICANT OR AGENT

A. B. C.

Date:

Do not write in this area.

RECEIVED
DEC 11 2019
DOOR COUNTY LAND USE SERVICES DEPARTMENT
APPLICATION FOR CONDITIONAL USE PERMIT – ADDENDUM

A conditional use permit applicant has the burden of proof. She must demonstrate that the application and all requirements and conditions established by the Resource Planning Committee relating to the conditional use are or shall be satisfied, all of which must be supported by substantial evidence. "Substantial evidence" means facts and information, other than merely personal preference or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

If an applicant meets this burden of proof, the Resource Planning Committee will grant the conditional use permit. If an applicant fails to meet this burden of proof, the conditional use permit application will be denied.

To aid in its review of the proposed project, the Committee will consider the Door County Comprehensive Zoning Ordinance criteria set forth below. Answer all portions of all questions completely. State "not applicable," it appropriate, offering an explanation as to why facts and Information were not provided.

Please provide the Resource Planning Committee members substantial evidence regarding:

1) Whether the proposed project will adversely affect property values in the area.

______________________________________________________________________________

2) Whether the proposed use is similar to other uses in the area.

______________________________________________________________________________

3) Whether the proposed project is consistent with the Door County Comprehensive and Farmland Preservation Plan or any officially adopted town plan.

______________________________________________________________________________

4) Provision of an approved sanitary waste disposal system.

___ Public Sewer

___ Private Onsite Wastewater Treatment System (POWTS)

Check One

Existing

Conventional Septic

New

Other In-ground System

Holding Tank

5) Provision for a potable water supply.

___ Public Water Supply

___ Well

Check One

Existing

Private Well

New

Shared Well

6) Provision for solid waste disposal.

___ Commercial hauler

______________________________________________________________________________

RECEIVED

DEC 11 2019

DOOR COUNTY

LAND USE SERVICES DEPARTMENT
8) Provision of safe vehicular and pedestrian access.

Vehicle Access

Existing Driveway(s) to __ S TR __ E __
(Road Name)

New Driveway(s) to N __ W __
(__ Description of new driveway)
(Road Name)

Pedestrian Access

Sidewalk
Path or Trail
No Pedestrian Traffic

9) Whether the proposed project adversely impacts neighborhood traffic flow and congestion.

Existing traffic: High Levels Medium Levels Low Levels

10) Adequacy of emergency services and their ability to service the site.

Take this form to the local Fire Chief with a copy of the plans for review. Have Fire Chief complete and sign below.

As Fire Chief of the Town of ______ Fire Department, I have reviewed the plans of this project. Our Department ________ access to this site for fire protection purposes.

[Signature]
Fire Chief

11) Provision for proper surface water drainage.

- Natural Infiltration (explain below)
- Bioswale at the Site (explain below)
- Engineered Stormwater and/or Erosion Control Plan (attach)

[Signature]
[Date: DEC 11 2019]
Door County
Land Use Services Department
13) Whether the proposed project creates excessive exterior lighting glare or spillover onto neighboring properties.
   No/NA. Additional:

14) Whether the proposed project leads to a major change in the natural character of the area through the removal of natural vegetation or alteration of the topography.
   Natural Vegetation:  X  No Removal
   ___ Some Removal
   ___ Significant Removal (provide Landscape Plan)

Topography:  X  No Change
   ___ Some Change
   ___ Major Change (provide Grading Plan)

15) Whether, and in what amount and form, financial assurance is necessary to meet the objectives of this ordinance.
   NA

16) Whether, and to what extent, site-specific conditions should be imposed to mitigate potentially problematic impacts of the use.
   NA

17) The impact of the proposed project on public health, public safety, or the general welfare of the County.
   NA

The Resource Planning Committee will establish a completion date for the proposed project.
By what month and year will the project be completed? APRIL 2020

The Resource Planning Committee is allowed to consider topics in addition to the above. Please provide information on additional topics you think the Committee should or may consider in evaluating this project.

DEC 11 2018
DOOR COUNTY
LAND USE SERVICES DEPARTMENT
PROJECT SCOPE DECLARATION

(2017 Wisconsin Act 68; Effective November 29, 2017)

Please provide a description of your project.

Following Addendum to Existing Nelson Septic Court
or Infill to Existing Storage Septic Court Area

§ 66.10015(2)(b), Wisconsin Statutes, provides as follows:

"If a project requires more than one approval or approvals from one or more political subdivisions and the applicant identifies the full scope of the project at the time of filing the application for the first approval required for the project, the existing requirements applicable in each political subdivision at the time of filing the application for the first approval required for the project shall be applicable to all subsequent approvals required for the project, unless the applicant and the political subdivision agree otherwise."

Please check which of the following two statements apply to this project.

☐ This is the first application filed for the project in which the full scope of the project has been identified. I acknowledge and understand that, for purposes of § 66.10015(2)(b), Wis. Stats., the full scope of the project is identified in this application.

☐ This is not the first application filed for the project where the full scope of the project was identified. The first application was filed with the Town/Village/City/County/State of , on the day of , 20 . I acknowledge and understand that, for purposes of § 66.10015(2)(b), Wis. Stats., the full scope of the project was identified in the first application.

This Declaration is incorporated into and made part of the associated Door County application.

Property Owner(s) Name(s):


Signature: Date: 11-10-19

Signature: Date: __________________________

Parcel Number (of Project): 019-02-273 127 1.1C

Fire Number & Street Address (of Project): 3444 STH 42

Received

REC 11 2019
DOOR COUNTY LAND USE SERVICES DEPARTMENT
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**TOTALS**

2.51  288700  570100  858800

F3-Exit F5-Owners  F7-Tax Detail  F8-Legal  F9-Directory  F10-Survey Index  F11-Districts  F12-Prev Scrn  F16-P.P.Ref  F17-Fire#  F18-DOA Site  F21-Geo Location  F6-Vol/Page Detail
County of Door
PLANNING DEPARTMENT
County Government Center
421 Nebraska Street
Sturgeon Bay, WI 54235

STAFF REPORT
Conditional Use Permit Application

Applicant Information
- Name & property address: Nelsons of Fish Creek, LLC; 3449 State Highway 42.
- Parcel identification number: 014-02-27312711C
- Zoning district: General Commercial (GC)
- Petition request, including sections of zoning ordinance requiring permit:
  Nelsons of Fish Creek, LLC has applied for a Conditional Use Permit to establish a retail
  store (hardware store) that will exceed 20,000 square feet in floor area. The applicants
  propose to construct an 8,200 square foot addition onto the existing 15,628 square foot
  hardware store for a total of 23,828 square feet. (Note: Retail (hardware) stores are
  normally a permitted use in this zoning district. However, section 2.05(3)(b)(footnote #3)
  of the Door County Comprehensive Zoning Ordinance requires retail stores that exceed
  20,000 square feet in floor area to be approved by Conditional Use Permit.

  Ordinance Sections: 2.05(3)(b)(Footnote #3) & 11.04.

Description of Subject Property and Surrounding Area

Subject Property
- Lot area, width, and depth: 2.51 acres; approximately 300 feet wide and 370 feet deep.
- Frontage - water, road: No water frontage; approximately 300 feet along State Highway
  42.
- Existing uses/structures: Existing hardware (retail) store on property. Footprint of
  building is approximately 15,000 square feet. Approximately 11,343 square of building
  serves as retail area.
- Access: Existing driveway provides access from State Highway 42.
- Traffic patterns/road usage: STH 42 is heavily traveled, although the proposed use
  would add minimal or no additional traffic.
- Water and sanitation: Existing sanitation and well on site.
- Significant topography or vegetation: Property is basically flat. Large evergreen trees
  located along both side property lines and rear property line. Grassy area and deciduous
  trees along State Highway 42.

Surrounding Area (include zoning districts)
- North: State Highway 42 and Peninsula State Park are located north of this property.
  The park property is zoned Natural Area (NA).
- South: Large vacant tracts zoned Heartland 3.5 (HL3.5). There are no homes within ½
  mile to south.
- East: Large agricultural/residential tract owned by Hardt and zoned General Commercial
  (GC). Three residential lots located on the west side of County Highway A, zoned
  Heartland 3.5 (HL3.5). A motel owned by Carol and Ronald Vandewalle is located at the
  southeast corner of the intersection of State Highway 42 and County Highway A, zoned
  General Commercial (GC). Residential lots located on the east side of County Highway
  A are zoned Heartland 5 (HL5). Further east there are large lots owned by the
  Ephraim/Fish Creek airport that are zoned General Agricultural (GA).
• **West:** The Skyway drive-in theater is located directly west and is zoned General Commercial (GC). Further west there are large residential properties zoned Heartland 3.5 (HL3.5); beyond that is State Highway 42 and large parcels that are part of Peninsula State Park. These parcels are zoned Natural Area (NA).

**Background/History**
This property has operated as a hardware (retail) store since 1984. The lot is appropriately zoned for the proposed use. There is also a U-Haul rental business operated from this property.

**Zoning Considerations**

• **Purpose of zoning district:** DCZO Section 2.03(26) General Commercial (GC). This district is intended to provide for limited areas of residential and commercial uses. This district is the result of a need to recognize existing local and neighborhood businesses. Typically, this district will be located within or near existing communities, but it is also intended for outlying or smaller nodes of development. In addition, this district can be used as a transition between business centers and strictly residential areas. Lot sizes of at least 20,000 square feet are required for new lots that are not served by public sewer.

• **Does the use meet the zoning ordinance's stated purpose and intent?** Yes. This is a commercial use that is allowed in the General Commercial (GC) zoning district and which fits the above general text description for the district.

• **Specific requirements for proposed use and/or possible conditions that may be relevant.** If the Resource Planning Committee determines that the proposed use at the proposed location will not be contrary to the public interest and will not be detrimental or injurious to the public health, public safety, or character of the surrounding area, the following are possible conditions that may be relevant.

1. Any outdoor lighting erected in conjunction with this use shall utilize fixtures whose lens, hood, or combination thereof allow no direct beams to be seen from off the property or cast skyward, and the lighting elements of which shall not be visible from adjacent properties.

2. A regular zoning permit authorizing construction of the building shall be obtained within 12 months; construction must begin within 12 months of the issuance of the regular zoning permit.

3. **The entire project shall be completed by _________.**

4. The project(s) shall comply with all applicable local, state, and federal building codes and ordinances, including obtaining all required approvals and permits prior to beginning construction.

5. An affidavit shall be recorded with the CSM (Deed) to provide successors in interest notice of the conditional use permit and conditions and requirements.
Comprehensive Plan Considerations

- County comprehensive plan land use map designation and description.

The property in question is designated as “Commercial” on the county comprehensive plan future land use map, as described below and shown on the attached map:

**Commercial** — “Commercial” areas are those intended for development with retail sales, trade of goods and/or services, commercial offices, and commercial lodging establishments and are found largely in community centers, core areas, or “downtowns.” Commercial areas should maintain defined boundaries, avoid excessive access points to major roads by encouraging shared driveways or internal circulation patterns, and have buffering or screening of light industrial uses and storage and parking areas from adjacent public rights-of-way and residential areas. Highway corridor development should avoid further strip development and loss of community separation by limiting future development density, employing stringent setbacks, and requiring screening of new uses. Note that the future land use maps depict many “outlying” (i.e., non-core) commercial areas, reflecting existing commercial zoning or businesses such as multiple occupancy developments; when redevelopment is proposed for the latter, it should be undertaken carefully and with consideration for neighborhood compatibility.

The proposed use is generally consistent with the above.

- Relevant goals/objectives/action items from comprehensive plan. None.

- Other relevant text from county comprehensive plan. None.
Future Land Use Map

Nelson of Fish Creek, LLC: 014-02-27312711C
Conditional Use Permit
Proposed Use: Retail store (hardware store) to exceed 20,000 square feet

Future Land Use:
- Core Area
- Commercial
- Communication/Utility
- Industrial
- Institution/Government
- Mixed Use-Com/Res
- Park/Recreation
- Residential
- Rural Residential
- Rural/Agricultural
- Transportation
- Water Feature
- Woodland/Wetland/Natural