

**Quarry Bluff Development, LLC Conditional Use Permit Application
Door County Resource Planning Committee Hearing
Door County Community Center/ADRC (916 N. 14th Avenue, Sturgeon Bay, WI)
3:00 p.m., Thursday, February 20, 2020**

Note: The hearing is subject to postponement, continuance, or adjournment from time to time or place to place until completed.

Guidelines for Conduct of Hearing

Persons who intend to participate in the hearing are also advised to review and be familiar with §§ 59.69(2)(bs) & (5e), Wis. Stats., and Section 11.04, Door County Comprehensive Zoning Ordinance.

General Information Regarding Testimony

- Written testimony will be accepted at the Door County Land Use Services Department until 3:30 p.m. on February 19, 2020. (421 Nebraska Street, Sturgeon Bay, WI, 54235.)
- **Anyone who wishes to testify in person at the hearing must register in advance. Registration must be received by 12:00 p.m. (noon) on February 19, 2020.** You may register in person or via mail, phone, FAX, or e-mail. (Mail or in person: Door County Land Use Services, 421 Nebraska Street, Door County Government Center, Sturgeon Bay, WI, 54235. Phone: 920-746-2323. FAX: 920-746-2387. E-mail: Iriemer@co.door.wi.us .) Please provide your full name, your full mailing address, and your phone number, and indicate whether you wish to speak in favor of or opposition to the project.
- A spokesperson should be designated for organized groups of persons supporting or opposing the same positions.
- Testimony that is immaterial, irrelevant, or unduly redundant or repetitious will not be allowed. The concept of fairness and reasonableness does not contemplate that all persons entertaining the same views will have an unqualified right to iterate and reiterate these views in endless repetition.
- Time allotted to one speaker for testimony may not be reserved or yielded to another.
- The Resource Planning Committee may exclude or remove any person who disrupts the hearing.
- Anyone bringing handouts to distribute to committee members when they are testifying at the meeting should bring six (6) copies.

Hearing Format

The hearing will be conducted in a fair, orderly, and reasonable fashion. The Resource Planning Committee (RPC) will allow all testimony and admit other evidence having reasonable probative value, but will exclude testimony and other evidence that is immaterial, irrelevant, or unduly redundant or repetitious.

In an effort to provide a fair opportunity for those in attendance to present their views, the RPC intends to follow the procedures outlined herein. These guidelines (including time allocations) may be adjusted at the discretion of the RPC to expedite the hearing or promote fairness.

Introductions/opening the hearing

Chair Fisher will introduce the committee and provide an overview of the hearing process.

County Corporation Counsel Grant Thomas will provide an overview of state regulations governing conditional use permit decision-making.

Project overview

Staff will provide an overview of the project. There will be unlimited time for RPC members for questions/discussion with staff.

First round of testimony

The applicant for the CUP shall proceed first with the presentation of evidence and shall have the burden of proof. Up to ninety (90) minutes will be allotted to the applicant(s) for the conditional use permit and any of their expert witnesses. This time allocation may be adjusted at the discretion of the RPC to promote fairness or expedite the hearing process. There will be unlimited time for questions from RPC members.

Other proponents of the project will follow. Each person will be allotted up to three (3) minutes to testify. This time allocation may be adjusted at the discretion of the RPC to promote fairness or expedite the hearing process. There will be unlimited time for questions from RPC members.

Acknowledgement of additional letters in favor received after packet posting – hard copies of which will be distributed the day of the meeting – will occur between proponent and opponent testimony.

Up to ninety (90) minutes will be allotted to the main spokesperson(s) for the opponents of the project and any of their expert witnesses. This time allocation may be adjusted at the discretion of the RPC to promote fairness or expedite the hearing process. There will be unlimited time for questions from RPC members.

Other opponents of the project will follow. Each person will be allotted up to three (3) minutes to testify. This time allocation may be adjusted at the discretion of the RPC to promote fairness or expedite the hearing process. There will be unlimited time for questions from RPC members.

Acknowledgement of additional letters in opposition received after packet posting – hard copies of which will be distributed the day of the meeting – will occur between opponent and rebuttal testimony.

Rebuttal round of testimony

Opportunity will be given to the applicant, proponents, and opponents for rebuttal, i.e., to refute evidence presented by the other side. Only people who spoke in the first round of testimony are eligible to speak in the rebuttal round.

Applicant(s) and expert witnesses: Up to 45 minutes total.

Others in favor of the project: Up to 2 minutes per person.

Main spokesperson(s) for the opposition: Up to 45 minutes total.

Others opposed to the project: Up to 2 minutes per person.

**NOTICE OF A PUBLIC HEARING BEFORE THE
DOOR COUNTY, WISCONSIN RESOURCE PLANNING COMMITTEE**

**DOOR COUNTY COMMUNITY CENTER/ADRC
916 N. 14th AVENUE
STURGEON BAY, WI 54235**

A public hearing will be held by the Door County Resource Planning Committee on Thursday, February 20, 2020 at the Door County Community Center/ADRC Dining Room at 916 N. 14th Avenue, Sturgeon Bay, Wisconsin. The purpose of the hearing is to give consideration to the following application for a conditional use permit as specified in the county comprehensive zoning ordinance.

Starting at 3:00 p.m.:

TOWN OF SEVASTOPOL

Margaret Dreutzer Turk, as Trustee of the Margaret Dreutzer Trust, requests on behalf of Quarry Bluff Development, LLC a conditional use permit as required by Door County Comprehensive Zoning Ordinance Sections 2.05(3)(a), 4.07(2), 4.08(8), and 11.04. The applicant proposes to establish "multiple occupancy development" and "campground" land uses on six parcels, which would be combined into one 57.76-acre lot (022-01-12282512, 022-01-12282512A, 022-01-12282512B, 022-01-13282511, 022-02-18282622G, & 022-01-13282511P). There would be 117 total "units", of which 115 would consist of both an occupancy unit (residential dwelling) and a camp site for a recreational vehicle. The remaining two units would consist of only a camp site. The overall development would also contain a club house, private storage buildings, recreation courts, and three stormwater-runoff ponds. 49.53 acres of the property are zoned Recreational Commercial (RC), 7.65 acres are zoned Single-Family Residential 20,000 (SF20), and 0.58 acres are zoned Small Estate (SE). The property is located adjacent to and east of George K. Pinney County Park on Bay Shore Drive in Section 12, Town 28 North, Range 25 East and Section 13, Town 28 North, Range 25 East, and Section 18, Town 28 North, Range 26 East.

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 19, 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.**

Persons who intend to participate in the hearing are advised to be familiar with §§ 59.69(2)(bs) & (5e), Wis. Stats.; Section 11.04, Door County Comprehensive Zoning Ordinance; and Guidelines for Conduct of the Hearing. The Guidelines, which include information as to how to register to testify at the hearing, may be found at the Door County Land Use Services Department or the following link:

<http://map.co.door.wi.us/Agendas-Minutes/Resource%20Planning/2020/> .

The hearing is subject to postponement, continuance, or adjournment from time to time or place to place until completed.

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 at: <http://map.co.door.wi.us/Agendas-Minutes/Resource%20Planning/2020/> . Please note that additional materials may be posted up until 4:30 p.m. the day before the hearing.

A regular meeting of the Resource Planning Committee will follow the public hearing.

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).

NOTICE OF PUBLIC MEETING
DOOR COUNTY RESOURCE PLANNING COMMITTEE

DOOR COUNTY COMMUNITY CENTER/ADRC
916 N. 14th AVENUE
STURGEON BAY, WI 54235

The Door County Resource Planning Committee will conduct a regular business meeting on **Thursday, February 20th, 2020 in the Dining Room of the Door County Community Center/ADRC, 916 N. 14th Avenue**, Sturgeon Bay, Wisconsin, beginning at approximately 8:00 p.m., after a public hearing 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.
- 5.0 Read and act on minutes of February 6, 2020 meeting.
- 6.0 Zoning matters.

Margaret Dreutzer Turk, as Trustee of the Margaret Dreutzer Trust, on behalf of Quarry Bluff Development, LLC; conditional use permit to establish "multiple occupancy development" and "campground" land uses on six parcels to be combined into one 57.76-acre lot; 117 total "units", 115 with an occupancy unit (residential dwelling) and an RV camp site and two with only an RV camp site, with amenities including a club house, private storage buildings, recreation courts, and three stormwater-runoff ponds; 49.53 acres zoned Recreational Commercial (RC), 7.65 acres zoned Single-Family Residential 20,000 (SF20), and 0.58 acres zoned Small Estate (SE); adjacent to and east of George K. Pinney County Park on Bay Shore Drive; Sevastopol.

- 7.0 Future meeting schedule.

March 5, 2020	-	?
March 19, 2020	-	?

- 9.0 Meeting per diem code.
- 10.0 Adjourn.

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

AGENDA
RESOURCE PLANNING COMMITTEE
February 20, 2020

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

MKG/SV/lr
01/29/20

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.

These minutes have not been reviewed by the oversight committee and are subject to approval or revision at the next regular committee meeting.

**MINUTES OF MEETING
DOOR COUNTY RESOURCE PLANNING COMMITTEE**

February 6, 2020

1.0 Open meeting.

Chair Fisher called a meeting of the Resource Planning Committee to order at 3:28 p.m. in the Chambers Room (Room C102, first floor) of the Door County Government Center, 421 Nebraska Street, Sturgeon Bay, Wisconsin.

Present:	<u>RPC Members</u>	<u>Others</u>	
	Ken Fisher	Mariah Goode	Pete Hurth
	David Enigl	Sue Vanden Langenberg	Peg Nelson
	Jon Koch	Grant Thomas	Kelly Nelson
	Richard Virlee	John Anderson	Adam Nelson
	Vinni Chomeau	Aaron LeClair (arrived at 3:25 p.m.)	Dale Reiser
		Chris Moe (arrived at 3:25 p.m.)	Maureen Reiser

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 Enigl, 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.

None.

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.

Correspondence noted. Discussion of this topic (to be continued from the January 16th meeting's discussion) will occur at a meeting later this spring.

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

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

MINUTES OF MEETING
 RESOURCE PLANNING COMMITTEE
 February 6, 2020

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.

Motion by Koch, seconded by Enigl, that:

- A. John L. Anderson (d.b.a. Beantown Campground) proposes to expand the existing campground via ten (10) additional sites south of the existing campsites, resulting in 108 total campsites, located at 8300/8400 CTH F, Town of Baileys Harbor, Door County, Wisconsin, Section 18, Town 30 North, Range 28 East, and in a Countryside (CS) zoning district, under a conditional use permit.
- B. Following a public hearing, the Resource Planning Committee (RPC) finds and concludes that:
 1. The applicant has demonstrated by substantial evidence that the application and all conditions and requirements relating to the proposed conditional use are or will be satisfied.
 2. There was no substantial evidence to support the opposite conclusion.
 3. A conditional use permit is hereby granted, subject to the following conditions and requirements:
 - a. The use must be established within 12 months of the issuance of the conditional use permit.
 - b. 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.
 - c. The project shall comply with all applicable local, state, and federal building codes and ordinances, including obtaining all required approvals and permits prior to continuation of construction.
 - d. 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.
 - e. A 10:00 p.m. curfew shall be required and all fires shall be extinguished by 12:00 a.m.
 - f. A secondary emergency access, as shown on the site plan submitted on December 10, 2019, shall be installed. The fire department shall be informed as to how to use the access if it is to be closed off from daily/public use.
 - g. 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.
 - h. The project shall be completed by September 1, 2021.

MINUTES OF MEETING
 RESOURCE PLANNING COMMITTEE
 February 6, 2020

- i. An affidavit shall be recorded to provide successors in interest notice of the conditional use permit and conditions and requirements.

Motion carried unanimously.

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.

Motion by Enigl, seconded by Virlee, that:

- A. Burgess Nelson Partnership, LLC (d.b.a. Nelsons of Fish Creek, LLC) 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 located at 3449 STH 42, Town of Gibraltar, Door County, Wisconsin, in Section 27, Town 31 North, Range 27 East, and in a General Commercial (GC) zoning district, under a conditional use permit.
- B. Following a public hearing, the Resource Planning Committee (RPC) finds and concludes that:
 1. The applicant has demonstrated by substantial evidence that the application and all conditions and requirements relating to the proposed conditional use are or will be satisfied.
 2. There was no substantial evidence to support the opposite conclusion.
 3. A conditional use permit is hereby granted, subject to the following conditions and requirements:
 - a. 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.
 - b. 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.
 - c. The project shall be completed by February 10, 2022.
 - b. The project shall comply with all applicable local, state, and federal building codes and ordinances, including obtaining all required approvals and permits prior to continuation of construction.
 - c. An affidavit shall be recorded to provide successors in interest notice of the conditional use permit and conditions and requirements.

Motion carried unanimously.

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

County Corporation Counsel Grant Thomas, Emergency Services Director Aaron LeClair, and GIS Technician Chris Moe joined RPC members, Goode, and Vanden Langenberg in discussing this matter.

**MINUTES OF MEETING
RESOURCE PLANNING COMMITTEE
February 6, 2020**

Two basic options were discussed, detailed on a handout provided by staff and attached/ incorporated into these minutes:

- 1) Continue the addressing program “as is,” with possibly some periodic LTE assistance in sign replacement/installation for those in very poor condition.
- 2) Pursue installation of two-sided, perpendicular-to-the-road signs for all 14 towns using a short-term contract with an outside entity so the replacement happens as quickly as possible.

In addition to reviewing the ideas presented, various additional ideas regarding how to fund the project if all the signs were to be replaced were discussed: Capital improvements plan item? If yes, one-time, or perpetual? Tax bill special assessments with/via the towns? Towns pay the county and collect directly from property owners? Etc. Etc.

After about half an hour, it was agreed by consensus that staff should reach out to the towns to let them know the county is considering shifting to two-sided signs, and to ask them to provide a general assessment of the condition of address signs in their towns on their annual road inspections this spring. Ideally, they would also provide a list of those address signs that need to be replaced.

8.0 Future meeting schedule.

February 20, 2020	-	Quarry Bluff zoning hearing at ADRC. 3:00 hearing start.
March 5, 2020	-	?
March 19, 2020	-	?

Hearing guidelines for February 20, 2020 were reviewed with Corporation Counsel Thomas.

There will be no meetings or hearings in March.

Meeting schedule as discussed noted.

9.0 Meeting per diem code.

Chair Fisher assigned code 298.

10.0 Adjourn.

Motion by Enigl, seconded by Chomeau, to adjourn the meeting. Motion carried unanimously.

Meeting adjourned at 4:38 p.m.

Reported by,

Mariah Goode
Land Use Services Director

Sue Vanden Langenberg
Zoning Administrator