

**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, May 7th, 2020 beginning at 9:00 a.m. In response to the public health emergency in connection with the COVID-19 pandemic, the meeting will be virtual only. The committee will be assisted in conducting the meeting by staff who will be located in the Door County Government Center County Board Room (C-101, First Floor) and Peninsula Room (C-121, First Floor) at 421 Nebraska Street, Sturgeon Bay, Wisconsin. Applicants and members of the public may monitor and participate remotely only.

To attend via computer, go to <https://globalpage-prod.webex.com/join> ; enter the meeting number, 621 617 193; and then password, p77AcAMPz9E (77722267 from phones and video systems). To connect via telephone, call (408) 418-9388, and when prompted enter the access/meeting code, 621 617 193.

Those who cannot attend remotely should call (920) 746-2323 or e-mail lriemer@co.door.wi.us . We will endeavor to facilitate reasonable access for people who cannot attend remotely.

AGENDA

- 1.0 Open meeting.
- 2.0 Verification of proper notice and posting procedures; quorum present; adoption of the agenda.
- 3.0 Elect Resource Planning Committee Chair.
- 4.0 Elect Resource Planning Committee Vice-Chair.
- 5.0 Correspondence.
- 6.0 Review and act on minutes of March 12, 2020 meeting.
- 7.0 Adjourn to conduct seven public hearings, the first scheduled to begin at 9:15 a.m.**
- 8.0 Reconvene in regular business meeting (approximately 12:45 p.m.).**
- 9.0 Zoning matters.
 - 9.1 Zoning amendment petitions.
 - a. Lori McNulty; rezone 3.85 acres from General Agricultural (GA) to Mixed Use Commercial (MC) to be able to pursue authorization for a commercial storage facility established in an existing building without authorization; 248 STH 42 S; Forestville.
 - b. The Town of Gibraltar; rezone 0.508 acres from Recreational Commercial (RC) to Light Industrial (LI) to pursue authorization for a bulk propane storage tank; 10997 Island Drive East; Chambers Island, Gibraltar.
 - 9.2 Conditional use permit applications.
 - a. Nicholas A. and Laura L. Dokolas; conditional use permit to establish a Motorized Recreational Equipment Sales/Service/Rentals business to run tours from the property

AGENDA
RESOURCE PLANNING COMMITTEE
May 7, 2020

and to train renters of Segways and electric scooters on an obstacle course on site; 3903 STH 42; Gibraltar.

- b. John W. II and Sara R. Lancaster; conditional use permit to establish an Art Gallery (pottery studio) in an existing 28' x 32' building; 8999 S. Highland Road; Gibraltar.
- c. Sevastopol Consolidated School; conditional use permit to construct a 268' x 347' irregularly-shaped, two-story addition south of the gymnasium and east of the portion of the school that will remain, and a two-story staircase on the north side of the remaining portion of the school; 4550 STH 57; Sevastopol.
- d. Northeast Asphalt, Inc.; conditional use permit for a temporary asphalt plant within the existing nonmetallic mine; 4429 Mathey Road; Sevastopol.
- e. Raymond P. and Barbara J. Hansen Trust (on behalf of Randy Dvorak); conditional use permit to establish a nonmetallic mine on a 15-acre parcel; south of 893 Jackson Harbor Road; Washington.

9.3 Review/consider sponsorship of zoning text amendments regarding county communication tower regulations, Chapter 14, Door County Comprehensive Zoning Ordinance.

10.0 Budget matter: Review/decide whether to recommend 2021 Capital Improvements Plan (C.I.P.) county-wide address sign replacement project (~\$750,000).

11.0 Future meeting schedule.

May 21, 2020	-	?
June 4, 2020	-	?
June 18, 2020	-	?

12.0 Meeting per diem code.

13.0 Adjourn.

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

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

MKG/SV/lr
04/24/20

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.

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

March 12, 2020

1.0 Open meeting.

Chair Fisher called a meeting of the Resource Planning Committee to order at 1:51 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	Steve Jenkins
	Jon Koch	Mike Kohlbeck	Brian Zak
	Richard Virlee	Kelly Clafin	Karen Studebaker
		Betty Parsons	David Studebaker
		Sherry Mutchler	Jessica Hatch
		Tom Birmingham	
Excused:	Vinni Chomeau		
	Dave Enigl		

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 Virlee, to adopt the agenda as presented. Motion carried unanimously (3-0).

Note: Chair Fisher indicated that agenda items would be addressed out of order.

4.0 Correspondence.

None.

6.0 Zoning matters: conditional use permit application.

Town of Baileys Harbor; conditional use permit to replace the existing Fire Station with a new, 14,032 square foot Fire Station (Emergency Response Facility); 2404 Park Road; Mixed Use Commercial (MC) zoning district.

Motion by Koch, seconded by Virlee, that:

- A. The Town of Baileys Harbor proposes to replace the existing Fire Station with a new, 14,032 square foot Fire Station (Emergency Response Facility), located at 2404 Park Road, Town of Baileys Harbor, Door County, Wisconsin, in Section 20, Town 30 North, Range 28 East and in a Mixed Use Commercial (MC) 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:

MINUTES OF MEETING
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- a. The use must be established within 12 months of the issuance of the conditional use permit. At minimum, a Door County Regular Zoning Permit for construction of the building shall be obtained within 12 months of issuance of the conditional use permit.
- 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 construction.
- c. 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. In addition:
 - i. As was indicated in testimony, exterior lighting on the property shall be located on the building only, with existing light poles to be removed.
 - ii. Exterior lighting that is capable of being dimmed shall be installed on, at a minimum, the east and north sides of the building.
- d. The applicant shall have qualified experts (such as engineers or transportation planners) re-examine the area encompassing the southwest corner of the proposed building, the adjacent driveway, and Park Road in order to determine if there are any additional safety measures – such as bollards – that could be installed in order to better protect street traffic, pedestrians, the building itself, and fire trucks leaving the property. A written determination addressing this matter shall be provided to the Land Use Services Department, and any engineered solutions recommended based on the re-examination of safety considerations for the area shall be installed prior to building occupancy.
- e. The project shall be completed by March 16, 2022.
- f. An affidavit shall be recorded at the Register of Deeds with the deed for the property to provide successors in interest notice of the conditional use permit and conditions and requirements.

Motion carried unanimously (3-0).

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.**

David Studebaker introduced himself as present and authorized to speak on behalf of the Town of Liberty Grove with regarding to the tower agenda item should the RPC members have any questions.

- 5.0 **Review and approve (as drafted or with revisions) minutes of February 26, 2020 meeting. *These minutes contain the findings and decisions arising from the February 20, 2020 hearing on the Quarry Bluff Development, LLC conditional use permit application.***

**MINUTES OF MEETING
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March 12, 2020**

After brief discussion, there was a motion by Virlee, seconded by Koch, to approve the minutes, and findings and decisions regarding Quarry Bluff Development, LLC contained within, as presented. Motion carried unanimously (3-0).

7.0 Land division matter: Preliminary plat review for a major site condominium.

“The Uplands at Cottage Row”; 12 single-family condominium building sites (“units”) ranging in size from 1.713 to 2.236 acres; Great Northern Development Corporation (owner); Cottage Row; Town of Gibraltar; Small Estate (SE) zoning district.

After brief discussion with Goode about ordinance requirements and with Tom Birmingham (owner/applicant) about project projections/timing, there was a motion by Koch, seconded by Virlee, to approve the preliminary plat as presented. Motion carried unanimously (3-0).

8.0 County communication tower regulations: Update on process to obtain input from towns on possible communication tower regulatory changes.

9.0 Addressing program: Update on process to obtain input from towns on possible county-wide address sign replacement.

Goode noted that agenda items 8.0 and 9.0 were simply “FYI” regarding a meeting she and County Administrator Ken Pabich have invited town officials to attend on March 30th regarding both topics. RPC members agreed by consensus that the meeting should be posted as an RPC meeting as a quorum is likely to attend, for informational purposes only – no action will be taken by the committee at the meeting.

10.0 Review/approval of Land Use Services 2019 annual report.

Motion by Koch, seconded by Virlee, to approve the annual report as presented. Motion carried unanimously (3-0).

11.0 Future meeting schedule.

- March 19, 2020** - **No meeting.**
- March 30, 2020** - **FYI: Staff & town officials meeting re: addressing and towers.**
- April 2, 2020** - **Zoning hearing(s).**
- April 16, 2020** - **Zoning hearing, planning meeting.**

There will definitely not be a meeting on March 19th. Available RPC members will attend the meeting on March 30th, for informational purposes only. There will be zoning hearings/meetings on April 2nd and 16th. Both will start at 3:00.

Meeting schedule as discussed noted.

12.0 Meeting per diem code.

Chair Fisher assigned code 737.

13.0 Adjourn.

Motion by Koch, seconded by Virlee, to adjourn the meeting. Motion carried unanimously (3-0).

**MINUTES OF MEETING
RESOURCE PLANNING COMMITTEE
March 12, 2020**

Meeting adjourned at 2:25 p.m.

Reported by,

Mariah Goode
Land Use Services Director

MKG/lr

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

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

In response to the public health emergency in connection with the COVID-19 pandemic, **the public hearings to be held by the Door County Resource Planning Committee on Thursday, May 7, 2020 will be virtual only.** The committee will be assisted in conducting the hearings by staff who will be located in the Door County Government Center County Board Room (C-101, First Floor) and Peninsula Room (C-121, First Floor) at 421 Nebraska Street, Sturgeon Bay, Wisconsin. "Virtual only" is exactly what the name implies: the hearings will be conducted by means of remote communication (i.e., teleconference or video conference).

In addition to the hearings, the committee business meeting to be held immediately prior to and subsequent to the hearings will also be conducted by teleconference or video conference only. Applicants and members of the public may monitor and participate in the meetings remotely only.

To attend the hearings and meeting via computer, go to <https://globalpage-prod.webex.com/join> ; enter the meeting number, 621 617 193; and then the password, p77AcAMPz9E (77722267 from phones and video systems). To connect via telephone, call (408) 418-9388, and then when prompted enter the access/meeting code, 621 617 193.

The hearings will begin at 9:15 a.m., after a brief business meeting beginning at 9:00 a.m., to give consideration to the applications listed below for zoning map amendments and conditional use permits, as specified in the county comprehensive zoning ordinance:

TOWN OF FORESTVILLE

Lori McNulty petitions for an amendment to the detailed zoning map of the Town of Forestville to rezone 3.85 acres from General Agricultural (GA) to Mixed Use Commercial (MC). The rezoning request is being sought as a first step to then be able to pursue authorization for a commercial storage facility which was established within an existing building without authorization. The residual 20 acres will remain General Agricultural (GA). The parcel is located at 248 STH 42 S in Section 33, Town 26 North, Range 25 East.

A map showing the property affected by this amendment is available for viewing upon request to the Door County Land Use Services Department.

TOWN OF GIBRALTAR

The Town of Gibraltar petitions for an amendment to the detailed zoning map of the Town of Gibraltar to rezone 0.508 acres of a 4.24-acre parcel from Recreational Commercial (RC) to Light Industrial (LI). The rezoning request is being sought in order to pursue authorization for a bulk propane storage tank to serve the Chambers Island property owners. The residual 3.732 acres will remain Recreational Commercial (RC). The parcel is located at 10997 Island Drive East, Chambers Island, in Section 33, Town 32 North, Range 26 East.

A map showing the property affected by the amendment is available for viewing upon request to the Door County Land Use Services Department.

TOWN OF GIBRALTAR

Nicholas A. and Laura L. Dokolas request a conditional use permit as required by Door County Comprehensive Zoning Ordinance Sections 2.05(3)(b) and 11.04. The applicants propose to establish a Motorized Recreational Equipment Sales/Service/Rentals business to run tours from the property and to train renters of Segways and electric scooters on an obstacle course on the property. They currently book Segway and electric scooter tours and store equipment within two buildings on the site. The property is located at 3903 STH 42 in Section 28, Town 31 North, Range 27 East and in a Village Commercial (VC) zoning district.

TOWN OF GIBRALTAR

John W. II and Sara R. Lancaster request a conditional use permit as required by Door County Comprehensive Zoning Ordinance Sections 2.05(3)(b) and 11.04. The applicants propose to establish an Art Gallery (pottery studio) in an existing 28' x 32' building. The property is located at 8999 S. Highland Road in Section 02, Town 30 North, Range 27 East and in a Countryside-5 (CS5) zoning district.

TOWN OF SEVASTOPOL

Sevastopol Consolidated School requests a conditional use permit as required by Door County Comprehensive Zoning Ordinance Sections 2.05(3)(a) and 11.04. The applicant proposes to demolish a portion of the existing school and construct a 268' x 347' irregularly-shaped, two-story addition south of the gymnasium and east of the portion of the school that will remain, and a two-story staircase on the north side of the remaining portion of the school. The property is located at 4550 STH 57 in Section 24, Town 28 North, Range 26 East and in a Mixed Use Commercial (MC) zoning district.

TOWN OF SEVASTOPOL

Northeast Asphalt, Inc. requests a conditional use permit as required by Door County Comprehensive Zoning Ordinance Sections 2.05(3)(a), 4.05(7), and 11.04. Northeast Asphalt, Inc. proposes to establish a temporary asphalt plant within the existing nonmetallic mine located at 4429 Mathey Road, in Section 22, Town 28 North, Range 26 East and in a Prime Agricultural (PA) zoning district.

TOWN OF WASHINGTON

Raymond P. and Barbara J. Hansen Trust (on behalf of Randy Dvorak) requests a conditional use permit as required by Door County Comprehensive Zoning Ordinance Sections 2.05(3)(a), 4.05(3), and 11.04. The applicant proposes to establish a nonmetallic mine on a 15-acre parcel. The property is located south of 893 Jackson Harbor Road in Section 32, Town 34 North, Range 30 East and in a General Agricultural (GA) zoning district.

A petition to amend the zoning ordinance seeks to change the text, i.e., the regulations, of the zoning ordinance and/or the zoning district map. The County Board of Supervisors makes the final decision on such petitions.

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 a 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 view the hearings and meetings and/or give oral testimony remotely via the free software application WebEx, which you may load onto your smartphone ("Cisco WebEx Meetings") and/or computer (<https://www.webex.com/>). In-person attendance and testimony will not be permitted. Anyone wishing to offer oral testimony will need to register in advance.

Persons who intend to participate in a hearing are advised to be familiar with the Resource Planning Committee Guidelines for Virtual Hearings. The Guidelines, which include information as to how to register to testify at a hearing, may be found at: <https://www.co.door.wi.gov/AgendaCenter>.

Written testimony will also be accepted, on 8 1/2" x 11" paper only, and must be mailed or FAXED to the Door County Land Use Services Department, 421 Nebraska Street, Sturgeon Bay, WI 54235 (FAX 920-746-2387) by **3:30 p.m.** on May 6, 2020. Letters may be made available for public inspection upon request filed with the Land Use Services Department (Phone: 920-746-2323). 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.**

All application materials may be viewed by request filed with the Door County Land Use Services Department, 421 Nebraska Street, Sturgeon Bay, Wisconsin (Phone: 920-746-2323). Application materials may also be viewed on-line approximately four business days before the hearing at: <https://www.co.door.wi.gov/AgendaCenter>. Please note that additional materials may be posted up until 4:30 p.m. the day before the hearing.

A regular business meeting of the Resource Planning Committee will precede and another shall follow the public hearings.

Those who cannot attend remotely should call (920) 746-2323 or e-mail lriemer@co.door.wi.us. We will endeavor to facilitate reasonable access for people who cannot attend remotely.

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 filed with the Door County Land Use Services Department, 421 Nebraska Street, Sturgeon Bay, WI 54235 (Phone: 920-746-2323).

Door County Resource Planning Committee and Board of Adjustment Guidelines for Hearings Conducted Using “Social Distancing”

In light of the WDHS 03-24-2020 “Safer at Home Order,” and to mitigate the impact of COVID-19, Resource Planning Committee and Board of Adjustment hearings and meetings will until further notice be conducted as teleconference or video conference. Members of the public may join hearings and meetings to observe or participate remotely via the free software application WebEx. Meeting numbers and passwords may be found on the hearing notice or business meeting agenda.

General Information Regarding Testimony

- Written testimony must be mailed, e-mailed, or FAXed to the Door County Land Use Services Department, and must be received by 3:30 p.m. the day prior to the hearing.

*Mail: 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.*

- **Anyone wishing to offer oral testimony for a hearing must register in advance. Registration must be received by 12:00 p.m. (noon) the day before the hearing.** You may register via mail, phone, FAX, or e-mail (please see above for all contact information options). When registering to testify, please provide the following information:
 - Full name.
 - Full mailing address.
 - E-mail address.
 - Phone number.
 - Case/project about which you wish to provide testimony.
 - Whether you wish to speak in favor or in opposition.
- All live testimony will use WebEx, a free software application you may load onto your smartphone (“Cisco WebEx Meetings”) and/or computer (<https://www.webex.com/>). You may also simply call in via WebEx. Meeting codes and passwords will also allow anyone interested to simply observe hearings. For those registered to testify, when you are called upon WebEx will allow the committee to see and hear you as well.
- You will obviously not have the ability to give committee members handouts. Any materials you wish the committee to review and have part of the record, including anything you plan on using as a visual aid during testimony, must be received by 3:30 p.m. the day prior to the hearing so we may post them on-line.

Hearing Format

At the start of the meeting, the Chair will explain the process that will be followed for the hearings.

Staff will provide an overview of each project at the start of that particular hearing. Testimony for each hearing will be taken as follows:

- Applicant, followed by others in favor of the project.
- Testimony from anyone in opposition.
- A rebuttal round will occur if testimony in opposition has been presented.
- All testimony will be taken in the order shown on the registration list.
- Only one person at a time may speak. Please mute yourself when it is not your turn to speak.

PETITION FOR ZONING AMENDMENT

To: Door County Board of Supervisors
Door County Government Center
Sturgeon Bay, WI 54235

Mail To: Door County Land Use Services
Planning & Zoning
421 Nebraska Street
Sturgeon Bay, WI 54235

The undersigned owner of the property herein described hereby petitions your honorable body for an amendment to the Door County Zoning Ordinance and Map to effect a change in the Zoning Classification of real estate in the Town of Forestville, Door County, Wisconsin, located at Fire No. 5248, State Highway 42 Road, Highway, more particularly described as follows; to-wit (attach copy of deed, tax bill, or survey):

3.85 Acres of Parcel 010 0033262524C as shown on attached site plan

From GA Zoning District to mc Zoning District.
Please describe in detail how the land will be used if the amendment is adopted. Submittal of detailed site and building plans is encouraged.

SEE Attached

RECEIVED

JAN 13 2020

DOOR COUNTY
LAND USE SERVICES DEPARTMENT

Respectfully submitted,

Lori A. McNulty
NAME

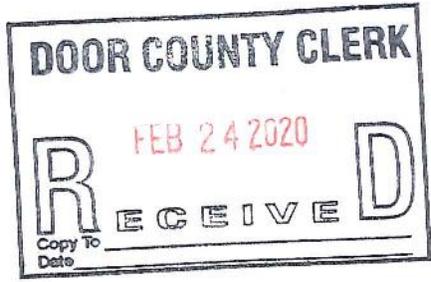
300 E Park St.
ADDRESS

Forestville WI 54213
CITY & ZIP CODE

TELEPHONE: 920-856-6711

Lori A. McNulty
(LEGAL SIGNATURE)

1/11/2020
(DATE)



ACTION TAKEN
(By County Planning Committee)

DATE _____
Approved _____ Denied _____
(By Board of Supervisors)

DATE _____
Approved _____ Denied _____

PARCEL
NO.: 010-00-33262524C

DATE FILED: _____

FEE PAID (Date) 1-13-2020
Receipt No: 131 Fee: (\$750.00)
(Make check payable to: Door County Treasurer)

12/28/2018

Zoning Change of Part of Parcel 0100033262524C

We are asking to return part of the above parcel from GA (General Agricultural) to MC (Mixed Use Commercial)

A little more than a year ago we bought the parcel with an existing 14 door storage building on it. The building is more than 20 years old and at one time was used for rental and a flea market.

The attached map shows a proposal that would bring the zoning in line with the use of the property and still leave the majority of the parcel as General Agricultural as the required 20 acres.

Land to the west is in the Village of Forestville as a Residential parcel and our proposal on the east meets up with the east line of a Residential parcel to the south in the Town of Forestville.

A concern about the zoning of the parcel came up as we have the property listed for sale. The proposed 3.85 acres gives somebody in the future room to expand commercial storage on the parcel.

RECEIVED

JAN 13 2020

DOOR COUNTY
LAND USE SERVICES DEPARTMENT

McNulty Surveying & Mapping LLC

300 E. Park St.
Forestville, WI. 54213
Ph: (920) 856-6711

Description of Land For Proposed 3.85 acres to rezone to mixed use commercial

Part of Southeast 1/4 of the Northwest 1/4 and partly in the Southwest 1/4 of the Northwest 1/4
Section 33, Township 26 North, Range 25 East, Town of Forestville, Door County, Wisconsin.

Described as follows:

Commencing at the North 1/4 corner of said section; thence S 01°03'56" E 2697.29 feet to the
monumented center of said section; thence N 89°06'00" W 1363.38 feet to the East line of State Highway
42 point being the point of beginning; thence N 26°05'55" W along said East line of State Highway 29
165.04 feet; thence S 89°44'05" E 65.54 feet; thence N 00°22'57" W 191.43 feet; thence S 89°44'05" E
478.80 feet; thence S 00°00'00" E 344.49 feet; thence N 89°06'00" W 470.50 feet to the point of beginning.
Said area containing 3.85 acres of land more or less.

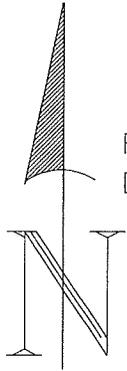
RECEIVED

JAN 13 2020

DOOR COUNTY
LAND USE SERVICES DEPARTMENT

SITE PLAN

FOR: LORI McNULTY
DATE: 1/08/2020



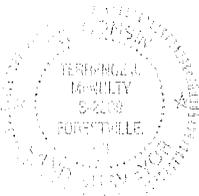
RECEIVED
JAN 13 2020
DOOR COUNTY
LAND USE SERVICES DEPARTMENT

SCALE: 1" = 100'

RINGS REFERENCED TO THE WEST LINE OF
NW 1/4 SECTION 33-26-25 ASSUMED
BEAR S 01°03'56" E.

LEGEND

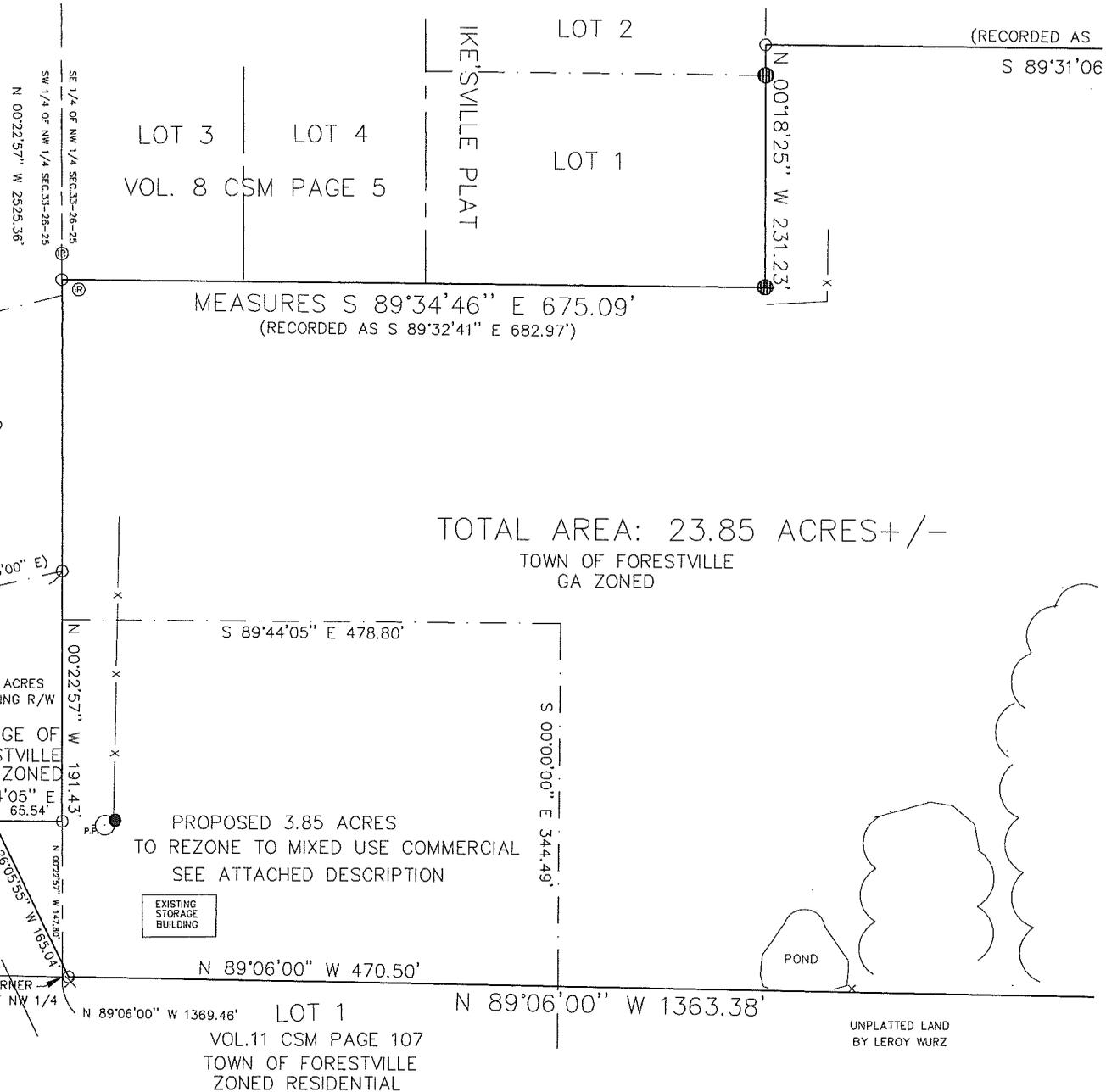
- FOUND DOOR COUNTY BERNTSEN MONUMENT
- FOUND IRON PIPE
- 1" X 18" IRON PIPE SET WEIGHING 1.13 LBS/LIN. FT.
- × EXISTING FENCE
- EXISTING IRON ROD



SURVEYOR'S CERTIFICATE
THE ABOVE MAP IS A TRUE REPRESENTATION OF THE PROPERTY SURVEYED AND SHOWS THE EXTERIOR BOUNDARIES, FENCES, IMPROVEMENTS APPARENT EASEMENTS, ROADWAYS, AND VISIBLE ENCROACHMENTS, IF ANY.
THIS SURVEY IS MADE FOR THE EXCLUSIVE RIGHTS OF THE PRESENT OWNERS OF THE PROPERTY AND THOSE WHO PURCHASE, MORTGAGE OR GUARANTEE TITLE THERETO WITHIN ONE (1) YEAR FROM THIS DATE.

DRAFTED BY TERRENCE J. McNULTY P.L.S. 2339

McNULTY SURVEYING & MAPPING LLC
300 E. PARK STREET
FORESTVILLE, WI 54213
(920) 856-8711
PARCEL NO. 010 00-33262524C



TOTAL AREA: 23.85 ACRES+/-
TOWN OF FORESTVILLE
GA ZONED

PROPOSED 3.85 ACRES
TO REZONE TO MIXED USE COMMERCIAL
SEE ATTACHED DESCRIPTION

EXISTING STORAGE BUILDING

POND

UNPLATTED LAND BY LEROY WURZ

12/30/19 10:31:59

ASSESSMENT INQUIRY
0100033262524C R 2020

1691

N 248 STATE HWY 42 S
MC NULTY, LORI A

Geo.Loc: 15 010 4 26 25 33 2 04 000

MAIL TO:
MC NULTY
LORI A

SPLIT PARCEL
3300

300 E PARK ST
FORESTVILLE WI 54213

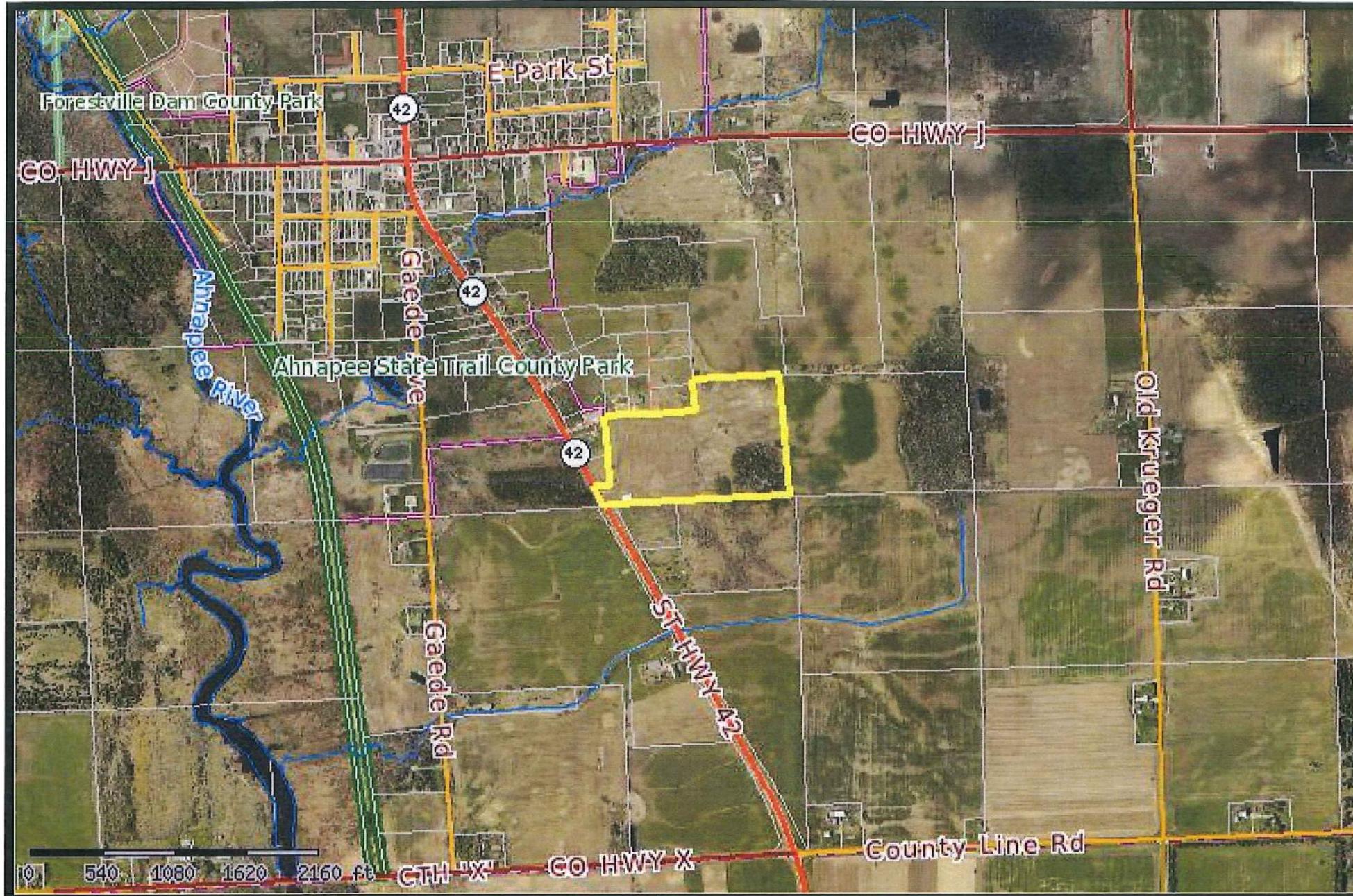
LEGAL DESCRIPTION
33 26 25 AC 23.85
COM CNTR SEC 33: N89*W1470.
48' TO CL HWY N26*W ALG CL
162.93' N89*E173.30' N515.
10' S89*E682.97' N231.23'
S89*E682.97' S1*E905' BG.
SUBJ TO ESMT.
MORE LEGAL AVAILABLE

CURRENT TAX ASSESSMENT AS OF 2019
CODE ACRES LAND IMPROVE TOTAL

BILL NO:
COMMENTS

TOTALS

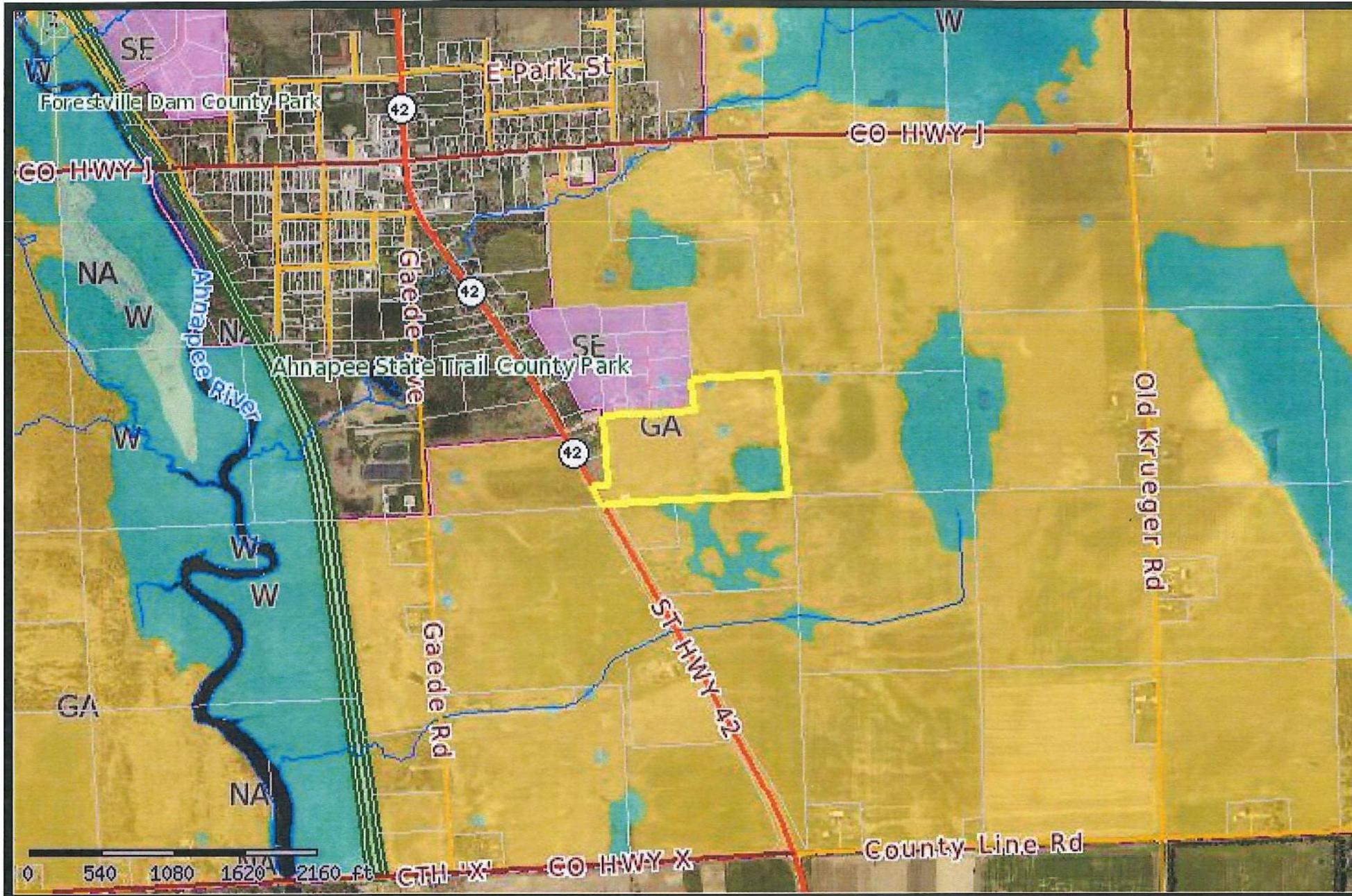
F3-Exit F5-Owners F7-Tax Detail F8-Legal F9-Directory F10-Survey Index
F11-Districts F12-Prev Scrn F17-Fire# F18-DOA Site F19-History
F21-Geo Location F6-Vol/Page Detail



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County of Door
LAND USE SERVICES DEPARTMENT: Planning
 County Government Center
 421 Nebraska Street
 Sturgeon Bay, WI 54235

STAFF REPORT
Petition for Zoning Amendment - Map

Applicant Information

- **Name & property address:** Lori A. McNulty, 248 STH 42 S
- **Parcel identification number:** 010-00-33262524C
- **Petition Request:** Rezone 3.85-acres of a 23.85-acre parcel from General Agricultural (GA) to Mixed Use Commercial (MC) in order to pursue authorization for a commercial storage facility which was established within an existing building without authorization. The residual 20-acres will remain General Agricultural (GA).

Description of Subject Property and Surrounding Area

Lot Configuration

- **Lot area, width, and depth:** an irregular-shaped 23.85-acre lot, ~660' wide at the midpoint, and ~1,360' deep.
- **Frontage - water, road:** No water frontage, 165' along State High 42.

Surrounding Area:

- **North:** Ike'sville Plat, located directly to the north and zoned Small Estate (SE), contains two single family residences. All other Town of Forestville properties to the north are zoned General Agricultural (GA) and Wetland (W) and are primarily used as agricultural land, with the exception of a few small lots containing single family residences. The properties along STH 42 are located within the Village of Forestville.
- **South:** Properties to the south are zoned General Agricultural (GA) and Wetland (W) and are primarily used as agricultural land, with the exception for of a few small lots containing single family residences. Kewaunee County is located approximately 0.5 miles to the south.
- **East:** Properties to the east are zoned General Agricultural (GA) and Wetland (W) and are primarily used as agricultural land, with the exception for of a few small lots containing single family residences.
- **West:** Properties to the west and south are zoned General Agricultural (GA) and Wetland (W) and are primarily used as agricultural land, with the exception of a few small lots containing single family residences. West of Gaede Avenue are Village of Forestville properties, the Ahnapee Trail, and the Ahnapee River.

Zoning Considerations

	Existing District	Proposed District
Zoning district	GA 23.85 acres	GA 20 acres & MC 3.85 acres
• Minimum lot size	20 acres	20 acres & 20,000 sq. ft.
• Minimum lot width	600'	600' & 100'
• Allowable number of lots.	1	1 – GA lot ≤ 8 – MC lots based on area, may not be realistic.

- **Purpose of existing zoning district - DCCZO Section 2.03(5), General Agricultural (GA):** This district is intended to maintain agricultural lands which have historically demonstrated high agricultural productivity. It is also intended to accommodate certain nonagricultural uses which require spacious areas to operate or where natural resource exploitation occurs. Lands eligible for designation in this district shall generally include those designated as farmland preservation areas in the *Door County Comprehensive and Farmland Preservation Plan*. This district is also intended to provide farmland owners with additional management options by allowing limited residential development, but with residential density limits and other requirements set so as to maintain the rural characteristics of this district. Lot sizes of at least 20 acres are required for new lots.
- **Purpose of proposed zoning district - DCCZO Section 2.03(17), Mixed Use Commercial (MC):** This district permits both residential and commercial uses and is designed to accommodate those areas of Door County with an existing desirable mixture of uses, or where such a mixture of uses is wanted. 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 which are not served by public sewer.
- **The purpose of the proposed rezoning:** The owner is requesting a 3.85-acre portion of the property, an area that surrounds the existing building and extends about 260' to the north and about 325' to the east, be rezoned to the Mixed Use Commercial (MC) zoning district in order to pursue an after-the-fact authorization for a commercial storage facility within the existing building.

Background:

- According to the improvement value within the historical tax parcel data, it appears the existing building was constructed around 1999.
- The Town of Forestville adopted County Comprehensive Zoning on November 17, 2008.
- In October of 2017, the owner's family stated that the existing 14-unit storage building had not been used as a commercial storage facility for years.

- While the parcel was listed for sale, multiple people called to ask if the 14-unit storage building could be used for commercial storage and if additional commercial storage buildings could be constructed on the property. The following process was outlined in a memo dated February 7, 2018:
 - According to Section 2.05(3)(a), a commercial storage facility use is not allowed in the General Agricultural (GA) zoning district. Therefore, the previous use of the building as a commercial storage facility was considered a nonconforming use.
 - Section 9.02(4), Nonconforming uses section states *“Discontinuance. Where any such nonconforming use is discontinued for a period of 12 consecutive months, any future use of the building, structure, or land shall conform to the regulations of the district in which it is located.”*
 - A commercial storage facility is allowed in the Mixed use Commercial (MC), Recreational Commercial (RC), and Commercial Center (CC) zoning districts with a conditional use permit and is allowed in the Light Industrial (LI) zoning district with a regular zoning permit. Therefore, the property, or a portion of the property would need to first be rezoned in order to pursue using this building for a commercial storage facility.
 - Section 4.04(8), Commercial Storage Facilities, requires a minimum 50’ setback from all lot lines if the property is located within one of the three commercial zoning districts (20’ setback in the Light Industrial (LI) zoning district). The existing building is located just less than 40’ from the south lot line. Therefore, a variance from the 50’ setback is required before authorization to establish the commercial storage facility in one of the commercial zoning districts may be pursued.
 - If the rezoning and petition for grant of variance applications are successful, then an applicant may pursue a conditional use permit in one of the commercial zoning districts.
- The current owner purchased the property on September 17, 2018 and sometime after that date started using the building as a commercial storage facility without authorization.
- **Please see the attached Table of Principal Uses to compare the types of uses allowed in the existing zoning district as opposed to the proposed zoning district. Rezoning a property means that any use allowed in the new zoning district may be established on the property, now or in the future, not just the use being proposed by the current applicant.**

Considerations in evaluating petitions to rezone

- **Was the existing district due to a mistake in the mapping process?** No.
- **Have circumstances changed for this property or surrounding properties since the original zoning district designation?** No.
- **How are the adjacent properties zoned and used? Will rezoning allow for higher intensity or higher density uses than those allowed on surrounding properties?** The adjacent properties are zoned for General Agricultural, intended primarily for agricultural use, which generally has lower intensity and density uses. The property is also adjacent to the Village of Forestville where there is a nearby commercial use.
- **Would the new district fit official plan guidelines for the property? Is the existing district a better fit?** The existing district is a better fit.

- Is the request simply to economically benefit one property owner or a small group of property owners? Yes.
- Is there an overriding public good to be gained by rezoning the property? (If yes, rezoning might be justified even if other considerations point toward denying the petition.) No.

The Resource Planning Committee may recommend to the county board that the zoning amendment petition be approved as presented, modified, or denied.

Comprehensive Plan Considerations

- **County comprehensive plan future land use map designation and description. (Please see the attached Future Land Use Map.)**

The parcel proposed to be rezoned is designated on the county's comprehensive plan future land use map as "Residential" and "Rural/Agricultural" and is located within a core area, as described below and shown on the attached map.

Core Areas

The areas encompassed by the core area boundaries consist of existing built-up communities and their planned expansion areas. These communities already contain a fairly dense mixture of commercial, residential, and institutional uses. In many cases public sewer already exists. In general, future high density (re)development, whether commercial, residential, or mixed-use, should be directed to these areas. Guidelines for these areas are as listed below.

- *Maintain the vital community character of these core areas by encouraging future commercial, residential, and institutional uses to locate in these areas.*
- *Allow higher density development in accordance with the availability of and capability of wastewater treatment systems.*
- *Within individual development core areas, guide the future development pattern by identifying suitable locations for each type of desired development (e.g., retail, single family residential, mixed-use, townhouses, etc.).*
- *Promote orderly and rational expansion of these communities, particularly by avoiding a linear strip development pattern along major roads in favor of a more compact development pattern. Where possible, communities should strive to maintain a distinct "edge" to their built-up areas.*
- *Avoid sprawl by maintaining undeveloped parts of the core areas as lower density rural lands until such land is actually needed to accommodate growth from the central parts of the core areas.*
- *Encourage infill development and redevelopment.*

Residential – 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.

Rural/Agricultural – "Rural/Agricultural" areas cover much of southern and central Door County, where there are currently relatively stable agricultural lands with few non-agricultural uses, as well as most of the cleared areas located within the northern part of the county, which has more limited or discontinued agricultural activities. These areas are not planned for non-agricultural development in the next 15 years, however, lands in this category can, and most likely will, contain residential uses compatible with agriculture. Agricultural and related operations in these areas should be protected by ensuring development is at low density levels.

While the property under consideration is located within a core area, an area where development is typically encouraged, typically some caution should be taken in considering the proposed rezoning for the following reasons:

- A rezoning from General Agricultural to Mixed Use Commercial is not consistent with the Rural/Agricultural or Residential future land uses.
- The core area description recommends avoiding sprawl within core areas by maintaining undeveloped parts of the core areas as lower density rural lands until such land is needed to accommodate growth from the central parts of the core areas.

Lessening the need for caution, however, is the fact that the parcel has been used for commercial storage in the relatively recent past. Additionally, the McNulty parcel abuts a parcel located in the Village of Forestville that has an existing commercial use. This Village of Forestville parcel is located approximately 360' northwest of the area being proposed for rezoning.

- **Relevant goals/objectives/action items from comprehensive plan.** None.
- **Other relevant text from county comprehensive plan.** None.

SV/RYSK
April 20, 2020



County of Door
LAND USE SERVICES DEPARTMENT: ZONING

County Government Center
 421 Nebraska Street
 Sturgeon Bay, WI 54235

Sue Vanden Langenberg, Zoning Administrator

Direct line: (920) 746-2221

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FAX: (920) 746-2387

E-mail: svanden@co.door.wi.us

Website: <http://map.co.door.wi.us/planning>

MEMO

PARCEL NUMBER: 010-00-33262524C

CLIENT NAME: Scott Agamite, proposed buyer

PHONE / E-MAIL: 920-621-2277

DATE: 2/7/18

Scott called to find out what this zoning was and wanted to know if the 14-unit commercial storage building could be expanded in the future?

The property is zoned General Agricultural (GA) and Wetland (W). The existing structure was built prior to zoning and was used for personal storage for the last several years and may continue to be used solely for personal storage.

The building may not be converted back to a commercial storage facility as this use is not allowed in the General Agricultural (GA) zoning district. Section 4.04(8) of the DC Comprehensive Zoning Ordinance also requires that a commercial storage building be located at least 50' from the side lot line. This structure is located less than 50' from the south, side lot line. Therefore, in order to establish a commercial storage facility in this structure a variance would be required providing relief from the 50' setback and then the property would have to be rezoned to a commercial (MC, RC, CC) or Light Industrial zoning district which would allow for this use.

ZONING DISTRICTS; USE REGULATIONS 2.05(2)

(2) How to use the table of principal uses.

Table of principal uses (portion)

TYPE OF USE	ZONING DISTRICTS								
	W	NA	EA	GA	PA	CS	HL	ES	SF20
AGRICULTURAL USES									
Farm Markets (s. 4.03(3))			C	C		C	C		
General Agriculture (s. 4.03(1))		P	P	P	P	P	P	P	
Greenhouses			P	P	P ¹ ↑	P	P	P ¹	↑

Refer to listed section for requirements applicable to specified use.

The listing of principal uses for the Wetland district does not fit a table format. Refer to sub.(4).

Refer to footnote at end of table for special provision.

Space without symbol means the use is not allowed.

KEY:

P = Permitted uses.

S = (Deleted: 27 May 2008, Ord. 2008-04)

C = Uses permitted as conditional uses.

(Added: 24 Nov. 1998, Ord. 33-98)

(3)(a) Table of principal uses – General. This table shall apply as appropriate wherever this Ordinance is applicable.

Door County Comprehensive Zoning Ordinance

Type of Use	Zoning Districts																	
	W	NA	EA	GA	PA	CS	HL ⁸	ES	SF10	SF20	SF30	SE	RR	HD	CC	MC	RC	LI
AGRICULTURAL USES																		
Agricultural Visitation Facility (s. 4.03(4)) (Added: 26 Aug 1997; Ord. 21-97)				C	C													
Agriculture (s. 4.03(1)) (Amended: 26 Aug 1997; Ord. 21-97)		P	P	P	P	P	P	P										P
Greenhouses (Amended: 30 Sept 2010; Ord. 2010-13)			P ¹⁷	P	P ¹	P	P	P ¹							C	C		
Roadside Stands (s. 4.03(2)) (Amended: 30 Sept 2010; Ord. 2010-13)		P	P ¹⁷	P	P	P	P	P										
Tree/Shrub Nurseries		P ¹	P	P	P ¹	P	P	P ¹										
COMMERCIAL USES																		
Art Galleries (Amended: 9 May 2008; Ord. 2008-01)				C	C	C	C ¹⁰								P	P	P	
Assembly Hall (s. 4.04(17)) (Added: 5 Aug. 2013; Ord. 2013-13)				C ¹⁴	C	C	C ¹⁴	C							C	C	C ¹⁴	
Auto Repair (s. 4.04(5))				C		C									C	C		P
Auto/Recr. Vehicle Sales, Rental, and Service Lot (Amended: 20 Sept. 2016; Ord. 2016-14)															C	C		
Banks															P ²	P ²		
Carwash (Added: 27 August 2002; Ord. 12-02)															C	C	C	C
Commercial Fishing Facilities				P		P									C	C	C	P
Commercial Trucking Establishments (Amended: 30 Sept 2010; Ord. 2010-13)			C ^{3,17}	C ³														P
Commercial Storage Facilities (s. 4.04(8))															C	C	C	P
Community Commercial Kitchen (s. 4.04(16)) (Added: 28 May 2012; Ord. 2012-13)															P	P		P
Conference Facilities															C	C	C	
Day Care Centers (s. 4.04(14))															C	C	C	

ZONING DISTRICTS; USE REGULATIONS 2.05(3)(a)

(3)(a) Table of principal uses – General. This table shall apply as appropriate wherever this Ordinance is applicable (continued).

Door County Comprehensive Zoning Ordinance

Type of Use	Zoning Districts																	
	W	NA	EA	GA	PA	CS	HL ⁸	ES	SF10	SF20	SF30	SE	RR	HD	CC	MC	RC	LI
COMMERCIAL USES (Continued)																		
Family Day Care Homes (s. 4.04(13)) (Amended: 16 April 1996; Ord. 9-96) (Amended: 30 September 2010; Ord. 2010-13)		P	P ¹⁷	P	P	P	P	P	C	C	C	P	P	C	P	P	P	P
Farm Implement Sales/Service (Amended: 30 September 2010; Ord. 2010-13)			C ²²	C	C	C									C	C		P
Ferry Terminals															P	P	C	
Fertilizer Distribution Plants (Amended: 30 Sept., 2010, Ord. 2010-13)			C ²²	C	C	C												C
Fitness Centers, Tanning Salons & Spas (Added: 30 January 2003; Ord. 01-03)															C	C	C	
Funeral Homes															C	C		
Gas Stations															C	C	C	C
Grain Mills (Amended: 30 September 2010; Ord. 2010-13)			C ²²	C	C	C									C	C		P
Home Businesses (s. 4.04(10)) (Amended: 20 April 2010, Ord. 2010-03) (Amended: 27 September 2012; Ord. 2012-21)				C	C	C	C	C					C			P		
Home Occupations (s. 4.04(9a)) (Amended: 8 August 2000; Ord. 12-00) (Amended: 30 Sept 2010; Ord. 2010-13)		P	P ¹⁷	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Home Office/Studio (s. 4.04(9)) (Added: 8 August 2000; Ord. 12-00) (Amended: 30 Sept 2010; Ord. 2010-13)		P	P ¹⁷	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Indoor Recreation															P	C	P	
Kennels (s. 4.04(2))				P	P	P												
Laundromats and Laundry Service															P	P	C	P
Lumber/Building Supply Yards(s. 4.04(6))															C	C		P
Medical/Dental Clinics															P	P		
Model Homes (s. 4.04(4))							C	C	C	C	C	C	P	P	P	P	P	

2-11

ZONING DISTRICTS; USE REGULATIONS 2.05(3)(a)

(3)(a) Table of principal uses – General. This table shall apply as appropriate wherever this Ordinance is applicable (continued).

Door County Comprehensive Zoning Ordinance

Type of Use	Zoning Districts																	
	W	NA	EA	GA	PA	CS	HL ⁸	ES	SF10	SF20	SF30	SE	RR	HD	CC	MC	RC	LI
COMMERCIAL USES (Continued)																		
Passenger Bus Terminals															C	C		
Personal Service Establishments															P	P		
Professional Offices/Studios															P	P	C	
Radio/TV Stations (Amended: 29 Sept. 2015; Ord. 2015-09; Effective 9 Nov. 2015)															P	P		
Non-Motorized Recreational Equipment Sales/ Service/Rentals (Amended: 26 Feb. 2013; Ord. 2013-07) (Amended: 20 Sept. 2016; Ord. 2016-14)															P	P	P	
Motorized Recreational Equipment Sales/Service/ Rentals (Amended: 26 Feb. 2013; 2013-07) (Amended: 20 Sept. 2016; Ord. 2016-14)															C	C	C	
Restaurants or Taverns (s. 4.04(3))															P ²	P ²	C	
Retail Stores															P ⁶	P ⁶	P ^{4,6}	
Trade or Contractor Establishments (s. 4.04(7)) (Amended: 18 Dec. 2001; Ord. 12-01)				C		C									C	P		P
Veterinarian Clinics				P		P									P	P		
Wineries/Breweries (Amended: 5 Aug. 2013; Ord. 2013-10) (Amended: 22 May 2018; Ord. 2018-11; Effective 2 July 2018)				C ²⁴		C ²⁴	C ^{23, 24}								C	C		P ²⁴
INDUSTRIAL USES																		
Asphalt/Concrete Plants																		C
Bulk Storage of Fuel Products																		C
Freight Terminals (s. 4.05(2))																C		P
Fruit/Vegetable/Cheese Processing Plants (Amended: 30 Sept. 2010; Ord. 2010-13) (Amended: 22 May 2018; Ord. 2018-11; Effective 2 July 2018)			C ^{22, 24}	C ²⁴		C ²⁴	C ²⁴											P ²⁴
Manufacturing, Assembly, Processing															C			P
Nonmetallic Mining (s. 4.05(3)) (Amended: 30 Sept. 2010; Ord. 2010-13)				C		C	C											C
Resource Recovery Facilities (s. 4.05(6))				C		C												C
Salvage Yards (s. 4.05(4))				C		C												C

2-12

ZONING DISTRICTS; USE REGULATIONS 2.05(3)(a)

(3)(a) Table of principal uses – General. This table shall apply as appropriate wherever this Ordinance is applicable (continued)

Door County Comprehensive Zoning Ordinance

Type of Use	Zoning Districts																	
	W	NA	EA	GA	PA	CS	HL ⁸	ES	SF10	SF20	SF30	SE	RR	HD	CC	MC	RC	LI
INDUSTRIAL USES (Continued)																		
Sawmills/Planing Mills (s. 4.05(1)) (Amended: 30 Sept 2010; Ord. 2010-13)		C	C ²²	P	C	P	C											P
Sewage Disposal/Treatment Plants (Amended: 30 Sept 2010; Ord. 2010-13)				C		C	C								C	C		C
Slaughterhouses				C		C										C		C
Solid Waste Facilities (s. 4.05(5)) (Amended: 30 Sept 2010; Ord. 2010-13)				C		C												C
Temporary Asphalt/Concrete Plants (s. 4.05(7)) (Amended: 30 Sept 2010; Ord. 2010-13)				C	C	C	C	C		C ¹⁴	C	C	C	C	C	C	C	C
Wholesale Establishments/Distributorships															C	C		P
INSTITUTIONAL USES																		
Auditorium (Added: 25 June 2013; Ord. 2013-12)															C	C		
Cemeteries (Amended: 30 Sept 2010; Ord. 2010-13)		P	C ²⁰	P	P	P	P	P		P ¹⁴	P	P	P	P	P	P	P	
Churches (Amended: 30 Sept 2010; Ord. 2010-13)		C	C ²⁰	C	C	C	C	C		C ¹⁴	C	C	C	C	P	P	P	
Community Living Arrangements		As regulated in s. 59.69(15), Wis. Stats.																
Fine Arts Venue (s. 4.06(2)) (Added: 28 May 2012; Ord. 2012- 12)		C		C ¹⁴	C	C	C ¹⁴	C							C	C	C	
Fire/Police Stations (Amended: 30 Sept 2010; Ord. 2010-13)				C		C	P	C				C	C		C	C		
Hospitals															C	C		
Institutional Residential				C		C								C	C	C		
Libraries/Museums (Amended: 28 June 2006; Ord. 2006-11)							C			C ¹²					P	P	P	
Post Offices															P	P		
Private Schools (Amended: 30 Sept 2010; Ord. 2010-13)			C ¹⁷	C		C	C	C				C	C	C	C	C	C	

2-13

ZONING DISTRICTS; USE REGULATIONS 2.05(3)(a)

(3)(a) Table of principal uses – General. This table shall apply as appropriate wherever this Ordinance is applicable (continued).

Door County Comprehensive Zoning Ordinance

Type of Use	Zoning Districts																	
	W	NA	EA	GA	PA	CS	HL ⁸	ES	SF10	SF20	SF30	SE	RR	HD	CC	MC	RC	LI
INSTITUTIONAL USES (Continued)																		
Public Schools (Amended: 30 Sept., 2010; Ord. 2010-13)			C ²⁰	C		C	C	C				C	C	C	C	C	C	
Public Highway Garages (s. 4.06(1)) (Amended: 30 Sept., 2010; Ord. 2010-13)				C		C	C	C					C			C		P
Town Halls/Community Centers (Amended: 22 March 2005; Ord. 2005-11) (Amended: 30 Sept 2010; Ord. 2010-13)		P ¹¹	C ²⁰	P	P	P	P						P		P	P		
Travelers' Information Centers															P	P	P	
OUTDOOR RECREATIONAL USES																		
Amusement Park																		
Campgrounds/Trailer Camps (s. 4.07(2)) (Amended: 24 Feb. 2004; Ord. 2004-04)		C		C		C	C									C	C	
Camping (s. 4.07(3)) (Amended: 30 Sept. 1997; Ord. 28-97) (Amended: 30 Sept 2010; Ord. 2010-13)		P	P ¹⁷	P	P	P	P	P		P	P	P	P	P			P	
Commercial Riding Stables (s. 4.07(4)) (Amended: 28 May 1996; Ord. 11-96)		C		C	C	C	C										C	
Golf Courses						C	C ¹⁴	C				C ¹⁴						C
Golf Driving Range (Added: 25 March 1997; Ord. 7-97)				C														
Gun Clubs/Shooting Ranges		C		C		C												
Institutional Recreation Camps (s. 4.07(6))		C				C	C										C	
Marinas/Excursion Boating/Charter Fishing (s. 4.07(5))															C	C	C	
Outdoor Active Recreation Facility (Added: 26 Feb. 2013; Ord. 2013-07)(s.4.07(9))		C		C	C	C	C	C							C	C	C	
Outdoor Theatre																C	C	

2-14

ZONING DISTRICTS: USE REGULATIONS 2.05(3)(a)

(3)(a) of principal uses – General. This table shall apply as appropriate wherever this Ordinance is applicable (continued)

Door County Comprehensive Zoning Ordinance

ZONING DISTRICTS: USE REGULATIONS 2.05(3)(a)

Type of Use	Zoning Districts																	
	W	NA	EA	GA	PA	CS	HL ⁸	ES	SF10	SF20	SF30	SE	RR	HD	CC	MC	RC	LI
OUTDOOR RECREATIONAL USES (Cont.)																		
Parks (s. 4.07(1)) (Amended: 30 Sept., 2010; Ord. 2010-13)		P ⁹	C ²⁰	P ⁹	P ⁹	P ⁹	P ⁹	P ⁹		P ⁹	P ⁹	P ⁹	P ⁹	P ⁹	P ⁹	P ⁹	P ⁹	P ⁹
Private Riding Stables (s. 4.07(4)) (Amended: 30 Sept., 2010; Ord. 2010-13)		P	P ¹⁷	P	P	P	P	P				P	P				C	
Public Boat Launching Facilities (Amended: 22 March 2005; Ord. 2005-10) (Amended: 20 Sept. 2016; Ord. 2016-14)		C				C		C		C	C	C	C	C	C	C	C	
Retreat Centers (s. 4.07(7)) (Amended: 18 Dec 1997; Ord. 40-97)		C		C		C	C	C									C	
Ski Resorts																	C	
RESIDENTIAL USES																		
Accessory Residences (s. 4.08(3)) (Amended: 27 July 2000; Ord. 17-00) (Amended: 17 April 2012; Ord. 2012-14)															P	P	P	P
Bed & Breakfast Establishments (s. 4.08(10)) (Amended: 9 Nov 2011; Ord. 2011-14)		P		P	P	P	C	P		C ¹⁴	C	P	P	P	P	P	P	
Boardinghouses (s. 4.08(11)) (Amended: 9 Nov 2011; Ord. 2011-14)				P	P	P	P	P					P	P	P	P	P	
Conservation Subdivisions (Ch. 6)(Added 4 April 2011; Ord. 2011-05)		P		P	P	P	P	P		P	P	P	P	P			P	
Duplexes				P ¹³		P	P ¹³						P	P ¹⁶	P ¹⁶	P ¹⁶	P ¹³ P ¹⁶	
Dwellings for Agricultural Production & Processing Workers (s. 4.08(7)) (Added: 25 June 1996; Ord. 16-96)				P		P	P											P ¹⁴
Farm Related Residences (s. 4.08(2)) (Amended: 30 Sept., 2010; Ord. 2010-13)(Amended: 11 Dec., 2012 Ord. 2012-25)		P		P	P	P	P ¹⁵	P										
Manufactured Homes (s. 4.08(4))						P	P ¹⁴						P	P				
Manufactured Home Parks (s. 4.08(5))						C	C ¹⁴						C	C				
Multiple Occupancy Developments (s. 4.08(8)) (Amended: 5 Oct. 1998; Ord. 22-98)														C ⁷	C ⁷	C ⁷	C ⁷	

(3)(a) Table of principal uses – General. This table shall apply as appropriate wherever this Ordinance is applicable (continued).

Door County Comprehensive Zoning Ordinance

2-16

Type of Use	Zoning Districts																		
	W	NA	EA	GA	PA	CS	HL ^s	ES	SF10	SF20	SF30	SE	RR	HD	CC	MC	RC	LI	
RESIDENTIALS USES (Continued)																			
Nonfarm Residential Lots (s.4.08(2a)) (Added: 11 December 2012; Ord. 2012-25)			C																
Secondary Dwelling Units (s.4.08(9)) (Added: 4 April 2011; Ord. 2011-04)		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Single Family Residences (Amended: 30 Sept. 2010; Ord. 2010-13)		P	P ¹⁹	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Single Family Residences Separated From Farm Parcels (s. 4.08(1)) (Amended: 30 Sept. 2010; Ord. 2010-13)(Amended: 11 Dec. 2012; Ord. 2012-25)		P		P	P	P	P ¹⁵	P											
Temporary Manufactured Homes (s. 4.08(6)) (Amended: 30 Sept. 2010; Ord. 2010-13)		P	P ¹⁹	P	P	P	P	P		P	P	P	P	P		P	P		
MISCELLANEOUS USES																			
Airports (s. 4.09(1))				C		C													
Airstrips and Landing Fields (s. 4.09(1))				C	C	C	C												
Animal Shelters/Pounds (s. 4.09(3))				C	C	C									C	C			
Municipal/Commercial Parking Lots															C	C	C	C	
Utility Facilities - Type A (s. 4.09(2)) (Amended: 28 March 2000; Ord. 05-00) (Amended: 30 Sept. 2010; Ord. 2010-13)		C	C ²¹	C	C	C	C	C	P	C	C	C	C	C	C	C	C	C	C
Utility Facilities - Type B (s. 4.09(2)) (Amended: 30 Sept. 2010; Ord. 2010-13)		C	C ²¹	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C
Mobile Service Support Structures and Related Facilities (Amended: 29 Sept. 2015; Ord. 2015-09 Effective 9 Nov. 2015)																			
	-----As regulated by Chapter 14 of this ordinance-----																		

ZONING DISTRICTS; USE REGULATIONS 2.05(3)(a)

KEY: P = Permitted uses.

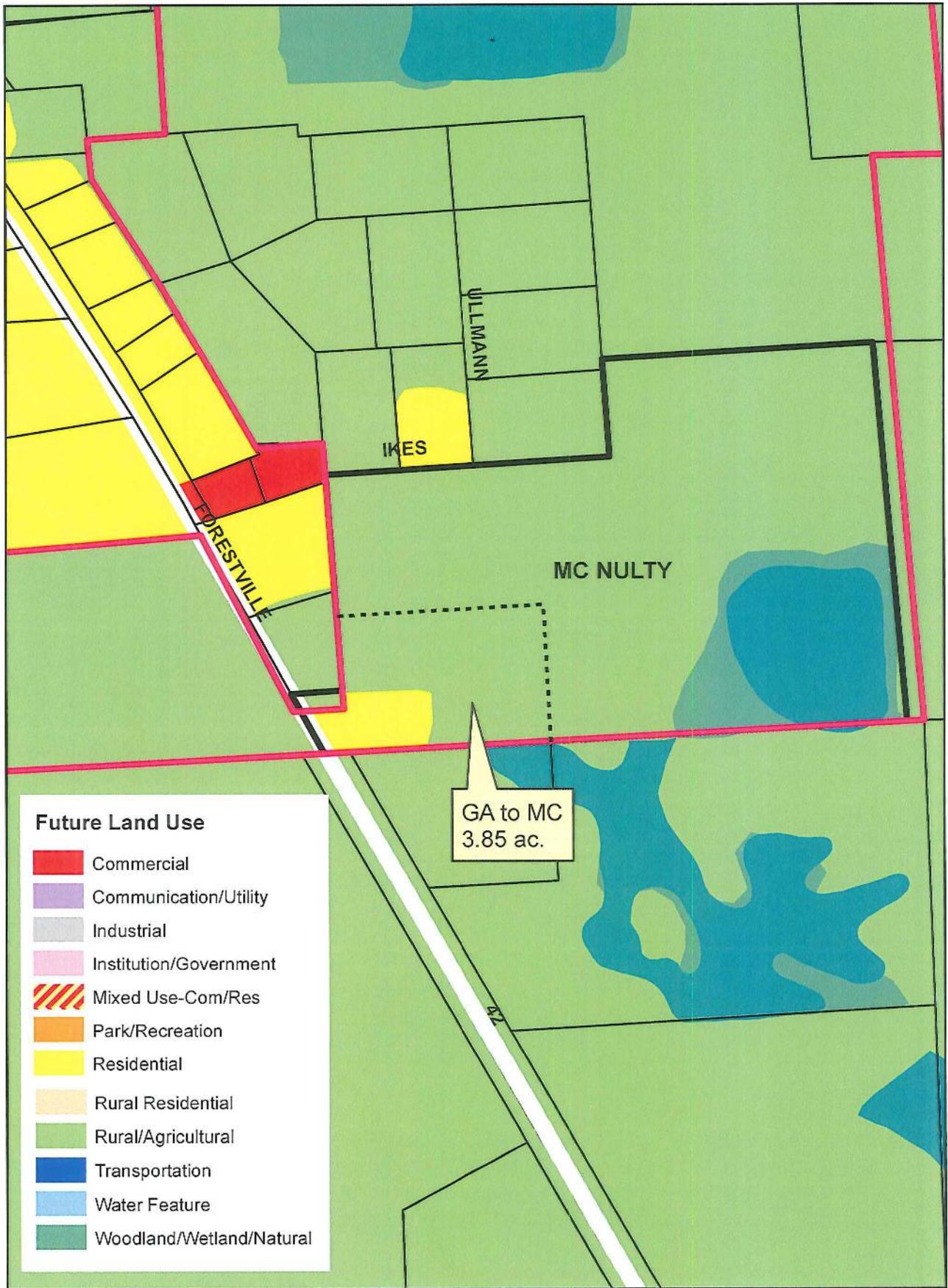
S = (Deleted: 27 May 2008; Ord. 2008-04)

C = Uses permitted as conditional uses.

Future Land Use

McNulty: #010-00-33262524C

Proposed Re-Zoning: General Agriculture (GA) to Mixed Use Commercial Center (MC)





01/10/2020



01/10/2020



01/10/2020



01/10/2020

LETTER(S) IN OPPOSITION

REZONING

MCNULTY

Door County Land Use Services Department
Request for Town Recommendation

FEB 24 2020

DOOR COUNTY
LAND USE SERVICES DEPARTMENT

Lori McNulty is requesting to rezone 3.85-acres of a 23.85-acre parcel from General Agricultural (GA) to a Mixed Use Commercial (MC) zoning district in order to pursue authorization for a commercial storage facility which was established within an existing building without authorization. The residual 20-acres will remain General Agricultural (GA).

The (circle one) Town Board Planning Committee of the Town of Forestville held a legally noticed and posted meeting on 02/18/2020, at which, by a vote of 2 (Yea) to 0 (Nay), the town recommended (check one) SUPPORT DENIAL for a petition to rezone. (1 abstained)

Reason(s) for the town's decision:

The existing district GA is a better fit. The request seems to economically benefit one property owner. No evident public good to be gained by rezoning.

Is the proposal consistent with the Town Comprehensive Plan? N/A

Concerns or objections the town may wish to see potentially addressed through modifications to the proposed amendment:

If the property is rezoned MC, any use allowed by the zoning district could be used to the detriment of neighboring property owners.

Ruth Kerscher, Clerk
Town Clerk Signature

February 18, 2020
Date

*See reverse side for map amendment criteria.

PETITION FOR ZONING AMENDMENT

To: Door County Board of Supervisors
Door County Government Center
Sturgeon Bay, WI 54235

Mail To: Door County Land Use Services
Planning & Zoning
421 Nebraska Street
Sturgeon Bay, WI 54235

The undersigned owner of the property herein described hereby petitions your honorable body for an amendment to the Door County Zoning Ordinance and Map to effect a change in the Zoning Classification of real estate in the Town of GIBRALTAR, Door County, Wisconsin, located at Fire No. 10997, ISLAND DRIVE EAST Road; Highway, more particularly described as follows; to-wit (attach copy of deed, tax bill, or survey):

From RECREATIONAL COMMERCIAL Zoning District to LIGHT INDUSTRIAL Zoning District.
Please describe in detail how the land will be used if the amendment is adopted. Submittal of detailed site and building plans is encouraged.

A .508 acre portion of the parcel will be used to hold a bulk storage tank of propane for Chambers Island property owners. This will be a refill station for them.

RECEIVED

MAR - 4 2020

DOOR COUNTY
LAND USE SERVICES DEPARTMENT

Respectfully submitted,

STEVE SONNIS, CHAIRMAN
NAME

PO Box 850
ADDRESS

FISH CREEK WI 54212
CITY & ZIP CODE

TELEPHONE: 920.868.1714

Steve Sonnis
(LEGAL SIGNATURE)

2-24-2020
(DATE)

ACTION TAKEN
(By County Planning Committee)

DATE _____
Approved Denied

(By Board of Supervisors)

DATE _____
Approved Denied

PARCEL NO.: 014-17-0101A

DATE FILED: 3-4-20

FEE PAID (Date) _____
Receipt No: _____ Fee: (\$750.00)
(Make check payable to: Door County Treasurer)

Site Sketch

LOCATED
 PARTLY IN LOT 1 OF CERTIFIED SURVEY MAP #928, REC. IN VOL. 5, OF C.S.M., PG. 195,
 AS DOC. #586963 AND PARTLY IN OUTLOT 1 AND LOTS 3 & 4 OF BLOCK "E"
 OF THE FIRST UNIT OF CHAMBERS ISLAND ASSOCIATION PLAT IN
 GOV'T LOT 2 OF SECTION 33, T. 32 N., R. 26 E., CHAMBERS ISLAND -
 TOWN OF GIBRALTAR, DOOR COUNTY, WISCONSIN

PREPARED FOR:

CURRENT OWNER:
 TOWN OF GIBRALTAR
 P.O. BOX 850
 FISH CREEK, WI 54212

PROPERTY ADDRESS:
 10997 ISLAND DRIVE EAST

PREPARED BY:

BRIAN FRISQUE SURVEYS INC
 JOHN S. BAUDHUIJ
 PROFESSIONAL LAND SURVEYOR
 3121 MATHEY ROAD
 STURGEON BAY, WI 54235
 (920) 743-7183



LEGEND

- = EXISTING IRON PIN AS NOTED
- = SET 1" IRON PIPE WEIGHING 1.13 LBS. PER LINEAL FOOT

SURVEYOR'S NOTES:

BEARINGS BASED FROM THE FIRST UNIT OF CHAMBERS ISLAND ASSOCIATION PLAT AND CERTIFIED SURVEY MAP #928, RECORDED IN VOL. 5, C.S.M., PG. 195, AS DOC. #586963.

TOWER LEASE AREAS AND C/L EASEMENTS SHOWN AS PER MERIDIAN SURVEYING, LLC, MAP #013631, DATED MAY 29, 2006.

PLATTED ROAD NOT SHOWN ON THIS SITE SKETCH AS EXISTING GRAVEL ROADWAY DOES NOT LIE ENTIRELY WITHIN ITS RIGHT-OF-WAY.

SURVEYOR'S CERTIFICATE:

I, John S. Baudhuj, Professional Land Surveyor for Brian Frisque Surveys Inc., do hereby certify that I have surveyed the property described herein and to the best of my knowledge and belief the adjacent map is a true representation thereof.

Dated _____
 John S. Baudhuj
 P.L.S. S-1576

OUTLOT 1
 FIRST UNIT OF CHAMBERS ISLAND ASSOCIATION PLAT

Lot 1
 Certified Survey Map #928
 Vol. 5, C.S.M., Pg 195
 Doc. #586963

LEASE AREA
 22,132 SQ. FT.
 0.508 AC.

20' Wide Ingress/Egress Easement

RECEIVED

MAR - 4 2020

DOOR COUNTY
 LAND USE SERVICES DEPARTMENT

DESCRIPTION: LEASE AREA

A tract of land located partly in Lot 1 of Certified Survey Map No. 928, recorded in Volume 5, of Certified Survey Maps, Page 195, as Document No. 586963 and partly in Outlot 1 of the First Unit of Chambers Island Associated Plat in Government Lot 2 of Section 33, Township 32 North, Range 26 East, Chambers Island - Door County, Wisconsin and described as follows:

Commencing at the Southwest corner of said Lot 1, thence along the southerly boundary of said Lot 1 as follows: N 78°08'00" E 296.40 feet, thence N 46°13'00" E 16.00 feet to the point of beginning, thence continue N 46°13'00" E 113.50 feet, thence leaving said southerly boundary N 43°47'00" W 195.00 feet, thence S 46°13'00" W 113.50 feet, thence S 43°47'00" E 195.00 feet to the point of beginning.

Said tract contains 0.508 acres of land.

DESCRIPTION: 20 FOOT WIDE INGRESS/EGRESS EASEMENT ACROSS EXISTING GRAVEL ROADWAY

An easement located partly in Lot 1 of Certified Survey Map No. 928, recorded in Volume 5, of Certified Survey Maps, Page 195, as Document No. 586963 and partly in Outlot 1 and Lots 3 and 4 of Block "E" of the First Unit of Chambers Island Associated Plat in Government Lot 2 of Section 33, Township 32 North, Range 26 East, Chambers Island - Town of Gibraltar, Door County, Wisconsin and described as follows:

Commencing at the Southwest corner of said Lot 1, and being the point of commencement of the centerline of a 20 foot wide easement for ingress and egress being 10 feet on each side of said centerline, thence N 65°40'09" E 71.88 feet, thence N 79°14'32" E 158.10 feet, thence N 69°16'21" E 82.58 feet, thence N 52°22'07" E 48.55 feet, thence N 42°31'05" E 57.14 feet to the point of termination.

4/21/20 15:30:45

ASSESSMENT INQUIRY
014170101A R 2020

INQ091
10

N 10997 ISLAND E DR
GIBRALTAR, TOWN OF

Geo.Loc: 15 014 4 32 26 33 4 01 002

MAIL TO:
GIBRALTAR
TOWN OF

PO BOX 850
FISH CREEK WI 54212

3300

LEGAL DESCRIPTION

33 32 26 AC 4.24
LOT 1 CSM #928 V.5 PG.195
SEC. 33-32-26 (OUTLOT 1)
FIRST UNIT OF CHAMBERS
ISLAND ASSOC DEV
L 1 CSM V005 P0195
DOC# 594948 V 704 P 79 WD
MORE LEGAL AVAILABLE

CURRENT TAX ASSESSMENT AS OF 2019

CODE	ACRES	LAND	IMPROVE	TOTAL
X4	4.24			

BILL NO:

COMMENTS

PARENT PARCEL - 0101

TOTALS 4.24

F3-Exit F5-Owners F7-Tax Detail F8-Legal F9-Directory F10-Survey Index
 F11-Districts F12-Prev Scrn F17-Fire# F18-DOA Site
 F21-Geo Location F6-Vol/Page Detail

Town of Gibraltar

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([//www.co.door.wi.gov](http://www.co.door.wi.gov))



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Door County, Wisconsin
... for all seasons!



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Town of Gibraltar

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... from the Web Map of ...
([//www.co.door.wi.gov](http://www.co.door.wi.gov))



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Door County, Wisconsin
... for all seasons!



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Town of Gibraltar

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... from the Web Map of ...
(//www.co.door.wi.gov)

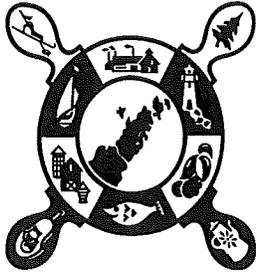


43
Door County, Wisconsin

... for all seasons!



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County of Door LAND USE SERVICES DEPARTMENT: Planning

County Government Center
421 Nebraska Street
Sturgeon Bay, WI 54235

STAFF REPORT Petition for Zoning Amendment - Map

Applicant Information

- **Name & property address:** Town of Gibraltar, 10997 Island Drive East
- **Parcel identification number:** 014-17-0101A
- **Petition Request:** Rezone 0.51-acres (22,132 sq. ft.) of a 4.24-acre parcel from Recreational Commercial (RC) to Light Industrial (LI) in order to pursue authorization for a bulk propane storage tank that will serve Chambers Island property owners. (Note: This type of use will also require the authorization of a Conditional Use Permit.) The residual 3.73-acres will remain Recreational Commercial (RC). An existing telecommunications tower and solar panels are located on the lot. There is also a municipal parking lot located on a portion of the property.

Description of Subject Property and Surrounding Area

Lot Configuration

- **Lot area, width, and depth:** an irregular-shaped 4.24-acre lot, ~611' wide at the midpoint, and ~341' deep.
- **Frontage - water, road:** No water or road frontage, accessed off of Island Drive East.

Surrounding Area:

- **North:** Large, mostly vacant, wooded lots, several of which have residential homes, zoned Chambers Island (CI).
- **South:** Large, mostly vacant wooded lots, several of which have residential homes, zoned CI.
- **East:** Large, mostly vacant, wooded lots, several of which have residential homes, zoned CI. Further east, across Island East Drive, is the Holy Name Retreat House and marina, zoned Recreational Commercial (RC).
- **West:** Large, mostly vacant, wooded lots, several of which have residential homes, zoned CI.

Zoning Considerations

	Existing District	Proposed District
Zoning district	RC 4.24 acres	RC 3.73 acres & LI 0.51 acres
• Minimum lot size	20,000 sq. ft.	20,000 sq. ft. & 60,000 sq. ft.
• Minimum lot width	100'	100' & 200'
• Allowable number of lots.	9	8 – RC lots 0 – LI lots

- **Purpose of existing zoning district - DCCZO Section 2.03(18), Recreational Commercial (RC):** This district is intended for Door County's resort areas, particularly areas where high concentrations of recreational uses are located or are appropriate. These areas are not intended to develop into business districts and, thus, many retail, office, and service uses are restricted or prohibited in favor of recreational uses such as golf courses, ski resorts, multiple occupancy developments, marinas, and restaurants. Lot sizes of at least 20,000 square feet are required for new lots.
- **Purpose of proposed zoning district - DCCZO Section 2.03(19), Light Industrial (LI):** This district is intended to provide for manufacturing, warehousing, and other light industrial operations. It is also intended that this district be used for the location of trade or contractor establishments, commercial storage facilities, and similar businesses. Such uses should not be detrimental to the surrounding area or to the county as a whole by reason of noise, dust, smoke, odor, traffic, physical appearance, degradation of groundwater, or other nuisance factors. Such uses may be subject to requirements which will reasonably ensure compatibility. This district can also be used for industrial or business parks. Lot sizes of at least 60,000 square feet are required for new lots.
- **The purpose of the proposed rezoning:** The owner is requesting that a 0.51-acre rectangular portion of the property that extends about 195' to the northwest from Island East Drive and about 113.50' along and parallel to Island East Drive be rezoned to the Light Industrial (LI) zoning district in order to pursue a conditional use permit for a bulk storage propane tank.

Background: The Town of Gibraltar purchased this property from Reinhart and Virginia Krause in 1999. The intent of this purchase was to use the property as a municipal parking lot for the residents of Chambers Island. The Board of Adjustment granted a variance to allow the creation of the 4.43-acre lot. A new lot in the interior of the island is required to be 10 acres in area. The Town then petitioned to rezone the property from Small Estate Residential (SE) to Recreational Commercial (RC). The rezoning was approved. The municipal parking lot was then approved at a Site Plan Review meeting held on April 20, 1999.

- Please see the attached Table of Principal Uses to compare the types of uses allowed in the existing zoning district as opposed to the proposed zoning district. Rezoning a property means that any use allowed in the new zoning district may be established on the property, now or in the future, not just the use being proposed by the current applicant.

Considerations in evaluating petitions to rezone

- Was the existing district due to a mistake in the mapping process? No.
- Have circumstances changed for this property or surrounding properties since the original zoning district designation? No.
- How are the adjacent properties zoned and used? Will rezoning allow for higher intensity or higher density uses than those allowed on surrounding properties? The adjacent properties are primarily zoned for Chambers Island, which is intended primarily for residential use. This district generally has lower intensity and density uses, however, the property already has a telecommunications tower and four solar panels located there.
- Would the new district fit official plan guidelines for the property? Is the existing district a better fit? The existing district is a better fit.
- Is the request simply to economically benefit one property owner or a small group of property owners? No.
- Is there an overriding public good to be gained by rezoning the property? (If yes, rezoning might be justified even if other considerations point toward denying the petition.) Yes, the bulk storage propane tank will serve the property owners of Chambers Island.

The Resource Planning Committee may recommend to the county board that the zoning amendment petition be approved as presented, modified, or denied.

Comprehensive Plan Considerations

- County comprehensive plan future land use map designation and description. (Please see the attached Future Land Use Map.)

The parcel proposed to be rezoned is designated on the county's comprehensive plan future land use map as "Transportation" and "Woodland/Wetland/Natural Area," as described below and shown on the attached map.

Transportation – Lands designated as "Transportation" include existing or planned parking facilities, airports, marine transportation areas, and non-motorized-related transportation areas.

Woodland/Wetland/Natural – Lands designated as "Woodland/Wetland/Natural" are primarily in a natural state, and include wetlands, woodlands, and public and private conservancy areas. Note that lands in this category can – outside of wetland and conservancy areas – and most likely will, contain very low-density residential uses in upland areas. The character of these regions should be protected by discouraging any development that would adversely impact the environmental quality or natural beauty of these areas. Maintenance of these natural areas should include continued private stewardship and public ownership or, if necessary, acquisition of easements or additional public lands.

The area for the proposed bulk storage tank is designated as Woodland/Wetland/Natural Area. The proposed storage tank is not a good fit with this future land use designation because the area will be altered from its natural state. However, as stated previously in this report, the request is not simply to economically benefit one property owner or a small group of property owners and there is an overriding public good to be gained by rezoning the property. The tank will serve the property owners of Chambers Island. Additionally, the property already has a telecommunications tower and four solar panels located adjacent to the area proposed for the tank.

- **Relevant goals/objectives/action items from comprehensive plan.** None.
- **Other relevant text from county comprehensive plan.** None.

/RYK
April 20, 2020

(3)(b) Table of principal uses – Town of Gibraltar. This table shall apply in the Town of Gibraltar.

Commentary: In order to determine all principal uses allowed in the Town of Gibraltar, reference to s. 2.05(3)(a), table of principal uses – General, is also required.

Type of Use	Zoning Districts					
	CA	CS5	CI	NR	VC	GC
AGRICULTURAL USES						
Agricultural Visitation Facility (s. 4.03(4)) (Added: 26 Aug. 1997; Ord. 21-97)						
Agriculture (s. 4.03(1)) (Amended: 26 Aug. 1997; Ord. 21-97)	p ⁶	P				
Greenhouses		P			C	C
Roadside Stands (s. 4.03(2))		P				
Tree/Shrub Nurseries		P				
COMMERCIAL USES						
Art Galleries (Amended: 26 Oct. 2000; Ord. 18-00)		C			P	P
Assembly Hall (Added: 5 August 2013; Ord. 2013-13)					C	C
Auto Repair (s. 4.04(5))		C			C	C
Auto/Recreational Vehicle Sales, Rental, and Service Lot (Amended: 20 Sept. 2016; Ord. 2016-14)					C	C
Banks					P ¹	P ¹
Carwash (Added: 27 August 2002; Ord. 12-02)					C	C
Commercial Fishing Facilities		P			C	C
Commercial Trucking Establishments						
Commercial Storage Facilities (s. 4.04(8))					C	C
Community Commercial Kitchen (s. 4.04(16)) (Added: 28 May 2012; Ord. 2012-13)					P	P

(3)(b) Table of principal uses – Town of Gibraltar (continued). This table shall apply in the Town of Gibraltar.

Commentary: In order to determine all principal uses allowed in the Town of Gibraltar; reference to s. 2.05(3)(a), table of principal uses – General, is also required.

Type of Use	Zoning Districts					
	CA	CS5	CI	NR	VC	GC
COMMERCIAL USES (Continued)						
Conference Facilities					C	C
Day Care Centers (s. 4.04(14))					C	C
Family Day Care Homes (s. 4.04(13)) (Amended: 16 April 1996; Ord. 9-96)		P	P	C	P	P
Farm Implement Sales/Service		C			C	C
Ferry Terminals					P	P
Fertilizer Distribution Plants		C				
Fitness Centers, Tanning Salons & Spas (Added: 30 January 2003; Ord. 01-03)					C	C
Funeral Homes					C	C
Gas Stations					C	C
Grain Mills		C			C	C
Home Businesses (s. 4.04(10)) (Amended: 18 Dec. 2001; Ord. 12-01)		C				P
Home Occupations (s. 4.04(9a)) (Amended: 8 August 2000; Ord. 12-00)		P	P	P	P	P
Home Office/Studio (s. 4.04(9)) (Added: 8 August 2000; Ord. 12-00)	P	P	P	P	P	P
Indoor Recreation					P	C
Kennels (s. 4.04(2))		P				
Laundromats and Laundry Service					P	P
Lumber/Building Supply Yards(s. 4.04(6))					C	C

(3)(b) Table of principal uses – Town of Gibraltar (continued). This table shall apply in the Town of Gibraltar.

Commentary: In order to determine all principal uses allowed in the Town of Gibraltar, reference to s. 2.05(3)(a), table of principal uses – General, is also required.

Type of Use	Zoning Districts					
	CA	CS5	CI	NR	VC	GC
COMMERCIAL USES (Continued)						
Medical/Dental Clinics					P	P
Model Homes (s. 4.04(4))			C	P	P	P
Passenger Bus Terminals					C	C
Personal Service Establishments					P	P
Professional Offices/Studios					P	P
Radio/TV Stations (Amended: 29 Sept. 2015; Ord. 2015-09; Effective 9 Nov. 2015)					P	P
Non-Motorized Recreational Equipment Sales/Service/Rentals (Amended: 20 Sept. 2016; Ord. 2016-14)					P	P
Motorized Recreational Equipment Sales/Service/Rentals (Amended: 20 Sept. 2016; Ord. 2016-14)					C	C
Restaurants or Taverns (s. 4.04(3))					P ¹	P ¹
Retail Stores					P ³	P ³
Trade or Contractor Establishments (s. 4.04(7)) (Amended: 18 Dec. 2001; Ord. 12-01)		C				
Veterinarian Clinics		P			P	P
Wineries/Breweries (Amended: 22 May 2018; Ord. 2018-11; Effective 2 July 2018)		C ⁷			C	C
INDUSTRIAL USES						
Asphalt/Concrete Plants						
Bulk Storage of Fuel Products						
Freight Terminals (s. 4.05(2))						C
Fruit/Vegetable/Cheese Processing Plants (Amended: 22 May 2018; Ord. 2018-11; Effective 2 July 2018)		C ⁷				
Manufacturing, Assembly, Processing					C	

(3)(b) Table of principal uses – Town of Gibraltar (continued). This table shall apply in the Town of Gibraltar.

Commentary: In order to determine all principal uses allowed in the Town of Gibraltar, reference to s. 2.05(3)(a), table of principal uses – General, is also required.

Type of Use	Zoning Districts					
	CA	CS5	CI	NR	VC	GC
INDUSTRIAL USES (Continued)						
Nonmetallic Mining (s. 4.05(3))		C				
Resource Recovery Facilities (s. 4.05(6))		C				
Salvage Yards (s. 4.05(4))		C				
Sawmills/Planing Mills (s. 4.05(1))		P				
Sewage Disposal/Treatment Plants		C			C	C
Slaughterhouses		C				
Solid Waste Facilities (s. 4.05(5))		C				
Temporary Asphalt/Concrete Plants (s.4.05(7))		C	C		C	C
Wholesale Establishments/Distributorships					C	C
INSTITUTIONAL USES						
Auditorium (Added: 25 June 2013; Ord. 2013-12)					C	C
Cemeteries		P	P		P	P
Churches		C	C		P	P
Community Living Arrangements						
Fine Arts Venue (s. 4.06(2)) (Added: 28 May 2012; Ord. 2012-12)					C	C
Fire/Police Stations		C	C		C	C
Hospitals					C	C
Institutional Residential		C			C	C
Libraries/Museums					P	P
Post Offices					P	P
Public or Private Schools		C			C	C

(3)(k) Table of principal uses – Town of Gibraltar (continued). Table shall apply in the Town of Gibraltar.

Commentary: In order to determine all principal uses allowed in the Town of Gibraltar, reference to s. 2.05(3)(a), table of principal uses – General, is also required.

Type of Use	Zoning Districts					
	CA	CS5	CI	NR	VC	GC
OUTDOOR RECREATIONAL USES (Continued)						
Public Boat Launching Facilities (Amended: 22 March 2005; Ord. 2005-10) (Amended: 20 Sept. 2016; Ord. 2016-14)	C	C	C	C	C	C
Retreat Centers (s. 4.07(7)) (Amended: 18 Dec 1997; Ord. 40-97)		C				
Ski Resorts						
RESIDENTIAL USES						
Accessory Residences (s. 4.08(3)) (Amended: 27 July 2000; Ord. 17-00)					P	P
Bed & Breakfast Establishments (s. 4.08(10)) (Amended: 9 Nov 2011; Ord. 2011-14)		P	P		P	P
Boardinghouses (s. 4.08(11)) (Amended: 9 Nov 2011; Ord. 2011-14)		P			P	P
Conservation Subdivisions(Ch.6) (Added: 4 April 2011; Ord. 2011-05)		P		P		P
Duplexes		C		C	C	C
Dwellings for Agricultural Production & Processing Workers (s. 4.08(7)) (Added: 25 June 1996; Ord. 16-96)		P				
Farm Related Residences (s. 4.08(2))		P				
Manufactured Homes (s. 4.08(4))		P				
Manufactured Home Parks (s. 4.08(5))		C				
Multiple Occupancy Developments (s.4.08(8)) (Amended: 5 Oct. 1998; Ord. 22-98)				C ⁴	C ⁴	C ⁴
Secondary Dwelling Units (s.4.08(9)) (Added: 4 April, 2011; Ord. 2011-04)	P	P	P	P	P	P
Single Family Residences	P	P	P	P	P	P
Single Family Residences Separated From Farm Parcels (s. 4.08(1))		P				
Temporary Manufactured Homes (s. 4.08(6))		P	P	P		P

(3)(b) Table of principal uses – Town of Gibraltar (continued). This table shall apply in the Town of Gibraltar.

Commentary: In order to determine all principal uses allowed in the Town of Gibraltar, reference to s. 2.05(3)(a), table of principal uses – General, is also required.

Type of Use	Zoning Districts					
	CA	CS5	CI	NR	VC	GC
MISCELLANEOUS USES						
Airports (s. 4.09(1))						
Airstrips and Landing Fields (s. 4.09(1))		C				
Animal Shelters/Pounds (s. 4.09(3))		C				C
Municipal/Commercial Parking Lots					C	C
Utility Facilities - Type A (s. 4.09(2)) (Amended: 28 March 2000; Ord. 05-00)		C	C	C	C	C
Utility Facilities - Type B (s. 4.09(2))		C	C	C	C	C
Mobile Service Support Structures and Related Facilities (Created: 24 August 2004; Ord. 2004-18) (Amended: 29 Sept. 2015; Ord. 2015-09; Effective 9 Nov. 2015)	-----As regulated by Chapter 14 of this ordinance -----					

KEY: P = Permitted uses. S = (Deleted: 27 May 2008; Ord. 2008-04). C = Uses permitted as conditional uses.

FOOTNOTES:

1. Establishments with drive-through facilities shall be permitted only as provided in s. 11.04, conditional use permits. (Amended: 27 May 2008; Ord. 2008-04)
2. (Deleted: 28 May 2012; Ord. 2012-13)
3. Establishments where the total floor area of all buildings which serve a retail use on the lot exceeds 20,000 sq. ft. shall only be permitted as conditional uses.
4. See s. 4.08(8)(a). (Amended: 26 Feb. 2013; Ord. 2013-06)
5. Privately owned parks which include active recreation shall only be permitted as conditional uses. (Added: 27 May 1997; Ord. 15-97)

6. Forestry Practices only.

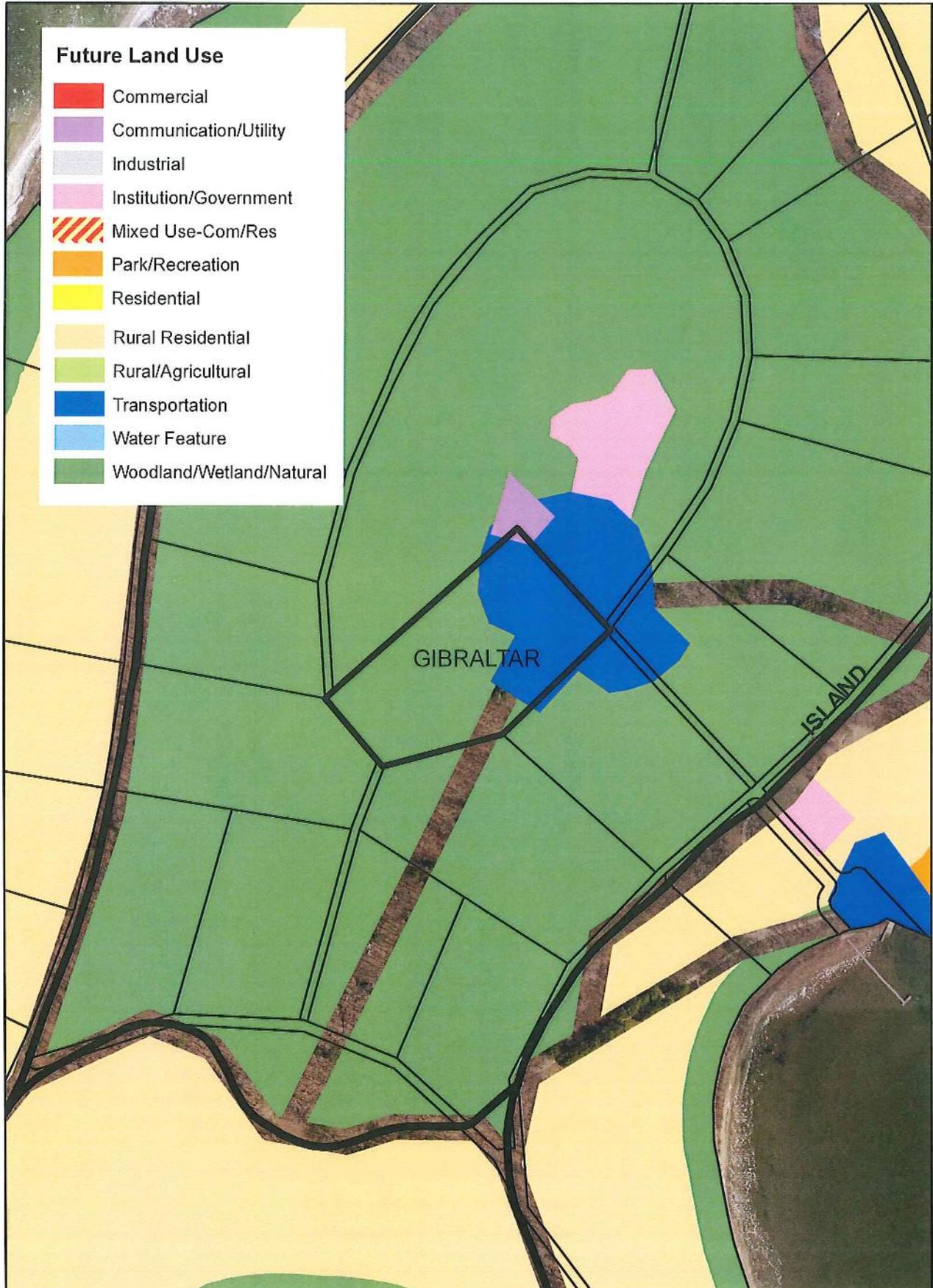
7. Retail sales and tasting areas are not allowed. (Added: 22 May 2018; Ord. 2018-11; Effective 2 July 2018)

(Table and footnotes added 22 Aug. 2006; Ord. 2006-16; Effective 12 Sept. 2006)

Future Land Use

Town of Gibraltar: 014-71-0101A

Proposed Rezoning: Recreational Commercial (RC) to Light Industrial (LI)



DOOR COUNTY LAND USE SERVICES
421 Nebraska Street - Door County Government Center
Sturgeon Bay, Wisconsin 54235
(920) 746-2323 - FAX (920) 746-2387

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FEB - 3 2020

OCT 09 2019

APPLICATION FOR CONDITIONAL USE PERMIT

DOOR COUNTY LAND USE SERVICES DEPARTMENT

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.

Receipt No. 3561
Date Permit Issued: _____
Fee 500
Date 10-9-19
Certificate of Compliance: Date _____

1. OWNER NAME AND MAILING ADDRESS

Name Nick Dakolas
No. 3502 Street Peppergrass Dr.
City Green Bay State WI Zip 54311
Home Phone # _____
Daytime Phone # 920 - 376 - 1220
Email: glidenew@gmail.com

2. BUILDING SITE LOCATION

Fire # 3903 Road Hwy 42
Town of Gibraltar
Local Phone # 920 - 376 - 0256

3. DEVELOPER NAME AND MAILING ADDRESS

Name Same
No. _____ Street _____
City _____ State _____ Zip _____
Phone # _____
Email: _____

4. PROPERTY IDENTIFICATION

Parcel No. 014 - 02 - 28312734A

5. USE

Proposed use of land or structure:
Train guests on use of segways and electric scooters to ride on obstacle course and to be lead away on guided tours.

6. SANITARY PERMIT

Type of System _____
Sanitary Permit No. _____
Date of Issuance _____
Approximate date of installation _____

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?

No Yes

If yes, show location on Site Plan.

9. FEE \$500.00

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

[Signature]
Date 10/2/19

Shoreland Zoning Yes No Zoning District VC (FOR OFFICE USE ONLY)

Inspections: Table with columns: Date, Inspector, Remarks

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

(w/conditions) _____

Permit Denied (by) _____ (date) _____ for the following reasons: _____

CONDITIONAL USE PERMIT ADDENDUM - PAGE 2

8) Provision of safe vehicular and pedestrian access.

Vehicular Access

2 Existing Driveway(s) to Henry 42
(Road Name)

____ New Driveway(s) to _____
(Road Name)

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DOOR COUNTY
LAND USE SERVICES DEPARTMENT

Tours will leave onto a town road (Gibraltar Rd.)
This will be accessed by going through the YMCA property. Please see letter
of permission.

Pedestrian Access

____ Sidewalks

____ 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

Should not impact traffic. Scooters and segways will be ridden on the
right side of the road. Customers arriving are estimated to be less than five cars
a hr. on the busiest days.

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 Gibraltar 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: All areas shall be accessible by emergency personnel
and equipment. Trail width shall be wide enough to accommodate a
litter.

[Signature], Fire Chief 10/9/19
(Signature) (Date)

11) Provision for proper surface water drainage.

Natural Infiltration (explain below)

____ Some Grading of the Site (explain below)

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

Rocky soil. No new construction

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

No new buildings.
n/a

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DOOR COUNTY
LAND USE SERVICES DEPARTMENT

CONDITIONAL USE PERMIT ADDENDUM – PAGE 3

13) Whether the proposed project creates excessive exterior lighting glare or spillover onto neighboring properties.

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LAND USE SERVICES DEPARTMENT

No additional lighting will be added.

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: No Removal
- Some Removal
- Significant Removal (provide Landscape Plan)

Trails will be designed around existing trees. Some bushes may be removed

- Topography: No Change
- Some Change
- Major Change (provide Grading Plan)

Just addition of wood-chips

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

none

n/a

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

Vegetation within 5 feet of the property line will be maintained.

n/a

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

This will increase the FUN people will experience in the County and will keep people in the area longer, thereby increasing tourism spending locally.

The Resource Planning Committee will establish a completion date for the proposed project.

By what month and year will the project be completed? June, 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.

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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.

3/09/20 09:18:52

ASSESSMENT INQUIRY
0140228312734A R 2020

5991

W 3903 STATE HWY 42
DOKOLAS, NICHOLAS A & LAURA L

Geo.Loc: 15 014 4 31 27 28 3 04 000

MAIL TO:

DOKOLAS
NICHOLAS A & LAURA L

3502 PEPPERGRASS DR
GREEN BAY WI 54311

2800

LEGAL DESCRIPTION

28 31 27 AC 1.32
COM 33'N, 231' N89*W & 366.
75'N S1/4 COR SEC.28: N113.
03' HWY, N63*E 331.2' S276.
88' W132' N16.33' W163' BG.
DOC# 786980 WD
DOC# 584548 V 676 P953 WD
MORE LEGAL AVAILABLE

CURRENT TAX ASSESSMENT AS OF 2019

CODE	ACRES	LAND	IMPROVE	TOTAL
L2	1.32	151800	126700	278500

BILL NO:

COMMENTS

TOTALS 1.32 151800 126700 278500

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

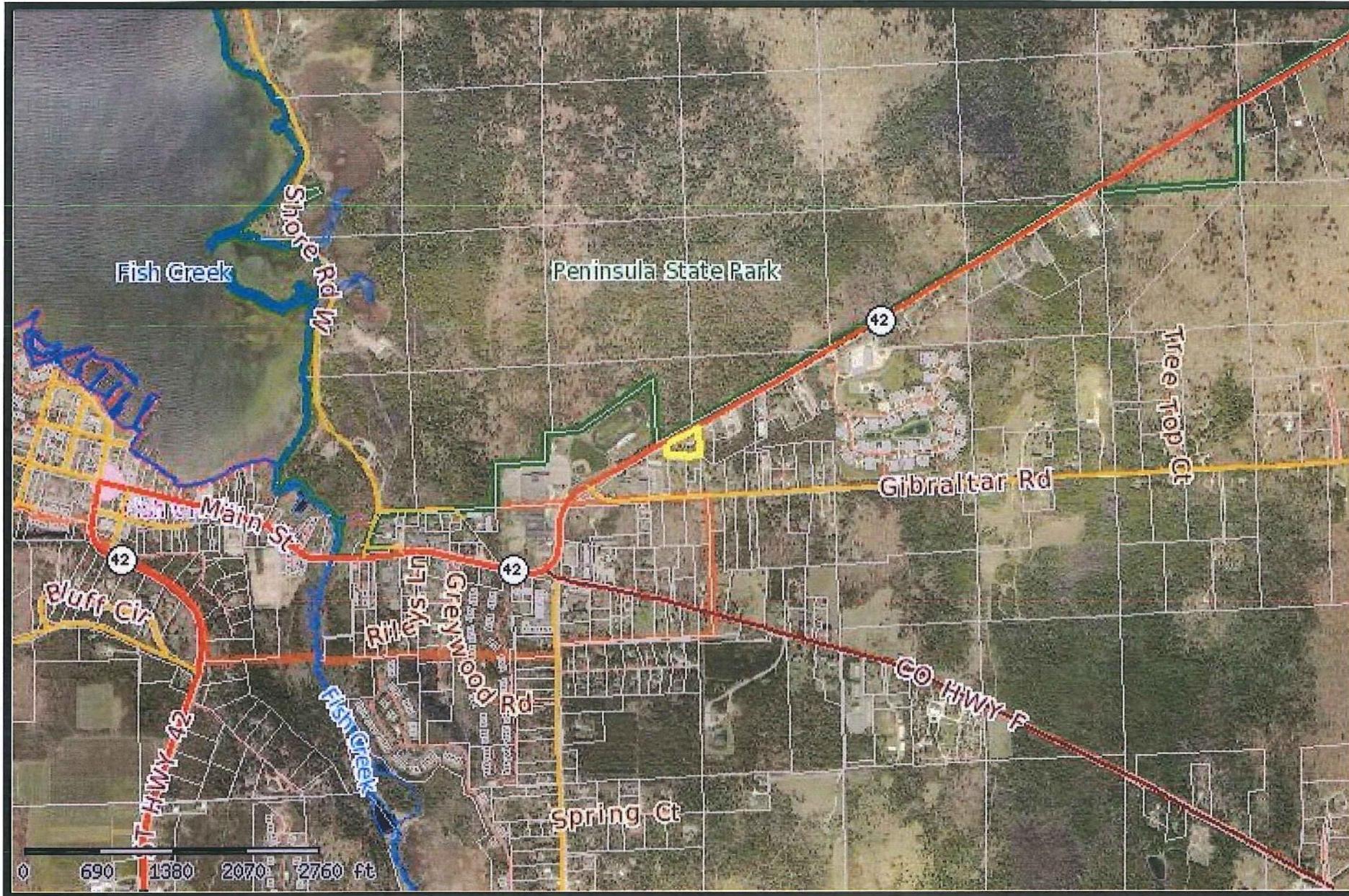
Dokolas

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Door County, Wisconsin
... for all seasons!



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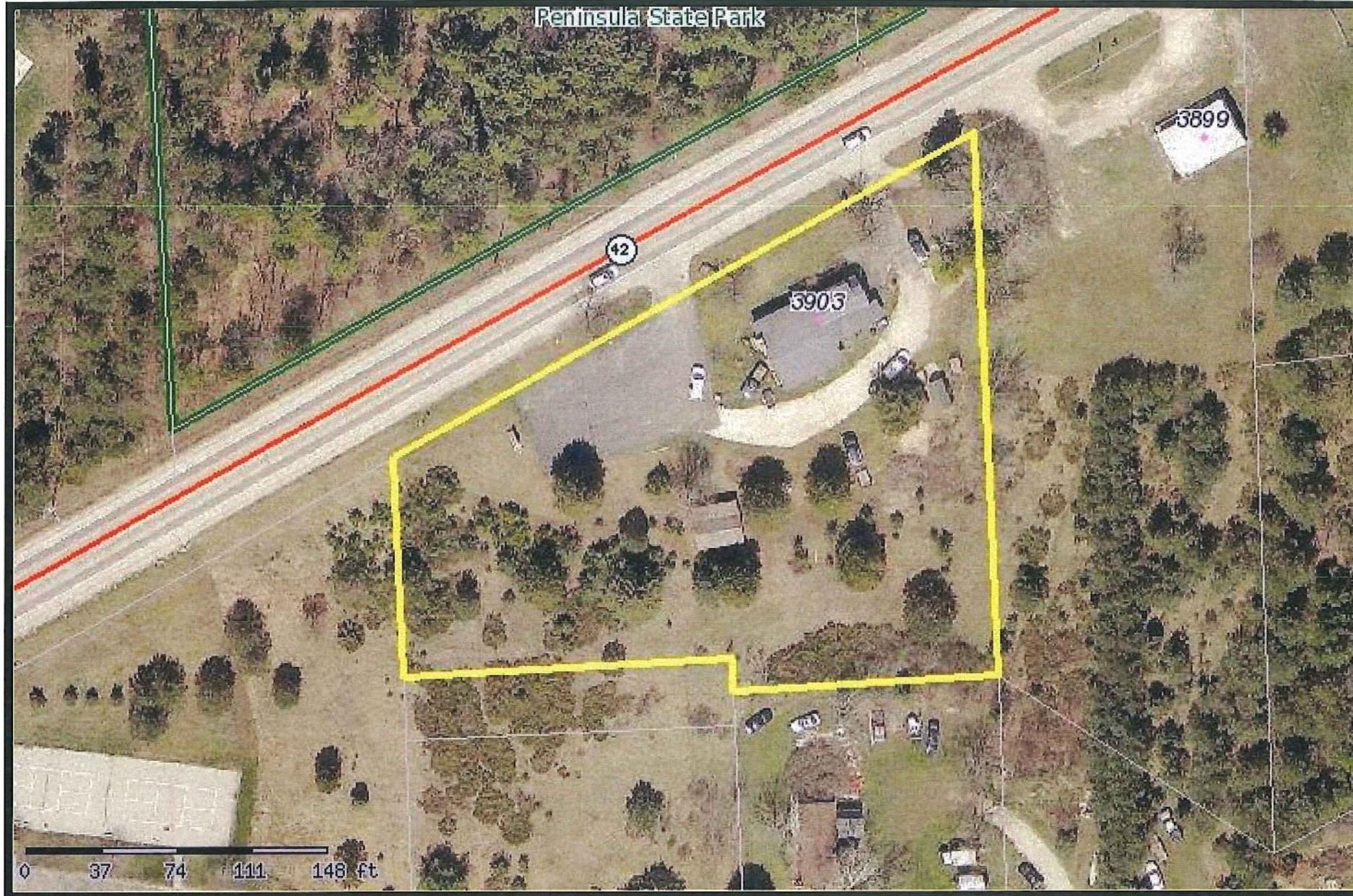
Map

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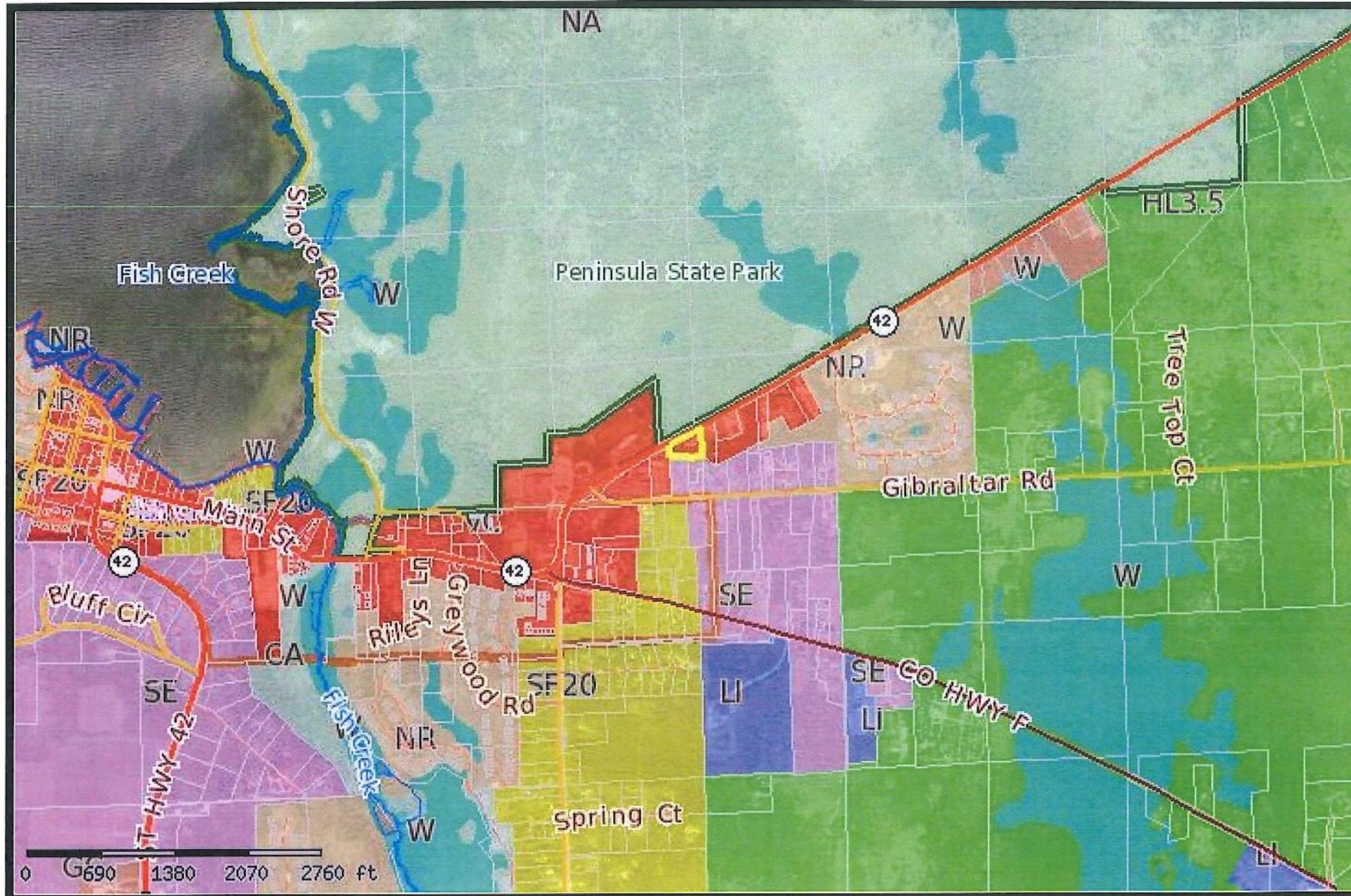
Dokolas

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**County of Door
LAND USE SERVICES**

County Government Center
421 Nebraska Street
Sturgeon Bay, WI 54235

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OCT 09 2019

DOOR COUNTY
LAND USE SERVICES DEPARTMENT

Phone: (920) 746-2323

FAX: (920) 746-2387

Website: map.co.door.wi.us/planning

PROJECT SCOPE DECLARATION

[2017 Wisconsin Act 68; Effective November 29, 2017]

Please provide a description of your project.

Wood-chip path on unused parts of the property. Train people on the use of the Segway, electric scooters, and possibly other electric conveyances in order to use the wood-chip path and leave the property to take guided tours.

§ 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):

Nicholas Dokolas

Signature: *Nicholas Dokolas*

Date: 10/2/19

Signature: _____

Date: _____

Parcel Number (of Project): 014 - 02 - 28312734A

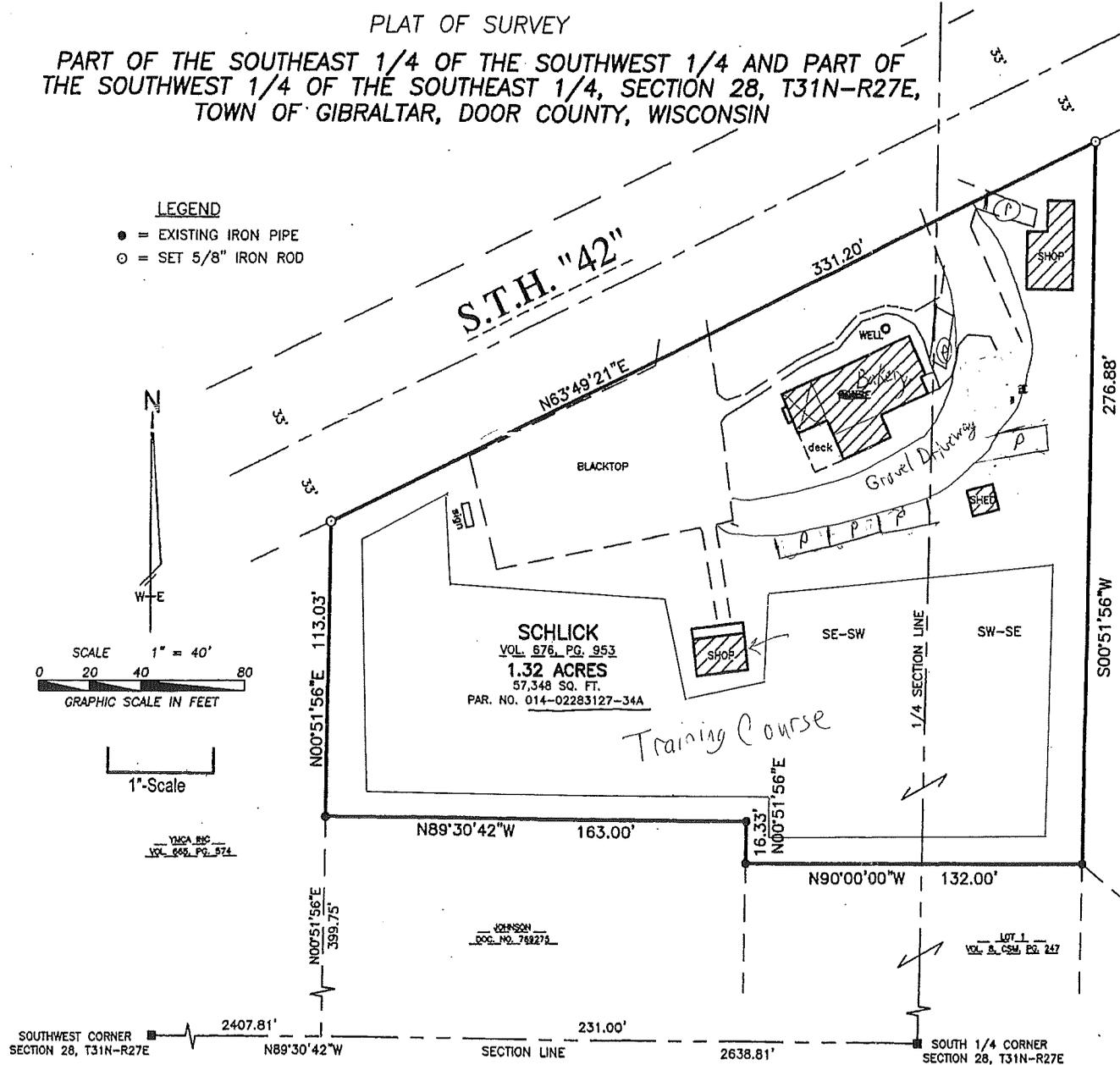
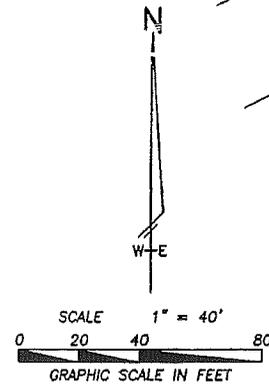
Fire Number & Street Address (of Project): 3903 Hwy 42, Fish Creek WI 54232

PLAT OF SURVEY

PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 AND PART OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4, SECTION 28, T31N-R27E, TOWN OF GIBALTAR, DOOR COUNTY, WISCONSIN

LEGEND

- = EXISTING IRON PIPE
- = SET 5/8" IRON ROD



DESCRIPTION

Part of the Southeast 1/4 of the Southwest 1/4 and part of the Southwest 1/4 of the Southeast 1/4, Section 28, Township 31 North, Range 27 East, Town of Gibraltar, Door County, Wisconsin, more fully described as follows.

Comencing at the South 1/4 corner of said Section; thence N89°30'42"W along the Section line, 231.00 feet; thence N00°51'56"E, 399.75 feet to the point of beginning; thence continue N00°51'56"E, 113.03 feet to the South line of S.T.H. "42"; thence N63°49'21"E along said South line, 331.20 feet; thence S00°51'56"W, 276.88 feet; thence N90°00'00"W, 132.00 feet; thence N00°51'56"E, 16.33 feet; thence N89°30'42"W, 163.00 feet to the point of beginning.

Parcel contains 57,348 square feet / 1.32 acres.

SURVEYOR'S CERTIFICATE:

I Brian J. Peot, Registered Land Surveyor #2763 for Bay Surveying LLC., do hereby certify that I have surveyed and mapped the property described hereon and that the adjacent map is a true representation thereof and shows the size and location of the property, it's exterior boundaries, the location of all visible structures, boundary fences, apparent easements, roadways, and encroachments, if any, and I also certify the survey is correct to the best of my knowledge and belief and complies with A-E 7.

This survey is made for the use of the present owners of the property and those who purchase, mortgage or guarantee title hereto.

Brian J. Peot
 Brian J. Peot
 R.L.S. S-2763
 April 10, 2015



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JACOBSHILL OIL FEB - 3 2020
DOC. NO. 703819

DOOR COUNTY
LAND USE SERVICES DEPARTMENT

FOR
 SCHLICK - OWNER
 BY
 BRIAN J. PEOT - R. L. S. S-2763
 BAY SURVEYING LLC
 E2337 SUNSET RD, LUXEMBURG WI 54217
 920-743-6963 JOB # 15020

018313



**FOR YOUTH DEVELOPMENT®
FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY**

February 5, 2020

Dear Door County Zoning Department,

The Door County YMCA consents to allow guided scooter tours through Glide N.E.W. LLC to go through the YMCA property parking lot, located at 3866 Gibraltar Rd, Fish Creek, WI, in order to access Gibraltar Road. We reserve the right to discontinue this allowance for any reason.

If you would like to discuss further, I would be more than happy to speak with you. Please feel free to contact me at 920-868-3660.

Sincerely,

Tyler Powell
Northern Door Executive Director
Door County YMCA

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FEB 05 2020
DOOR COUNTY
LAND USE SERVICES DEPARTMENT



Map

Gibraltar Rd Access

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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: Nicholas A. & Laura L. Dokolas / 3903 State Highway 42
- Parcel identification number: 014-02-28312734A
- Zoning district: Village Commercial (VC).
- Petition request, including sections of zoning ordinance requiring permit:

Nicholas A. & Laura L. Dokolas have applied for a Conditional Use Permit to establish a Motorized Recreational Equipment Sales/Service/Rentals business on the property. Clients would be trained to ride Segways and electronic scooters on an obstacle course on the property. After training, clients would be led on guided tours from the property. There would be no more than nine clients on each guided tour and no more than three tours conducted at any one time.

Ordinance sections: 2.05(3)(a) and 11.04.

Description of Subject Property and Surrounding Area

Subject Property:

- **Lot area, width, and depth:** Total lot area is 1.32 acres, approximately 300 feet wide and 200 feet deep.
- **Frontage - water, road:** No water frontage; 331 feet along State Highway 42.
- **Existing uses/structures:** The largest building on the property is used as an office and bakery (retail). There is a smaller building located south of the parking lot used to book Segway and electric scooter tours. The building in the northeast corner of the lot is used to store the Segways and electric scooters. There is also a small storage shed located south of the main building.
- **Access:** Access is from State Highway 42.
- **Traffic patterns/road usage:** State Highway 42 has a large amount of traffic.
- **Water and sanitation:** Existing private well and connected to public sewer.
- **Significant topography or vegetation:** No significant topography. Scattered trees on southern portion of lot.

Surrounding Area:

- **North:** State Highway 42 runs along the north property line. The property north of the Highway is all part of Peninsula State Park. This property is zoned Natural Area (NA). The property to the northwest is owned by the Gibraltar School district. This is where the football field, track, and baseball field are located. This property is all zoned Village Commercial (VC).
- **West:** The property to the west is owned by the Door County YMCA. This property is all zoned (VC).
- **East:** Properties directly to the east are owned by the Jacobson family. There is an old vacated bulk fuel storage building and further east there is a carwash and gas station/convenience store. Leigh Zielke's boat repair business is located further east. All of these properties are zoned (VC).
- **South:** There is a vacant lot and several residential lots located to the south. These lots are zoned Small Estate Residential (SE). Gibraltar Road is located further south. The lots south of Gibraltar Road are residential in nature and zoned SE and Single Family Residential – 20,000 (SF20).

Background/History

In the 1990's, a fiber arts business was being operated from the main house on the property. The two cottages on the property were used as residential rentals and as retail shops at other times over the years. Mr. Dokolas purchased the property from Toben Schlick who operated Fish Creek Kite shop on the property. As stated previously, Mr. Dokolas currently uses the property to book guided Segway and electronic scooter tours and there is also a bakery operating on the lot. Mr. Dokolas would now like to train clients on an obstacle course on this parcel. In addition, guided tours would be leaving from this property. This type of use requires authorization via a Conditional Use Permit.

Zoning Considerations

Purpose of proposed zoning district: DCZO Section 2.03(25)

(25) Village Commercial (VC). This district is intended for the primary centers of community development, permitting commercial and mixed-use development and redevelopment, as well as residential usage. The district permits a wide variety of retail, service, and office uses and is intended to maintain the vitality of existing commercial centers. It should be established for the main business districts of existing communities. Lot sizes of at 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, it meets the purpose and intent of the proposed zoning district for the property.

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. The project shall comply with all applicable local, state, and federal building codes and ordinances.
2. 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.
3. An affidavit shall be recorded with the Deed to provide successors in interest notice of the conditional use permit and conditions and requirements.
4. *The entire project shall be completed by _____.*

Comprehensive Plan Considerations

- **County comprehensive plan land use map designation and description.**

The property under consideration is designated on the comprehensive plan's future land use map as "Commercial," as shown on the attached map and described below.

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 Motorized Recreational Equipment Sales/Service/Rentals use, which includes “retail sales” and “services,” is consistent with the Commercial future land use description. The property is approximately 350’ away from the core area and is adjacent to or near other commercial uses, including a gas station. The motorized rental users will be leaving/entering the property through the adjacent YMCA, which will help alleviate “excessive access” to State Hwy 42.

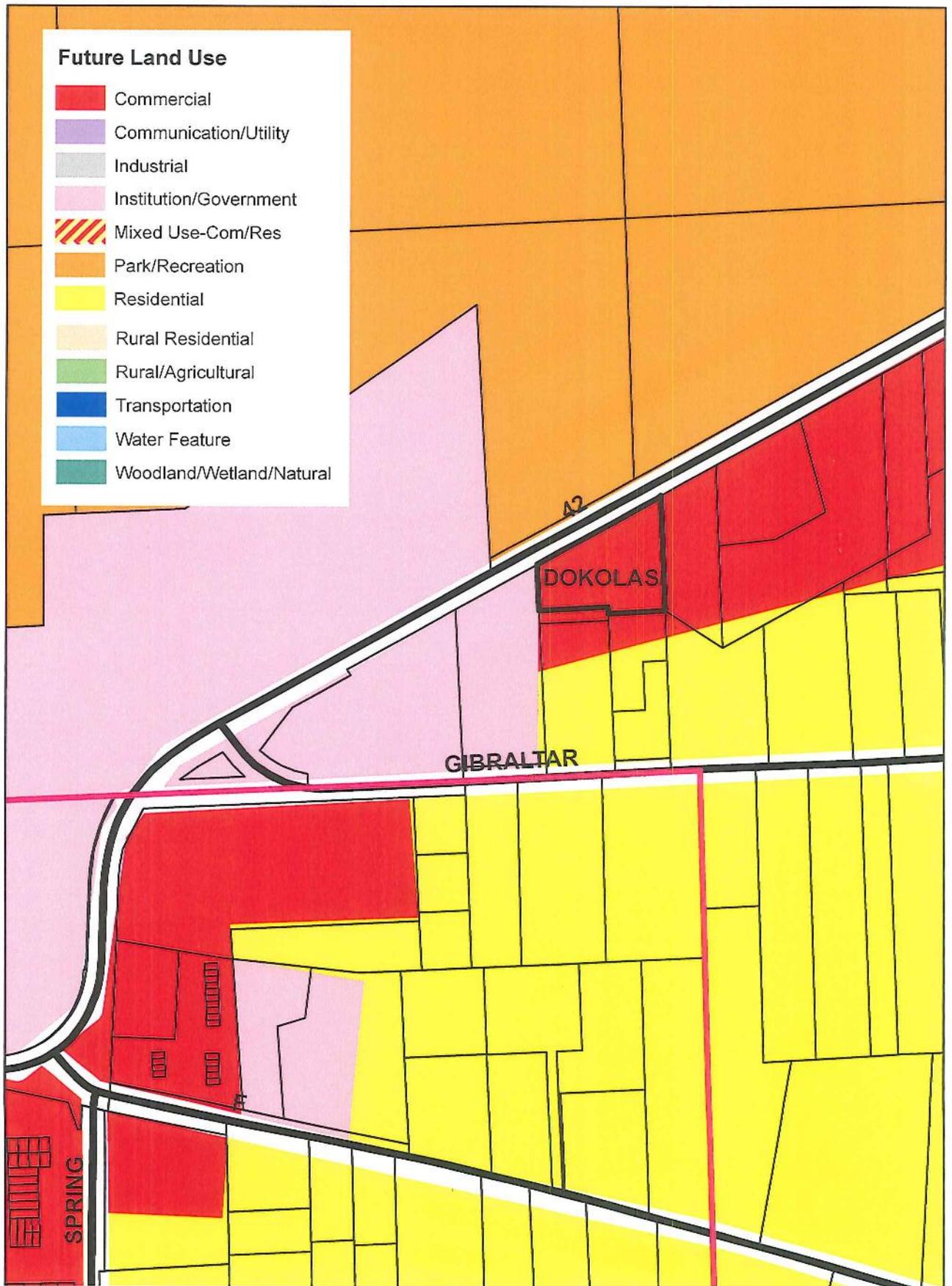
- **Relevant goals/objectives/action items from comprehensive plan:** None.
- **Other relevant text from county comprehensive plan.** None.

RDB/RVK
04/20/2020

Future Land Use

Town of Gibraltar: 014-02-28312734A

Proposed Conditional Use Permit: Motorized Recreational Equipment Sales/Service/Rentals



LETTER(S) IN FAVOR

CONDITIONAL USE

DOKOLAS



Door County Planning Department
Request for Town Recommendation

MAR 12 2020

Nicholas A. & Laura L. Dokolas have applied for a Conditional Use Permit to establish a Motorized Recreational Equipment Sales/Service/Rentals business on the property. Clients would be trained to ride Segways and electronic scooters on an obstacle course on the property. After training, clients would be led on guided tours from the property. There would be no more than nine clients on each guided tour and no more than three tours conducted at any one time.

The (circle one) Town Board / Planning Committee of the Town of GIBRALTAR held a legally noticed and posted meeting on 3-4-2020, at which, by a vote of 4 (Yea) to 0 (Nay), the town recommended (check one) SUPPORT DENIAL for conditional use permit

Reason(s) for the town's decision:

A natural outflow of the current business promotes public safety on town road. Does not significantly affect the property, as additional improvements desired. Not contrary to public interest. Area zoned commercial already meets zoning and intent. No opposition to request.

Is the proposal consistent with the Town Comprehensive Plan?

Proposal is consistent with Town and County Plans. Use falls under current zoning.

Concerns or objections the town may wish to see potentially addressed through conditions:

Concern with barrier, lack of, between course and Hwy 43. Strongly recommend a barrier be required along Hwy 42 on property for safety.

[Signature]
Town Clerk Signature

3-5-2020
Date

See attached for conditional use permit criteria

DOOR COUNTY LAND USE SERVICES
421 Nebraska Street - Door County Government Center
Sturgeon Bay, Wisconsin 54235
(920) 746-2323 - FAX (920) 746-2387

FEB - 7 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 John W. Lancaster II and Sara R. Lancaster
No. 8999 Street S Highland Rd
City Fish Creek State WI Zip 54212
Home Phone # 262 - 945 - 9467
Daytime Phone # - -
Email: oneeightycollective@gmail.com

2. BUILDING SITE LOCATION

Fire # 8999 Road S Highland Rd
Town of Gibraltar
Local Phone # 262 - 945 - 9467

3. DEVELOPER NAME AND MAILING ADDRESS

Name N/A
No. Street
City State Zip
Phone # - -
Email:

4. PROPERTY IDENTIFICATION

Parcel No. 014 - 01 - 02302723A

5. USE

Proposed use of land or structure:
Art gallery/studio using
an existing building on the
property. This building was
previously used for commercial
public use by the previous owner.
(pottery studio)

6. SANITARY PERMIT

Type of System Composting (electric)
Sanitary Permit No. 126
Date of Issuance 01/18/2020 1/16/2020
Approximate date of installation July 2020

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 Yes

If yes, show location on Site Plan.

9. FEE \$500.00

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

Signature: [Handwritten Signature]
Date: 02/05/2020

Shoreland Zoning Yes / No Zoning District C55 (FOR OFFICE USE ONLY)

Inspections:

Table with columns: Date, Inspector, Remarks

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

(w/conditions)

Permit Denied (by) (date) for the following reasons:

Vertical stamp: Receipt No. 506, Fee 500.00, Date 2-7-20, Certificate of Compliance: Date

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DOOR COUNTY LAND USE SERVICES DEPARTMENT

8) Provision of safe vehicular and pedestrian access.

Vehicular Access

X Existing Driveway(s) to 1) Cty Hwy A and 2) S Highland Rd. (Road Name)

New Driveway(s) to (Road Name)

We would use an existing driveway with the main entrance/driveway being located off Cty Hwy A.

There is a secondary access/driveway, located off S. Highland Rd.

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 X Low Levels

The addition of a studio/gallery on the property would not adversely impact traffic flow or traffic congestion as Hwy A is already a main route for those driving between Jacksonport and Fish Creek, or those going to popular destinations already near us. (The Greenwood Supper Club is 1/4 mile north of our property and Northern Sky Theater is the neighboring property to the north.) The amount of traffic generated by our seasonal business would not add to or adversely affect existing traffic flow.

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 Gibraltar 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: Maintain driveway between CTH A & Highland

(Signature) Fire Chief Feb 3, 2020 (Date)

11) Provision for proper surface water drainage.

Natural Infiltration (explain below)

Some Grading of the Site (explain below)

Engineered Stormwater and/or Erosion Control Plan (attach)

N/A

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

Yes. In an effort to align our business/building use with the Comprehensive Plan's goal of maintaining the visual character of the property, its rural farmland and agricultural beauty, we are using an existing building instead of building something new that might look out of place. It is worth mentioning that this building was previously used by the former property owner for commercial/public purposes. We do not intend to change the rural or agricultural appearance as we also farm on the property.

76
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DOOR COUNTY
LAND USE SERVICES DEPARTMENT

13) Whether the proposed project creates excessive exterior lighting glare or spillover onto neighboring properties.

None.

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: No Removal
 Some Removal
 Significant Removal (provide Landscape Plan)

None

Topography: 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.

N/A

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

N/A

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? Approx. August/September, 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. The Town of Gibraltar's comprehensive plan identifies art galleries as being part of the Town's cultural identity in the rural countryside. Specifically pp. 2-22 of the plan state, "cherry orchards, art galleries, rural open fields, wetlands, and deep forests lace interior country roads." The plan also states, "The arts are emerging in the Fish Creek area. From potters to painters, writers to musicians, the arts are expressed through all media in several dimensions in the Town of Gibraltar area." Our location is unique in that while rural in appearance -- something we intend to maintain -- it is located in an "art corridor" given its close proximity to Northern Sky Theater, Peninsula School of Art and other art galleries situated in rural surroundings.

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.

4/09/20 09:55:40

ASSESSMENT INQUIRY
0140102302723A R 2020

7791

N 8999 HIGHLAND S RD
LANCASTER, JOHN W II & SARA R

Geo.Loc: 15 014 4 30 27 02 2 03 000

MAIL TO:

LANCASTER
JOHN W II & SARA R

8990 S HIGHLAND RD
FISH CREEK WI 54212

0200

LEGAL DESCRIPTION

02 30 27 AC 17.79
COM 312.36'N1*W W1/4 COR
SEC 2:N1*W996.78' N87*E798.
51' S1*E675' N87*E548.50'
S1*E27.30' S87*W799.97' S37
*E274.83' S27*E81.43' S87*W
752.22' BG.

MORE LEGAL AVAILABLE

BILL NO:

COMMENTS

CURRENT TAX ASSESSMENT AS OF 2019

CODE	ACRES	LAND	IMPROVE	TOTAL
L1	2.04	47000	58400	105400
L2	3.75	26300	22800	49100
L4	11.45	2000		2000
L5	.55	100		100
TOTALS	17.79	75400	81200	156600

F3-Exit F5-Owners F7-Tax Detail F8-Legal F9-Directory F10-Survey Index
 F11-Districts F12-Prev Scrn F17-Fire# F18-DOA Site
 F21-Geo Location F6-Vol/Page Detail

Lancaster

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... from the Web Map of ...
([//www.co.door.wi.gov](http://www.co.door.wi.gov))



Door County, Wisconsin

... for all seasons!



Door County can not and does not make any representation regarding the accuracy or completeness, nor the error-free nature, of information depicted on this map. This information is provided to users "as is". The user of this information assumes any and all risks associated with this information. Door County makes no warranty or representation, either express or implied, as to the accuracy, completeness, or fitness for a particular purpose of this information. The Web Map is only a compilation of information and is NOT to be considered a legally recorded map or a legal land survey to be relied upon.

Lancaster

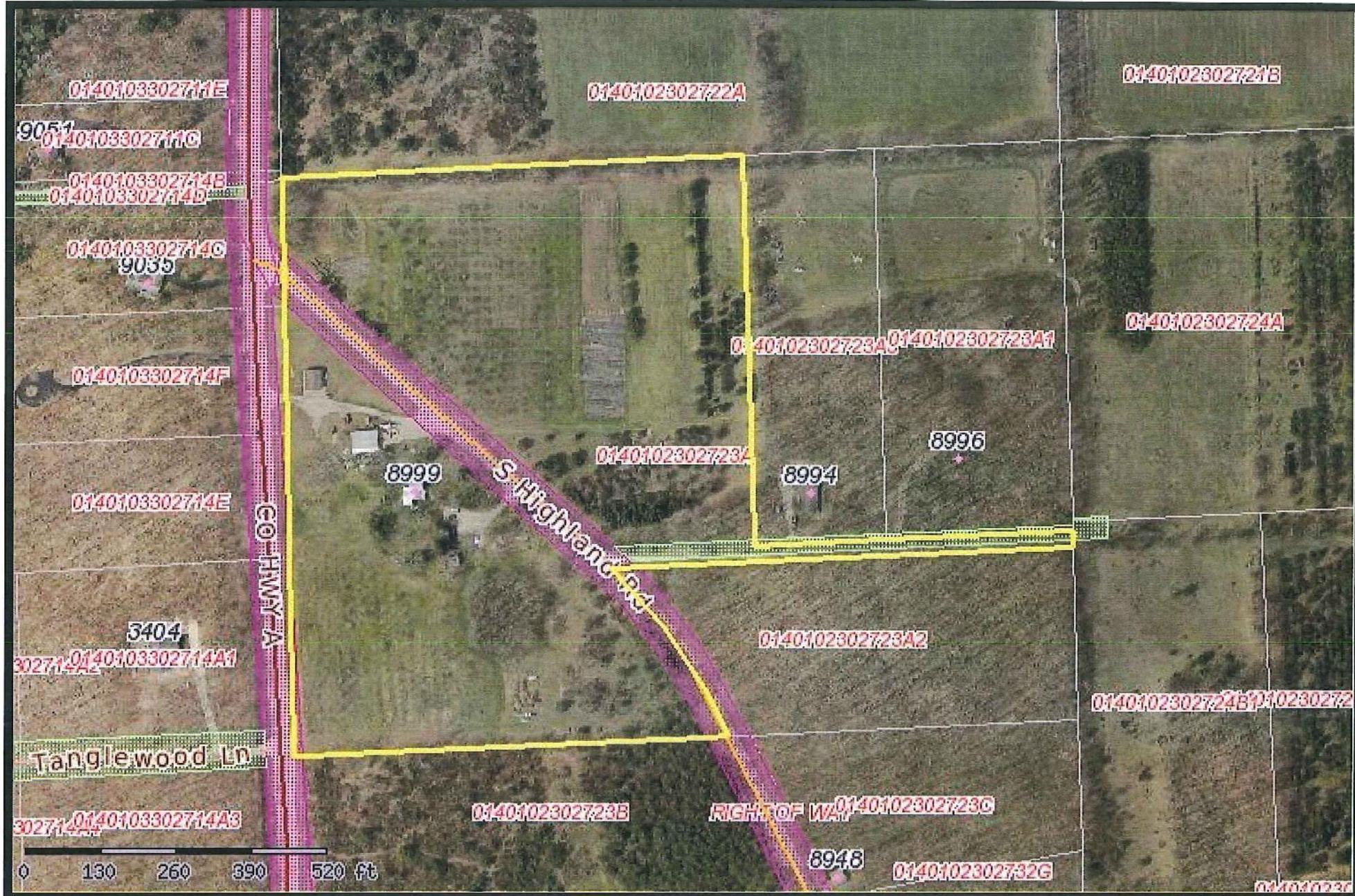
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... from the Web Map of ...
(//www.co.door.wi.gov)



Door County, Wisconsin

... for all seasons!



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Lancaster

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Door County, Wisconsin

... for all seasons!



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DOOR COUNTY
LAND USE SERVICES DEPARTMENT



**County of Door
LAND USE SERVICES**

County Government Center
421 Nebraska Street
Sturgeon Bay, WI 54235

Phone: (920) 746-2323

FAX: (920) 746-2387

Website: map.co.door.wi.us/planning

PROJECT SCOPE DECLARATION

[2017 Wisconsin Act 68; Effective November 29, 2017]

Please provide a description of your project.

We are requesting a conditional use permit to use an existing building on the property (zoned CS5)—one previously used for commercial/public purposes—
as an art gallery/studio. We are using an existing building as to not disrupt the current landscape and maintain the rural character of the property.
Because we are ~~building~~ using the interior of an existing space, not building new, our estimated completion date is Aug./Sept. 2020.

§ 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 Weston Lancaster II and Sara Rae Lancaster

Signature *John Lancaster*

Date: 2/7/2020

Signature *Sara Lancaster*

Date: 02/05/2020

Parcel Number (of Project): 014 - 01 - 02302723A

Fire Number & Street Address (of Project): 8999 S Highland Rd Fish Creek, WI 54212

Plat of Survey

LOCATED IN:
THE SW 1/4 OF THE NW 1/4 OF SECTION 2, T. 30 N., R. 27 E.,
TOWN OF GIBRALTAR, DOOR COUNTY, WISCONSIN

PREPARED FOR:

CURRENT OWNER:
PLUFF
8162 WEST MEADOW ROAD
BAILEYS HARBOR, WI 54202

PROPERTY ADDRESS:
8909 SOUTH HIGHLAND ROAD

PREPARED BY:

BRIAN FRISQUE SURVEYS INC.
BRIAN D. FRISQUE
PROFESSIONAL LAND SURVEYOR
3121 MATHIEY ROAD
STURGEON BAY, WI 54235
(920) 743-7183



(FEET)
SCALE: 1" = 100'

SURVEYOR'S NOTE

BEARINGS REFERENCED TO THE WEST LINE OF THE
NW 1/4 OF SECTION 2-30-27 BEARINGS W/2717' W
BASED FROM THE CONTROL SURVEY SUMMARY
DIAGRAM FOR THE TOWN OF GIBRALTAR.

LEGEND

- ⊕ = U.S. PUBLIC LAND SURVEY CORNER (EXISTING DOOR COUNTY MONUMENT)
- = EXISTING 1" IRON PIPE
- = SET 1" IRON PIPE WEIGHING 1.13 LBS. PER LINEAL FOOT
- ⊗ = UTILITY POLE
- = ANCIENT WIRE & STONE FENCE

DOOR COUNTY
LAND USE SERVICES DEPARTMENT

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FEB - 7 2020



DESCRIPTION: TAX PARCEL NO. 014-01-02302723A

A tract of land located in the Southwest one-quarter of the Northwest one-quarter of Section 2, Township 30 North, Range 27 East, Town of Gibraltar, Door County, Wisconsin and described as follows:

Commencing at the West one-quarter corner of said Section 2, thence N 01°23'17" W along the west line of said Northwest one-quarter 312.36 feet to the point of beginning, thence continue N 01°23'17" W 996.78 feet, thence N 87°10'29" E 798.51 feet, thence S 01°59'58" E 675.00 feet, thence N 87°10'29" E 548.50 feet, thence S 01°59'58" E 27.30 feet, thence S 87°19'47" W 799.97 feet, thence 276.10 feet along a 828.48 foot radius curve to the right whose chord bears S 37°22'39" E (Long Chord = 274.83 feet, Delta Angle = 19°05'41"), thence S 27°49'49" E 81.43 feet, thence S 87°27'35" W 752.22 feet to the point of beginning.

Said tract contains 17.790 acres of land.

Subject to the right-of-ways of South Highland Road and C.T.H. "A" as shown on the adjacent map.

SURVEYOR'S CERTIFICATE:

I, Brian D. Frisqure, Registered Land Surveyor, do hereby certify that I have surveyed the property described herein and to the best of my knowledge and belief the adjacent map is a true representation thereof and shows the size and location of the property, its exterior boundaries, the location of all visible structures, boundary fences, apparent easements, roadways and visible encroachments, if any. I further certify that this map complies with Chapter A-E 7 of the Wisconsin Administrative Code.

This survey is made for the use of the present owners of the property and also those who purchase, mortgage or guarantee title thereto.

Dated 9-3-2013

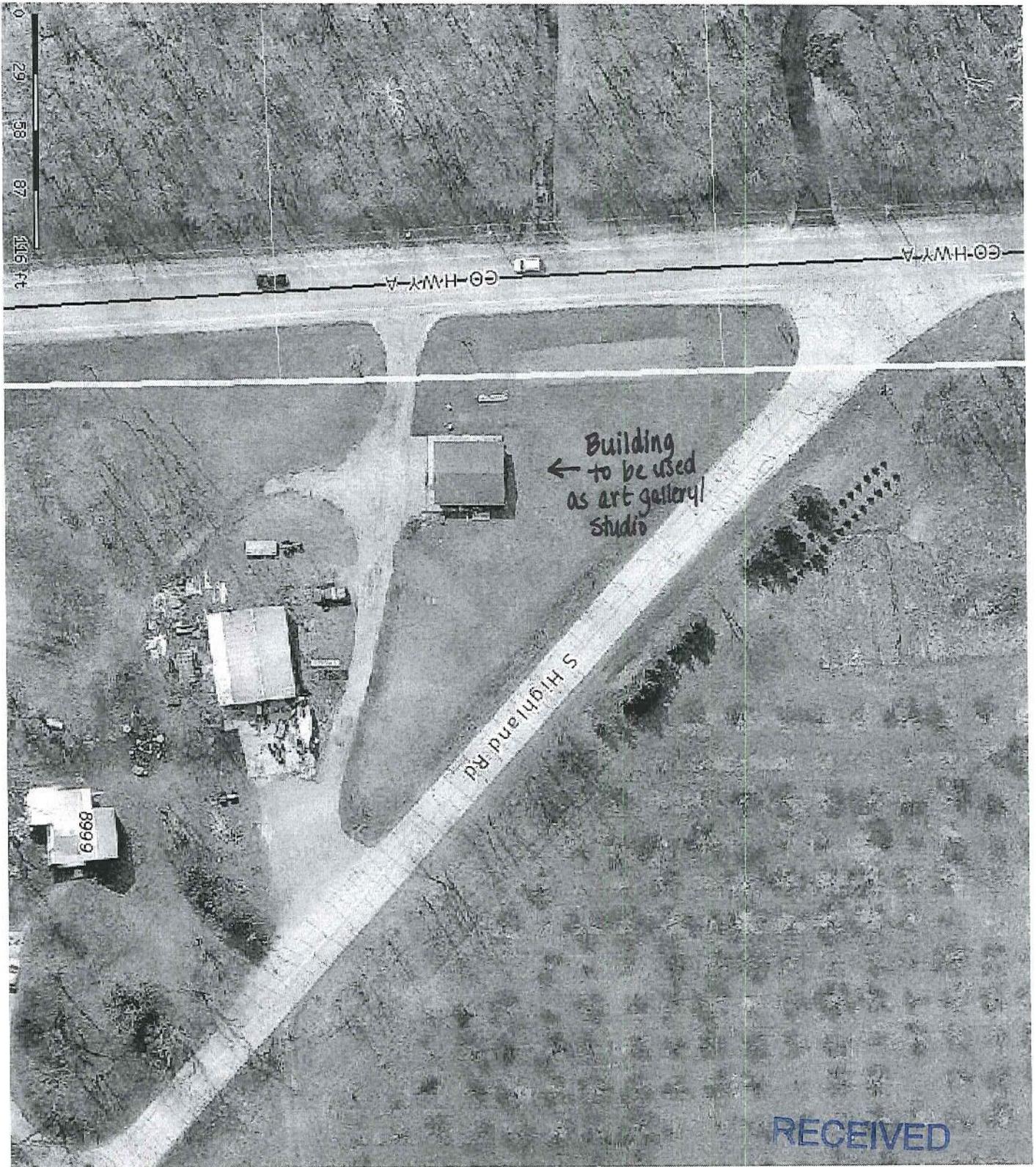
Brian D. Frisqure
R.L.R. 5-2429



9-3-15
D-082615.dwg
Drawn By: D.F.H. II
JOB#: D-082615

018492

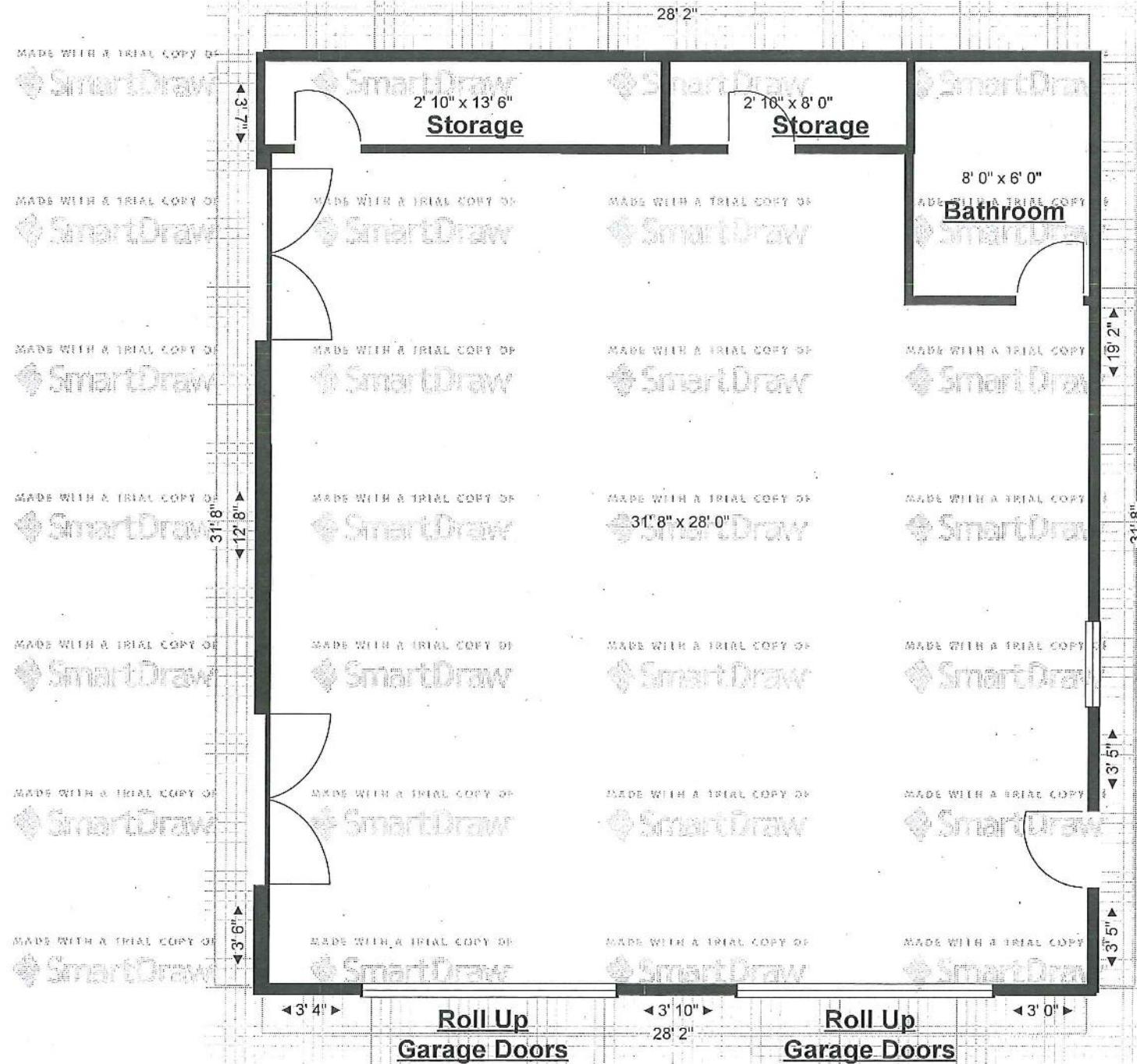
= existing building
for proposed conditional
use permit / art gallery & studio



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FEB - 7 2020

DOOR COUNTY
LAND USE SERVICES DEPARTMENT



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FEB - 7 2020
DOOR COUNTY
LAND USE SERVICES DEPARTMENT

Brauer, Rick

From: Sara Lancaster <oneeightycollective@gmail.com>
Sent: Wednesday, February 12, 2020 4:29 PM
To: Brauer, Rick
Subject: Parking Site Plan for Lancaster CUP Application
Attachments: Parking.pdf

Hi Rick,

Attached is a pdf that illustrates where parking would be located for the proposed art (pottery) gallery/studio. The first image shows the primary parking area (3 spaces at 9 ft wide and 18ft long each). The second image shows an additional parking area where two more vehicles could parallel park, taking into consideration parallel parking spaces require 22ft in length vs 18ft.. This was drawn to scale using the measurement tools available on the Door County Land Info Portal map. The building is just under 1,000 square feet (approximately 900), so I believe five parking spaces should meet the minimum number required by Door County zoning. Please let me know if the attached site plans meet your needs, or if you need me to draw out the dimensions for each individual parking space.

Also, in answer to your question about what type of art gallery, this would be a pottery/ceramics gallery with a working studio (enough space for a wheel and electric kiln). It is fine to state that clarification on the application.

I think I answered your questions. Please let me know if you have any others. Thanks again for your help.

Best,

Sara

OneEighty Collective, LLC
oneeightycollective@gmail.com
(262) 945-9467

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FEB 12 2020

DOOR COUNTY
LAND USE SERVICES DEPARTMENT

Parcel Search by

Zoom To

Layers | Information

Measure Length

Total Length:

Segment Length:

Units:

4: 27.291 ft
3: 18.924 ft
2: 27.266 ft
1: 18.373 ft

Note: If you see negative values while using the measure tool, please pause for a moment before moving the cursor after creating a point.



Parcel Search by

Zoom To

Layers | Information

Measure Length

Total Length:

Segment Length:

Units:

4: 9.477 ft
3: 44.020 ft
2: 9.477 ft
1: 44.534 ft

Note: If you see negative values while using the measure tool, please pause for a moment before moving the cursor after creating a point.





County of Door LAND USE SERVICES DEPARTMENT

County Government Center
421 Nebraska Street
Sturgeon Bay, WI 54235

STAFF REPORT Conditional Use Permit Application

Applicant Information

- **Name & property address:** John W. & Sara R. Lancaster; 8999 S. Highland Road.
- **Parcel identification numbers:** Portion of Tax Parcel No. 014-01-02302723A located southwest of the centerline of the right-of-way of S. Highland Road.
- **Zoning district:** Countryside-5 (CS5).
- **Petition request, including sections of zoning ordinance requiring permit:**
The petitioners propose to establish an Art Gallery (pottery studio) in an existing 28' x 32' building on the property. The Land Use Services Department approved a roadside stand in a portion of the building on May 10, 2018. There is a bathroom in this building.

Ordinance sections: 2.05(3)(b) and 11.04.

Description of Subject Property and Surrounding Area

Subject Property

- **Lot area:** Total lot area is 17.79 acres. The portion of the lot located southwest of S. Highland Road is approximately 8 acres in area.
- **Frontage - water, road:** No water frontage; 860' +/- road frontage along County Highway A and 1,090 +/- frontage along S. Highland Road.
- **Existing uses/structures:** Subject building is being used for storage and a roadside stand; there is also a larger storage building, a residence, and an older barn and shed on the property.
- **Access:** Existing access to both roads.
- **Traffic patterns/road usage:** County Highway A has moderate traffic levels, depending on time of year. Traffic along S. Highland Road is fairly light.
- **Water and sanitation:** Water will be provided by existing private well. Newer private sewage system has been installed on the property.
- **Significant topography or vegetation:** The parcel is relatively flat. There is a mixture of deciduous and evergreen trees in the southeast portion of the property and an older cherry orchard in the southwest portion of the lot.

Surrounding Area:

- **North:** The applicants own the property to the northeast across S. Highland Road. This vacant parcel is zoned CS5 and used for agricultural purposes. The large vacant parcel north of that is owned by Northern Sky Theater and is also zoned CS5. The property north of that is the Northern Sky Theater and is zoned General Commercial (GC).
- **South:** The property directly south is a 5-acre wooded/vacant lot zoned CS5. The majority of the lots south of this lot are large and wooded with single family homes. There are also a couple of vacant wooded lots. These lots are all zoned CS5.

- **East:** S. Highland Road is located along the eastern property line of the lower portion of the lot. The properties east of the road and the upper portion of the lot are all zoned CS5. The majority of these parcels are vacant and wooded with some agriculture. There are two homes located 1,000 feet to the east.
- **West:** County Highway A lies along the western property line. The parcels west of the highway are all large/wooded residential lots. These lots are all zoned Heartland-3.5 (HL3.5).

Background/History

- There is a history of both agricultural and commercial uses on this property. The property has an older cherry orchard located in the southwest portion of the lot, believed to still be active. A roadside stand for this parcel was recently approved. The file indicates that there was previously a roadside stand on the property and, at times, farm implement repair and sales, and yard and garden equipment repair and sales. These uses predated the adoption of zoning in the town.

Zoning Considerations

Purpose of zoning district: DCZO Section 2.03(23): Countryside-5 (CS5) . This district is intended for mostly rural areas of the interior of the county where a mixture of low density residential, agricultural, and very limited 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 that require relatively large land areas and/or are compatible with surrounding rural land. Because the district accommodates agricultural uses, it can serve as a transitional district between areas where agricultural uses are prominent and more intensely developed areas. Lot sizes of at least 5 acres are required for new lots.

- **Does the use meet the zoning ordinance's stated purpose and intent?** Yes. The proposed use is a limited rural commercial activity that is allowed by Conditional Use Permit in the CS5 zoning district.
- **Specific requirements for proposed use and/or possible conditions that may be relevant.** If the Resource Planning Committee determines the conditional use permit should be approved, 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. At minimum, a Door County Regular Zoning Permit shall be obtained within 12 months of issuance of the conditional use permit.
 2. The use shall comply with all applicable local, state, and federal building codes and ordinances.
 3. 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.
- 4. *The RPC will need to set a completion date for the project.*

Comprehensive Plan Considerations

- **County comprehensive plan land use map designation and description.**

The parcel area under consideration is designated as “Rural/Agricultural” on the comprehensive plan’s future land use map, as described below and shown on the attached map.

***Rural/Agricultural** – “Rural/Agricultural” areas cover much of southern and central Door County, where there are currently relatively stable agricultural lands with few non-agricultural uses, as well as most of the cleared areas located within the northern part of the county, which has more limited or discontinued agricultural activities. These areas are not planned for non-agricultural development in the next 15 years, however, lands in this category can, and most likely will, contain residential uses compatible with agriculture. Agricultural and related operations in these areas should be protected by ensuring development is at low density levels.*

The Rural/Agricultural future land use designation intends to keep lands primarily agricultural with “few non-agricultural uses.” However, since the proposed use is allowed by conditional use permit and is consistent with the zoning district’s purpose, the proposed art gallery may be considered consistent with the comprehensive plan.

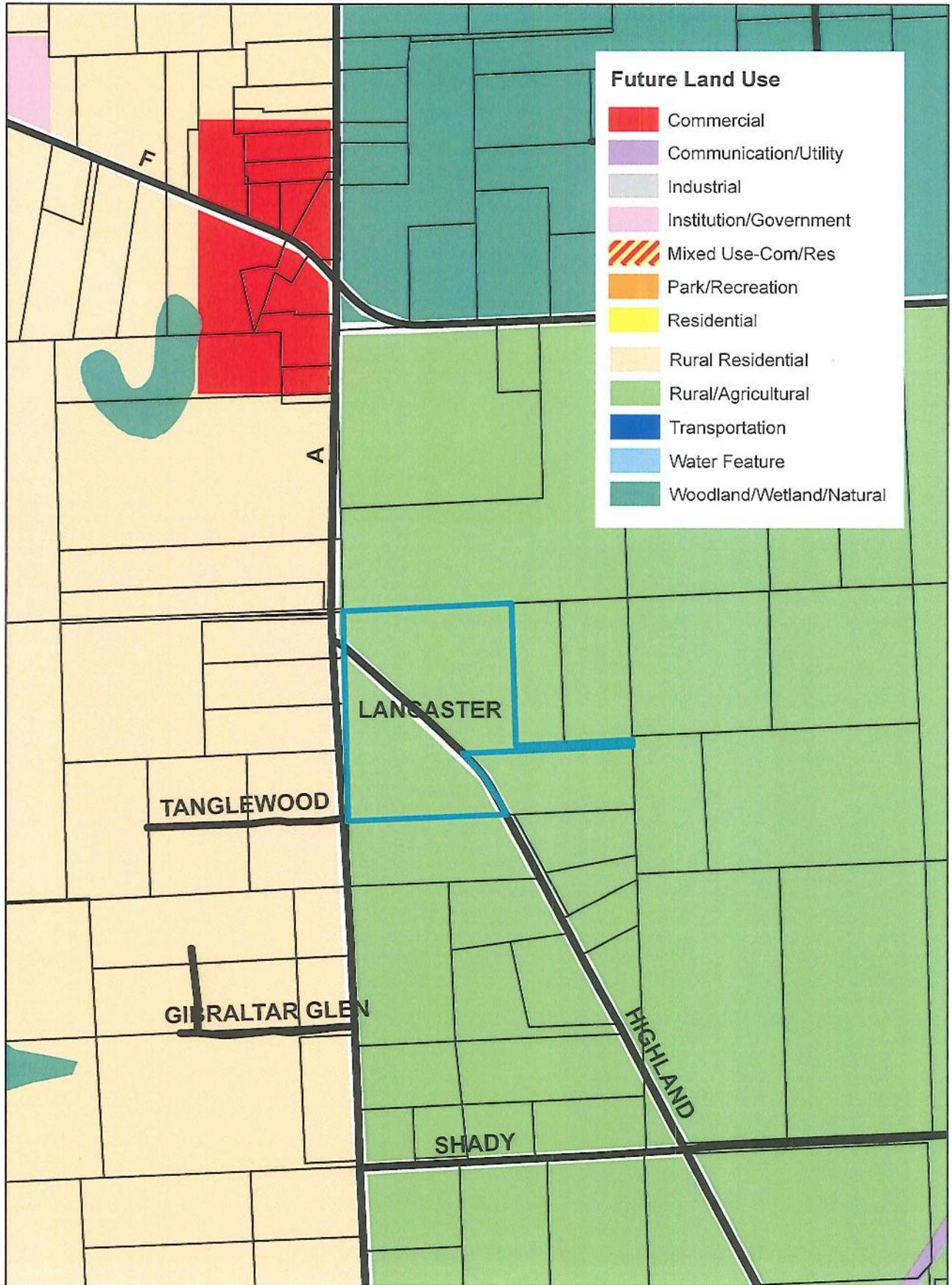
- **Relevant goals/policies/action items from comprehensive plan.** None.
- **Other relevant text from county comprehensive plan.** None.

RDB/RYP
4/20/2020

Future Land Use

Lancaster: 014-01-02302723A

Proposed Conditional Use Permit: Art Gallery



LETTER(S) IN FAVOR

CONDITIONAL USE

LANCASTER

MAR 12 2020

Door County Planning Department Request for Town Recommendation

John W. and Sara R. Lancaster propose to establish an Art Gallery (pottery studio) in an existing 28' x 32' building on the property. Our office approved a roadside stand in a portion of the building on May 10, 2018. There is currently a bathroom in this building. The property is located at 8999 S. Highland Road in the Town of Gibraltar.

The (circle one) Town Board / Planning Committee of the Town of Gibraltar held a legally noticed and posted meeting on 3-4-2020, at which, by a vote of 4 (Yea) to 0 (Nay), the town recommended (check one) **SUPPORT** **DENIAL** for conditional use permit

Reason(s) for the town's decision:-

There are commercial businesses in the area a few include art type businesses/venues. The property currently has a farm stand use. Did not see any issues with the studio/gallery use of the building. No issues with fire department related access.

Is the proposal consistent with the Town Comprehensive Plan?

It is considered consistent with the Comprehensive Plan because the proposed use is allowed conditionally and consistent with zoning.

Concerns or objections the town may wish to see potentially addressed through conditions:

No concerns or objections.

[Signature]
Town Clerk Signature

3-5-2020
Date

See attached for conditional use permit criteria

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JAN 30 2020

DOOR COUNTY LAND USE SERVICES
421 Nebraska Street - Door County Government Center
Sturgeon Bay, Wisconsin 54235
(920) 746-2323 - FAX (920) 746-2387

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 Sevastopol School District
No. 4550 Street Highway 57
City Sturgeon Bay State Wi Zip 54235
Home Phone # _____ - _____ - _____
Daytime Phone # 920 - 743 - 6282
Email: kleudtke@sevastopol.k12.wi.us

2. BUILDING SITE LOCATION
Fire # 4550 Road Highway 57
Town of Sturgeon Bay
Local Phone # 920 - 743 - 6282

3. DEVELOPER NAME AND MAILING ADDRESS
Name Sevastopol School District
No. 4550 Street Highway 57
City Sturgeon Bay State Wi Zip 54235
Phone # 920 - 743 - 6282
Email: kleudtke@sevastopol.k12.wi.us

4. PROPERTY IDENTIFICATION
Parcel No. 022 - 02 - 24282621E

5. USE
Proposed use of land or structure:
Elementary, Middle, & High School

6. SANITARY PERMIT
Type of System _____
Sanitary Permit No. _____
Date of Issuance _____
Approximate date of installation _____

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?
 No Yes

If yes, show location on Site Plan.

9. FEE \$500.00
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
[Signature]
Date 1/9/2020

Shoreland Zoning Yes No Zoning District MC (FOR OFFICE USE ONLY)

Inspections:
Date Inspector Remarks

Date	Inspector	Remarks

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

(w/conditions) _____

Permit Denied (by) _____ (date) _____ for the following reasons: _____

Receipt No. 527
Date Permit Issued: _____
Certificate of Compliance: Date _____
Fee 500.00
Date 2-10-20.

APPLICATION FOR CONDITIONAL USE PERMIT – ADDENDUM

A conditional use permit applicant has the burden of proof. S/he 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.

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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.

The proposed project is a two story addition to the existing school building and should have no effect on surrounding property values.

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

The proposed use of the site and building is unchanged from the existing use.

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

The existing "Public School" use is unchanged and is permitted as a conditional use for the current zoning.

4) Provision of an approved sanitary waste disposal system.

<input checked="" type="checkbox"/> Public Sewer	<input type="checkbox"/> Private Onsite Wastewater Treatment System (POWTS)
<u>Check One</u>	<u>Check One</u>
<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> Conventional Septic
<input type="checkbox"/> New	<input type="checkbox"/> Other In-ground System
	<input type="checkbox"/> Holding Tank

5) Provision for a potable water supply.

<input type="checkbox"/> Public Water Supply (Liberty Grove Sanitary District #1 and Maplewood only)	<input checked="" type="checkbox"/> Well
<u>Check One</u>	<u>Check One</u>
<input type="checkbox"/> Existing	<input type="checkbox"/> Private Well
<input checked="" type="checkbox"/> New	<input type="checkbox"/> Shared Well

6) Provisions for solid waste disposal.

Commercial hauler

Private delivery to collection site

Other _____

7) Whether the proposed use creates noise, odor, or dust.

Noise: The noise created will be similar to the existing use

Odor: The odors created will be similar to the existing use

Dust: The dust created will be similar to the existing use

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8) Provision of safe vehicular and pedestrian access.

Vehicular Access

Existing Driveway(s) to Highway 57 and Ripp Road
(Road Name)

JAN 30 2020

New Driveway(s) to _____
(Road Name)

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Pedestrian Access

Sidewalks

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 Sturgeon Bay 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:

Gate Access @ SE corner of new addition be on backup power + drive way be moved for easier access

(Signature) Fire Chief 1-10-20
(Date)

11) Provision for proper surface water drainage.

Natural Infiltration (explain below)

Some Grading of the Site (explain below)

Engineered Stormwater and/or Erosion Control Plan (attach)

See attached site plan

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

The existing structures on the property range in size from two to three stories and are of masonry construction with punched window openings. The new additions emulate those elements in both size and material used. Please see the attached rendering and elevations.

CONDITIONAL USE PERMIT ADDENDUM – PAGE 3

13) Whether the proposed project creates excessive exterior lighting glare or spillover onto neighboring properties.

The new parking area along Highway 57 contains new area lighting. This lighting has been design to minimize the glare and light spillover onto neighboring properties.

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.

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Natural Vegetation: No Removal
 Some Removal
 Significant Removal (provide Landscape Plan)

See attached site plan

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

See attached site plan

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

This addition is a continuance of an existing use and complies with the objectives of the ordinance.

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

This addition is a continuance of an existing use with no new anticipated impact to the surrounding area.

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

The addition relocates a portion of morning drop-off and afternoon pick-up to the parking lot located off Ripp Road. This will reduce the traffic backup on Highway 57 during those times and lead to an increase in vehicular safety for this portion of the highway.

The Resource Planning Committee will establish a completion date for the proposed project.

By what month and year will the project be completed? August, 2021

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.

2/17/20 14:04:43

ASSESSMENT INQUIRY
0220224282621E R 2020

9791

N 4550 STATE HWY 57
SEVASTOPOL, CONSOLIDATED SCHOOL

Geo.Loc: 15 022 4 28 26 24 2 04 000

MAIL TO:
SEVASTOPOL
CONSOLIDATED SCHOOL

COMBINED PARCEL
2421

4550 STATE HIGHWAY 57
STURGEON BAY WI 54235

LEGAL DESCRIPTION
24 28 26 AC 61.11
LOT 1 CSM#3325 V.20 PG.215
SEC 24-28-26 NENW, SENW&NWNW
L 1 CSM V020 P0215
DOC# 825688 CSM
DOC# 540429 V 567 P175
V 086 P 201
MORE LEGAL AVAILABLE

CURRENT TAX ASSESSMENT AS OF 2019

CODE	ACRES	LAND	IMPROVE	TOTAL
X4	20.83			

BILL NO:
COMMENTS

TOTALS 20.83

- F3-Exit F5-Owners F7-Tax Detail F8-Legal F9-Directory F10-Survey Index
- F11-Districts F12-Prev Scrn F17-Fire# F18-DOA Site F19-History
- F21-Geo Location F6-Vol/Page Detail

Sevastopol School

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Door County, Wisconsin
... for all seasons!



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Sevastopol School

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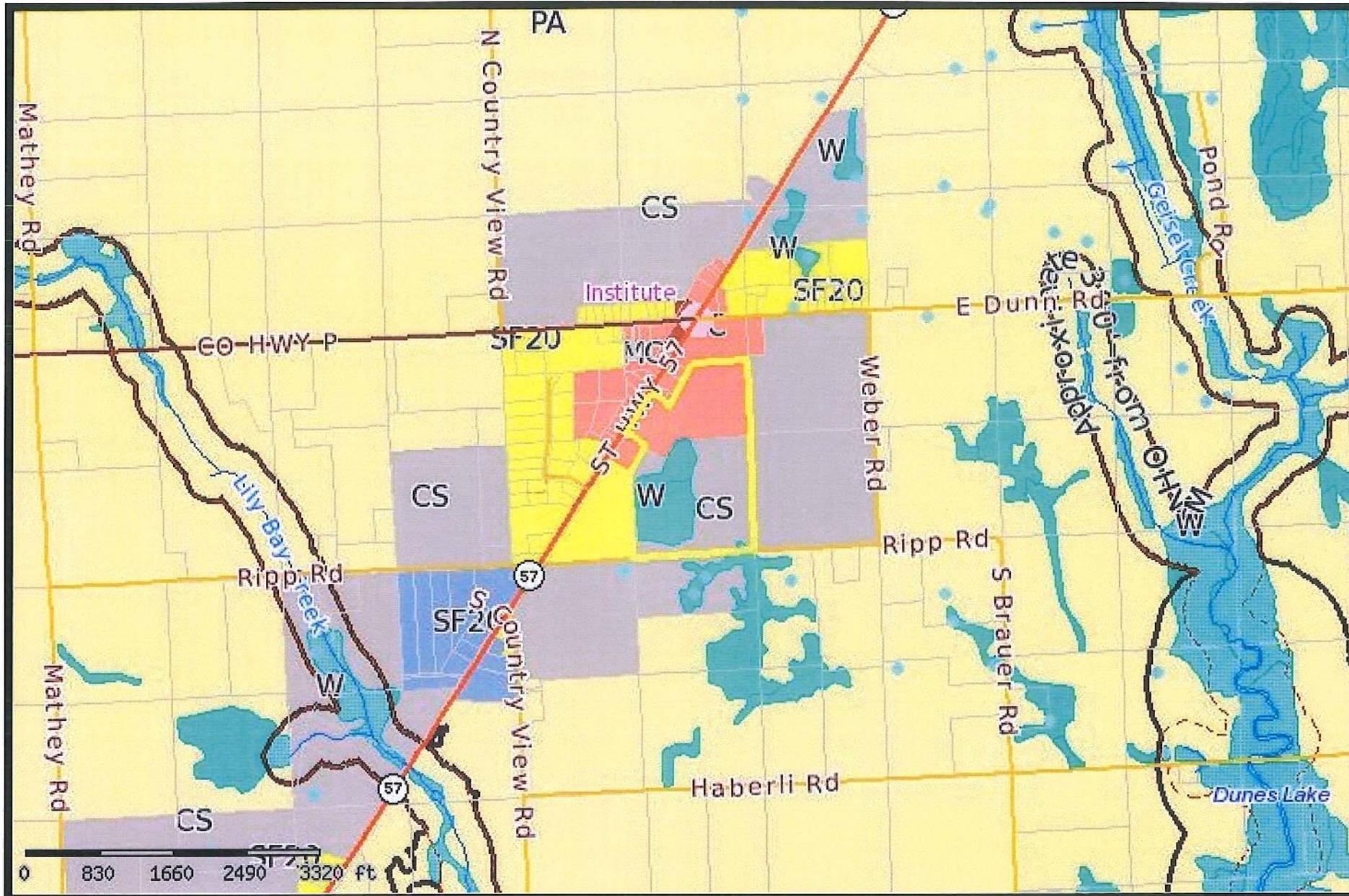
Sevastopol School

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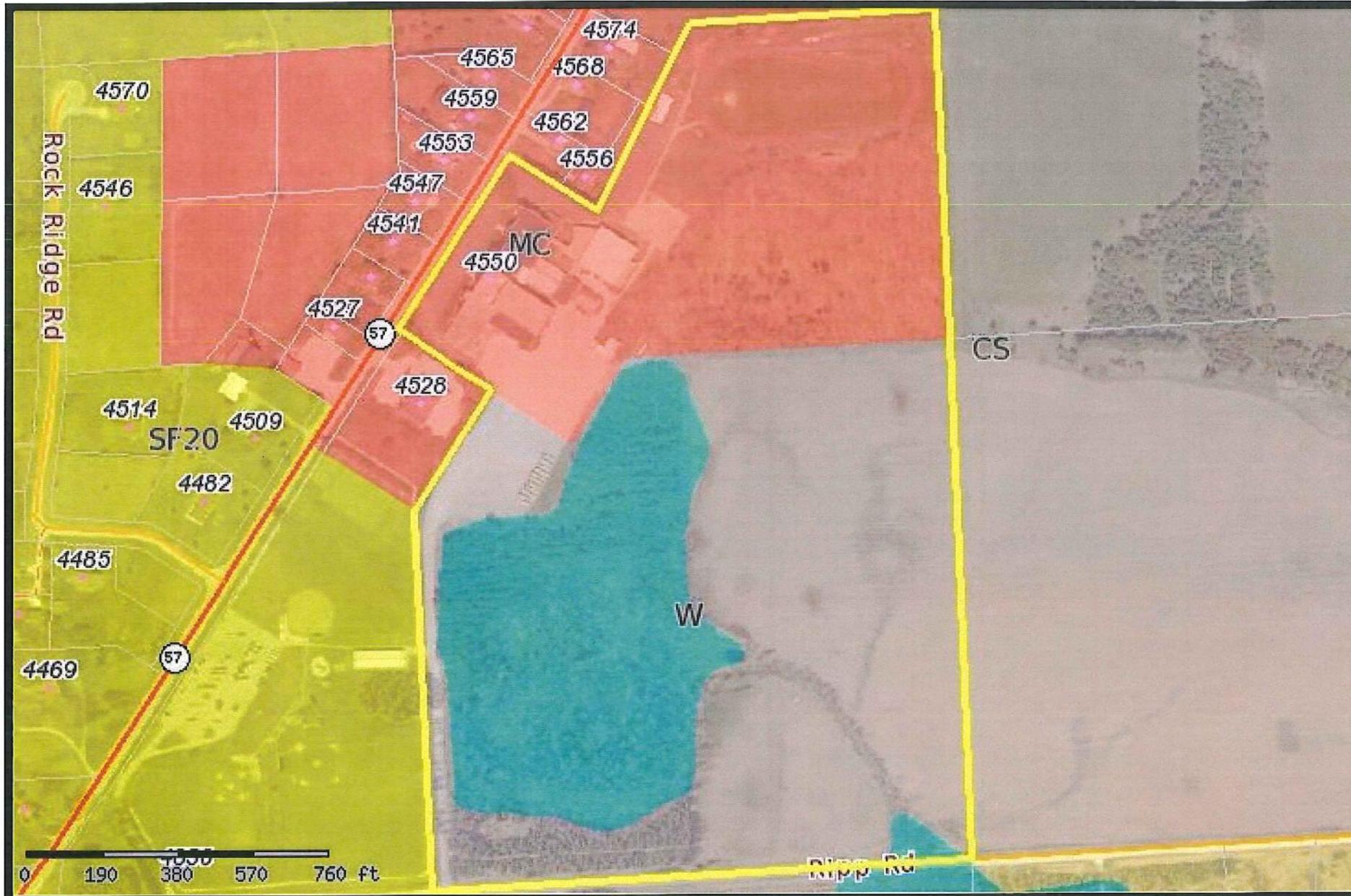
Sevastopol School

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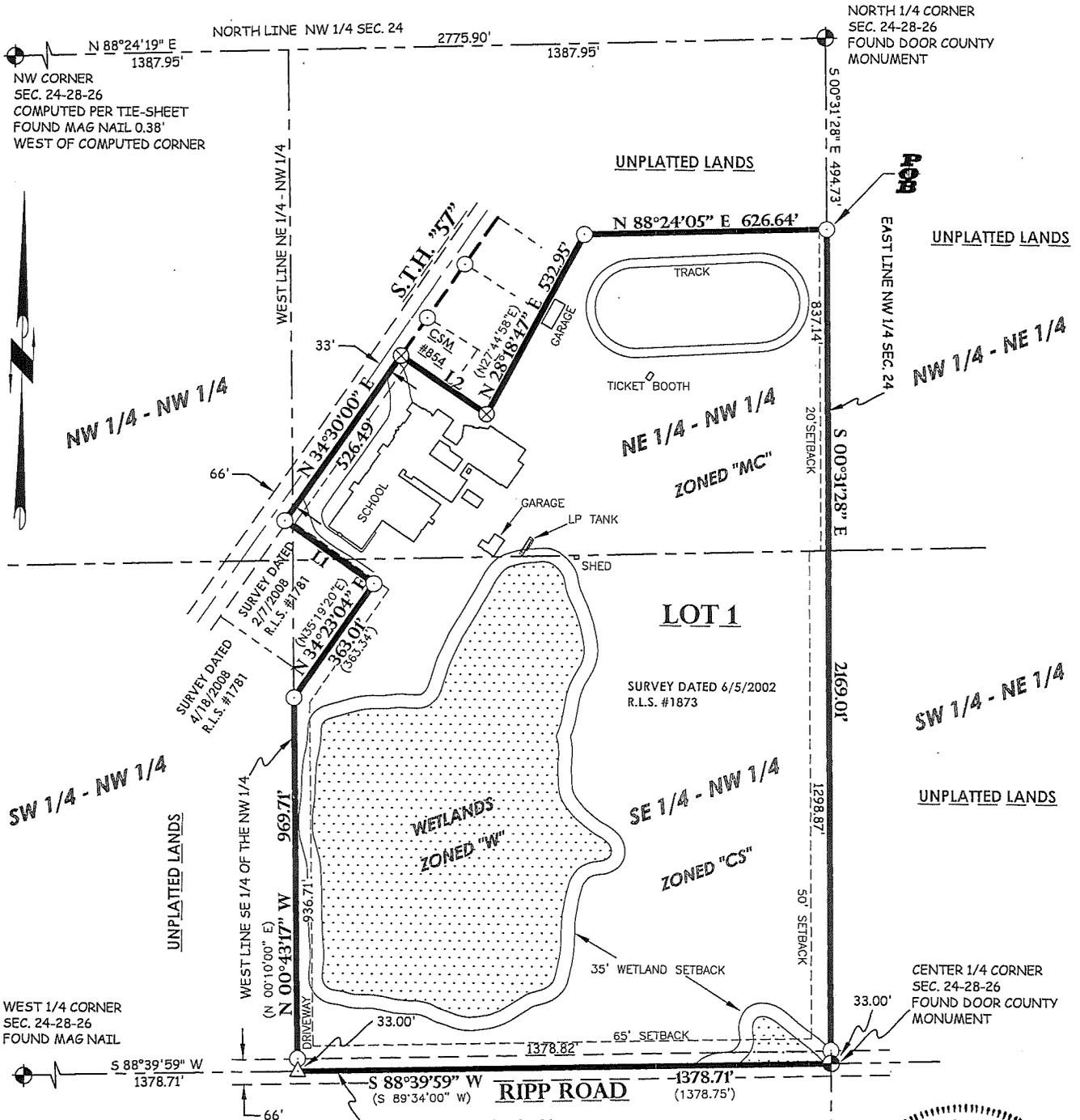


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CERTIFIED SURVEY MAP

BEING PART OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4, PART OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4, AND PART OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4, SECTION 24, TOWNSHIP 28 NORTH, RANGE 26 EAST, TOWN OF SEVASTOPOL, DOOR COUNTY, WISCONSIN.

LOT 1 AREA:
 2,661,996.4 SQ. FEET (61.111 AC.) - INCL. R/W
 2,616,497.2 SQ. FEET (60.067 AC.) - EXCL. R/W



WEST 1/4 CORNER
 SEC. 24-28-26
 FOUND MAG NAIL
 S 88°39'59" W
 1378.71'

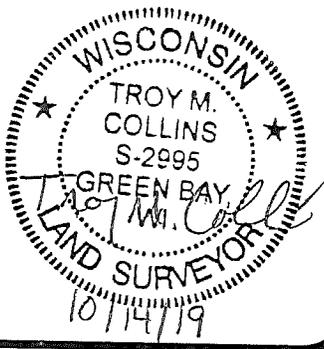
NORTH 1/4 CORNER
 SEC. 24-28-26
 FOUND DOOR COUNTY
 MONUMENT
 S 00°31'28" E 494.73'

CENTER 1/4 CORNER
 SEC. 24-28-26
 FOUND DOOR COUNTY
 MONUMENT
 33.00'

LINE TABLE:

LINE	BEARING	DISTANCE
L1	N 54°54'22" W	282.93'
L2	S 55°26'11" E	266.92'
	(S56°00'00" E)	(266.95')

- LEGEND**
- 1" IRON PIPE FOUND
 - △ MAG NAIL SET
 - ⊗ MAG NAIL FOUND
 - ⊕ COUNTY MONUMENT, AS NOTED
 - () RECORDED AS



FIELDWORK COMPLETED
 ON OCTOBER 1, 2019

BEARINGS REFERENCED TO THE EAST LINE OF THE
 NW 1/4 OF SECTION 24, T28N-R26E, ASSUMED TO BEAR
 S 00°31'28" E, AS REFERENCED TO THE DOOR COUNTY
 COORDINATE SYSTEM, NAD83(2011).

0' 400' 800'
 SCALE 1" = 400'



Land Surveying
 Civil Engineering
 Landscape Architecture

Troy M. Collins, PLS #2995
 4941 Kirschling Court
 Stevens Point, WI 54481
 715.344.9999(Ph) 715.344.9922(FX)

THIS INSTRUMENT WAS DRAFTED BY TROY COLLINS
 AND DRAWN BY TROY COLLINS

FIELD BOOK GB5 PAGE 3
 JOB # 19.795

SHEET 1 OF 2 SHEETS



**County of Door
LAND USE SERVICES**

County Government Center
421 Nebraska Street
Sturgeon Bay, WI 54235

JAN 30 2020

DOOR COUNTY
LAND USE SERVICES DEPARTMENT

Phone: (920) 746-2323

FAX: (920) 746-2387

Website: map.co.door.wi.us/planning

PROJECT SCOPE DECLARATION

[2017 Wisconsin Act 68; Effective November 29, 2017]

Please provide a description of your project.

The Sevastopol School District is proposing to build a two story addition to their existing elementary, middle, and High School Building. This will include the demolition of the original 1921 building and the creation of a new parking area along Highway 57.

§ 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):

Sevastopol School District

Signature: [Handwritten Signature]

Date: 1/9/2020

Signature: _____

Date: _____

Parcel Number (of Project): 022 - 02 - 24282621E

Fire Number & Street Address (of Project): Highway 57 Sturgeon Bay 54235

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Sevastopol Schools Addition - Entry Rendering

Southwest Elevation



GENERAL NOTES:

1. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION.
2. THE PROPOSED SITE PLAN SHALL SHOW ELEVATION OF THE PROPOSED BUILDING FINISH FLOOR ELEVATION ON THE PLAN.
3. GRADE SHALL BE MAINTAINED AS MUCH AS POSSIBLE IN THE FIELD BY THE CONTRACTOR.
4. EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION TO PREVENT SOIL EROSION AND TO PROTECT ADJACENT AREAS.
5. EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION TO PREVENT SOIL EROSION AND TO PROTECT ADJACENT AREAS.
6. ANY EROSION CONTROL MEASURES NOT SHOWN ON THE PLAN SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION TO PREVENT SOIL EROSION AND TO PROTECT ADJACENT AREAS.
7. COORDINATE ALL PART-TIME ACTIVITIES WITH GAS, ELECTRIC, AND TELEPHONE LINES AND PROVIDE PROTECTIVE MEASURES FOR THE INSTALLATION OF SUCH LINES.
8. PROVIDE PROTECTIVE MEASURES AT ALL EXCAVATION SITES TO PREVENT WASHOUT AND EROSION.
9. EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION TO PREVENT SOIL EROSION AND TO PROTECT ADJACENT AREAS.
10. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION TO PREVENT SOIL EROSION AND TO PROTECT ADJACENT AREAS.
11. THE LOCAL MUNICIPALITY SHALL BE CONTACTED PRIOR TO ANY EXCAVATION TO VERIFY THE LOCATION OF ALL UTILITIES.
12. ALL EXCAVATION SHALL BE TO THE PROPOSED FINISH GRADE UNLESS OTHERWISE NOTED.
13. GRADES AT BUILDING EXITS SHALL BE AT LEAST 6" ABOVE FINISHED FLOOR ELEVATION EXCEPT AT DOORWAY ENTRANCES OR AT CURB LEVELS.
14. EXCAVATION CONTRACTOR TO SEE PLUMBING AND ARCHITECTURAL DRAWINGS FOR SINKS, TUBS, AND ELEVATION OF EXCAVATIONS.

GRADING LEGEND:

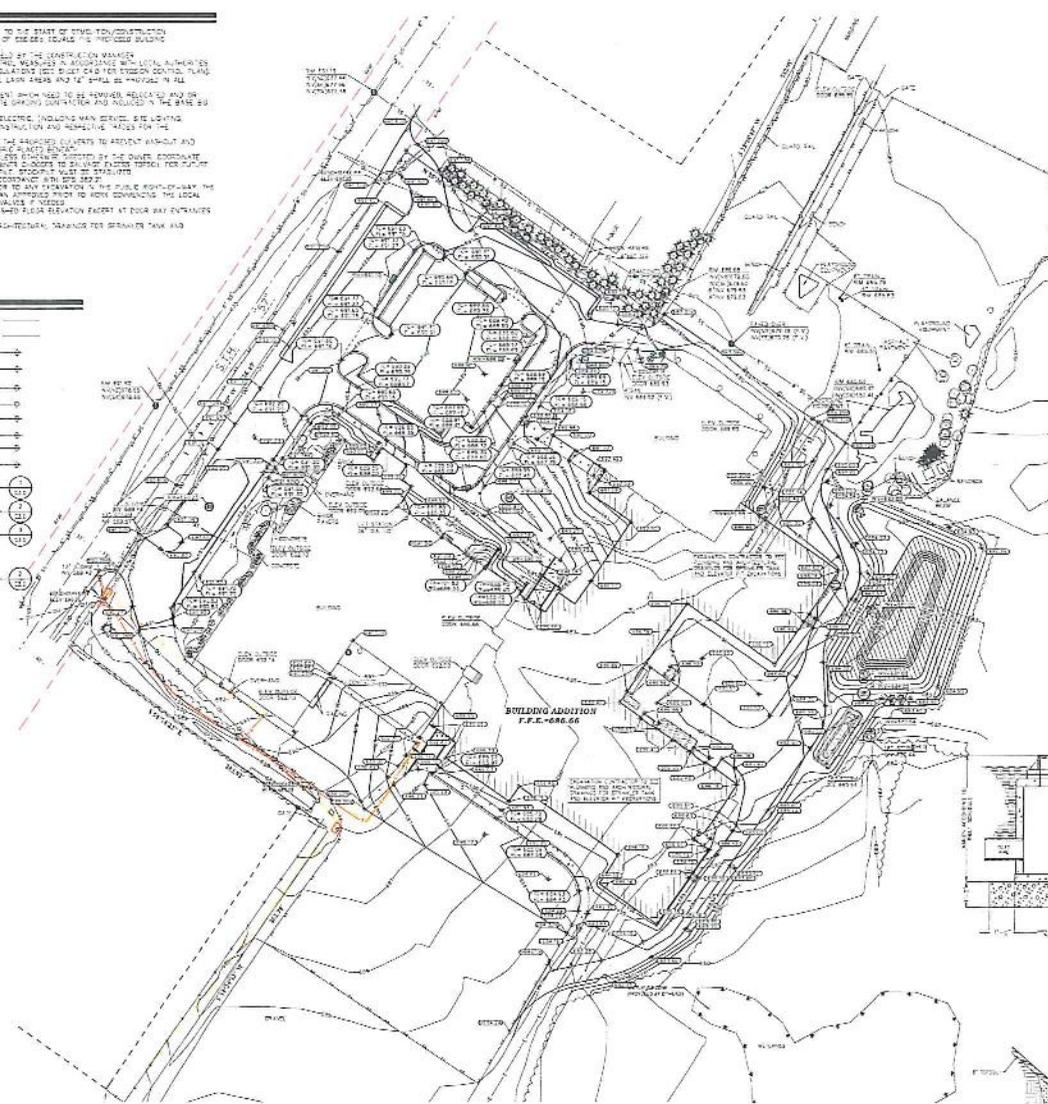
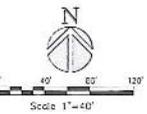
EXISTING CONTOUR	---
PROPOSED CONTOUR	---
PROPOSED SPOT ELEVATION	○
PROPOSED FINISH ELEVATION (CONTRACTOR TO VERIFY)	○
PROPOSED TOP OF CURB ELEVATION	○
PROPOSED FLOOR AND ELEVATION	○
PROPOSED TOP OF WALL ELEVATION	○
PROPOSED BOTTOM OF WALL ELEVATION	○
PROPOSED NEW ELEVATION	○
PROPOSED EXIST ELEVATION	○
PROPOSED NEW DETENTION POND	○
PROPOSED EXIST DETENTION POND	○
PROPOSED EXISTING STRUCTURE	○
PROPOSED EXISTING AREA	○
PROPOSED EXIST STRUCTURE	○

BENCH MARK

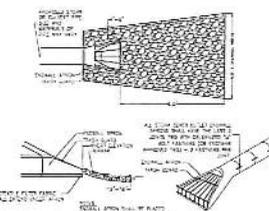
- 1. BENCH MARK TO BE USED FOR ALL ELEVATIONS.
- 2. BENCH MARK TO BE USED FOR ALL ELEVATIONS.
- 3. BENCH MARK TO BE USED FOR ALL ELEVATIONS.
- 4. BENCH MARK TO BE USED FOR ALL ELEVATIONS.
- 5. BENCH MARK TO BE USED FOR ALL ELEVATIONS.

UTILITY DISCLAIMER

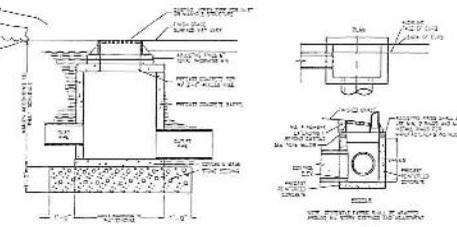
THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO EXCAVATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR PROTECTING ALL UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR PROTECTING ALL UTILITIES.



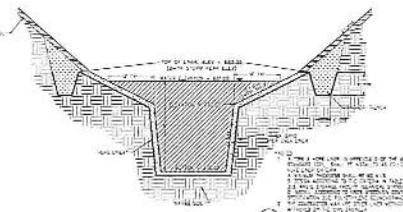
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ENDWALL STRUCTURE



STORM SEWER MANHOLE/INLET



WET DETENTION POND

bray architects
 civil foundation, transit planning

Office Locations:
 Door County: 200 Emery Park, Suite 111, Door County, WI 54804
 Milwaukee: 825 S. 1st Street, Milwaukee, WI 53204
 Stoughton: 1224 North Street, Stoughton, WI 53589

Point of Beginning
 1/13/2020
 4536 Highway 51, Stoughton, WI 53589

Project Number: 3212
 Revised For: BID DOCUMENTS
 2019.02.03
 Sheet Title: GRADING PLAN
 Sheet Number: C3.0

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Office Location:
Milwaukee
275 E. East Street
Milwaukee, Wisconsin 53202
1-414-225-0200
Wauwatosa
1277 North 2nd Street
Wauwatosa, WI 53226
Phone: 414-225-0200
Fax: 414-225-0201
www.brayarch.com

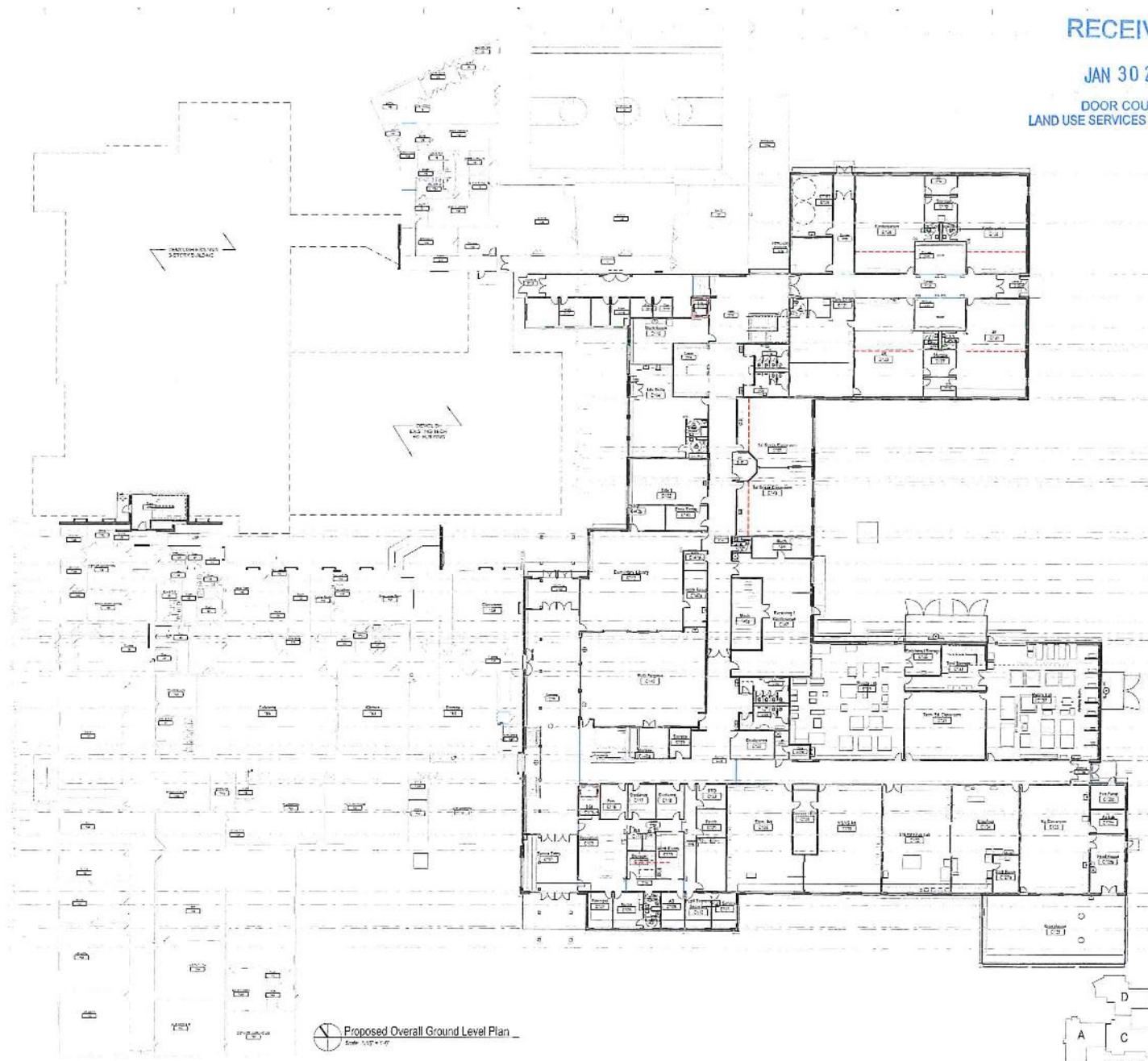
Project Name:
Addition and Renovation for:
Sevelopol School District
4500 Highway 57
Sturgeon Bay, Wisconsin 54235

Project Number:
3212

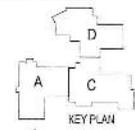
PLAN REVIEW SET

Drawn for:
Overall Ground
Floor Plan

Sheet Number:
A1.0



Proposed Overall Ground Level Plan
Scale: 1/8" = 1'-0"



2020.01.28 10:00 AM
2020.01.28 10:00 AM
2020.01.28 10:00 AM

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bray
architects
solid • forward • firm • forward • thinking

Office Locations:
Milwaukee
429 S. 1st Street
Milwaukee, Wisconsin 53204
T 414.226.3200
Madison
201 S. Kinnickinnick Drive
Madison, WI 53704
T 608.261.1100
www.brayarch.com

Project:
Addition and Renovation for
Sevastopol School District
4550 Highway 57
Sturgeon Bay, Wisconsin 54235

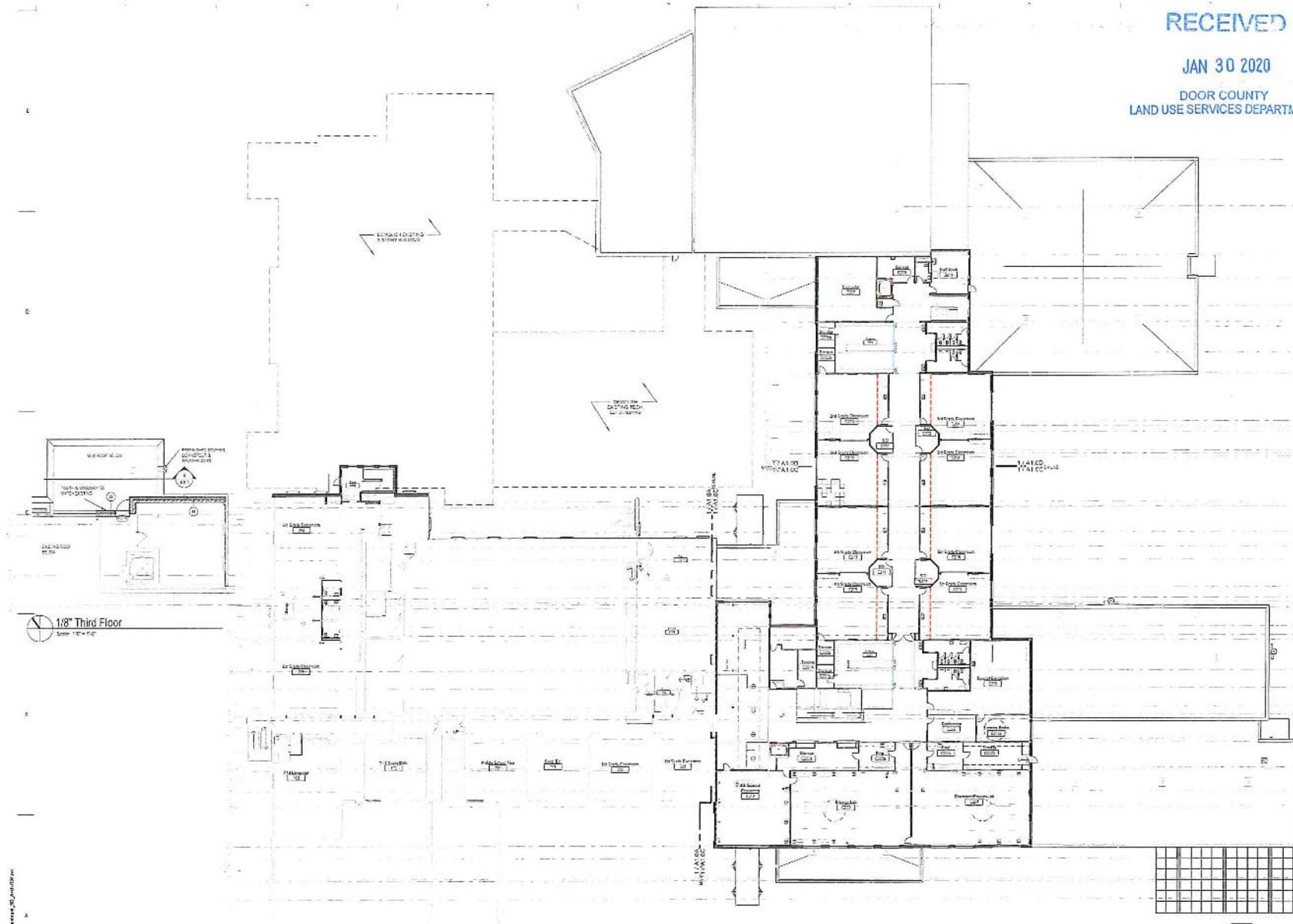
KEYNOTE:
A1.1 - 1st Floor - Addition/Rev

Project Number:
3212

PLAN REVIEW SET

Sheet Title:
Overall Second &
Third Floor Plans

Sheet Number:
A1.2



1/8" Third Floor
Scale: 1/8" = 1'-0"

Proposed Overall Second Floor Plan
Scale: 1/8" = 1'-0"



2020-01-28 10:57 AM
C:\Users\bray\Documents\3212\Sevastopol_School_District\3212_Overall_Second_and_Third_Floor_Plans.dwg

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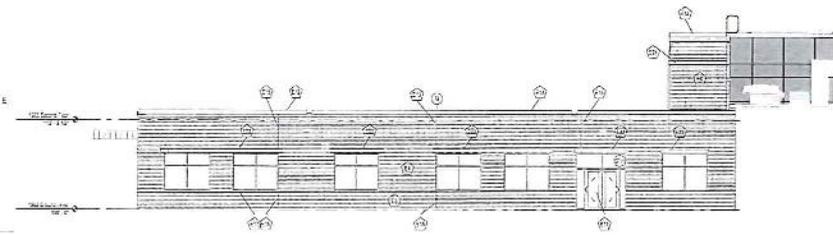
JAN 30 2020
DOOR COUNTY
LAND USE SERVICES DEPARTMENT



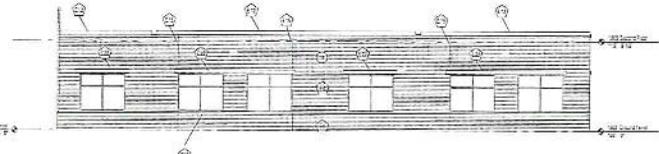
Office Location:
Milwaukee
425 S. 1st Street
Milwaukee, WI 53204
T: 414.225.0000
www.brayarch.com

Project No.
Additional and Renovation for:
Sveastown School District
4550 Highway 57
Sturgeon Bay, Wisconsin 54235

Project Number:
3212
Scale For:
PLAN REVIEW SET
Sheet Title:
Building Elevations
Draw Number:
A2.1



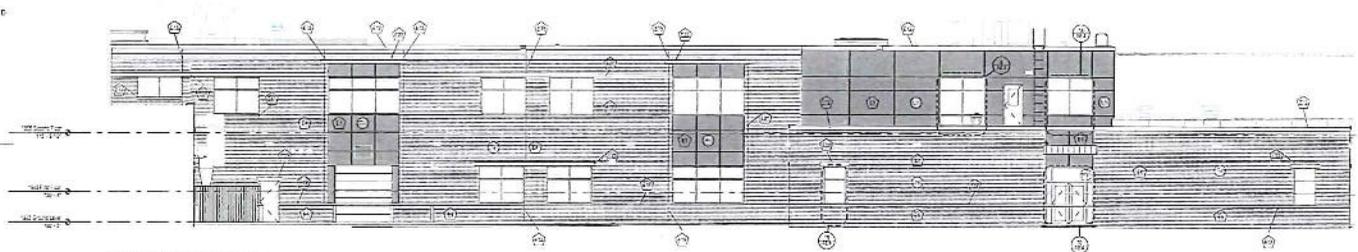
1 NORTH ELEVATION - KINDERGARTEN WING
A2.1 Scale: 1/8" = 1'-0"



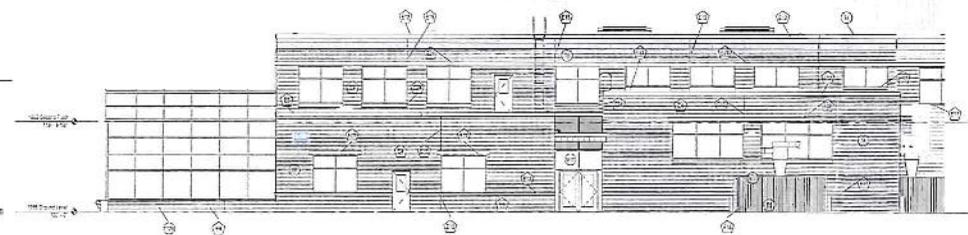
2 SOUTH ELEVATION - KINDERGARTEN WING
A2.1 Scale: 1/8" = 1'-0"

KEYNOTE LEGEND

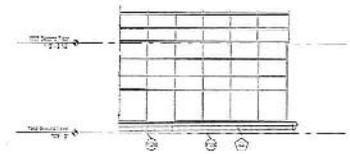
1	WOOD SHAKE SIDING
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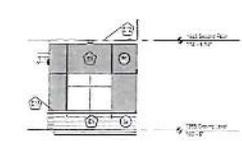
3 EAST ELEVATION 1
A2.1 Scale: 1/8" = 1'-0"



4 EAST ELEVATION - TECH ED. WING
A2.1 Scale: 1/8" = 1'-0"



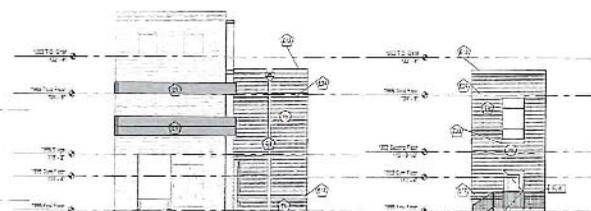
6 West Elevation - Greenhouse
A2.1 Scale: 1/8" = 1'-0"



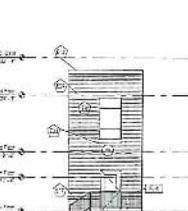
7 East Elevation - Office
A2.1 Scale: 1/8" = 1'-0"



5 NORTH ELEVATION - TECH. ED. WING
A2.1 Scale: 1/8" = 1'-0"

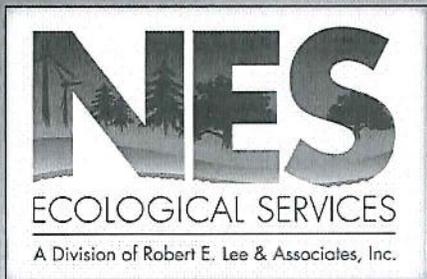


8 North Stair East Elevation
A2.1 Scale: 1/8" = 1'-0"



9 North Stair West Elev.
A2.1 Scale: 1/8" = 1'-0"

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1250 Centennial Centre Blvd. • Hobart, WI 54155

Serving *Wisconsin, Michigan, Minnesota and Illinois*



Wetland Delineation Report

Prepared for

School District of Sevastopol

4550 Hwy 57

Sturgeon Bay, Wisconsin 54235

Project No. 15616001

Authored By:

James Havel

January 13, 2016

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 MAR 02 2020
 DOOR COUNTY
 LAND USE SERVICES DEPARTMENT

www.NESWI.com



Legend

- Sample Plot
- Wetland Line
- ▭ Project Area (+/- 79.62 acres)
- ▭ Parcels

WWI Classification

- ▭ E(D) (+/- 302 sqft)
- ▭ T (+/- 479,407 sqft)

Sources: Robert E. Lee & Associates, Inc., Bing Maps
 Disclaimer: Robert E. Lee & Associates, Inc. does not warrant the accuracy of the map. The map is for informational purposes only. It is not intended for use in any legal proceeding. Robert E. Lee & Associates, Inc. provides this map without any representation or warranty.

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 SCHOOL EXPANSION - WETLAND DELINEATION
 NES PROJECT NO. 15616001
 TOWN OF SEVASTOPOL
 DOOR COUNTY, WISCONSIN
 MAR 02 2020
 DOOR COUNTY LAND-USE SERVICES DEPARTMENT

NES
 ECOLOGICAL SERVICES
 A Division of Robert E. Lee & Associates, Inc.

Delineated Wetland Map 3
 10/12/2015

Sources: Robert E. Lee & Associates, Inc., Bing Maps
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Feet
 0 125



Legend

- Sample Plot
- Wetland Line
- - - Potentially Exempt Wetland Line
- ▨ Potentially Exempt Wetland Polygon
- ▭ Project Area (+/- 79.62 acres)
- ▭ Parcels

WWI Classification

- E(D) (+/- 302 sqft)
- T (+/- 479,407 sqft)

Sources: Robert E. Lee & Associates, Inc., Bing Maps
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 DOOR COUNTY LAND USE SERVICES DEPARTMENT
 MAR 02 2020

Sevastopol School District
 Sevastopol School Expansion - Wetland Delineation
 NES Project No. 15616001
 Town of Sevastopol
 Door County, Wisconsin

NES
 ECOLOGICAL SERVICES
 A Division of Robert E. Lee & Associates, Inc.

Delineated Wetland
 Map 1
 10/12/2015

Feet
 0 125

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
Northeast Region Headquarters
2984 Shawano Avenue
Green Bay, WI 54313-6727

Tony Evers, Governor
Preston D. Cole, Secretary
Telephone (920) 662-5100
Toll Free 1-888-936-7463
TTY Access via relay - 711



January 2, 2020

Kyle Luedtke
Consolidated School Sevastopol
4550 Highway 57
Sturgeon Bay, WI 54235

RECEIVED

FEB 24 2020

DOOR COUNTY
LAND USE SERVICES DEPARTMENT

SUBJECT: Coverage Under WPDES General Permit No. WI-S067831-05: Construction Site Storm Water Runoff
Permittee Name: Consolidated School Sevastopol Site
Site Name: Sevastopol School
FIN: 69528

Dear Permittee:

The Wisconsin Department of Natural Resources received your Water Resources Application for Project Permits or Notice of Intent, on December 10, 2019, for the Sevastopol School site and has evaluated the information provided regarding storm water discharges from your construction site. We have determined that your construction site activities will be regulated under ch. 283, Wis. Stats., ch. NR 216, Wis. Adm. Code, and in accordance with Wisconsin Pollutant Discharge Elimination System (WPDES) General Permit No. WI-S067831-05, Construction Site Storm Water Runoff. All erosion control and storm water management activities undertaken at the site must be done in accordance with the terms and conditions of the general permit.

The **Start Date** of permit coverage for this site is January 02, 2020. The maximum period of permit coverage for this site is limited to 3 years from the **Start Date**. Therefore, permit coverage automatically expires and terminates 3 years from the Start Date and storm water discharges are no longer authorized unless another Notice of Intent and application fee to retain coverage under this permit or a reissued version of this permit is submitted to the Department 14 working days prior to expiration.

A copy of the general permit along with extensive storm water information including technical standards, forms, guidance and other documents is accessible on the Department's storm water program Internet site. To obtain a copy of the general permit, please download it and the associated documents listed below from the following Department Internet site:
<http://dnr.wi.gov/topic/stormwater/construction/forms.html>

- Construction Site Storm Water Runoff WPDES general permit No. WI-S067831-05
- Construction site inspection report form
- Notice of Termination form

If, for any reason, you are unable to access these documents over the Internet, please contact me and I will send them to you.

To ensure compliance with the general permit, please read it carefully and be sure you understand its contents. Please take special note of the following requirements (This is not a complete list of the terms and conditions of the general permit.):

1. The Construction Site Erosion Control Plan and Storm Water Management Plan that you completed prior to submitting your permit application must be implemented and maintained throughout construction. Failure to do so may result in enforcement action by the Department.

2. The general permit requires that erosion and sediment controls be routinely inspected at least every 7 days, and within 24 hours after a rainfall event of 0.5 inches or greater. Weekly written reports of all inspections must be maintained. The reports must contain the following information:

- a. Date, time, and exact place of inspection;
- b. Name(s) of individual(s) performing inspection;
- c. An assessment of the condition of erosion and sediment controls;
- d. A description of any erosion and sediment control implementation and maintenance performed;
- e. A description of the site's present phase of construction.

3. A **Certificate of Permit Coverage** must be posted in a conspicuous place on the construction site. The Certificate of Permit Coverage (WDNR Publication # WT-813) is enclosed for your use.

4. When construction activities have ceased and the site has undergone final stabilization, a Notice of Termination (NOT) of coverage under the general permit must be submitted to the Department.

It is important that you read and understand the terms and conditions of the general permit because they have the force of law and apply to you. Your project may lose its permit coverage if you do not comply with its terms and conditions. The Department may also withdraw your project from coverage under the general permit and require that you obtain an individual WPDES permit instead, based on the Department's own motion, upon the filing of a written petition by any person, or upon your request.

If you believe that you have a right to challenge this decision to grant permit coverage, you should know that the Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed. For judicial review of a decision pursuant to ss. 227.52 and 227.53, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review must name the Department of Natural Resources as the respondent.

To request a contested case hearing pursuant to s. 227.42, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources. All requests for contested case hearings must be made in accordance with s. NR 2.05(5), Wis. Adm. Code, and served on the Secretary in accordance with s. NR 2.03, Wis. Adm. Code. The filing of a request for a contested case hearing is not a prerequisite for judicial review and does not extend the 30-day period for filing a petition for judicial review.

Thank you for your cooperation with the Construction Site Storm Water Discharge Permit Program. If you have any questions concerning the contents of this letter or the general permit, please contact Sarah Anderson at (920) 662-5441.

Sincerely,



Sarah Anderson
Northeast Region
Storm Water Management Specialist

ENCLOSURE: Certificate of Permit Coverage



CERTIFICATE OF PERMIT COVERAGE

UNDER THE
WPDES CONSTRUCTION SITE STORM WATER RUNOFF PERMIT
Permit No. WI-S067831-05

Under s. NR 216.455(2), Wis. Adm. Code, landowners of construction sites with storm water discharges regulated by the Wisconsin Department of Natural Resources (WDNR) Storm Water Permit Program are required to post this certificate in a conspicuous place at the construction site. This certifies that the site has been granted WDNR storm water permit coverage. The landowner must implement and maintain erosion control practices to limit sediment-contaminated runoff to waters of the state in accordance with the permit.

EROSION CONTROL COMPLAINTS

should be reported to the WDNR Tip Line at
1-800-TIP-WDNR (1-800-847-9367)

Please provide the following information to the Tip Line:

<p>WDNR Site No. (FIN): 69528</p> <p>Site Name: Sevastopol School</p> <p>Address/Location: 4550 WI-57, Town of SEVASTOPOL</p>
--

Additional Information:

<p>Landowner: Consolidated School Sevastopol Site</p> <p>Landowner's Contact Person: Kyle Luedtke</p> <p>Contact Telephone Number: (920) 743-6282</p> <p>Permit Start Date: January 02, 2020</p>	<p>By: <i>Sarah Anderson</i> 01/02/2020</p>
--	---



County of Door
SOIL & WATER CONSERVATION DEPT

County Government Center
421 Nebraska Street
Sturgeon Bay, WI 54235

Phone: (920) 746-2214
Fax: (920) 746-2369
swcd@co.door.wi.us

Memorandum

To: Sue Vanden Langenberg, Zoning Administrator
From: Greg Coulthurst, Conservationist *GC*
Date: 2/20/2020
Re: Sevastopol School Conditional Plan Approval PIN: 022-02-24282621E

Please consider this memo as written approval for the Sevastopol School stormwater management plans, received by the SWCD on February 18 & 19, 2020, provided the following conditions are implemented:

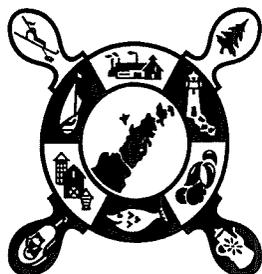
- A type A liner is required for the wet detention pond, due to the pond being blasted and/or excavated into bedrock.
- Prior to the type A liner placement, the SWCD shall inspect the bottom of the pond after blasting and/or removal of bedrock. The purpose of this inspection is to ensure that any major fractures or crevices are properly filled and to reduce the potential for pond failure.

Please contact me at 746-2275 if you have any questions.

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FEB 20 2020

DOOR COUNTY
LAND USE SERVICES DEPARTMENT



County of Door Land Use Services Department: Planning

County Government Center
421 Nebraska Street
Sturgeon Bay, WI 54235

STAFF REPORT Conditional Use Permit Application

Applicant Information

- **Name & property address:** Sevastopol Consolidated School, 4550 STH 57.
- **Parcel identification number:** 022-02-24282621E.
- **Zoning district:** Mixed Use Commercial (MC).
- **Petition request, including sections of zoning ordinance requiring permit:**
The Sevastopol School is proposing to demolish the original three-story building built in 1921 and the Tech. Ed. Building, attached to the east. The plan is to construct a 268' x 347' irregular-shaped, two-story addition south of the gymnasium and east of the portion of the school that will remain. Also being proposed is a two-story staircase on the north side of the existing portion of the school (in the location of the original school) and adjacent to the proposed new parking area.

Ordinance sections: 2.05(3)(a) and 11.04.

Description of Subject Property and Surrounding Area

Subject Property

- **Lot area, width, and depth:** Irregular-shaped 20.83-acre lot (1,378' x 2,169').
- **Frontage - water, road:** No water frontage, 526' along STH 57
- **Existing uses/structures:** Existing elementary, middle, and high school.
- **Access:** There are currently 3 driveways along STH 57. The northernmost driveway is located partially on the lot to the north, which is not owned by the school. There is also a driveway off of Ripp Road that runs along the west lot line.
- **Traffic patterns/road usage:** High traffic usage.
- **Water and sanitation:** Sevastopol Sanitary District
- **Significant topography or vegetation:** The parcel slopes toward the south east. There is a wooded wetland located to the southeast which was delineated in 2016 by NES Ecological Services. There is also an upland wooded area directly to the to the east. The southeast 20-acres of the parcel is in agricultural production.

Surrounding Area: The community of Institute is within the Core area.

- **North:** Directly north of the school is St. Peter & Paul Church which is zoned Mixed Use Commercial (MC). On the north side of E. Dunn Road and STH 57, there are two parcels zoned Mixed Use Commercial (MC). Further east there are Single Family Residential 20,000 (SF20) lots developed with residences. On the west side of STH 57, there are many small lots zoned Mixed Use Commercial (MC) which contain residences. There are also four small lots zoned Commercial Center (CC) which contain retail, tavern, and auto service uses. North and west of STH 57 and CTH P, moving west, there are small lots zoned Single Family Residential 20,000 (SF20) developed with residences.
- **South:** Directly south there are two large parcels zoned Countryside (CS). There are also large parcels zoned Prime Agricultural (PA) with Wetlands (W) intermixed that contain primarily agricultural uses and large residential lots. One lot further west is zoned Single Family Residential 20,000 (SF20), followed by residences on parcels zoned Estate (ES).

- **East:** The area to the east is used as agricultural lands, two large parcels are zoned Estate (ES) the remainder of the parcels are zoned Prime Agricultural (PA).
- **West:** The Sevastopol Town Hall is zoned Mixed Use Commercial (MC) and the Town Park is zoned Single Family Residential 20,000 (SF20). On the west side of STH 57 the properties are zoned Single Family Residential 20,000 (SF20) and developed with residences and a hair salon. Moving further west there are three parcels zoned Countryside (CS) and then there are large parcels containing agricultural and residences all zoned Prime Agricultural (PA).

Background/History

1981 – 20' x 30', 40' high elevator shaft.

1983 – small entryway addition.

1985 – 30' x 60' classroom addition.

1990 – renovation and addition to gymnasium and relocation of greenhouse.

1991 – CUP authorizing temporary camping activities.

1994 – 26' x 48' greenhouse.

1996 – wildlife pond.

1996 – 31' x 92' addition.

1998 – second story addition.

2019 - CSM combined 3 parcels into one, 20.83-acre lot.

Zoning Considerations

- **Purpose of zoning district: DCZO Section 2.03(17):** Mixed Use Commercial (MC). This district permits both residential and commercial uses and is designed to accommodate those areas of Door County with an existing desirable mixture of uses, or where such a mixture of uses is wanted. 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 which are not served by public sewer.
- **Does the use meet the zoning ordinance's stated purpose and intent?** Yes.
- **Specific requirements for proposed use and/or possible conditions that may be relevant.** If the Resource Planning Committee determines the conditional use permit should be approved, the following are possible conditions that may be relevant:
 1. A Door County 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.
 2. *The entire project shall be completed by _____, 20__.*
 3. 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.
 4. 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.
 5. An affidavit shall be recorded with the CSM to provide successors in interest notice of the conditional use permit and conditions and requirements.
 6. Landscaping for the new parking area shall be planted in accordance with Section 7.03, Parking and landscaping requirements.

Comprehensive Plan Considerations (see the attached future land use map)

- **County comprehensive plan land use map designation and description.**

The area of the parcel being proposed for the construction of a new school building is designated for “Governmental/Institutional Facilities” future land uses, as described below and shown on the attached map.

Governmental/Institutional Facilities – *Those areas shown as “Governmental/Institutional Facilities” denote existing or planned expansions of public and private facilities for education, health, or assembly; cemeteries and related facilities; and government facilities used for administration or safety. (Note that public utilities and outdoor recreation areas are categorized separately.)*

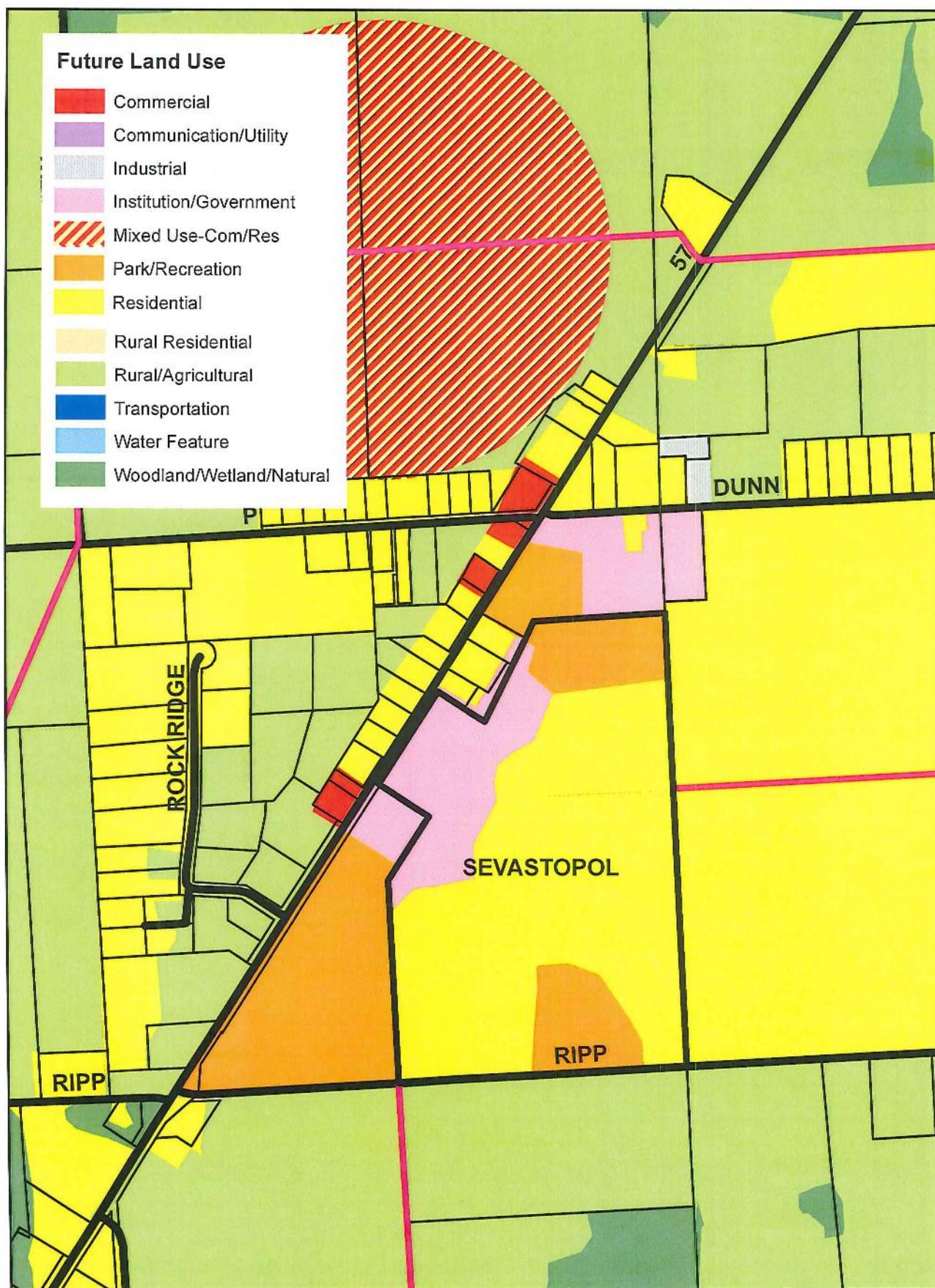
The proposed new school building will be used for the continuation of an existing use as a public facility for education, which is consistent with the comprehensive plan.

- **Relevant goals/objectives/action items from comprehensive plan:** None.
- **Other relevant text from county comprehensive plan.** None.

SV/RYPK
April 20, 2020

Future Land Use

Sevastopol Consolidated School: 022-02-24282621E
Proposed Conditional Use Permit: Public School



DOOR COUNTY LAND USE SERVICES
421 Nebraska Street – Door County Government Center
Sturgeon Bay, Wisconsin 54235
(920) 746-2323 - FAX (920) 746-2387

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MAR - 9 2020

APPLICATION FOR CONDITIONAL USE PERMIT

DOOR COUNTY
LAND USE SERVICES DEPARTMENT

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 NORTHEAST ASPHALT, INC. (C/O: MATT MATUSZAK)
No. 1524 Street ATKINSON DRIVE
City GREEN BAY State WI Zip 54303
Home Phone # _____ - _____ - _____
Daytime Phone # 920 - 716 - 2235
Email: MMATUSZAK@NEASPHALT.COM

2. BUILDING SITE LOCATION

Fire # 4429 Road MATHEY ROAD
Town of SEVASTOPOL
Local Phone # _____ - _____ - _____

3. DEVELOPER NAME AND MAILING ADDRESS

Name SAME
No. _____ Street _____
City _____ State _____ Zip _____
Phone # _____ - _____ - _____
Email: _____

4. PROPERTY IDENTIFICATION

Parcel No. 022 - 02 - 22282641
022 02 22282644

5. USE

Proposed use of land or structure:
TEMPORARY PORTABLE HOT MIX ASPHALT PLANT

6. SANITARY PERMIT

Type of System N/A
Sanitary Permit No. _____
Date of Issuance _____
Approximate date of installation _____

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?

No Yes

If yes, show location on Site Plan.

9. FEE \$500.00

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

[Signature]
Date 3/5/2020

Shoreland Zoning Yes/ No (No)

Zoning District PA

(FOR OFFICE USE ONLY)

Inspections:

Date Inspector Remarks

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

(w/conditions) _____

Permit Denied (by) _____ (date) _____ for the following reasons: _____

Receipt No. 854
Date Permit Issued: _____
Fee 500.00 Date 3-9-20
Certificate of Compliance: Date _____

APPLICATION FOR CONDITIONAL USE PERMIT – ADDENDUM

MAR - 9 2020
DOOR COUNTY
LAND USE SERVICES DEPARTMENT

A conditional use permit applicant has the burden of proof. S/he 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.

A PORTABLE HOT MIX ASPHALT PLANT HAS OPERATED AT THIS LOCATION NUMEROUS TIMES AT THIS LOCATION WITHOUT AFFECTING VALUES. THE PLANT IS A TEMPORARY USE AND HAS OPERATED HERE MOST RECENTLY IN 2019.

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

IN ADDITION TO THE HISTORICAL PLANT USE AT THIS LOCATION. THE SITE IS AN ACTIVE NONMETALLIC MINING OPERATION, THEREFORE, THE PROPOSED USE IS SIMILAR TO EXISTING 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.

YES

4) Provision of an approved sanitary waste disposal system. ***PORTABLE TOILETS WILL BE BROUGHT IN WHILE THE TEMPORARY PLANT IS ON-SITE*

<input type="checkbox"/> Public Sewer	<input type="checkbox"/> Private Onsite Wastewater Treatment System (POWTS)
<u>Check One</u>	<u>Check One</u>
<input type="checkbox"/> Existing	<input type="checkbox"/> Conventional Septic
<input type="checkbox"/> New	<input type="checkbox"/> Other In-ground System
	<input type="checkbox"/> Holding Tank

5) Provision for a potable water supply. ***BOTTLED WATER WILL BE AVAILABLE TO EMPLOYEES*

<input type="checkbox"/> Public Water Supply (Liberty Grove Sanitary District #1 and Maplewood only)	<input type="checkbox"/> Well
<u>Check One</u>	<u>Check One</u>
<input type="checkbox"/> Existing	<input type="checkbox"/> Private Well
<input type="checkbox"/> New	<input type="checkbox"/> Shared Well

6) Provisions for solid waste disposal.

Commercial hauler
 Private delivery to collection site
 Other _____

7) Whether the proposed use creates noise, odor, or dust.

Noise: THE PLANT WILL FOLLOW ALL EPA, DNR, LOCAL LAWS, AND COMPANY POLICIES & PROCEDURES TO MINIMIZE NOISE.

Odor: THE PLANT WILL FOLLOW ALL EPA, DNR, LOCAL LAWS, AND COMPANY POLICIES & PROCEDURES TO MINIMIZE ODOR.

Dust: THE PLANT WILL FOLLOW ALL EPA, DNR, LOCAL LAWS, AND COMPANY POLICIES & PROCEDURES TO MINIMIZE DUST. DUST CONTROL ON TRAFFIC PATHS WILL BE PROVIDED AS NEEDED.

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8) Provision of safe vehicular and pedestrian access.

MAR - 9 2020

Vehicular Access

Existing Driveway(s) to MATHEY ROAD
(Road Name)

DOOR COUNTY
LAND USE SERVICES DEPARTMENT

New Driveway(s) to _____
(Road Name)

Pedestrian Access

Sidewalks

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

THE EXISTING ACTIVE MINING OPERATION CONTAINS MEDIUM TO HIGH TRAFFIC LEVELS. THE PROPOSED USE WILL ADD TO THESE LEVELS. BUT HAS HISTORICALLY FLOWED WITHOUT CONGESTION IN PAST YEARS.

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 Sturgeon Bay 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:

No concerns for Access + protection


(Signature)

Fire Chief 3/5/2020

(Date)

11) Provision for proper surface water drainage.

Natural Infiltration (explain below)

Some Grading of the Site (explain below)

Engineered Stormwater and/or Erosion Control Plan (attach)

THE EXISTING NONMETALLIC MINE IS INTERNALLY DRAINED

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

NO PERMANENT BUILDINGS ARE PROPOSED.

3/18/20 08:57:16

ASSESSMENT INQUIRY
0220222282641 R 2020

128 INQ 91

N 4429 MATHEY RD
NORTHEAST ASPHALT, INC

Geo.Loc: 15 022 4 28 26 22 4 01 000

MAIL TO:
NORTHEAST ASPHALT
INC

1524 ATKINSON DR
GREEN BAY WI 54303

2200

LEGAL DESCRIPTION

22 28 26 AC 40.00
NE 1/4 SE 1/4 SEC 22-28-26
DOC# 818545 CUP
DOC# 556173 V 603 P743 MFL
DOC# 548850 V 586 P396
V 085 P 853

CURRENT TAX ASSESSMENT AS OF 2019

CODE	ACRES	LAND	IMPROVE	TOTAL
L2	38.00	133000		133000
L6	2.00	6000		6000

BILL NO:
COMMENTS

TOTALS 40.00 139000 139000

F3-Exit F5-Owners F7-Tax Detail F8-Legal F9-Directory F10-Survey Index
 F11-Districts F12-Prev Scrn F17-Fire# F18-DOA Site
 F21-Geo Location F6-Vol/Page Detail

3/18/20 08:57:20

ASSESSMENT INQUIRY
0220222282644 R 2020

12991

Geo.Loc: 15 022 4 28 26 22 4 04 000

NORTHEAST ASPHALT, INC

MAIL TO:

NORTHEAST ASPHALT
INC

1524 ATKINSON DR
GREEN BAY WI 54303

2200

LEGAL DESCRIPTION

22 28 26 AC 40.00
SE 1/4 SE 1/4 SEC 22-28-26
DOC# 818545 CUP
DOC# 548850 V 586 P396
V 085 P 583

CURRENT TAX ASSESSMENT AS OF 2019

CODE	ACRES	LAND	IMPROVE	TOTAL
L2	40.00	140000		140000

BILL NO:
COMMENTS

TOTALS 40.00 140000 140000

F3-Exit F5-Owners F7-Tax Detail F8-Legal F9-Directory F10-Survey Index
 F11-Districts F12-Prev Scrn F17-Fire# F18-DOA Site
 F21-Geo Location F6-Vol/Page Detail

Northeast Asphalt, Inc.

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Door County, Wisconsin
... for all seasons!



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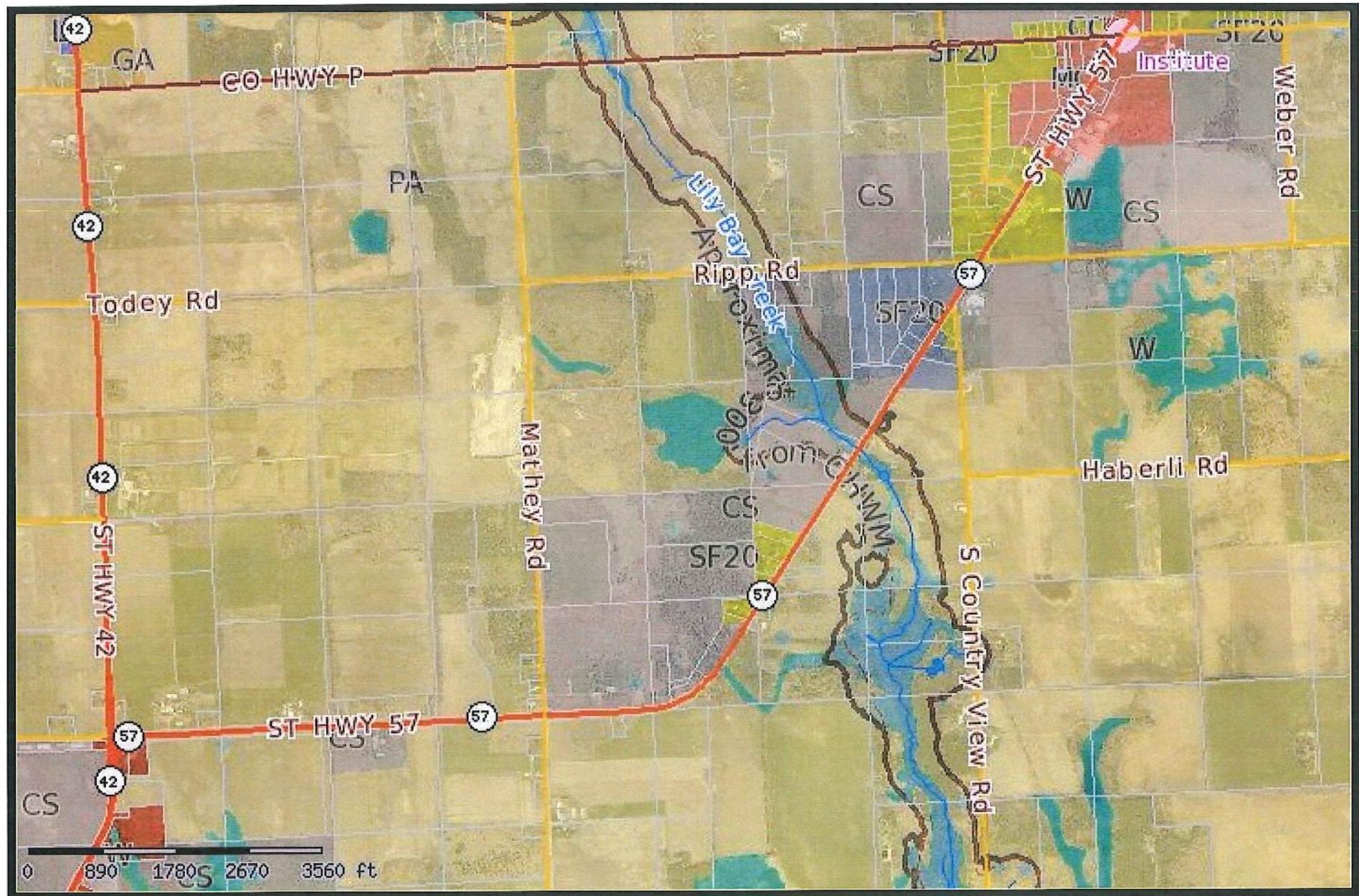
Northeast Asphalt, Inc.

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March 6, 2020

RECEIVED

MAR - 9 2020

**DOOR COUNTY
LAND USE SERVICES DEPARTMENT**

Jeff Kussow
Zoning Administrator
Door County Land Use Services
421 Nebraska Street
Sturgeon Bay, WI 54235

SUBJECT: Conditional Use Permit Application – Temporary HMA Plant Use

Jeff,

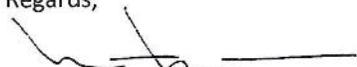
Please find an enclosed Conditional Use Permit Application, \$500.00 Application Fee, and Site Plan for a Temporary Portable Asphalt Plant to operate at the Mathey Aggregate Site owned by Northeast Asphalt, Inc. (NEA) located at 4429 Mathey Road, Sturgeon Bay, WI 54235 (Town of Sevastopol).

Comprehensive Zoning Ordinance 4.05(7) Temporary Concrete or Asphalt Batch Plants

- (a) NEA is requesting this permit for paving projects for the Wisconsin Department of Transportation on STH 57 (WDOT ID# 4150-25-60) and various Townships, all wholly within the boundaries of Door County.
- (b)1 Aggregate stockpiles will be located on the floor of the existing active quarry. NEA agrees to follow the Wisconsin Pollution Discharge Elimination System (WPDES) Permit for this quarry. Any runoff from the stockpiled material, should it occur, will be contained within the quarry itself.
- (b)2 Restoration of the site is covered under the existing Non-Metallic Mining Reclamation Permit. The Temporary Portable Hot Mix Asphalt Plant and associated aggregate stockpiles will be located within the current active area of the quarry. Upon removal, the area will be returned to active quarry use.
- (b) NEA is aware of and agrees to comply with this section.
- (d) NEA is aware of and agrees to comply with this section by removing the Temporary Portable Hot Mix Asphalt Plant within 60 days of the completion of the projects.

The work related to this CUP Application encompasses portions of two construction seasons beginning around April 1st, 2020 and complete by November 15, 2021. Please let me know if you have any questions or need any additional information, thank you.

Regards,



Matthew Matuszak
Land Resources Manager
Northeast Asphalt, Inc.
1524 Atkinson Drive
Green Bay, WI 54303
(920) 716-2235 | Mobile
(920) 757-7508 | Office
(920) 494-0745 | Fax
mmatuszak@neasphalt.com | Email

Enclosure(s)

An Equal Opportunity Employer • www.neasphalt.com

Corporate Office - Appleton	W6380 Design Drive	Greenville, WI 54942	920.757.2900 ph	920.757.2906 fax
Fond du Lac Office	20 Camelot Drive	Fond du Lac, WI 54935	920.921.5577 ph	920.921.7330 fax
Green Bay Office	1524 Atkinson Drive	Green Bay, WI 54303	920.494.0543 ph	920.494.0745 fax



**County of Door
LAND USE SERVICES**

County Government Center
421 Nebraska Street
Sturgeon Bay, WI 54235

RECEIVED

MAR - 9 2020

DOOR COUNTY
LAND USE SERVICES DEPARTMENT

Phone: (920) 746-2323
FAX: (920) 746-2387

Website: map.co.door.wi.us/planning

PROJECT SCOPE DECLARATION

[2017 Wisconsin Act 68; Effective November 29, 2017]

Please provide a description of your project.

OPERATION OF A TEMPORARY PORTABLE HOT MIX ASPHALT PLANT AT AN EXISTING QUARRY. THE PLANT WILL PROVIDE HOT MIX ASPHALT TO WDOT PROJECT ON STH 42 AND OTHER LOCAL PROJECTS WITHIN DOOR COUNTY UNTIL COMPLETE (AROUND SEPTEMBER 27, 2019)

§ 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):

NORTHEAST ASPHALT, INC. (C/O: MATT MATUSZAK)

Signature 

Date: 3/5/2020

Signature: _____

Date: _____

Parcel Number (of Project): 022 - 02 - 22282641
022 - 02 - 22282644

Fire Number & Street Address (of Project): 4429 MATHEY ROAD, STURGEON BAY, WI 54235

Temporary HMA Plant Site Plan

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MAR - 9 2020 (//www.co.door.wi.gov)

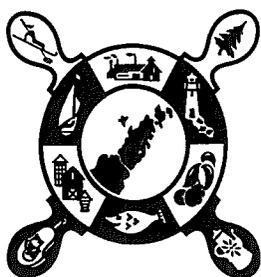


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County of Door PLANNING DEPARTMENT

County Government Center
421 Nebraska Street
Sturgeon Bay, WI 54235

STAFF REPORT Conditional Use Permit Application

Applicant Information

- **Name & property address:** Northeast Asphalt Inc.; 4429 Mathey Road
- **Parcel identification number:** 022-02-22282641 & 022-02-22282644
- **Zoning district:** Prime Agricultural (PA)
- **Petition request, including sections of zoning ordinance requiring permit:**
The applicant is requesting a Conditional Use Permit to establish a "Temporary Asphalt/Concrete Plant." A Temporary Asphalt/Concrete Plant may be authorized by Conditional Use Permit in the Prime Agricultural (PA) zoning district. The plant will serve paving projects for the Wisconsin Department of Transportation on STH 57 and various townships, all wholly within the boundaries of Door County.

Ordinance sections: 2.05(3)(a), 4.05(7), and 11.04.

Description of Subject Property and Surrounding Area

Subject Property

- **Lot area, width, and depth:** Two 40-acre parcels
- **Frontage - water, road:** No water frontage; 2,630' of frontage along Mathey Road
- **Existing uses/structures:** Existing, active nonmetallic mine
- **Access:** Existing access off of Mathey Road
- **Traffic patterns/road usage:** Moderate
- **Water and sanitation:** N/A
- **Significant topography or vegetation:** Open – nonmetallic mine

Surrounding Area (include zoning districts)

All of the parcels immediately surrounding the parcels in question are zoned PA and are agricultural in use. Moving further out, there is more land zoned PA as well as areas near Institute and the city zoned Countryside and Estate.

- **North:** farms lie to the north of the parcels.
- **South:** "The Farm" is located about ¼ mile to the southeast of the parcels. A little over one mile to the southwest of the property is the 42/57 highway "split" at The Mill Supper Club. Further to the southwest is the City of Sturgeon Bay.
- **East:** About one mile to the east of the property is the southern portion of the community of Institute.
- **West:** About one mile to the west of the parcels is State Trunk Highway 42.

Background/History

Northeast Asphalt Inc. is requesting a Conditional Use Permit to establish a Temporary Asphalt/Concrete Plant on the property addressed 4429 Mathey Rd. (PIN 022-02-22282641 & 022-02-22282644) which is zoned Prime Agricultural (PA). A Temporary Asphalt/Concrete Plant must be authorized by Conditional Use Permit in the Prime Agricultural (PA) zoning district. The plant will serve paving projects for the Wisconsin Department of Transportation on STH 57 and various townships, all wholly within the boundaries of Door County.

A temporary asphalt/concrete plant was authorized for this site in 1995, 2000, 2014, 2016, and 2018 for traffic improvements in Door County. The proposal meets the ordinance provisions for establishing a temporary asphalt/concrete plant.

Zoning Considerations

- **Purpose of zoning district: DCZO Section: 2.03(4): Prime Agricultural (PA).** “This district is intended to maintain and preserve agricultural lands which have historically demonstrated high agricultural productivity. Lands eligible for designation in this district shall generally include those designated as farmland preservation areas in the Door County Comprehensive and Farmland Preservation Plan. This district is also intended to provide farmland owners with additional management options by allowing limited residential development, but with residential density limits and other requirements set so as to maintain the rural characteristics of this district. Lot sizes of at least 20 acres are required for new lots.”
- **Does the use meet the zoning ordinance’s stated purpose and intent?** The proposed use has been previously authorized on these parcels, the location is in an existing operating quarry, and the use will be temporary.
- **Specific requirements for proposed use and/or possible conditions that may be relevant.** If the Resource Planning Committee determines the conditional use permit should be approved, the following are possible conditions that may be relevant:
 - 1) 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.
 - 2) The dates between which the temporary asphalt plant may operate are... *(The RPC shall specify timeframe of 90 days, 120, etc., based on applicant testimony).*
 - 3) All activities related to the temporary asphalt plant operation shall occur only between the hours of 6:00 a.m. and 8:00 p.m. Monday through Friday, and between 6:00 a.m. and 2:00 p.m. on Saturdays. *(This condition was part of the 2018 conditional use permit approval.)*
 - 4) Prior to moving the plant onto the property, Northeast Asphalt shall submit copies of approvals from the Environmental Protection Agency and the State of Wisconsin to the Door County Land Use Services Department showing that the plant complies with air quality, water quality, and noise standards, if applicable. *(This condition was part of the 2018 conditional use permit approval.)*

- 5) Northeast Asphalt shall contact the Wisconsin Department of Transportation, advise them of their course of action concerning access to Highway 42 and Highway 57, and comply with any recommendations made by that department. *(This condition was part of the 2018 conditional use permit approval and conditions similar to this have been placed on other temporary asphalt plants.)*
- 6) All truck traffic related to the temporary asphalt plant operation is prohibited from using Ripp Road; all traffic shall be routed to County Highway P and/or state trunk highways. *(This condition was part of the 2018 conditional use permit approval.)*
- 7) Dust shall be controlled on interior roads with environmentally acceptable materials that comply with Environmental Protection Agency standards. *(This condition was part of the 2018 conditional use permit approval.)*
- 8) The temporary asphalt plant shall be removed from the premises within 60 days of completion of the project. *(This condition, which reiterates an ordinance requirement, was part of the 2018 conditional use permit approval.)*
- 9) *The entire project shall be completed by _____, 20__.*
- 10) 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(s) and description(s):**

The parcels in question are designated on the comprehensive plan future land use map as Rural/Agricultural, described as follows and shown on the attached future land use map:

“Rural/Agricultural” areas cover much of southern and central Door County, where there are currently relatively stable agricultural lands with few non-agricultural uses, as well as most of the cleared areas located within the northern part of the county, which has more limited or discontinued agricultural activities. Note that lands in this category can, and most likely will, contain low-density residential uses. Agricultural and related operations in these areas should be protected by ensuring development is at low density levels, but without “sprawl.”

The Rural/Agricultural future land use designation intends to keep lands primarily agricultural with “few non-agricultural uses,” however, this parcel has not been in agricultural production since at least 1995. Additionally, a Temporary Asphalt/Concrete Plant has previously been authorized on these parcels, the plant’s location is in an existing operating quarry, and the use will be temporary.

- **Relevant goals/objectives/action items from comprehensive plan:** None.
- **Other relevant text from county comprehensive plan:** None.

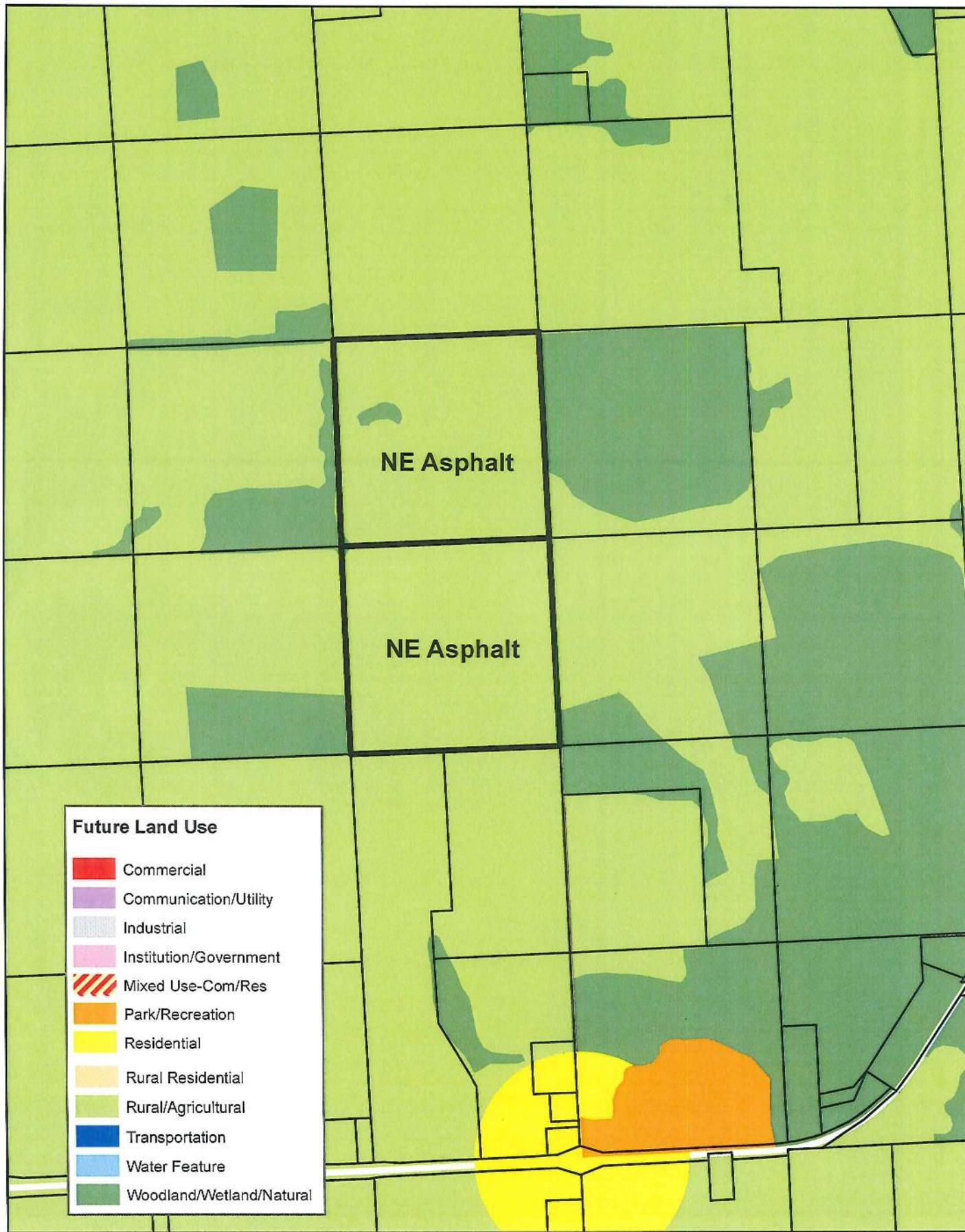
SV/RYK
4/20/20

Future Land Use Map

Conditional Use Permit

NE Asphalt: 022-02-22282641 & 44

Proposed: Temporary Asphalt/Concrete Plant



DOOR COUNTY LAND USE SERVICES
421 Nebraska Street - Door County Government Center
Sturgeon Bay, Wisconsin 54235
(920) 748-2323 - FAX (920) 748-2387

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 RANDY DYORAK
No. 6332 Street W. Whitefish Bay Rd.
City Sturgeon Bay State WI Zip 54235
Home Phone # 920-535-0200
Daytime Phone # 920-535-0200
Email: rdyork11@gmail.com

6. SANITARY PERMIT
Type of System N/A
Sanitary Permit No. _____
Date of Issuance _____
Approximate date of installation _____

2. BUILDING SITE LOCATION
Site # N/A Road Jacobsen Harbor Rd
Town of Whitefish Bay
Local Phone # 920-535-0200

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".

AND
3. DEVELOPER NAME AND MAILING ADDRESS
Name JOHN MANAL
No. 1399 Street RANBELLIE RD
City WATER ISLAND State WI Zip 54246
Email: _____

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?
 No Yes
If yes, show location on Site Plan.

4. PROPERTY IDENTIFICATION
Parcel No. D2B-042-934343B
4 080432343012B
5. USE

9. FEE \$680.00
Make check payable to the Door County Treasurer.
10. AUTHORIZATION FOR INSPECTION

Proposed use of land or structure:
NON-METALLIC WASTE SITE

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
Douglas R. Henson, Trustee
Date 2-16-2020

Shoreland Zoning Yes/No (No) Zoning District GA (FOR OFFICE USE ONLY)

Inspections:

Date	Inspector	Remarks

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

(w/conditions) _____

Permit Denied (by) _____ (date) _____ for the following reasons: _____

Receipt No. 674
Date Permit Issued: _____
Certificate of Compliance: Date _____
Fee 500 Date 2-21-20

APPLICATION FOR CONDITIONAL USE PERMIT – ADDENDUM

A conditional use permit applicant has the burden of proof. S/he 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.

LOCATED IN AN ISOLATED AREA, GREATER THAN 300' FROM NEAREST RESIDENCE. TO USE SAME ACCESS POINT TO JACKSON HARBOR ROAD AS HISTORIC TOWN QUARRY.

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

YES, HISTORIC TOWN QUARRY ABUTS THIS PROJECT'S NORTH LOT LINE & ACTIVE SAND MINE SITE RUN BY TOWN WITHIN 1/2 MILE TO THE SOUTHWEST.

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

NOT IN PRESERVATION PLAN, NOT FARMLAND

4) Provision of an approved sanitary waste disposal system. N/A

Public Sewer Private Onsite Wastewater Treatment System (POWTS)
Check One Check One
Existing Conventional Septic
New Other In-ground System
Holding Tank

5) Provision for a potable water supply. N/A

Public Water Supply Well
(Liberty Grove Sanitary District #1 and Maplewood only)
Check One Check One
Existing Private Well
New Shared Well

6) Provisions for solid waste disposal. N/A

Commercial hauler
Private delivery to collection site
Other

7) Whether the proposed use creates noise, odor, or dust.

Noise: CRUSH / BLAST / EXCAVATORS

Odor: MINIMAL

Dust: CRUSH / BLAST / EXCAVATORS

CONDITIONAL USE PERMIT ADDENDUM – PAGE 2

8) Provision of safe vehicular and pedestrian access.

Vehicular Access

1 Existing Driveway(s) to JACKSON HARBOR
(Road Name)

1 New Driveway(s) to JACKSON HARBOR (PLAN TO USE SAME)
(Road Name)

Pedestrian Access

N/A

 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 X Low Levels

ANTICIPATE AN AVERAGE OF 1 TRUCK LOAD PER DAY

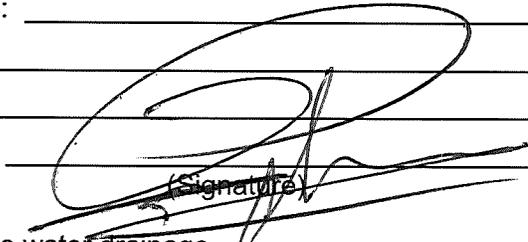
LEAVING SITE (20 CY x 365 LOADS = 7300 CY VS. 5000 CY
PER YEAR ESTIMATED)

*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 Washington Island 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: _____



_____, Fire Chief 18 Feb, 2020
(Date)

11) Provision for proper surface water drainage.

X Natural Infiltration (explain below)

X Some Grading of the Site (explain below)

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

SEE MINE RECLAMATION PLAN

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

NO BUILDINGS

CONDITIONAL USE PERMIT ADDENDUM – PAGE 3

13) Whether the proposed project creates excessive exterior lighting glare or spillover onto neighboring properties.

NO LIGHTING

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: ___ No Removal
___ Some Removal
X Significant Removal (provide Landscape Plan)

SEE RECLAMATION PLAN

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

SEE RECLAMATION PLAN

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

SEE RECLAMATION PLAN

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

HOURS OF OPERATION 6 AM TO 7 PM

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

IMPROVE ACCESS TO GREATLY NEEDED AGGREGATES ON THE ISLAND, GREATLY REDUCE DUMP TRUCK TRAFFIC ON FERRY LINE, AND LOWERING COSTS FOR RESIDENTS ON THE ISLAND.

The Resource Planning Committee will establish a completion date for the proposed project.

By what month and year will the project be completed? SEE RECLAMATION PLAN

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.

GREATLY NEEDED FOR LIMITING TRUCKS ON FERRY.
GREATLY NEEDED FOR SHORELINE STABILIZATION STONE DUE TO HIGH LAKE LEVEL. PROVIDES AN ON-ISLAND SOURCE OF CLEAN STONE FOR HOME CONSTRUCTION WHICH DOES NOT EXIST NOW.

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.

4/21/20 15:19:04

ASSESSMENT INQUIRY
0280432343012B R 2020

143
INQ091

Geo.Loc: 15 028 4 34 30 32 1 02 000

HANSEN, RAYMOND P & BARBARA J TRST

MAIL TO:

HANSEN
RAYMOND P & BARBARA J TRST
C/O DOUGLAS HANSEN
9212 W STANFORD CT
MEQUON WI 53097

3200

LEGAL DESCRIPTION

32 34 30 AC 15.00
W 1/2 NW 1/4 NE 1/4 SEC
32-34-30 EXC N 419.65' OF E
519'
DOC# 730473 QCD
V 464 P 901
V 321 P 361

CURRENT TAX ASSESSMENT AS OF 2019

CODE	ACRES	LAND	IMPROVE	TOTAL
L6	15.00	48900		48900

BILL NO:
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TOTALS 15.00 48900 48900

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Hansen Trust / Dvorak

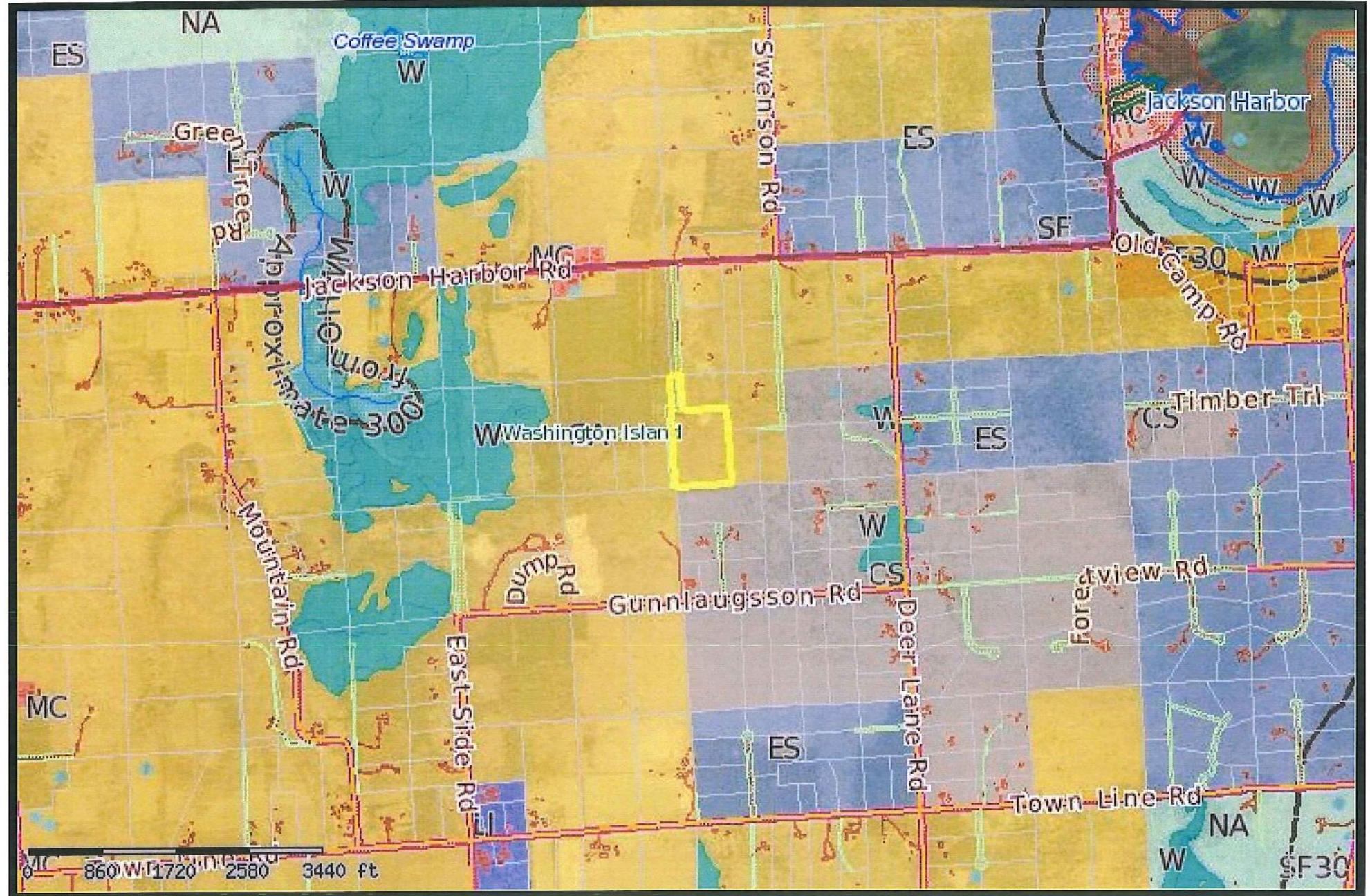
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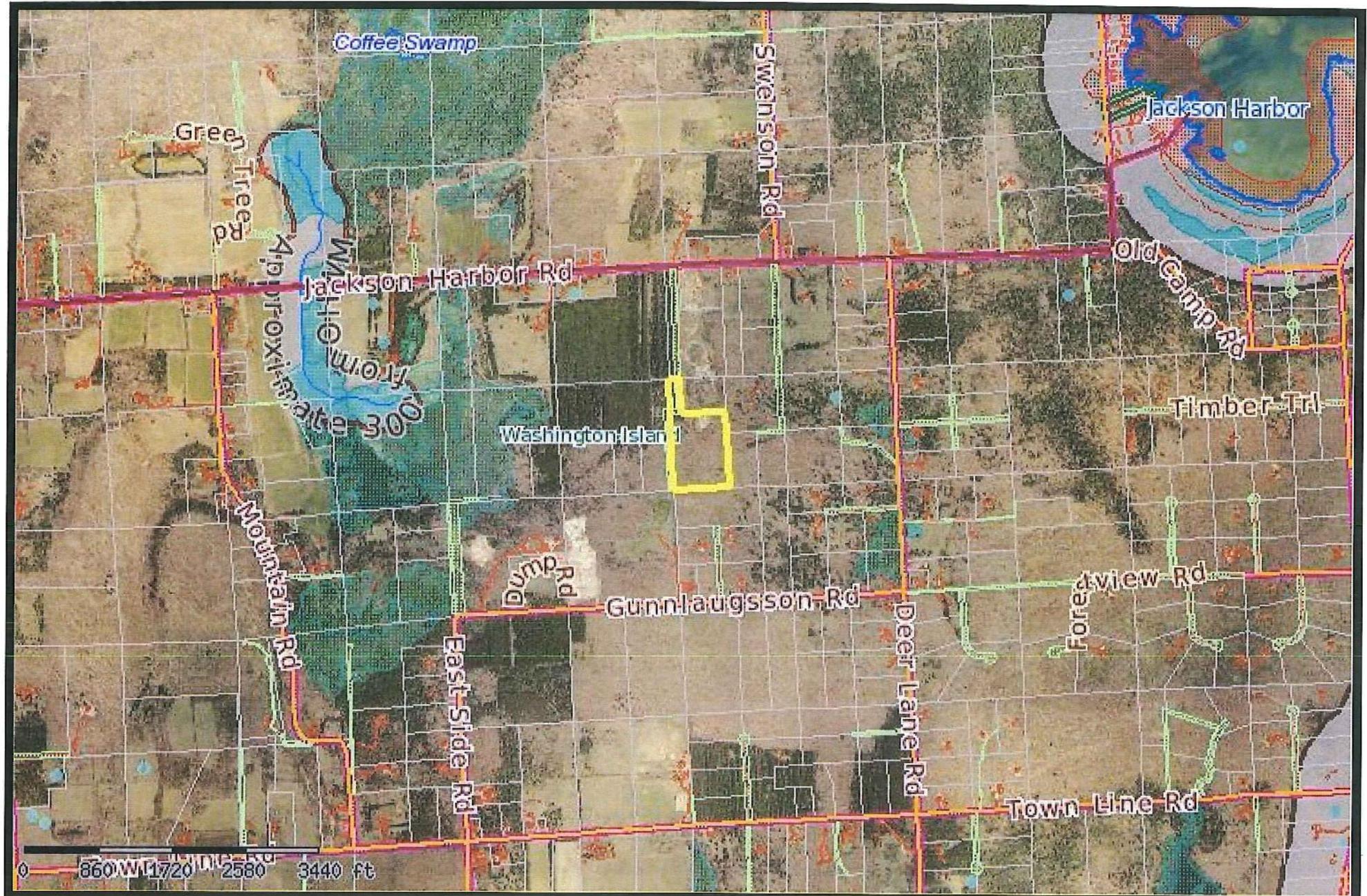
Hansen Trust / Dvorak

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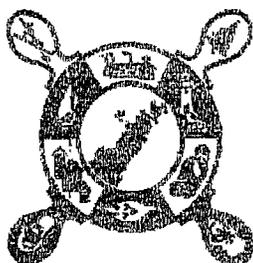
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County of Door
LAND USE SERVICES

County Government Center
421 Nebraska Street
Sturgeon Bay, WI 54235

Phone: (920) 746-2323

FAX: (920) 746-2387

Website: map.co.door.wi.us/planning

PROJECT SCOPE DECLARATION

[2017 Wisconsin Act 68; Effective November 29, 2017]

Please provide a description of your project.

NON-METALLIC MINE ON CENTRAL WASHINGTON ISLAND

§ 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):

DOUGLAS HANSEN - RAYMOND + SARAH HANSEN TRUST

Signature

[Handwritten Signature]

Date:

2-16-2020

Signature: _____

Date: _____

Parcel Number (of Project): _____

Fire Number & Street Address (of Project): _____

Map

Printed 02/19/2020 courtesy of Door County Land Information Office

... from the Web Map of ...
(//www.co.door.wi.gov)



Door County, Wisconsin
... for all seasons!



Door County can not and does not make any representation regarding the accuracy or completeness, nor the error-free nature, of information depicted on this map. This information is provided to users "as is". The user of this information assumes any and all risks associated with this information. Door County makes no warranty or representation, either express or implied, as to the accuracy, completeness, or fitness for a particular purpose of this information. The Web Map is only a compilation of information and is NOT to be considered a legally recorded map or a legal land survey to be relied upon.

Dvorak Quarry Site

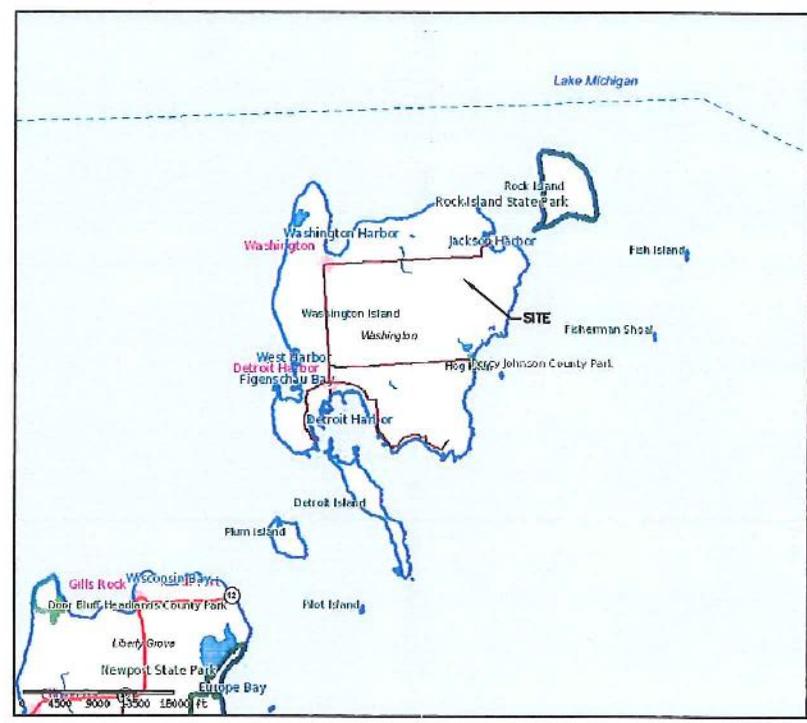
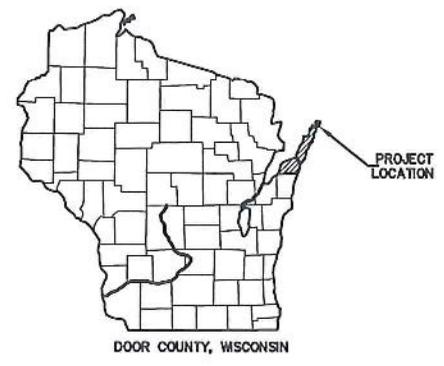
GRADING, DRAINAGE,
& EROSION CONTROL PLANS

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FEB 25 2020

DOOR COUNTY
LAND USE SERVICES DEPARTMENT

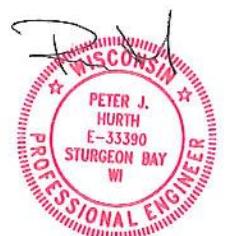
JOB NUMBER
24012



INDEX OF SHEETS

SHEET NO.	DESCRIPTION
1 OF 9	COVER & INDEX SHEET
2 OF 9	MINE SITE OVERALL PLAN & LEGAL DESCRIPTIONS
3 OF 9	PHASE 1 GRADING PLAN
4 OF 9	OVERALL GRADING PLAN
5 OF 9	CROSS SECTION A - A
6 OF 9	CROSS SECTION B - B
7 OF 9	CROSS SECTION C - C
8 OF 9	CROSS SECTION D - D
9 OF 9	CONSTRUCTION DETAILS

PREPARED FOR
RANDALL L. DVORAK
6332 WINTERBURN BAY ROAD
STURGEON BAY, WI
54380



2/25/20

DATE OF PLOTTING	DATE OF PRINTING	SCALE	PROJECT NO.	DATE OF REVISION	REVISION NO.	REVISION DESCRIPTION
THIS DOCUMENT HAS BEEN REPRODUCED FOR THE USER'S INFORMATION AND IS NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER. UNLESS OTHERWISE NOTED, ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.						
BAUDHUIN SURVEYING & ENGINEERING						
312 N. 5TH AVE. STURGEON BAY, WI 54380						
PHONE: 920-743-0201						
FAX: 920-743-0202						
WWW.BAUDHUINENGINEERING.COM						
Dvorak Quarry						
COVER & INDEX SHEET						
1 of 9						



4019

OVERALL GRADING PLAN

Dvorak Quarry



BAUDHUIN SURVEYING & ENGINEERING
 312 N. 5TH AVE.
 P.O. BOX 105
 STURGEON BAY, MN.
 54255
 PHONE: 326-743-8211

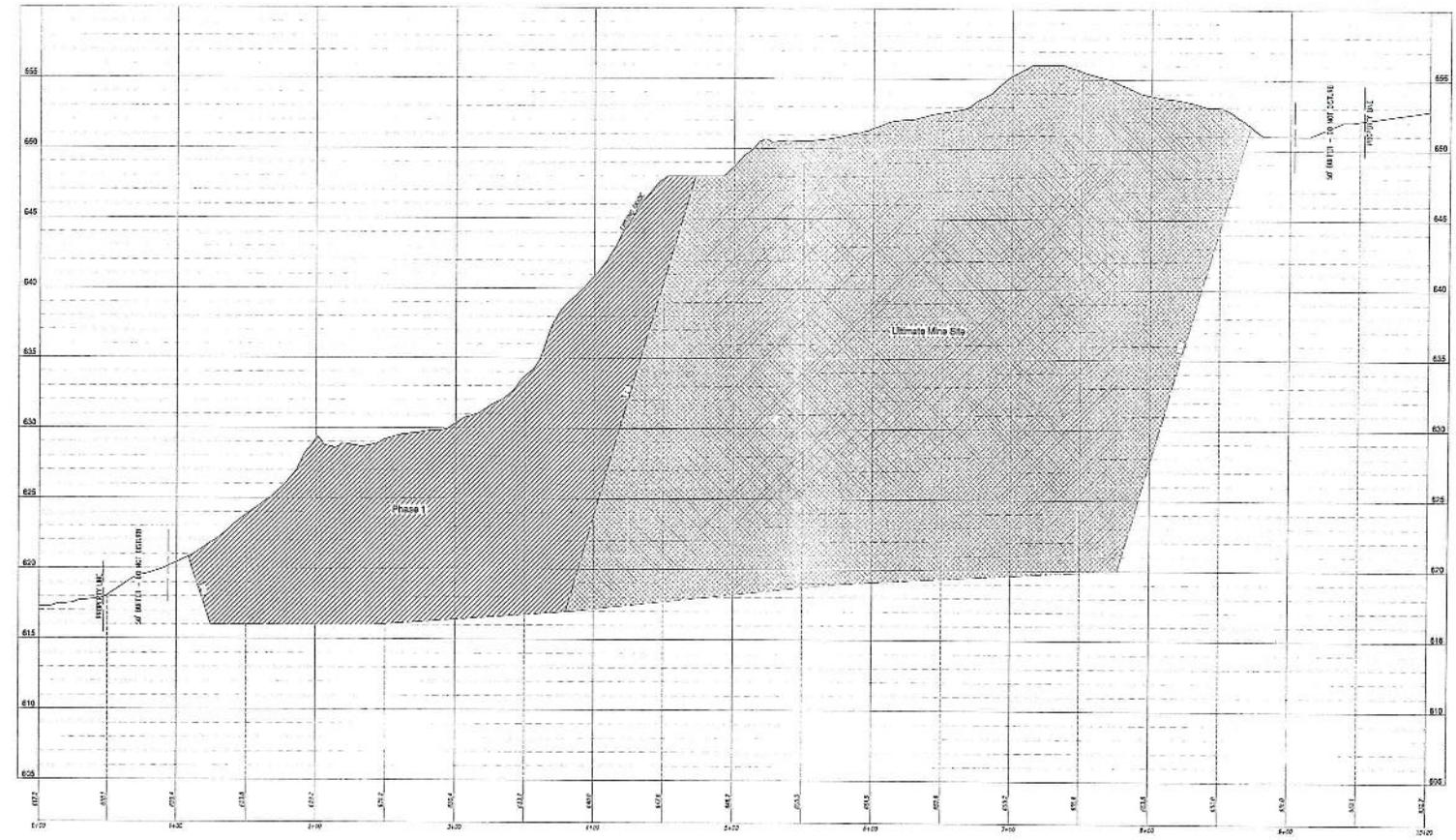
DATE	PROJECT / DRAWING	DRAWN BY
2/25/20	Overall Mine Site	...
2/24/20
2/24/20

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FEB 25 2020

DOOR COUNTY
LAND USE SERVICES DEPARTMENT

SECTION A - A
SCALE
HORZ. - 1" = 40'
VERT. - 1" = 4'



NOTE:
GROUNDWATER ELEVATION ESTIMATED AT 5900, PER DOOR COUNTY
GIS MAP (SEE TYPICAL SECTION VIEW - SHEET 9 OF 9).

BAUDHUIN SURVEYING & ENGINEERING 	312 N. 5TH AVE STURGEON BAY, WI P.O. BOX 123 STURGEON BAY, WI 54221 PHONE: 920-743-8201	PROJECT NUMBER: 19-001 DRAWING NUMBER: 19-001-01 DATE: 02/10/2020 SCALE: P-1 SHEET: 5 OF 9
	CROSS SECTION A - A	
Dvorak Quarry		
5 of 9		

SECTION B - B
SCALE:
HORIZ. - 1" = 40'
VERT. - 4'

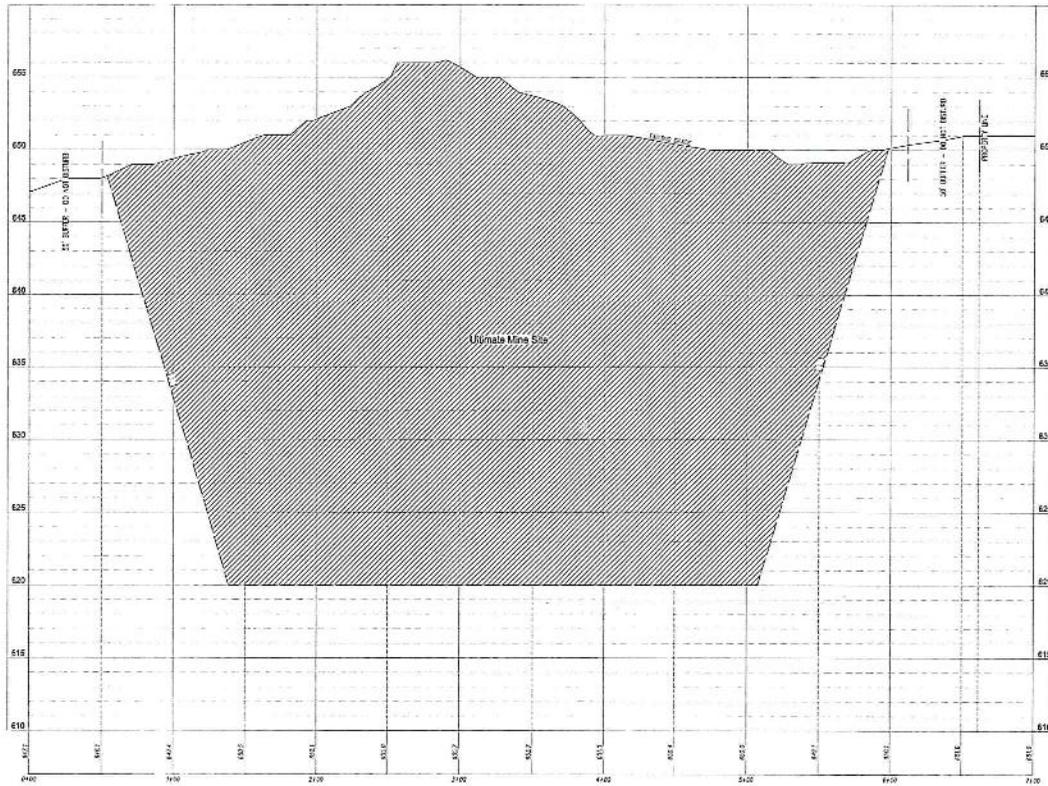


NOTE:
GROUNDWATER ELEVATION ESTIMATED AT 580.0, PER DOOR COUNTY
GIS MAP (SEE TYPICAL SECTION VIEW - SHEET 9 OF 9).

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DOOR COUNTY
LAND USE SERVICES DEPARTMENT

BUDHUIN SURVEYING & ENGINEERING 	312 N. 5TH AVE SUITE 200, OS SHAWANO, WI PHONE: 920-744-8211	PROJECT NUMBER: 2019-001	DRAWING NO: 2019-001-01	DATE: 02/25/20	SCALE: 1" = 40'
	CROSS SECTION B - B	6 of 9	SHEET NO. 1 OF 1	PROJECT NO. 2019-001	DRAWING NO. 2019-001-01

SECTION C - C
 SCALES
 HORIZ. = 1" = 40'
 VERT. = 1" = 4'



NOTE:
 GROUNDWATER ELEVATION ESTIMATED AT 586.0, PER DOOR COUNTY
 GIS MAP (SEE TYPICAL SECTION VIEW - SHEET 9 OF 9).

RECEIVED

FEB 25 2020

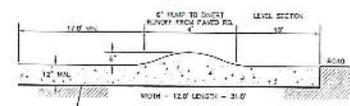
DOOR COUNTY
 LAND USE SERVICES DEPARTMENT

TITLE OF PROJECT IS: THIS DOCUMENT IS THE PROPERTY OF BAUDHUIN SURVEYING & ENGINEERING. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. ANY REUSE OR MODIFICATION OF THIS DOCUMENT IS STRICTLY PROHIBITED.	CROSS SECTION C - C	Dvorak Quarry		PROJECT NO.: 2019-001	DATE: 02/19/20
				DRAWN BY: J. BAUDHUIN	CHECKED BY: J. BAUDHUIN
7 of 9		BAUDHUIN SURVEYING & ENGINEERING 372 N. 5TH AVE. P.O. BOX 125 SUPERIOR, WI 54985 PHONE: 920-743-8211		STATE OF WISCONSIN PROFESSIONAL ENGINEER NO. 10000 EXPIRES: 12/31/2021	

TYPICAL MINE SECTION VIEW
1" = 40'

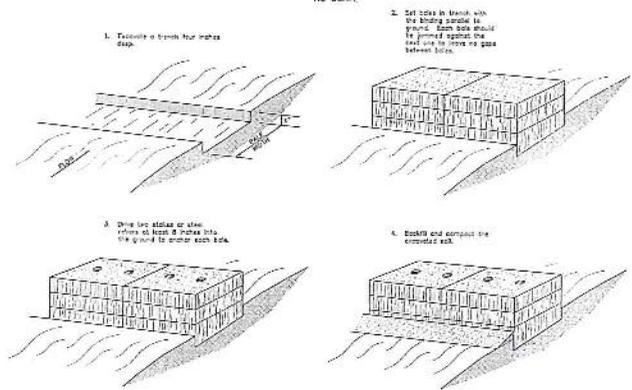


Breaker Run Stone Mining Entrance



- NOTES TO BE ADDED TO DRAWING SET
1. CLEAR THE ENTRANCE / EXIT AREA OF ALL VEGETATION, ROCKS, AND OTHER OBSTACLES.
 2. GRADE THE ROAD FUNDATION SO THAT THE ENTRANCE / EXIT WILL HAVE A CROSS SLOPE.
 3. PLACE STONE TO THE ENTRANCE, GRADE AND ELEVATION SHOWN.
 4. USE EXPOSED STONE 3" TO 4" IN SIZE.

Straw Bale Fence
NO SCALE

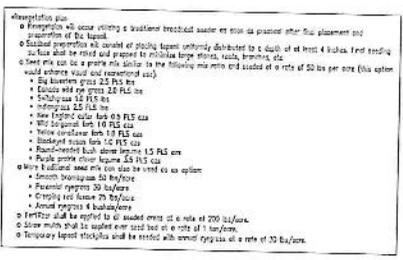


Erosion Control Notes

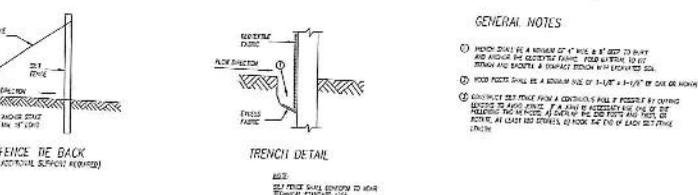
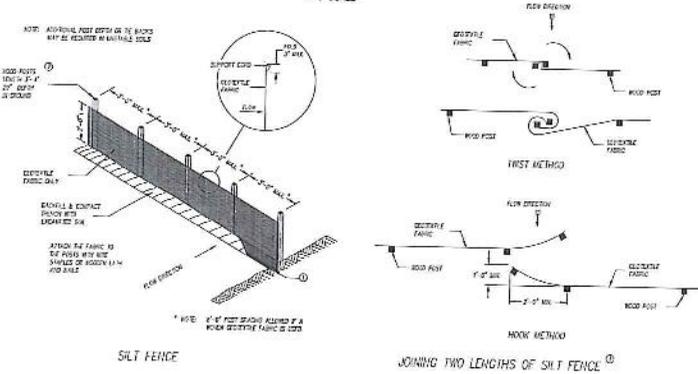
1. IN ACCORDANCE WITH THE 2002 AND 2012 ACTS, THE CONTRACTOR SHALL SUBMIT EROSION AND SEDIMENT CONTROL MEASURES TO THE LOCAL HEALTH DEPARTMENT FOR REVIEW AND APPROVAL. THE CONTRACTOR SHALL MAINTAIN A RECORD OF ALL EROSION CONTROL MEASURES AND SHALL MAINTAIN THE RECORD FOR THE LIFE OF THE PROJECT. THE CONTRACTOR SHALL MAINTAIN THE RECORD FOR THE LIFE OF THE PROJECT. THE CONTRACTOR SHALL MAINTAIN THE RECORD FOR THE LIFE OF THE PROJECT.
2. ANY SLOPE THAT IS EXPOSED FOR MORE THAN 30 DAYS SHALL BE COVERED OR STABILIZED WITH VEGETATION OR OTHER EROSION CONTROL MEASURES.
3. A MINIMUM OF 4" OF MULCH SHALL BE APPLIED TO ALL AREAS TO BE STABILIZED OR COVERED.
4. ALL EXPOSED AREAS SHALL BE STABILIZED WITH VEGETATION OR OTHER EROSION CONTROL MEASURES AS SOON AS POSSIBLE AFTER CONSTRUCTION.
5. ALL EXPOSED AREAS SHALL BE STABILIZED WITH VEGETATION OR OTHER EROSION CONTROL MEASURES AS SOON AS POSSIBLE AFTER CONSTRUCTION.
6. ALL EXPOSED AREAS SHALL BE STABILIZED WITH VEGETATION OR OTHER EROSION CONTROL MEASURES AS SOON AS POSSIBLE AFTER CONSTRUCTION.
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12. ALL EXPOSED AREAS SHALL BE STABILIZED WITH VEGETATION OR OTHER EROSION CONTROL MEASURES AS SOON AS POSSIBLE AFTER CONSTRUCTION.
13. ALL EXPOSED AREAS SHALL BE STABILIZED WITH VEGETATION OR OTHER EROSION CONTROL MEASURES AS SOON AS POSSIBLE AFTER CONSTRUCTION.

Restoration Plan Narrative

1. Construction Methods
 - Material to be stored using berms, dewatering equipment, and other means.
 - Material to be stored in a covered area.
 - Material to be stored in a covered area.
2. Reduction Procedures
 - Areas shall be considered required when existing structures, facilities, or equipment are located within the project area.
 - Areas shall be considered required when existing structures, facilities, or equipment are located within the project area.
 - Areas shall be considered required when existing structures, facilities, or equipment are located within the project area.
3. Proposed (Preferred) Land Use
 - Final Restoration
4. Topsoil Stockpiles
 - Topsoil stockpile will be used on the site. A topsoil stockpile will be used on the site. A topsoil stockpile will be used on the site.
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 - Topsoil stockpile will be used on the site. A topsoil stockpile will be used on the site. A topsoil stockpile will be used on the site.
5. Post Mining Database
 - Proposed (preferred) database will be used on the site. A proposed (preferred) database will be used on the site. A proposed (preferred) database will be used on the site.
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 - Proposed (preferred) database will be used on the site. A proposed (preferred) database will be used on the site. A proposed (preferred) database will be used on the site.
6. Erosion Control Measures
 - The estimated ground water table is estimated at 596.0. Erosion control measures will be used on the site. Erosion control measures will be used on the site. Erosion control measures will be used on the site.
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Silt Fence Detail
NO SCALE



- GENERAL NOTES
1. SILT FENCE SHALL BE A MINIMUM OF 6" HIGH & 6" DEEP TO BURY AND SHOULD BE SET IN A TRENCH WITH A MINIMUM OF 6" OF SOIL ON EACH SIDE.
 2. SILT FENCE SHALL BE A MINIMUM OF 3'-1/2" x 3'-1/2" OF ONE OR MORE LAYERS.
 3. SILT FENCE SHALL BE A MINIMUM OF 3'-1/2" x 3'-1/2" OF ONE OR MORE LAYERS.
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 19. SILT FENCE SHALL BE A MINIMUM OF 3'-1/2" x 3'-1/2" OF ONE OR MORE LAYERS.
 20. SILT FENCE SHALL BE A MINIMUM OF 3'-1/2" x 3'-1/2" OF ONE OR MORE LAYERS.

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LANCASHIRE COUNTY
LAND USE SERVICES DEPARTMENT

BAUDHUIN SURVEYING & ENGINEERING
317 N. 31st Ave. Ste. 100
Sturtevant, WI 53432
Phone: 262-341-9211

Dvorak Quarry

CONSTRUCTION DETAILS

9 of 9



County of Door
SOIL & WATER CONSERVATION DEPT

County Government Center
 421 Nebraska Street
 Sturgeon Bay, WI 54235

Phone: (920) 746-2214
 Fax: (920) 746-2369
 swcd@co.door.wi.us

Memorandum

To: Richard Brauer, Zoning Administrator
From: Greg Coulthurst, Conservationist
Date: 3/10/2020 
Re: New Non-Metallic Mining Reclamation Plan Permit Application, Tax Parcel #
 0280432343012B

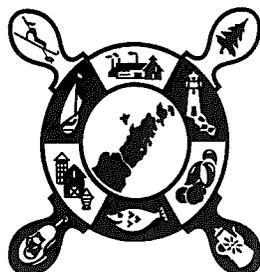
I have reviewed the New Non-Metallic Mining Reclamation Permit Application materials dated and received by the SWCD on 3/05/2020 from Baudhuin Surveying & Engineering on behalf of the applicants, (Randy Dvorak and John Mann). Please consider this memo as a preliminary approval with the following conditions.

At this time the following is required prior to a final approval:

- As indicated in the narrative the property is currently owned by Raymond & Barbara Hansen and a contract to purchase is contingent upon permitting. An ownership signature will be required following the purchase.
- A Storm Water Permit will be required by the WI DNR. Evidence of WI DNR Coverage is required.
- A permanent benchmark within 50 feet of the mine site referenced to a USGS benchmark must be established and maintained throughout the life of the mine.
- Final submittal shall include two paper copies of all plan maps and narratives.

Please note that additional requirements may develop after other WI DNR or County Zoning reviews or potential public hearing testimony.

Please contact me if you have any questions.



County of Door LAND USE SERVICES DEPARTMENT

County Government Center
421 Nebraska Street
Sturgeon Bay, WI 54235

STAFF REPORT Conditional Use Permit Application

Applicant Information

- **Name & property address:** Raymond B. & Barbara J. Hansen Trust; vacant parcel that is located south of 893 Jackson Harbor Road.
- **Parcel identification numbers:** 028-04-32343012B (nonmetallic mine) & 028-04-29343043B (access road) .
- **Zoning district:** General Agricultural (GA).
- **Petition request, including sections of zoning ordinance requiring permit:** Randy Dvorak proposes to establish a nonmetallic mine on a 15-acre parcel currently owned by Raymond B. & Barbara J. Hansen Trust. If the Conditional Use Permit is approved, Mr. Dvorak will purchase the property and begin mining as soon as possible.

Ordinance sections: 2.05(3)(a), 11.04., & 4.05(3)

Description of Subject Property and Surrounding Area

Subject Property

- **Lot area:** 15 acres.
- **Frontage - water, road:** No water frontage; no road frontage (Note: Dvorak will utilize existing easement that provides access to Jackson Harbor Road. The easement is located on property also owned by The Raymond B. & Barbara J. Hansen Trust.)
- **Existing uses/structures:** Currently vacant and majority is wooded. Appears that a small amount of mining may have occurred on the northern portion of the property in the past.
- **Access:** Easement provides access to Jackson Harbor Road.
- **Traffic patterns/road usage:** Jackson Harbor Road, also known as County Highway W, has a moderate amount of traffic.
- **Water and sanitation:** There will be no well or septic service provided on the property.
- **Significant topography or vegetation:** The highest elevation is in the southeast portion of the property. There is a ridge located in the northwest portion of the parcel that drops over 30 feet to the very northwest corner of the lot (excluding the road). Most of the property is wooded with deciduous trees. The applicants have petitioned for a variance to exceed the woodland clearing limitations of the ordinance.

Surrounding Area:

- **North:** The property directly north is owned by the Town of Washington and is zoned General Agricultural (GA). It is believed there was or is an old nonmetallic mine located on this property. The property north of that is also an old mining site zoned GA. The current owners have recently obtained a Conditional Use Permit to construct a trade and contractor (excavating business) building on the property. Most of the lots to the north are large wooded, vacant parcels zoned GA. The closest home is over a ¼ mile away to the north.

- **South:** The lot directly south of the subject property is a vacant 10 acre parcel zoned Countryside (CS). Beyond that there are several large residential lots also zoned CS. The closest residence to the south is located approximately 600 feet from the mine site. There is a 40-acre parcel directly to the southwest owned by the Town of Washington. There is a nonmetallic mine on this property which is also zoned GA. There are several residential and vacant lots located to the southeast. These lots are all zoned CS. The closest home in this direction is located over 900 feet from the proposed mine site.
- **East:** The properties to the east are large, wooded lots zoned GA. Most of these lots are vacant; however, there is a residence located approximately 350 feet from the proposed mine site. The parcels further east are large vacant/wooded parcels zoned CS.
- **West:** The lots to the west are all large, vacant parcels zoned GA. There are also some wetlands and a pond located over ¼ mile to the west.

Background/History

The property is currently owned by The Raymond B. & Barbara J. Hansen Trust. Randy Dvorak will purchase the property and establish a nonmetallic mining operation if all of the appropriate approvals are obtained. This is a vacant lot and the majority of the parcel is wooded. The applicants have also petitioned for a grant of variance that would allow them to exceed the woodland clearing limitations of the ordinance. The Resource Planning Committee issued Conditional Use Permits in 1991 and 1997 that authorized mining on the site. It appears there was a small amount of mining done on the north end of the property, however, both of the approved permits expired over 15 years ago.

Zoning Considerations

Purpose of zoning district: DCZO Section 2.03(5) General Agricultural (GA). This district is intended to maintain agricultural lands which have historically demonstrated high agricultural productivity. It is also intended to accommodate certain nonagricultural uses which require spacious areas to operate or where natural resource exploitation occurs. Lands eligible for designation in this district shall generally include those designated as farmland preservation areas in the *Door County Comprehensive and Farmland Preservation Plan*. This district is also intended to provide farmland owners with additional management options by allowing limited residential development, but with residential density limits and other requirements set so as to maintain the rural characteristics of this district. Lot sizes of at least 20 acres are required for new lots.

(Amended: 20 Sept. 2016; Ord. 2016-14)

- **Does the use meet the zoning ordinance's stated purpose and intent? Yes.**
- **Specific requirements for proposed use and/or possible conditions that may be relevant.** If the Resource Planning Committee determines the conditional use permit should be approved, 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. The project shall comply with all applicable local, state, and federal codes and ordinances, including obtaining all required approvals and permits prior to mining.

3. The entire project shall be completed by _____.
4. 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.
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 area of the parcel under consideration for the proposed nonmetallic mine is designated as "Woodland/Wetland/Natural" on the comprehensive plan's future land use map, as described below and shown on the attached map.

Woodland/Wetland/Natural – Lands designated as "Woodland/Wetland/Natural" are primarily in a natural state, and include wetlands, woodlands, and public and private conservancy areas. Note that lands in this category can – outside of wetland and conservancy areas – and most likely will, contain very low-density residential uses in upland areas. The character of these regions should be protected by discouraging any development that would adversely impact the environmental quality or natural beauty of these areas. Maintenance of these natural areas should include continued private stewardship and public ownership or, if necessary, acquisition of easements or additional public lands.

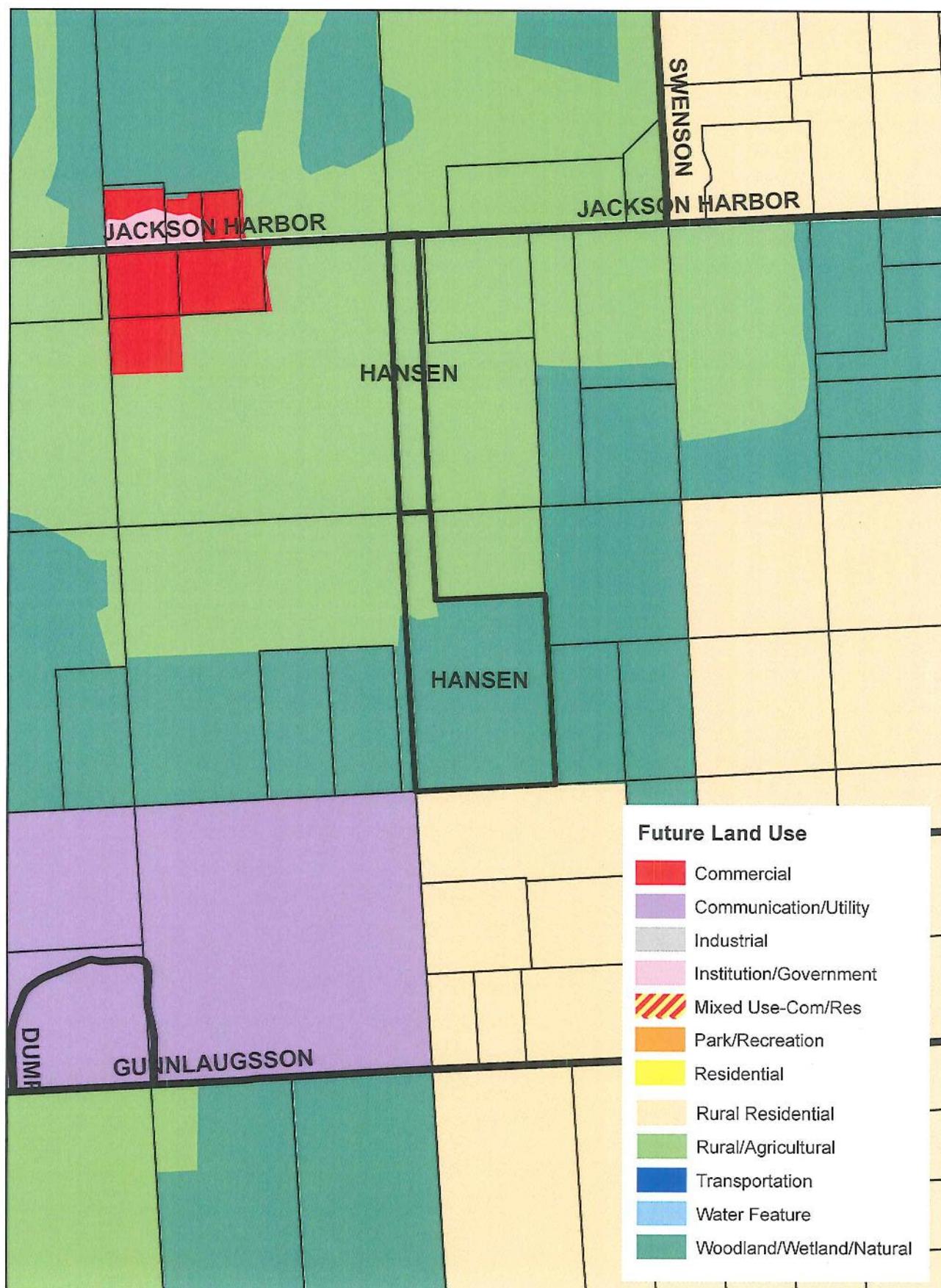
The proposed non-metallic mine is not consistent with the Woodland/Wetland/Natural area designation because the lot is wooded and the trees, if approved via a variance, will largely be cut down to allow for the mine. This tree-cutting will "adversely impact the environmental quality or natural beauty" of the area. However, the proposed use fits with the current zoning district, which states that this district is "intended to accommodate certain nonagricultural uses which require spacious areas to operate or where natural resource exploitation occurs." Additionally, nonmetallic mining is a conditional use allowed in the GA district, which presumably can operate with minimal disruption to the public through appropriate conditions.

- **Relevant goals/policies/action items from comprehensive plan.** None.
- **Other relevant text from county comprehensive plan.** None.

RB/RYK
4/20/2020

Future Land Use

Town of Washington: 028-04-32343012B (mine) & 028-04-29343043B
 Proposed Conditional Use Permit: Non-Metallic Mine



DVORAK

LETTERS IN FAVOR

Door County Planning Department Request for Town Recommendation

Randy Dvorak proposes to establish a non-metallic mine on a 15 acre parcel that is currently owned by the Raymond B. & Barbara J. Hansen Trust. If the Conditional Use Permit is approved by the Resource Planning Committee, Mr. Dvorak will purchase the property and begin mining as soon as possible.

The Zoning and Planning Committee of the Town of Washington held a legally noticed and posted meeting on 4/2/20, at which, by a vote of 4 (Yea) to 0 (Nay), the town recommended (check one) **SUPPORT** **DENIAL** for conditional use permit.

Reason(s) for the town's decision:

The proposed conditional use is consistent with the definition of the General Agricultural (GA) Zoning District found in Chapter 2.03(9)(5) of the Door Co. Zoning Ordinance where certain nonagricultural uses which require spacious areas to operate are needed and natural resource exploitation can occur. An overriding public benefit will be provided by allowing construction material to be supplied without transport from the mainland which may consist of material for shoreland erosion control. The proposed use is located well away from the view of any public right away and buffered with trees from the neighbors which will minimize the impact on scenic beauty. The proposed mining operation is located at least 300' from the nearest existing dwelling unit.

Is the proposal consistent with the Town Comprehensive Plan?

The proposed use is similar to previous uses on land located immediately to the north that is also zoned GA. Previous conditional use permits for open pit mining were issued for this property in 1991 & 1997.

Concerns or objections the town may wish to see potentially addressed through conditions:

A phone in conference with on-line access to materials was held. Questions were asked by neighbors about hours of operation, frequency of blasting and the existing easement which allows access to the neighboring property. No conditions were asked for by the neighbors.

Valmi Puro
Town Clerk Signature

4-21-2020
Date

*See reverse for variance criteria.

Return to Door County Planning Department, 421 Nebraska St., Sturgeon Bay, WI, 54235. FAX: (920)746-2387.

GOODE, MARIAH

From: GOODE, MARIAH
Sent: Friday, April 24, 2020 7:02 AM
To: 'admin@baileysharborwi.org'; 'bhchairdoug@gmail.com'; 'timtishler@sbcglobal.net'; 'deputyclerk@baileysharborwi.org'; 'jonein789@centurytel.net'; 'bevjoewautier@gmail.com'; 'markmarchant21@gmail.com'; 'jdaoust@portsidebuilders.com'; 'townofclaybanks@gmail.com'; 'mdj920@gmail.com'; 'mdj920@gmail.com'; 'clerk@townofeggharbor.org'; 'tazpeters1@hotmail.com'; 'tazpeters1@hotmail.com'; 'clerk@forestvilletown.com'; 'chair@forestvilletown.com'; 'mnelson6149@yahoo.com'; 'supervisor1@forestvilletown.com'; 'supervisor2@forestvilletown.com'; 'togclerk@townofgardner.org'; 'm70250@gmail.com'; 'mclentz55@gmail.com'; 'clerk@townofgibraltar.us'; 'ssohns@townofgibraltar.us'; 'lmerline@townofgibraltar.us'; 'jtownclerk@jportfd.com'; 'halsteadfarms@aol.com'; 'clarklake60@sbcglobal.net'; 'tlibertygrove@gmail.com'; 'jlowry@libertygrove.org'; 'ngoss@libertygrove.org'; 'nasewaupeeclerk@gmail.com'; 'nasewaupeechair@gmail.com'; 'larryfreeu@gmail.com'; 'office@townofsevastopol.com'; 'danwoelfel@townofsevastopol.com'; 'lindadwait@gmail.com'; 'nlanschutz@yahoo.com'; 'dancihlar@hotmail.com'; 'billutleydoor@gmail.com'; 'laluzerne@centurytel.net'; 'bjrenard16@gmail.com'; 'g3mi@sawmat.com'; 'townoffice@washingtonisland-wi.gov'; 'chairman@washingtonisland-wi.gov'; 'mkickbush@hotmail.com'
Subject: FW: tower regulations - input requested from ALL towns
Attachments: 3-2020 Memo to Towns - Addressing_Towers CANCELLING MEETING.docx; CHAPTER 14 comprehensive draft 12-13-2019 with small wireless section strikethrough.docx
Importance: High

Hi, everyone –

I hope you and your families are safe and healthy.

I'm re-sending this e-mail I sent to all of you a few weeks ago as a friendly reminder. ☺

Please let me know if you have any questions.

Thank you!

Mariah Goode, Director
 Door County Land Use Services Department
 Door County Government Center
 421 Nebraska Street
 Sturgeon Bay, WI 54235
 Direct line: (920) 746-2224
 Main office line: (920) 746-2323
 FAX: (920) 746-2387
 E-mail: mgoode@co.door.wi.us
 Website: <http://map.co.door.wi.us/planning>

From: GOODE, MARIAH
Sent: Friday, April 3, 2020 10:35 AM
To:

Subject: tower regulations - input requested from ALL towns
Importance: High

Hi, townsfolk –

I hope this finds you all safe and healthy.

As you know, County Administrator Ken Pabich and I were supposed to meet with you earlier this week, in part about tower regulations, but that meeting was cancelled (please see the first attachment).

Since no county-level meetings (besides the full county board) will be occurring until at least May, we are going to proceed with gathering input from you on this topic via e-mail or letter.

Background

The county has had its current tower regulations (Chapter 14 of the comprehensive zoning ordinance) in place since September 2015. That ordinance was updated and certified by the state as “Broadband Forward”-compliant in 2017.

Five of the 14 towns have chosen to date to adopt a town-level ordinance, which renders the county ordinance inapplicable in those towns.

In order to address many of the concerns that have been raised to the county with regard to its regulations, and in order to be consistent with new state-level statutes regarding “small wireless facilities,” numerous potential amendments have been drafted. The second attachment depicts, in red font, those proposed text amendments to Chapter 14 that were discussed – but not sponsored – by the Resource Planning Committee (RPC) in January.

Those amendments as written would:

1. Exempt from ordinance requirements all towers and support structures that are 50 feet or less in height, regardless of type of usage (individual, shared/neighborhood, or commercial).
2. Remove the existing exemption for all individual-use towers of any height.
3. Exempt from ordinance requirements all small wireless facilities, as defined by the state, whether in or out of road rights-of-way. (These are also, generally, 50 feet in height or less.)
4. Allow neighbors to waive setback requirements for any tower.
5. Clarify how applicants can show FCC & FAA compliance/non-applicability.
6. Allow for required engineering information to come from any licensed engineer.
7. Allow for recordation at Register of Deeds of a statement of assurance that a tower will be removed when obsolete (as opposed to requiring a letter or credit or performance bond).

Other options that *may* be considered by the RPC, but which have not been written into the attached, include the following:

8. Increase the proposed height under which towers and support structures are exempt.
9. Exempt all private-use towers (regardless of height, etc.) from the ordinance requirements. (The county has done this for years, although the language used to justify doing so isn't clear and probably wasn't intended to exempt towers [as opposed to satellite dishes, etc.]. Also, it may not be legally defensible to exempt a tower just because of who it is serving.)
10. Exempt all wireless internet service provider towers (regardless of height, etc.).
11. Exempt all towers meeting certain wind load standards.

Note that if a significant majority of the towns plan on opting out of the county regulations, it is possible the county might decide to eliminate its chapter entirely and let the towns simply regulate the matter. The county would need to first determine if there is any legal, grant-related, or other reason to keep on the books a county-level ordinance that is “Broadband Forward”-certified by the state.

Input requested from towns by April 30th

Based on your town's current status, please respond to the appropriate set of questions by April 30th. You may e-mail responses to me or mail them to the department.

Towns subject to the county's chapter that are not considering a town-level ordinance:

- Are you supportive of amendments 1-7, above?
- Are there amendment concepts you do or don't like in 8-11?
- Are there other amendment concepts you would like to see considered?

Towns subject to the county's chapter but considering "opting out" by adopting a town-level ordinance:

- Would amendments 1-7, above, cause you to reconsider adopting a town-level ordinance?
- What about any of amendment concepts 8-11?
- Are there other amendments that would cause you to reconsider?

Towns with already-adopted town-level ordinances (Baileys Harbor, Egg Harbor, Jacksonport, Liberty Grove, Nasewaupsee):

- Would amendments 1-7 cause your town to reconsider having opted out of the county regulations?
- What about any of the amendment concepts numbered 8-11?
- Since opting out of the county ordinance, what tower projects has your town or have your residents or business owners pursued that could not have been occurred under the current county regulations? Why could those projects not have occurred? Would the projects have been allowable if amendments 1-7 had been in place? How about any of the amendment concepts 8-11?

Please let me know if you have any questions. We anticipate the RPC will be meeting May 7th in order to determine which amendments to sponsor for public hearing later in May. (Please note that meeting date is tentative, and that anyone wishing to testify in person or via virtual means will likely need to register in advance to do so. We will also likely have very limited seating available for anyone wishing to attend in person.)

Thank you!

Mariah Goode, Director
 Door County Land Use Services Department
 Door County Government Center
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 Website: <http://map.co.door.wi.us/planning>

GOODE, MARIAH

From: GOODE, MARIAH
Sent: Tuesday, March 17, 2020 10:31 AM
To: 'admin@baileysharborwi.org'; 'bhchairdoug@gmail.com'; 'timtishler@sbcglobal.net'; 'deputyclerk@baileysharborwi.org'; 'jonein789@centurytel.net'; 'bevjoewautier@gmail.com'; 'markmarchant21@gmail.com'; 'jdaoust@portsidebuilders.com'; 'townofclaybanks@gmail.com'; 'mdj920@gmail.com'; 'mdj920@gmail.com'; 'clerk@townofegg Harbor.org'; 'tazpeters1@hotmail.com'; 'tazpeters1@hotmail.com'; 'clerk@forestvilletown.com'; 'chair@forestvilletown.com'; 'mnelson6149@yahoo.com'; 'supervisor1@forestvilletown.com'; 'supervisor2@forestvilletown.com'; 'togclerk@townofgardner.org'; 'm70250@gmail.com'; 'mclentz55@gmail.com'; 'clerk@townofgibraltar.us'; 'ssohns@townofgibraltar.us'; 'lmerline@townofgibraltar.us'; 'jtownclerk@jportfd.com'; 'halsteadfarms@aol.com'; 'clarklake60@sbcglobal.net'; 'tlibertygrove@gmail.com'; 'jlowry@libertygrove.org'; 'ngoss@libertygrove.org'; 'nasewaupeeclerk@gmail.com'; 'nasewaupeechair@gmail.com'; 'larryfreeu@gmail.com'; 'office@townofsevastopol.com'; 'danwoelfel@townofsevastopol.com'; 'lindadwait@gmail.com'; 'nlanschutz@yahoo.com'; 'dancihlar@hotmail.com'; 'billlutleydoor@gmail.com'; 'laluzerne@centurytel.net'; 'bjrenard16@gmail.com'; 'g3mi@sawmat.com'; 'townoffice@washingtonisland-wi.gov'; 'chairman@washingtonisland-wi.gov'; 'mkickbush@hotmail.com'
Cc: PABICH, KEN
Subject: CANCELLING March 30th meeting re: addressing program and tower regulations
Attachments: 3-2020 Memo to Towns - Addressing_Towers CANCELLING MEETING.docx

Hi, town clerks, plan commission chairs, and board chairs –

Due to increased concerns and heightened awareness about COVID-19, Ken Pabich and I are cancelling the meeting that was to be held here on March 30th regarding the addressing program and tower regulations.

We will be looking into ways to conduct this meeting on-line at a later date. We will keep you posted.

Thank you!

Mariah Goode, Director
 Door County Land Use Services Department
 Door County Government Center
 421 Nebraska Street
 Sturgeon Bay, WI 54235
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 Main office line: (920) 746-2323
 FAX: (920) 746-2387
 E-mail: mgoode@co.door.wi.us
 Website: <http://map.co.door.wi.us/planning>



COUNTY OF DOOR

County Government Center
421 Nebraska Street
Sturgeon Bay, WI 54235

Ken Pabich
County Administrator
(920) 746-2303
kpabich@co.door.wi.us

TO: Town Chairperson, Town Clerk, Town Planning Commission Chair

FROM: Mariah Goode, Land Use Services Director
Ken Pabich, County Administrator

DATE: March 2, 2020

RE: County / Town Meeting on Address Signage and County Tower Ordinance

The County would like to invite you to a meeting to discuss potential changes to both the County Addressing Program and to Door County Comprehensive Zoning Ordinance Chapter 14, which is our Communication Structures (tower) Ordinance. The meeting will be on **Monday March 30, 2020 at 5:30 p.m. in the Door County Government Center Peninsula Room.**

Background

Address Signs: Based on requests by some Towns and also public safety groups, the County is considering changing all of the rural address signs in the County. We currently have a single-one sided sign that is parallel to the road. The County is considering installing single double-sided signs that would be perpendicular to the road and be more easily identifiable from both directions. The new signs may also require new stakes to be installed.

Chapter 14: Since the adoption of the ordinance in 2015, there has been some concern with the chapter's impact on broadband deployment. The ordinance was later modified to become "Broadband Forward" compliant with the PSC for future grant opportunities. Over the past year, the County has worked with stakeholders to identify potential changes to be made to the ordinance.

On both of these items, the oversight Committees (RPC and Public Safety) are requesting that staff obtain input from the Towns before proceeding any further.

Input Requested:

Address Signs: The County is interested in building a partnership with the Towns for this project and also for the long-term maintenance of the signage in the future.

Chapter 14 Tower Ordinance: We are looking for two types of information from the Towns. One is how the current ordinance is or would have specifically impacted projects (i.e., we are looking for examples). Second, the County could proceed with the proposed changes to the ordinance, or pursue different/additional changes. At the meeting will we present information on these options and ask for your input.

Timing:

We are hoping for final feedback on these matters by mid-April so we can move forward with both of these projects. The signage replacement would be part of the County 2021 budget. Chapter 14 changes would go to RPC to be schedule for a hearing and ultimately to County Board.

GOODE, MARIAH

From: David Studebaker <das189@tigereye.com>
Sent: Monday, April 27, 2020 5:39 PM
To: GOODE, MARIAH
Cc: tlibertygrove@gmail.com; John Lowry
Subject: RE: tower regulations - input requested from ALL towns
Attachments: Liberty Grove Ord.-7-19-Tower-Siting Ord.pdf

To: Door County Resource Planning Commission
 27, 2020
 c/o Mariah Goode, Director
 Door County Land Use Services Department
 Door County Government Center
 421 Nebraska Street
 Sturgeon Bay, WI 54235

April

From: Town of Liberty Grove
 Technology Committee

In response to the RPC query letter dated 4-2-20 headed "tower regulations – input requested from ALL towns"

Dear Mariah,

Thank you for requesting our feedback regarding Door County's Chapter 14 Tower ordinance. As you know, Liberty Grove opted out of that ordinance almost immediately after its adoption. A copy of Liberty Grove's 7-19 updated ordinance regulating towers is attached to this note.

Liberty Grove's tower ordinance recognizes the state tower regulations and otherwise treats broadband towers like any other structure. This has the effect of exempting fixed wireless broadband towers (of any height) from any special regulation. We recommend that all fixed wireless broadband towers be exempted from Door County's tower ordinance.

In the five years since Liberty Grove opted out of Chapter 14, a number of broadband transmission and reception towers have been constructed in Liberty Grove, both for private use and for public use. So far we have not any problems related to broadband tower construction or maintenance.

Responses to the questions in your letter:

- a. Would amendments 1-7 cause your town to reconsider having opted out of the county regulations? ***Response: No.***
- b. What about any of the amendment concepts number 8-11? ***Response: If #10 were reworded to apply to all wireless internet service towers (not just those owned by an Internet Service Provider), the answer is a qualified Yes*** (subject to review by the Town's Counsel and Board).
- c. (paraphrased) What tower projects has our town or its residents pursued that could not have occurred under the current county regulations? ***Response: Several new fixed wireless towers used for broadband signal transmission or re-transmission have been constructed or are in the process of being constructed.***

Why could those project not have occurred? ***Response: Because Chapter 14 includes a number of requirements that add significant costs to new shared-use towers. These make new transmission or***

retransmission towers a poor business investment. The result was none would be built under those regulations. In fact this has been the case where Chapter 14 is in effect in Door County.

Would those projects have been allowable if amendments 1-7 had been in place? **Reponse: No.**

How about any of the amendment concepts 8-11? **Response: See item (b) above.**

If you have any additional questions regarding the above, please don't hesitate to contact us.

We have a question in return: Can the RPC or other County Commission or Department provide documentation of any instances in Wisconsin where citizens or their property have been physically harmed in the last 20 years by fixed wireless broadband towers of the type and size used by Door County Broadband?

I would like to testify, remotely if possible, at the RPC meeting(s) when this material and any amendments to Chapter 14 are discussed by the RPC.

Thank you again for requesting our input.

Sincerely,

David Studebaker

Chair, Town of Liberty Grove Technology Committee

TOWN OF LIBERTY GROVE
ORDINANCE 7-19

TOWER SITING ORDINANCE

The Town Board of the Town of Liberty Grove, Door County Wisconsin, pursuant to Section 60.22 (1), Wisconsin Statutes, does here by ordain as follows:

Ordinance 2-16 is hereby repealed.

1. This ordinance is for the purpose of regulating the siting, construction and substantial modification of communications towers and associated equipment structures within the Town of Liberty Grove.
2. Within this ordinance, the term "tower" is defined to include any associated equipment structures.
3. The purpose of this ordinance is to regulate towers as necessary to protect public health and safety. In that context, all applicable regulations of various state and federal agencies must be respected, including those of the FCC and the FAA.
4. The construction of a new tower or the substantial modification of an existing tower shall require a building permit to be issued by the Town of Liberty Grove.
5. Permit applications shall contain the information specified in Wisconsin State Statute 66.0404 and shall be reviewed and approved or denied in accordance with the specifications of that statute. Permit fees are \$100 for a new tower and \$100 for substantial modification of a tower.
6. The following should be considered prior to placing a tower on Town-owned property:
 - a. The placement of a tower would be on property, as determined by the Technology Committee, to be of benefit to the most residents.
 - b. Residents would be surveyed for their opinion on the aesthetics of the tower on the specific parcel.
 - c. Consideration of how the tower would restrict the current use of the property.
 - d. Consideration of the leadership of the Town, that the placement would be appropriate.

Adopted at a regular meeting of the Liberty Grove Town Board on June 19, 2019. Motion to adopt: Covotsos, second: Goss. Motion passed with a roll call vote 4-0.

I, Anastasia Bell, Clerk/Treasurer of the Town of Liberty Grove, Door County Wisconsin hereby certify that the above is a true and correct copy of an ordinance which was adopted at a properly noticed meeting of the Liberty Grove Town Board on the 19th day of June, 2019.

Dated this 19th day of June, 2019.

Anastasia Bell, Clerk/Treasurer

GOODE, MARIAH

From: GOODE, MARIAH
Sent: Wednesday, April 29, 2020 9:10 AM
To: 'LINDA WAIT'
Subject: RE: Tower Regulations

Thank you. I'll pass along to the RPC, along with what I got from Dan W (which was very similar to what you have below), but I'll make sure to let them know this is input from individuals who happen to be on the town board, and that the town board will be meeting to discuss in a few weeks.

Mariah Goode, Director
 Door County Land Use Services Department
 Door County Government Center
 421 Nebraska Street
 Sturgeon Bay, WI 54235
 Direct line: (920) 746-2224
 Main office line: (920) 746-2323
 FAX: (920) 746-2387
 E-mail: mgoode@co.door.wi.us
 Website: <https://www.co.door.wi.gov/164/Land-Use-Services>

From: LINDA WAIT <lindadwait@gmail.com>
Sent: Tuesday, April 28, 2020 7:48 PM
To: GOODE, MARIAH <mgoode@co.door.wi.us>
Subject: Tower Regulations

Mariah, please accept the following in response to your request for input on Door County's tower regulations as cited in Chapter 14 of the Comprehensive Zoning Ordinance.

Towns subject to the county's chapter that are not considering a town-level ordinance:

Are you supportive of amendments 1-7, above? Yes, I believe those amendments would go far to satisfy concerns. I do NOT favor the Town of Sevastopol opting out of the County's Chapter.

Are there amendment concepts you do or don't like in 8-11? A combination of the options could be workable and acceptable.

Are there other amendment concepts you would like to see considered? None come to mind for me, but perhaps providers have additional concerns that should be addressed.

Thank you.
 Linda Wait (Town of Sevastopol resident)
 5075 Bluff Court, Sturgeon Bay WI 54235
 (920) 495-8129

GOODE, MARIAH

From: GOODE, MARIAH
Sent: Tuesday, April 28, 2020 10:42 AM
To: 'Town Of Sevastopol Chairman'
Subject: RE: tower regulations - input requested from ALL towns

Okay; thanks.

Mariah Goode, Director
Door County Land Use Services Department
Door County Government Center
421 Nebraska Street
Sturgeon Bay, WI 54235
Direct line: (920) 746-2224
Main office line: (920) 746-2323
FAX: (920) 746-2387
E-mail: mgoode@co.door.wi.us
Website: <https://www.co.door.wi.gov/164/Land-Use-Services>

From: Town Of Sevastopol Chairman <danwoelfel@townofsevastopol.com>
Sent: Tuesday, April 28, 2020 10:40 AM
To: GOODE, MARIAH <mgoode@co.door.wi.us>
Subject: RE: tower regulations - input requested from ALL towns

Thanks, I'm aware of that.

From: GOODE, MARIAH <mgoode@co.door.wi.us>
Sent: Monday, April 27, 2020 6:25 PM
To: Town Of Sevastopol Chairman <danwoelfel@townofsevastopol.com>
Subject: RE: tower regulations - input requested from ALL towns

Received. ☺

Note that another Sevastopol board member has indicated the full board might discuss this in May. The town can of course submit different/additional information up to and including the day of the hearing.

Please let me know if you have any questions.

Thank you!

Mariah Goode, Director
Door County Land Use Services Department
Door County Government Center
421 Nebraska Street
Sturgeon Bay, WI 54235
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Main office line: (920) 746-2323
FAX: (920) 746-2387
E-mail: mgoode@co.door.wi.us
Website: <https://www.co.door.wi.gov/164/Land-Use-Services>

From: Town Of Sevastopol Chairman <danwoelfel@townofsevastopol.com>
Sent: Monday, April 27, 2020 4:27 PM
To: GOODE, MARIAH <mgoode@co.door.wi.us>
Subject: RE: tower regulations - input requested from ALL towns

Mariah,

See Below

From: GOODE, MARIAH <mgoode@co.door.wi.us>
Sent: Wednesday, April 22, 2020 3:53 PM
To: Town Of Sevastopol Chairman <danwoelfel@townofsevastopol.com>
Subject: RE: tower regulations - input requested from ALL towns

Hi, Dan –

I'm not clear from your e-mail which proposed amendments you support (or not), and/or what additional amendments you'd like to see. Can you frame your response to match whichever of the two situations below you think Sevastopol falls into (not considering town ordinance, or considering town ordinance)? I've left my original e-mail at the bottom of this thread, so you'll be able to refer back to the numbers referenced in the questions.

Please let me know if you have any questions.

Thank you!

Towns subject to the county's chapter that are not considering a town-level ordinance:

- Are you supportive of amendments 1-7, above? **YES**
- Are there amendment concepts you do or don't like in 8-11? **I favor #10, exempting all broadband towers**
- Are there other amendment concepts you would like to see considered? **NO**

Towns subject to the county's chapter but considering "opting out" by adopting a town-level ordinance:

- Would amendments 1-7, above, cause you to reconsider adopting a town-level ordinance? **Maybe, new board makes it difficult to call**
- What about any of amendment concepts 8-11? **If they addressed the height issue , I would not see a reason to consider opting out**
- Are there other amendments that would cause you to reconsider? **NO**

Mariah Goode, Director
 Door County Land Use Services Department
 Door County Government Center
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 Main office line: (920) 746-2323
 FAX: (920) 746-2387
 E-mail: mgoode@co.door.wi.us
 Website: <http://map.co.door.wi.us/planning>

From: Town Of Sevastopol Chairman <danwoelfel@townofsevastopol.com>
Sent: Wednesday, April 22, 2020 3:46 PM
To: GOODE, MARIAH <mgoode@co.door.wi.us>
Subject: RE: tower regulations - input requested from ALL towns

Mariah,

My comments from your note on broadband.

I appreciate the changes that the RPC may adopt which could potentially improve access for some residents. However, I believe the key issue is tower height. Although, we desire to improve internet access for our community the idea of having numerous small towers dotting the landscape may not be the best solution. There are providers that can address this with fewer towers but higher addressing our concern. One company we are in discussions with feels that they could address Sevastopol and a large portion of southern Jacksonport/Clark lake area with 4-5 towers, some new some off existing sites. Restrictive zoning guidelines may deter them from pursuing our business. The increasing demand for broadband service combined with the rural makeup of the county and the presence of bedrock everywhere will not allow physical wire to our address our needs, nor ever be economical for providers. Wireless and towers will be the only real solution.

Dan

From: GOODE, MARIAH <mgoode@co.door.wi.us>
Sent: Friday, April 3, 2020 10:35 AM
To:
Subject: tower regulations - input requested from ALL towns
Importance: High

Hi, townsfolk –

I hope this finds you all safe and healthy.

As you know, County Administrator Ken Pabich and I were supposed to meet with you earlier this week, in part about tower regulations, but that meeting was cancelled (please see the first attachment).

Since no county-level meetings (besides the full county board) will be occurring until at least May, we are going to proceed with gathering input from you on this topic via e-mail or letter.

Background

The county has had its current tower regulations (Chapter 14 of the comprehensive zoning ordinance) in place since September 2015. That ordinance was updated and certified by the state as "Broadband Forward"-compliant in 2017.

Five of the 14 towns have chosen to date to adopt a town-level ordinance, which renders the county ordinance inapplicable in those towns.

In order to address many of the concerns that have been raised to the county with regard to its regulations, and in order to be consistent with new state-level statutes regarding "small wireless facilities," numerous potential amendments have been drafted. The second attachment depicts, in red font, those proposed text amendments to Chapter 14 that were discussed – but not sponsored – by the Resource Planning Committee (RPC) in January.

GOODE, MARIAH

From: Nancy <nanschutz@yahoo.com>
Sent: Friday, April 24, 2020 7:32 AM
To: GOODE, MARIAH
Subject: Re: FW: tower regulations - input requested from ALL towns

Town of Sturgeon Bay here - We will be meeting on Monday, May 4th. I will forward town's response via email on Tuesday, May 5th. Hope that will be acceptable to you.

Nancy Anschutz

----- Original Message -----

From: "GOODE, MARIAH" <mgoode@co.door.wi.us>
To: "'admin@baileysharborwi.org'" <admin@baileysharborwi.org>; "'bhchairdoug@gmail.com'" <bhchairdoug@gmail.com>; "'timtishler@sbcglobal.net'" <timtishler@sbcglobal.net>; "'deputyclerk@baileysharborwi.org'" <deputyclerk@baileysharborwi.org>; "'jonein789@centurytel.net'" <jonein789@centurytel.net>; "'bevjoewautier@gmail.com'" <bevjoewautier@gmail.com>; "'markmarchant21@gmail.com'" <markmarchant21@gmail.com>; "'jdaoust@portsidebuilders.com'" <jdaoust@portsidebuilders.com>; "'townofclaybanks@gmail.com'" <townofclaybanks@gmail.com>; "'mdj920@gmail.com'" <mdj920@gmail.com>; "'mdj920@gmail.com'" <mdj920@gmail.com>; "'clerk@townofegg Harbor.org'" <clerk@townofegg Harbor.org>; "'tazpeters1@hotmail.com'" <tazpeters1@hotmail.com>; "'tazpeters1@hotmail.com'" <tazpeters1@hotmail.com>; "'clerk@forestvilletown.com'" <clerk@forestvilletown.com>; "'chair@forestvilletown.com'" <chair@forestvilletown.com>; "'mnelson6149@yahoo.com'" <mnelson6149@yahoo.com>; "'supervisor1@forestvilletown.com'" <supervisor1@forestvilletown.com>; "'supervisor2@forestvilletown.com'" <supervisor2@forestvilletown.com>; "'togclerk@townofgardner.org'" <togclerk@townofgardner.org>; "'m70250@gmail.com'" <m70250@gmail.com>; "'mclentz55@gmail.com'" <mclentz55@gmail.com>; "'clerk@townofgibraltar.us'" <clerk@townofgibraltar.us>; "'ssohns@townofgibraltar.us'" <ssohns@townofgibraltar.us>; "'lmerline@townofgibraltar.us'" <lmerline@townofgibraltar.us>; "'jtownclerk@jportfd.com'" <jtownclerk@jportfd.com>; "'halsteadfarms@aol.com'" <halsteadfarms@aol.com>; "'clarklake60@sbcglobal.net'" <clarklake60@sbcglobal.net>; "'tlibertygrove@gmail.com'" <tlibertygrove@gmail.com>; "'jlowry@libertygrove.org'" <jlowry@libertygrove.org>; "'ngoss@libertygrove.org'" <ngoss@libertygrove.org>; "'nasewaupeeclerk@gmail.com'" <nasewaupeeclerk@gmail.com>; "'nasewaupeechair@gmail.com'" <nasewaupeechair@gmail.com>; "'larryfreeu@gmail.com'" <larryfreeu@gmail.com>; "'office@townofsevastopol.com'" <office@townofsevastopol.com>; "'danwoelfel@townofsevastopol.com'" <danwoelfel@townofsevastopol.com>; "'lindadwait@gmail.com'" <lindadwait@gmail.com>; "'nanschutz@yahoo.com'" <nanschutz@yahoo.com>; "'dancihlar@hotmail.com'" <dancihlar@hotmail.com>; "'billutleydoor@gmail.com'" <billutleydoor@gmail.com>;

GOODE, MARIAH

From: Steve Jenkins <steve@doorcountybusiness.com>
Sent: Friday, April 24, 2020 7:54 AM
To: GOODE, MARIAH
Subject: Chapter 14
Attachments: Broadband Chapter 14 Letter.docx

Mariah,

Please see the attached letter concerning Chapter 14. This was approved by the DCEDC Executive Committee on behalf of the Board of Directors on April 13, 2020.

Thanks,

Steve

--

Steve Jenkins
Executive Director



185 East Walnut Street • Sturgeon Bay, WI 54235
920.421.3777 • doorcountybusiness.com • livedoorcounty.org

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April 23, 2020

Mariah Goode, Director
Door County Land Use Services Department
Door County Government Center
421 Nebraska Street
Sturgeon Bay, WI 54235

Dear Ms. Goode,

It is the position of the Door County Economic Development Corporation (DCEDC) that barriers to the full deployment of Broadband coverage must be removed throughout Door County. Broadband is no longer a luxury but instead is an essential economic development infrastructure.

The COVID-19 crisis and Safer-at-Home Order has underscored the growing dependence on Broadband services for remote work. Additionally, two school districts had to purchase and deploy hundreds of hot spots for students in order to assure they had access to instructional material and could submit work to comply with remote learning requirements. The lack of comprehensive Broadband services places the children of Door County at a distinct disadvantage compared to other counties and creates a severe equity issue.

Door County, because of its natural beauty and abundance of cultural activities, offers the possibility of attracting more remote workers and entrepreneurs. Studies have shown that this segment of the economy have an average income of \$80,000 per person and are engaged in the community. The factor missing in our ability to attract and retain this segment is comprehensive Broadband service. Also, as we move from the health crisis to economic recovery, comprehensive Broadband service will be a key component for the economic future of Door County.

DCEDC strongly encourages that Chapter 14 of the Door County Zoning Ordinance be revised to exempt fixed wireless towers and be applicable countywide or the Ordinance provides for the maximum Broadband coverage possible.

Respectfully submitted,

/Steve R. Jenkins/

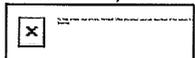
Steve R. Jenkins, CEcD
Executive Director
920.421.3777
steve@doorcountybusiness.com

GOODE, MARIAH

From: Vickman, Patricia <pvickman@southerndoor.k12.wi.us>
Sent: Tuesday, April 28, 2020 5:27 PM
To: GOODE, MARIAH
Subject: Letter Regarding County Chapter 14 Tower Ordinance
Attachments: Letter Regarding Door County Chapter 14 Tower Ordinance.pdf

Dear Director Goode,

Please see the attached letter with information regarding our request for modification of Chapter 14 to facilitate the development of greater broadband support to meet the needs of our students, staff, families, and businesses in the Southern Door County community.



Patricia Vickman, Superintendent

Southern Door County School District, 2073 County Highway DK, Brussels, WI 54204

Office Phone: 920.825.7311, ext. 5510 Fax: 920.825.7155 Email: pvickman@southerndoor.k12.wi.us

Cellphone: 920.604.5510

"A hundred years from now it will not matter what my bank account was, the sort of house I lived in, or the kind of car I drove . . . but the world may be different because I was important in the life of a child."

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Southern Door County School District

2073 County Highway DK, Brussels, WI 54204

SCHOOL BOARD

Josh Jeanquart
Marissa Norton
Pamela Parks
Penny Price
Kim Starr
Matthew Tassoul
Janel Vecser

DISTRICT

920-825-7311; 920-825-7155 (Fax)

Patricia Vickman, Superintendent

Mark Logan, Business Manager
David Desmond, Director of Pupil Services
Dan Viste, Maintenance/Transportation

HIGH SCHOOL

920-825-7333; 920-825-1490 (Fax)
Steve Bousley, Principal

ELEMENTARY/MIDDLE SCHOOL

920-825-7321; 920-825-7692 (Fax)
Cory Vandertie, Elementary Principal
Brenda Shimon, Middle Principal

April 28, 2020

Mariah Goode, Director
Door County Land Use Services Department
Door County Government Center
421 Nebraska Street
Sturgeon Bay, WI 54235
mgoode@co.door.wi.us

Dear Director Goode:

This is a letter of support for the modification of the current County Chapter 14 Tower Ordinance to exempt all fixed wireless broadband transmission or reception towers regardless of height. The district wrote letters of the support for the successful applications of the town of Nasewaupée's Broadband Expansion grant application, as well as one for South Lake Michigan Drive. As a school district with many of our students and families residing in this area, we are pleased with the proactive steps taken by these two areas of our district to improve the accessibility to high-speed internet.

The use of technology as a tool to engage students in their learning has become an important part of today's education. This need became even more critical during the current COVID-19 challenge this spring, when the district had to provide remote learning to over 1029 students, due to the closure of school facilities from March 18, 2020 through the end of the school year. One of the biggest challenges the District faced was the availability functional internet service for students and staff. In fact, the district needed to purchase over 150 hot spots to ensure that students had access to the virtual instruction taking place. This was due largely to limited service (internet access in the home only on phones) to insufficient service (unable to handle more than one device) to absolutely no service at all. A [heat spot map](#) of where hot spots needed to be deployed was created just this month with all the addresses of our students affected by accessibility issues.

The reality encountered by our families in Southern Door this spring, validates a 2017 Bright Bytes survey of our PreK-12 families which indicated that a majority of parents felt their Internet connection was under-connected, constrained due to service interruptions, so slow in speed that multiple users could not be accommodated, or limited to mobile-only access (smartphones) – all a result of the lack of broadband connectivity in their locations. While the District has worked with the County of Door to increase our broadband through governmental access, the reality is that for rural areas like our school district, reliable home Internet remains a challenge for Southern Door students, families, staff, and businesses in Southern Door.

Engage. Empower. Excel.

Even when school is in session in our facilities, high-speed home Internet is no longer viewed as a luxury but a necessity for students' access to learning. Our district recently became a 1:1 district with each student having access to a device to assist them in their learning. A majority of the curriculum materials now consists of digital textbooks, google classroom applications, and online strategies which allow students to collaborate together. While there are workaround solutions for students without home Internet such as downloading items onto a USB drive, these are all time-consuming measures for both teachers and students that impact efficiency. More importantly, students' ability to complete meaningful online work, or have access to virtual instruction is compromised when there is such inequity as to which students have access and who does not. In more urban settings, such limitations may be addressed by accessing Wi-Fi hotspots at local restaurants and libraries; however, these are not feasible options in rural communities.

While many rural districts face the complications of increased weather compromised days during the winter months, we now know that there may be other crises spanning over months that affect when school can't be safely held in session. The current broadband landscape on unreliable, inconsistent and limited internet conductivity in Southern Door is not a plausible solution for students and staff. This results in our students and families not having the equity of resources at their disposal to keep abreast of their peers in other more strongly connected areas in the state, whether it is for blended learning when school is on site, during remote learning times like this spring, or when parents find it necessary to work from home.

Lastly, high-speed Internet is a huge factor in families and businesses relocating to this rural area. Three years ago, a new family chose our community as a place to raise their children and one in which they hoped to continue their international business from home. After a year of frustration with the lack of internet accessibility, they left the area and moved to the Fox Valley area in order to sustain their livelihood. Realtors have also shared that the lack of internet access in the area has also negatively impacted home sales for young families looking to move into our school district.

As an education institution, our mission is to prepare our students to be productive citizens in today's society. Greater access to high-speed internet in our district's homes and businesses will help address our educational goal for students and attract more families and businesses to the area for a more viable, thriving community.

As a district, we applaud the county for its consideration to modify the current County Chapter 14 Tower Ordinance to provide townships and municipalities with greater flexibility to make accessible, high-quality internet service a priority, particularly for our students, staff, families, and businesses. The assistance of government, broadband providers, businesses, and schools all pitching in to do their part is the only way we will close the digital-use gap that currently exists between the citizens in rural communities and their urban peers. I strongly recommend your consideration of the proposal to modify the Chapter 14 Ordinance.

Sincerely,



Patricia Vickman, Superintendent

CHAPTER 14

COMMUNICATIONS SUPPORT STRUCTURES AND RELATED FACILITIES

(Created: 29 Sept. 2015; Ord. No. 2015-10; Effective 9 Nov. 2015)

14.01 Mobile Tower Siting

14.02 Radio Broadcast Service Facilities

14.03 ~~Other Communications Services Support Structures and Related Facilities Small Wireless Facilities~~ (Added:) See note in s. 14.03

14.04 Broadband Network Projects – Pursuant to §196.504, Wis. Stats. (Added: 23 May 2017; Ord. No. 2017-03)

14.05 Other Communications Services Support Structures and Related Facilities (Renumbered:)

14.01 Mobile Tower Siting

(1) Authority. Section 14.01 is adopted pursuant to §§59.03, 59.54, 59.69, and 66.0404, Wis. Stats.

(2) Applicability. Section 14.01 applies in the unincorporated areas of Door County (“County”) as provided under §66.0404(5), Wis. Stats.

(3) Authority Cited. All references to the Wisconsin Statutes and Administrative Code in this Chapter are to the statutes and code in effect as of the date this ordinance is enacted or as the statutes and code are subsequently amended or revised.

(4) Exemptions. The following are exempt from all provisions of this Chapter except Sections 14.01(18)(c), (d), and (e):

(a) Portable or mobile structures and facilities (i.e., those in existence for not more than one year) for temporary mobile services or temporary services providing public information coverage of news events or of an emergency. One extension, of one year or less, may be available upon prior written request, and demonstration of need, to the Resource Planning Committee.

(b) Public safety communications support structures and related facilities owned and operated by federal, state, county, or other local units of governments.

(c) Support structures, including mobile service support structures, destroyed or partially destroyed by an event that directly and exclusively results from the occurrence of natural causes (e.g., earthquakes, fire, flood, storm, tornado, and violent wind), explosion, terrorism, vandalism, or similar calamity that was not caused by, and could not have been prevented by the exercise of

foresight or caution of the mobile service support structure owner or property owner, may be replaced with a mobile service support structure of the same type and heights without a permit, but only upon prior written notice to and with approval of the Land Use Services Department.

- (d) ~~Structures for r~~Residential satellite dishes, residential television antennas, or other antennas that are used privately, provided that the antenna use constitutes ancillary or secondary use, not primary use, of the property.
- (e) Support structures 50 feet or less in height.
- (f) Any wireless facility (§66.0414(1)(z), Wis. Stats.) located outside a right-of-way (§66.0414(1)(t), Wis. Stats.) meeting the definition of a small wireless facility (§66.0414(1)(u), Wis. Stats.).
- (g) Small wireless facilities permissibly located in rights-of-way (§66.0414(2)(e), Wis. Stats.) provided the following height requirements are met, as applicable.
1. The height of a utility pole installed, or modified, in a right-of-way may not exceed the greater of:
 - a. A height that is ten percent (10%) taller than the tallest existing utility pole as of July 12, 2019, that is located within five hundred (500) feet of the new or modified utility pole in the same right-of-way.
 - b. Fifty (50) feet above ground level.
 2. The height of a small wireless facility installed, or modified, in a right-of-way may not exceed the greater of:
 - a. A height that is ten percent (10%) taller than the existing utility pole or wireless support structure on which the small wireless facility is located.
 - b. Fifty (50) feet above ground level.
 3. A wireless provider may construct, modify, and maintain a utility pole, wireless support structure, or small wireless facility along, across, upon, and under a right-of-way that exceeds the height limits in this section (i.e., s. 14.01(4)(g)), if the wireless provider complies with height limits under the Door County Comprehensive Zoning Ordinance.
(§66.0414(2)(e)2., Wis. Stats.)
- (h) Antenna facilities, but only to the extent set forth in §59.69(4d)(a) – (c), Wis. Stats.

(i) Amateur radio antennas, but only to the extent set forth in §59.69(4f)(a) – (b), Wis. Stats., that are owned and/or operated by a federally licensed amateur radio operator, provided that the antenna use constitutes ancillary or secondary use, not primary use, of the property.

(5) Purpose. The purposes of Section 14.01 include regulation, subject to the provisions and limitations of §66.0404, Wis. Stats., of the following activities:

(a) The siting and construction of mobile service support structures and mobile service facilities.

(b) With regard to a class 1 collocation, the installation of mobile service facilities on existing support structures that require substantial modification.

(c) Class 2 collocation.

(6) Intent. These regulations are intended to accomplish, to the greatest degree possible, the following:

(a) Provide a uniform and comprehensive set of standards for the siting, construction, and modification of support structures and related facilities, including mobile service support structures and mobile service facilities.

(b) Minimize adverse effects of support structures and related facilities, including mobile service support structures and mobile service facilities, through siting standards.

(c) Consistent with the Federal Telecommunications Act of 1996, maintain and ensure a broad range of mobile services and high quality mobile service infrastructure in order to serve the community and Door County's police, fire, and emergency response network.

(d) Promote and protect public health, safety, and general welfare.

(e) Not prohibit, or have the effect of prohibiting, the provision of mobile services.

(f) Not unreasonably discriminate among providers of functionally equivalent services.

(g) Preserve the authority of Door County over decisions regarding the siting, construction, and modification of support structures and related facilities, including mobile service support structures and mobile service facilities.

(7) Compliance. No support structure (e.g., communications tower) or related facility, including no mobile service support structure or mobile service facility, shall be sited, constructed, or modified except in full compliance with this Chapter.

(8) Abrogation. It is not intended by the creation of this Chapter to repeal, abrogate, annul, impair, or interfere with any existing ordinance.

(9) Interpretation. The provisions of this Chapter and all other provisions of the Zoning Ordinance shall be harmonized to give full force and effect to each wherever possible. In the event of an irreconcilable conflict, this Chapter controls with regard to the regulation of support structures and related facilities.

(10) Severability. The provisions of this Chapter shall be interpreted, when possible, to sustain their legality and enforceability as a whole. In the event any provision of this Chapter shall be held, in whole or in part, illegal or unenforceable by a court of competent jurisdiction, neither the validity of the remaining part of such provision, nor the validity of any other provision of this Chapter, shall be in any way affected thereby.

(11) Warning and Disclaimer of Liability. This Chapter shall not create a duty or liability on the part of, or a cause of action against Door County, its officers, or employees thereof, for any damages that may result from administration of or reliance on this Chapter.

(12) Definitions.

(a) Antenna: Communications equipment that transmits and receives electromagnetic radio signals and is used in the provision of mobile services.

(b) Applicant: The owner(s) or lessee(s) of the land upon which the structure and facilities are proposed to be located.

(c) Class 1 collocation: The placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing support structure for the facility but does need to engage in substantial modification.

(d) Class 2 collocation: The placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing support structure for the facility or engage in substantial modification.

(e) Collocation: A class 1 or class 2 collocation or both.

(f) Critical Public Safety Communications Corridor: The area within an existing line-of-site communications path that is used by public safety entities for critical safety-of-life communications.

(g) Equipment Compound: An area surrounding or adjacent to the base of an existing support structure within which is located the related mobile service facilities.

(h) Existing Structure: A support structure that exists at the time a request for permission to place any type of mobile service facility on or near the support structure is filed with a political subdivision.

(i) Mobile Service: The meaning given in 47 USC 153 (33).

(j) Mobile Service Facility: All equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment necessary to provide mobile service to a discrete geographic area that are placed on or around a support structure, but does not include the underlying support structure.

(k) Mobile Service Provider: Any person who provides mobile service, including a person that builds and operates mobile service support structures or facilities, whether or not licensed by the Federal Communications Commission.

(l) Mobile Service Support Structure: An existing or new structure that supports or can support a mobile service facility, including a mobile service support structure, utility pole, water tower, building, or other structure.

(m) Permit: A permit issued hereunder which authorizes any of the following by an applicant: a Class 1 collocation; a Class 2 collocation; or construction of a support structure, including a mobile service support structure.

(n) Operator: The person who owns or operates a support structure or related facilities.

(o) Search Ring: A shape drawn on a map to indicate the general area within which a mobile service support structure should be located to meet radio frequency engineering requirements, taking into account other factors including topography and the demographics of the service area.

(p) Substantial Modification: The modification of a support structure (e.g., mobile service support structure), including the mounting of an antenna on such a structure, that does any of the following:

1. For structures with an overall height of 200 feet or less, increases the overall height of the structure by more than 20 feet.
2. For structures with an overall height of more than 200 feet, increases the overall height of the structure by 10 percent or more.

3. Measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by 20 feet or more, unless a larger area is necessary for co-location.

4. Increases the square footage of an existing equipment compound to a total area of more than 2,500 square feet.

(q) Support Structure: An existing or new structure that supports or can support a mobile service facility, including a mobile service support structure, utility pole, water tower, building, or other structure.

(r) Utility Pole: A structure owned or operated by an alternative telecommunications utility, as defined in §196.01(1d), Wis. Stats.; public utility, as defined in §196.01(5), Wis. Stats.; telecommunications utility, as defined in §196.01(10), Wis. Stats.; political subdivision; or cooperative association organized under Ch. 185, Wis. Stats.; and that is designed specifically for and used to carry lines, cables, or wires for telecommunications service, as defined in §182.017(1g)(cq), Wis. Stats.; for video service, as defined in §66.0420(2)(y), Wis. Stats.; for electricity; or to provide light.

(13) Application and Permit.

(a) Permit Required. A permit is required hereunder, subject to the provisions and limitations of §66.0404, Wis. Stats., for any of the following activities:

1. The siting and construction of mobile service support structures and mobile service facilities;
2. With regard to a class 1 collocation, the installation of mobile service facilities on existing support structures that require substantial modification; and
3. A class 2 collocation.

(b) Provided all requirements of this Chapter are met, a permit to engage in the activities described in Section 14.01(13)(a)1. – 3., above, shall be issued to the applicant.

(14) Application Process.

(a) Prior to engaging in any siting, construction, or modification activity described in Section 14.01(13), above, the applicant must complete the application process and obtain a permit as set forth herein.

(b) The application shall be in writing, on the prescribed form, and shall contain all of the information set forth below, as applicable:

All Applications: New, Class I Collocations, or Class II Collocations

1. Name, business address, email address (optional), phone number, and original duly authorized (and notarized) signature of each applicant or a duly authorized signatory.
2. Name, business address, email address (optional), and phone number of the contact individual for each applicant.
3. Name, business address, email address (optional), and phone number of each known operator if different than the applicant.
4. Name, business address, email address (optional), and phone number of the contact individual for each known operator.
5. Federal Communications Commission license and registration numbers.
6. Site plan showing location of the proposed or affected mobile service support structure and mobile service related facility.

Applications for New or Class I Collocations

7. A sworn statement attesting that the applicant verified with the Door County Technology Services Department that the proposed support structure and related facilities will not be located within any critical public safety communications corridor. (Amended: 26 March 2019; Ord. No. 2019-03)
8. Plans indicating security measures (i.e., access, fencing, lighting, signage, etc.).
9. Proof of comprehensive general liability insurance coverage. The policy shall be furnished by an insurer authorized to do business in Wisconsin, include coverage for bodily injury liability, property damage, and personal injury, with no less than a one million dollar (\$1,000,000) limit per occurrence, with a three million dollar (\$3,000,000) aggregate. Coverage must be written on an "occurrence" basis, shall cover all risks incident to any activity of the applicant under any permit issued hereunder, and must be maintained without lapse in coverage until all permitted structures and related facilities cease operation.
10. A copy of the deed, evidencing current ownership of the real property, and, if applicable, the property lease agreement. The lease agreement shall not discourage or prevent collocation of other providers.
11. Proof of compliance with **or exemption from** Federal Communications Commission ("FCC") rules ~~for environmental review, including a letter stating that an Environmental Assessment ("EA") is not required, a Finding of No Significant Impact ("FONSI"), or other written assurance that appropriate measures are or will be taken to protect environmental and historic resources.~~
12. **Written statement from applicant that notice to the** ~~Proof that the~~ Federal Aviation Administration ("FAA") ~~is not required~~ **or proof that the FAA**

was notified and a ~~final-written~~ determination of 'no hazard' to air navigation from the FAA.

13. A report prepared by an ~~licensed~~ engineer ~~licensed by the State of Wisconsin~~ certifying the structural design of the mobile service support structure.

14. Affidavit of Notification indicating that all operators and owners of airports located within five (5) miles of the proposed site have been notified via certified mail.

(c) If the application is to substantially modify an existing support structure, the application shall also include a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.

(d) If the application is to construct a new mobile service support structure, the application shall also include:

1. A construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure; and

2. An explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring: would not result in the same mobile service functionality, coverage and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.

(e) All applications must be accompanied by the requisite non-refundable permit fee, consistent with §66.0404(4)(d)1. – 2., Wis. Stats., and as established by the Door County Board of Supervisors.

(f) The Door County Land Use Services Department ("Land Use Services Department") may, in the exercise of its discretion, engage the services of third-party consultants to assist with review of the application and permit. If a third-party consultant is engaged, the applicant shall pay, subject to §66.0404(4)(f), Wis. Stats., the actual, necessary, and direct cost (sans travel expenses) of the third-party consultant.

(g) The permit fee requirements do not apply to support structures and facilities wholly owned and operated by, or for the sole use or benefit of the state, the county, or a municipality.

(15) Application Review and Permit Grant.

(a) The Land Use Services Department will determine whether or not an application is complete. To be deemed complete, an application must contain all the information required by this Chapter, be properly executed, and be accompanied by the requisite fee and payment of (or agreement to pay) any applicable charges.

(b) If the Land Use Services Department does not deem an application to be complete, the Land Use Services Department shall notify the applicant in writing within ten (10) days (within five (5) days for a class 2 collocation) of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

(c) Within ninety (90) days (within forty-five (45) days for a class 2 collocation) after the application is determined complete under Section 14.01(15)(a), supra, the Land Use Services Department shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Land Use Services Department may agree in writing to an extension of the ninety (90) day (forty-five (45) day for a class 2 collocation) period:

1. Review the application to determine whether it complies with all applicable aspects of (subject to the limitations of §66.0404, Wis. Stats.) the county zoning ordinance.
2. Make a final decision whether to approve or disapprove the application.
3. Notify the applicant in writing of its final decision.
4. If the application is approved, and all fees and charges paid, issue the applicant the relevant permit.
5. Any denial (i.e., disapproval) of an application will be in writing and supported by substantial evidence in a written record.

(d) The Land Use Services Department may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described in Section 14.01(14)(d)2., above.

(16) Permit Transferability.

(a) Permits are valid only for the person or persons listed on the permit.

(b) Permits may only be transferred if: the real property is sold or the lease is transferred; the requisite permit transfer form (available from the Land Use Services Department) is complete (to the satisfaction of the Land Use Services Department), fully executed and notarized; and the transferee meets all the requirements of this Chapter and the permit.

(17) Structural, Design, and Environmental Standards.

(a) All new mobile service support structures, existing support structures, and mobile service facilities shall be designed as set forth below:

1. Mobile service support structures and mobile service facilities, to the degree feasible and practicable, shall be non-reflective in color.
2. Mobile service facilities shall be designed and operated in accordance with all applicable codes regarding fire prevention.
3. The perimeter of the equipment compound shall be located within 50 feet of the associated support structure, as measured from the center of the support structure.
4. Buildings located within the equipment compound shall not exceed twenty-six (26) feet in height, measured from the original grade at the base of the facility to the top of the facility.

(18) Setbacks/Fall Zone/Critical Public Safety Communications Corridor/Wetlands.

(a) The setback or fall zone requirement for mobile service support structures is the height of the structure (e.g., tower) ~~plus ten percent (10%)~~. **Upon request, an owner of an adjacent property or road may relax or waive the setback or fall zone requirement by written agreement. A waiver by an adjacent owner is an encumbrance on the real property, runs with the land until the tower is decommissioned, and shall be recorded in the Door County Register of Deeds office.**

(b) If an applicant provides Door County with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the setback or fall zone area required above, that setback or fall zone requirement does not apply to such a structure unless Door County provides the applicant with substantial evidence that the engineering certification is flawed.

(c) All mobile service support structures and mobile service facilities shall meet the required shoreland setbacks. A lesser setback from the ordinary high-water mark shall be allowed only if the applicant demonstrates that there is no feasible alternative location outside of the shoreland setback area and best management practices to infiltrate or otherwise control storm water runoff from the structure are employed.

(d) No mobile service support structures or mobile service facilities shall be located within any designated critical public safety communications corridor. The burden is on the applicant to demonstrate that the project will avoid interference to critical public safety communications. The objectives here are to: promote robust and reliable, and prevent or mitigate interference to, public safety communications (e.g., law enforcement, emergency medical, and fire) systems that provide critical safety-of-life communications services. This requirement

reflects the minimum practical regulations that are necessary to accomplish that public health and safety objective.

(e) No mobile service support structure or mobile service facility shall be permitted in wetlands.

(19) Site Development.

(a) Noise and Traffic.

Mobile service support structures or mobile service facilities shall be constructed and operated in such a manner as to minimize the amount of disruption caused to nearby properties. To that end, the following measures shall be implemented for mobile service support structures or facilities.

1. Noise-producing activities (e.g., construction) shall take place only on weekdays (Monday through Friday, non-holiday) between the hours of 6:00 a.m. and 6:00 p.m., except in times of emergency repair; and
2. Emergency power systems (e.g., backup generators and backup batteries), if present, shall be operated only during power outages, for testing, and maintenance purposes.

(b) Security and Signage.

1. Mobile service support structures and mobile service facilities shall be reasonably protected against unauthorized access.
2. Signs must be prominently displayed within the equipment compound prohibiting entry without authorization, warning of the dangers from electrical equipment and unauthorized climbing of the support structure (e.g., tower), and identifying the owner and telephone number for contact in case of emergency. No sign shall be larger than six (6) square feet.

(c) Driveways and Access.

1. Access to mobile service sites shall be by an all-weather gravel or paved driveway. No driveway, unless required under 3., below, shall have a width greater than fifteen (15) feet. Driveways must have a turnaround of the minimum size necessary to accommodate and provide maneuverability for service and emergency vehicles.
2. All mobile service sites shall use existing access points and roads whenever possible. Sites that abut two (2) or more public roads shall gain access from the lowest-class road regardless of driveway length. The road classification hierarchy, in order from highest to lowest, shall be as follows: federal, state, county, town. The applicant shall seek and obtain approval for access from the entity having jurisdiction over the road.
3. The permitting, location, design, and construction of access driveways shall conform to any applicable requirements established by the town.

(20) Ceased Operation, Removal, and Financial Assurance for Removal.

(a) Restoration Requirement.

1. Any mobile service support structure or mobile service facility that has not been operated for a continuous period of twelve (12) months shall be considered to have ceased operation. Within six (6) months of the mobile services permit holder being notified that a mobile service support structure or related facility is considered to have ceased operation, the property shall be restored as herein required:

- a. All mobile service support structures and mobile service facilities shall be removed from the property. If there are two or more users of a single mobile service support structure, then this provision shall not become effective until all operations of the mobile service support structure cease.
- b. All building(s), supporting equipment, and foundations shall be removed to a depth of five (5) feet below the ground surface or, if the distance to bedrock is less than five (5) feet, to bedrock. All excavated areas shall be filled in with unconsolidated soil material, of which the top four (4) or more inches shall be screened topsoil. The excavated areas shall be made level with the surrounding ground surface and shall be seeded or planted with native vegetation.
- c. A document showing the existence of any subsurface structure remaining below grade shall be recorded with the Door County Register of Deeds. Such recording shall accurately set forth the location and describe the remaining structure.
- d. Any hazardous material, either in containers or spilled upon or in the ground, shall be removed and disposed of in a manner prescribed by applicable state and federal law.

2. If removal to the satisfaction of the Land Use Services Department does not occur within six (6) months, the Zoning Administrator may order restoration **by utilizing enforcing the established restoration agreement as described under s. 14.01(20)(a)3. below** or **utilizing the financial assurance as provided under subsection 3.g., below**, and salvage said mobile service support structure or facility.

3. **Subject to §66.0404(4)(i), Wis. Stats.,** as a condition of the issuance and validity of a permit, the applicant/permit holder shall **either record an agreement in the Door County Register of Deeds that assures compliance with s. 14.01.20(a)1.a.– d. of this chapter** or file and maintain a financial assurance, **subject to §66.0404(4)(i), Wis. Stats.,** with the Land Use Services Department. The financial assurance:

- a. Shall be by an irrevocable letter of credit or performance bond.
- b. Shall equal as closely as possible the cost to Door County of hiring a contractor to complete restoration as set forth in Section 14.01(20)(a)1. a. – d., above. This amount will initially be based on a written estimate of a qualified remover of said types of structures, or twenty thousand dollars (\$20,000), whichever is less, to guarantee that the mobile service support structure will be removed when no longer in use. The amount of financial assurance shall be reviewed periodically by the Land Use Services Department to assure it equals outstanding restoration costs.
- c. May be adjusted when required by the Land Use Services Department. The Land Use Services Department may notify the permit holder in writing that adjustment is necessary and the reasons for it (e.g., based upon prevailing or projected interest or inflation rates, or the latest cost estimates for restoration).
- d. Shall be payable to Door County.
- e. May not be cancelled by the surety or other holder or issuer except after not less than a ninety (90) day notice to the Land Use Services Department in writing by registered or certified mail. Not less than thirty (30) days prior to the expiration of the ninety (90) day notice of cancellation, the permit holder shall deliver to the Land Use Services Department a replacement proof of financial assurance. In the absence of this replacement financial assurance, operation of the mobile service facility shall cease until the time it is delivered and in effect.
- f. Shall be released only upon the Land Use Services Department's certification of successful completion of necessary restoration measures. The permit holder must notify the Land Use Services Department, by filing a notice of completion, that restoration is complete. The Land Use Services Department will inspect the site that was the subject of the notice of completion to determine if restoration has been carried out in accordance with Section 14.01(20)(a)1. a. – d., above. Within sixty (60) days after the notice of completion is filed, the Land Use Services Department will issue a written determination that: it is not possible to assess whether restoration is complete due to weather conditions, soil conditions, or other relevant factors; restoration is not complete; restoration is complete in part; or restoration is fully complete.
- g. Shall be forfeited if restoration is not completed as required by Section 14.01(20) (a)1. a. – d., above.

4. The permit holder may change financial assurance. This may not be done more than once a year unless required by and adjustment imposed pursuant to Section 14.01(20)(a)3.c., above. The permit holder shall give the Land Use Services Department at least sixty (60) days' notice prior to changing financial assurance and may not actually change financial assurance without the prior written approval of the Land Use Services Department.

5. Any person who obtains a permit from the Land Use Services Department for two (2) or more sites may elect, at the time the second or subsequent permit is approved, to post a single financial assurance in lieu of separate financial assurance instruments for each site. When an applicant/permit holder elects to post a single financial assurance in lieu of separate financial assurances for each site, no financial assurances previously posted on individual sites shall be released until the new financial assurance has been accepted by the Land Use Services Department.

6. The financial assurance requirements do not apply to support structures and facilities wholly owned and operated by, or for the sole benefit or use of, the state, county or a municipality.

7. This financial assurance requirement is deemed competitively neutral, nondiscriminatory, and commensurate with the historical record for surety requirements for other facilities and structures in the County of Door which fall into disuse.

(21) Administration, Appeal, and Enforcement.

(a) Administration.

The Land Use Services Department is empowered and responsible to administer this Chapter, issue permits as appropriate under this Chapter, and perform all other duties within the scope of this Chapter. All duties shall be the responsibility of a Zoning Administrator, except as otherwise specified.

(b) Appeals.

A party who is aggrieved by the final decision of the County to approve or disapprove an application hereunder may only pursue the remedy set forth in §66.0404(2)(f), Wis. Stats., or §66.0404(3)(d), Wis. Stats.

(c) Violations. It shall be unlawful to site, construct, install, reconstruct, improve, extend, enlarge, relocate, or convert any support structure or related facility in violation of the provisions of this Chapter. It shall also be unlawful to fail to obtain a permit.

(d) Enforcement, Penalties, and Remedies for Violation.

Door County may enforce this Chapter by any lawful enforcement method deemed appropriate and necessary, including the following:

1. Issuance of a citation under §66.0113, Wis. Stats., and Ch. 35, §35.01, Door County Code.
 2. Filing a summons and complaint, seeking injunctive relief, monetary penalties, and any other remedy allowed by law.
 3. A monetary penalty of not less than one hundred and fifty dollars (\$150) per day and not more than five hundred dollars (\$500) per day for each offense. Each day of continued violation constitutes a separate offense.
 4. Allowable assessments, costs, fees, penalties, and surcharges.
- (e) Nonexclusivity.
1. Enactment of this Chapter does not preclude the County from enacting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.
 2. The issuance of a citation or filing of a summons and complaint hereunder shall not preclude the County or any other person or entity from proceeding under any other law, ordinance, regulation or order or by any other enforcement method to enforce any law, ordinance, regulation or order.

14.02 Radio Broadcast Service Facilities

- (1) Authority. Section 14.02 is adopted pursuant to §§59.03, 59.54, and 66.0406, Wis. Stats.
- (2) Applicability. Section 14.02 applies in the unincorporated areas of Door County ("County").
- (3) Purpose. The purpose of Section 14.02 is to regulate the placement, construction, or modification of radio broadcast service facilities, subject to the provisions and limitations of §66.0406, Wis. Stats.
- (4) Intent. Section 14.02 is intended to accomplish, to the greatest degree possible, the following:
 - (a) Promote and protect public health, safety, and general welfare.
 - (b) Minimize or eliminate the adverse public health or safety effects of the siting and construction of radio broadcast service facilities, through the minimum practical regulations that are necessary to accomplish these objectives.
 - (c) Reasonably accommodate radio broadcast services.
 - (d) Not prohibit, or have the effect of prohibiting, the provision of radio broadcast services.

(5) Application and Permit.

(a) A permit is required for radio broadcast service facilities.

(b) The application process, fee and charges, application review, permit grant, and permit transferability, for radio broadcast service facilities shall be the same as set forth in Sections 14.01(13) – (16), above.

(6) Denial of Placement, Construction, or Modification of Radio Broadcast Service Facilities.

(a) If the Land Use Services Department denies a request by any person to place, construct, or modify radio broadcast service facilities, the denial may be based only on public health or safety concerns.

(b) The Land Use Services Department must provide the requester with: a written denial of the requester's request; and substantial written evidence which supports the reasons for the Land Use Services Department's action.

(7) Structural, Design, and Environmental Standards; Setbacks, Fall Zone, Critical Public Safety Communications Corridor, Wetlands; Site Development and Ceased Operation, Removal, and Financial Assurance for Removal.

(a) The foregoing are, subject to the limitations set forth in §66.0406(2)(a) – (b), Wis. Stats., as set forth in Sections 14.01(17) – (20), above.

(8) Administration, Appeal, and Enforcement.

(a) The foregoing are as set forth in Section 14.01(21), above.

(9) Definitions.

(a) To the extent that there are no irreconcilable conflicts, the definitions for this section include those set forth in Section 14.01(12).

(b) Where the language in Section 14.01 refers to mobile service support structures or mobile service facilities said language shall be interpreted in regard to administration of Section 14.02 as referring to radio broadcast services or radio broadcast service facilities.

(c) Radio Broadcast Services: The regular provision of a commercial or noncommercial service involving the transmission, emission, or reception of radio waves for the transmission of sound or images in which the transmissions are intended for direct reception by the public.

(d) Radio Broadcast Service Facilities: The commercial or noncommercial facilities, including antennas and antenna support structures, intended for the provision of radio broadcast services.

~~14.03 Small Wireless Facilities~~

Note: *If the RPC were to decide NOT to exempt small wireless facilities as proposed/written in 14.01, this is how the regulations would read, per state statutes. The section is shown in "overstrike" as staff are recommending NOT regulating state-defined small wireless facilities.*

~~(1) Authority.~~

~~(a) This section is enacted consistent with §§ 59.03, 59.54, 59.69, and 66.0414, Wis. Stats.~~

~~(1) Purpose.~~

~~(a) This section is intended to regulate "small wireless facilities" (as defined in § 66.0414, Wis. Stats.) to the full extent allowed by law.~~

~~(b) Nothing herein is intended to regulate or to authorize the regulation of small wireless facilities in a manner that is preempted or prohibited by § 66.0414, Wis. Stats.~~

~~(c) Provide Door County a legal framework within which to regulate and manage public rights of way in a manner consistent with public health, safety and general welfare and recover the costs incurred in doing so.~~

~~(d) This section may not be construed or interpreted to authorize any entity to provide communications service without compliance with all applicable laws or to authorize the collocation, installation, placement, operation, or maintenance of any communications facilities, including wireline backhaul facilities, other than small wireless facilities and associated utility poles.~~

~~(2) Rights-of-Way (§ 66.0414(2), Wis. Stats.).~~

~~(a) Applicability.~~

~~1. This subsection applies only to the activities of a wireless provider within a right-of-way.~~

~~(b) Access.~~

- ~~1. A wireless provider may, subject to applicable laws, regulations and rules, including this ordinance, do the following:
 - ~~a. collocate small wireless facilities along, across, upon, and under a right-of-way;~~
 - ~~b. construct, modify, maintain, and replace its own utility poles that support small wireless facilities along, across, upon, and under a right-of-way; and~~
 - ~~c. with the permission of the owner, construct, modify, maintain, and replace a 3rd party's utility pole that supports small wireless facilities along, across, upon, and under a right-of-way.~~~~
- ~~2. With regard to the rights of a wireless provider described in sub. 1., a political subdivision may propose an alternate location for collocation, which the wireless provider shall use if it has the right to use the alternate structure on reasonable terms and conditions and the alternate location is technically feasible and does not impose material additional costs.~~
- ~~3. Such small wireless facilities and utility poles, and activities related to the installation and maintenance of the small wireless facilities and utility poles, may not:
 - ~~a. obstruct or hinder travel, drainage, maintenance, or the public health, safety, and general welfare on or around the right-of-way, or~~
 - ~~b. obstruct the legal use of the right-of-way for other communications providers, public utilities, cooperative associations organized under Ch. 185, Wis. Stats. for the purpose of producing or furnishing heat, light, power, or water to their members only, or pipes or pipelines transmitting liquid manure.~~~~
- ~~4. The height of a utility pole installed or modified in a right-of-way may not exceed the greater of:
 - ~~a. A height that is ten percent (10%) taller than the tallest existing utility pole as of July 12, 2019, that is located within five hundred (500) feet of the new or modified utility pole in the same right-of-way.~~
 - ~~b. Fifty (50) feet above ground level.~~~~
- ~~5. The height of a small wireless facility installed, or modified, in a right-of-way may not exceed the greater of:~~

- a. ~~A height that is ten percent (10%) taller than the existing utility pole or wireless support structure on which the small wireless facility is located.~~
- b. ~~Fifty (50) feet above ground level.~~

~~6. A wireless provider may construct, modify, and maintain a utility pole, wireless support structure, or small wireless facility along, across, upon, and under a right-of-way that exceeds the height limits in this paragraph ss. 14.03 (b)4. — 5. if the wireless provider complies with height limits under the Door County Comprehensive Zoning Ordinance.~~

~~(c) Damage and repair.~~

- 1. ~~A wireless provider is required to repair all damage that is directly caused by the activities of the wireless provider in a right-of-way involving its small wireless facilities or structures, and to return the right-of-way to its former condition before it was so damaged.~~
- 2. ~~If the wireless provider fails to make the required repairs within a reasonable amount of time after receiving a written request to do so from Door County, the County may make the necessary repairs and charge the liable party for the cost of the repairs.~~
- 3. ~~This subsection does not prohibit a political subdivision from recovering damages under § 86.02, Wis. Stats. or as otherwise provided by law.~~

~~(d) Nondiscrimination.~~

- 1. ~~Door County will endeavor to administer and regulate a right-of-way in a competitively neutral manner with regard to all users of the right-of-way.~~

~~(e) Nothing herein is intended to prevent Door County (or any other political subdivision) from:~~

- 1. ~~entering into agreements for access to and the use of a right-of-way;~~
- 2. ~~implementing, charging and collecting, or adjusting rates and fees for such access and use; and~~
- 3. ~~establishing terms and conditions for such access and use.~~

~~(3) Permitting Process (§ 66.0414(3), Wis. Stats.).~~

~~(a) Applicability.~~

- 1. ~~This subsection applies to:~~

- a. ~~the permitting for the collocation of small wireless facilities by a wireless provider within and outside a right-of-way; and~~
- b. ~~the permitting for the installation, modification, and replacement of associated utility poles by a wireless provider inside a right-of-way.~~

~~(b) Zoning.~~

- 1. ~~Small wireless facilities are classified as permitted uses.~~
- 2. ~~Small wireless facilities are not subject to the other chapters of this Door County's zoning ordinances if they are collocated in a right-of-way or outside a right-of-way if the property is not zoned exclusively for single-family residential use.~~

~~(c) Application and Permit (§ 66.0414(3)(c), Wis. Stats.).~~

- 1. ~~A permit is required to:~~
 - a. ~~collocate a small wireless facility; and or~~
 - b. ~~to construct, modify, maintain, or operate a new or replacement utility pole for small wireless facilities.~~
- 2. ~~Such permit is of general applicability and does not apply exclusively to small wireless facilities.~~
- 3. ~~Permit applications are subject to § 66.0414(3)(c)1. a. k., Wis. Stats. and require the information set forth in § 66.0414(3)(c)2. a. i., Wis. Stats., including:~~
 - a. ~~The applicant's name, address, telephone number, e-mail address, and emergency contact information.~~
 - b. ~~The names, addresses, telephone numbers, and e-mail addresses of all duly authorized representatives and consultants, if any, acting on behalf of the applicant with respect to the filing of the application.~~
 - c. ~~A general description of the proposed small wireless facility and associated utility pole, if applicable.~~
 - d. ~~The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with special emphasis on those matters likely to be affected or impacted by the physical work proposed.~~
 - e. ~~Site plans and detailed construction drawings to scale that identify the proposed small wireless facility and the proposed use of the right-of-way.~~

- f. ~~To the extent the proposed facility involves collocation on a new utility pole, existing utility pole, or existing wireless support structure, a structural report performed by a duly licensed engineer evidencing that the utility pole or wireless support structure will structurally support the collocation, or that the utility pole or wireless support structure may and will be modified to meet structural requirements, in accordance with applicable codes.~~
- g. ~~If the small wireless facility will be collocated on a utility pole or wireless support structure owned by a 3rd party, other than a governmental pole or a utility pole for designated services, a certification that the wireless provider has permission from the owner to collocate on the utility pole or wireless support structure.~~
- h. ~~Certification by the wireless provider that the small wireless facility will comply with relevant federal communications commission regulations concerning 1) radio frequency emissions from radio transmitters and 2) unacceptable interference with public safety spectrum, including compliance with the abatement and resolution procedures for interference with public safety spectrum established by the federal communications commission set forth in 47 CFR 22.970 to 22.973 and 47 CFR 90.672 to 90.675.~~
- i. ~~Certification by the wireless provider that the small wireless facility will not materially interfere with any of the following: 1) the safe operation of traffic control equipment; 2) sight lines or clear zones for transportation or pedestrians; and 3) the federal Americans with Disabilities Act or similar federal or state standards regarding pedestrian access or movement.~~
- j. ~~A statement that the small wireless facility shall comply with all applicable codes.~~

~~(d) Application Fees (§ 66.0414(3)(d), Wis. Stats.).~~

- 1. ~~The following fees are deemed reasonable, nondiscriminatory, and representative of Door County's direct cost for processing an application:~~
 - a. ~~For an application that includes 5 or fewer small wireless facilities, \$500.~~
 - b. ~~For an application that includes more than 5 small wireless facilities, \$500, plus \$100 for each small wireless facility in excess of 5.~~
 - c. ~~\$1,000 for the installation or replacement of a utility pole together with the collocation of an associated small wireless facility.~~
 - d. ~~The above fees will be increased ten percent (10%) percent every 5 years, rounded to the nearest multiple of \$5. During each 5-year~~

period, the adjustment may be applied incrementally or as a single adjustment.

- e. If the Federal Communications Commission ("FCC") adjusts its levels for fees that are presumptively lawful under 47 USC 253 or 332 (e) (7), the county may adjust any impacted fee on a pro rata basis, consistent with the FCC's action.

~~(e) Approvals not required (§ 66.0414(3)(e), Wis. Stats.)~~

- 1. ~~No application, permit, fee, or any other approval is required for the following activities:~~
 - a. ~~Routine maintenance.~~
 - b. ~~The replacement of a small wireless facility with a small wireless facility that is substantially similar to, or the same size or smaller than, the existing small wireless facility, except that the governmental unit may require the person seeking to replace the small wireless facility to obtain a permit to work within a right-of-way to complete such a replacement. For purposes of this subdivision, a small wireless facility does not include the structure on which it is collocated.~~
 - c. ~~The installation, placement, maintenance, operation, or replacement of micro wireless facilities that are strung on cables between existing utility poles in compliance with the National Electrical Safety Code.~~

~~(f) Traffic work permits (§ 66.0414(3)(f), Wis. Stats.)~~

- 1. ~~Door County may require a work permit for work that will, in the County's sole discretion and judgment, unreasonably affect traffic patterns or obstruct vehicular traffic in a right-of-way.~~
- 2. ~~Such permits are required of and may be issued to any applicant on a nondiscriminatory basis upon terms and conditions that apply to the activities of any other person performing work in the right-of-way that requires excavation or the closing of sidewalks or traffic lanes.~~

~~(4) Aesthetic Requirements (§ 66.0414(3)(c)4., Wis. Stats.)~~

- (a) ~~The following aesthetic requirements govern the deployment of small wireless facilities and associated antenna equipment and utility poles in the right-of-way:~~

- 1. _____
- 2. _____

3. _____

(b) ~~The foregoing aesthetic requirements are deemed reasonable in that they are:~~

1. ~~technically feasible and reasonably directed to avoiding or remedying unsightly or out-of-character deployments;~~
2. ~~no more burdensome than those applied to other types of infrastructure deployments; and~~
3. ~~objective.~~

(c) ~~Any design or concealment measures are not considered a part of the small wireless facility for purpose of the size parameters in the definition of a small wireless facility~~

(d) ~~County may deny an application for not complying with aesthetic requirements only if the denial does not prohibit or have the effect of prohibiting the provision of wireless service.~~

(5) ~~Historic District/Underground District (§ 66.0414(3)(c)5., Wis. Stats.)~~

(a) ~~A historic district is an area designated as historic by the political subdivision, listed on the national register of historic places in Wisconsin or listed on the state register of historic places.~~

(b) ~~An underground district is an area designated by the political subdivision in which all pipes, pipelines, ducts, wires, lines, conduits, or other equipment which are used for the transmission, distribution, or delivery of electrical power, heat, water, gas, sewer, or telecommunications equipment are located underground.~~

(c) ~~A communications service provider may not install structures aboveground in the right-of-way of a historic district or an underground district, except collocations or the replacement of existing structures.~~

(d) ~~Any collocation on or replacement of an existing structure must reasonably conform to the design aesthetics of the original structure in a historic or underground district.~~

(e) ~~Any design or concealment measures are not considered a part of the small wireless facility for purposes of the size restrictions in the definition of "small wireless facility".~~

~~(f) The requirements of this subsection are deemed objective, technically feasible, no more burdensome than requirements applied to other types of infrastructure deployment, and reasonably directed at avoiding or remedying the intangible public harm of unsightly or out-of-character deployments.~~

~~(g) Door County may not apply any requirements under this subsection in a manner that results in an effective prohibition of wireless service.~~

~~(6) Related Matters.~~

~~(a) The collocation of small wireless facilities on governmental poles and utility poles for designated services is governed by § 66.0414(4), Wis. Stats.~~

~~(b) Dispute resolution is controlled by § 66.0414(5), Wis. Stats.~~

~~(c) Indemnification shall be as provided in § 66.0414(6), Wis. Stats.~~

~~(7) Definitions. In this section, definitions include those set forth in § 66.0414(1), Wis. Stats.~~

~~(a) Antenna: "Communications equipment that transmits and receives electromagnetic radio signals and is used in the provision of wireless services."~~

~~(b) Antenna equipment or wireless equipment: "Equipment, switches, wiring, cabling, power sources, shelters, or cabinets associated with an antenna, located at the same fixed location as the antenna, and, when collocated on a structure, is mounted or installed at the same time as such antenna."~~

~~(c) Antenna facility: "An antenna and associated antenna equipment, including ground-mounted antenna equipment."~~

~~(d) Applicable codes: "The state electrical wiring code, as defined in s. 101.80 (4), the state plumbing code specified in s. 145.13 [promulgated under s. 145.02 (2) (a)], the fire prevention code under ch. SPS 314, Wis. Adm. Code, the Wisconsin commercial building code under chs. SPS 361 to 366, Wis. Adm. Code, the Wisconsin uniform dwelling code under chs. SPS 320 to 325, Wis. Adm. Code, and local amendments to those codes enacted solely to address imminent threats of destruction of property or injury to persons."~~

- ~~(e) Applicant: "A wireless provider that submits an application."~~
- ~~(f) Application: "An application for a permit under this section to collocate a small wireless facility or to install, modify, or replace a utility pole."~~
- ~~(g) Collocate, collocate on, or collocation: "The placement, mounting, replacement, modification, operation, or maintenance of a small wireless facility on, or of ground-mounted antenna equipment adjacent to, a structure."~~
- ~~(h) Communications facilities: "The set of equipment and network components, including wires and cables and associated facilities, used by a communications service provider to provide communications service."~~
- ~~(i) Communications network: "A network used to provide a communications service."~~
- ~~(j) Communications service: "Cable service, as defined in 47 USC 522 (6), telecommunications service, as defined in 47 USC 153 (53), information service, as defined in 47 USC 153 (24), or wireless service."~~
- ~~(k) Communications service provider: "A person that provides communications service."~~
- ~~(l) Facility: "An antenna facility or a structure."~~
- ~~(m) Fee: "A one-time charge."~~
- ~~(n) Governmental pole: "A utility pole that is owned or operated by the state or by a political subdivision in a right-of-way."~~
- ~~(o) Investor-owned electric utility: "A public utility whose purpose is the generation, transmission, delivery, or furnishing of electric power but does not include a public utility owned and operated wholly by a municipality or a cooperative association organized under ch. 185."~~
- ~~(p) Micro wireless facility: "A small wireless facility that does not exceed 24 inches in length, 15 inches in width, and 12 inches in height and that has no exterior antenna longer than 11 inches."~~
- ~~(q) Permit: "Written authorization required by the state or a political subdivision to perform an action, or initiate, continue, or complete a project."~~
- ~~(r) Political subdivision: "Any city, village, town, or county."~~

~~(s) Rate: "A recurring charge."~~

~~(t) Right of way: "The area on, below, or above a highway, as defined in s. 340.01 (22), other than a federal interstate highway; sidewalk; utility easement, other than a utility easement for a cooperative association organized under ch. 185 for purposes of providing or furnishing heat, light, power, or water to its members only; or other similar property, including property owned or controlled by the department of transportation."~~

~~(u) Small wireless facility: "A wireless facility to which all of the following apply:~~

- ~~a. The wireless facility satisfies any of the following:

 - ~~i. The wireless facility is mounted on a structure 50 feet or less in height including any antenna.~~
 - ~~ii. The wireless facility is mounted on a structure no more than 10 percent taller than any other adjacent structure.~~
 - ~~iii. The wireless facility does not increase the height of an existing structure on which the wireless facility is located to a height of more than 50 feet or by 10 percent, whichever is greater.~~~~
- ~~b. Each antenna associated with the deployment of the wireless facility, excluding associated antenna equipment, is no more than 3 cubic feet in volume.~~
- ~~c. All other wireless equipment associated with the wireless facility specified in subd. a., including the wireless equipment associated with the antenna and any preexisting associated equipment on the structure, is no more than 28 cubic feet in volume.~~
- ~~d. The wireless facility does not require registration as an antenna structure under 47 CFR part 17.~~
- ~~e. The wireless facility is not located on tribal land, as defined in 36 CFR 800.16 (x).~~
- ~~f. The wireless facility does not result in human exposure to radio frequency in excess of the applicable safety standards specified in 47 CFR 1.1307."~~

~~(v) Structure: "Except in par. [(ee)], a utility pole or wireless support structure, whether or not it has an existing antenna facility."~~

~~(w) Technically feasible: "By virtue of engineering or spectrum usage the proposed placement for a small wireless facility, or its design, concealment measures, or site location can be implemented without a reduction in the functionality of the small wireless facility."~~

~~(x) Utility pole: "A pole that is used in whole or in part by a communications service provider; used for electric distribution, lighting, traffic control, signage, or a similar function; or used for the collocation of small wireless facilities."~~

~~“Utility pole” does not include a wireless support structure or electric transmission structure.”~~

~~(y) Utility pole for designated services: “A utility pole owned or operated in a right-of-way by the state, a political subdivision, or a utility district that is designed to, or used to, carry electric distribution lines, or cables or wires for telecommunications, cable, or electric service.”~~

~~(z) Wireless facility:~~

- ~~a. Wireless facility: “An antenna facility at a fixed location that enables wireless services between user equipment and a communications network, and includes all of the following:~~
- ~~i. Equipment associated with wireless services.~~
 - ~~ii. Radio transceivers, antennas, or coaxial, metallic, or fiber optic cable located on, in, under, or otherwise adjacent to a utility pole or wireless support structure.~~
 - ~~iii. Regular and backup power supplies.~~
 - ~~iv. Equipment that is comparable to equipment specified in this subdivision regardless of technical configuration.”~~

~~b. Wireless facility does not include any of the following:~~

- ~~i. The structure or improvements on, under, or within which equipment specified in subd. 1 is collocated.~~
- ~~ii. Wireline backhaul facilities.~~
- ~~iii. Coaxial, metallic, or fiber optic cable that is between utility poles or wireless support structures or that is not adjacent to a particular antenna.”~~

~~(aa) Wireless infrastructure provider: “Any person, other than a wireless services provider, that builds or installs wireless communication transmission equipment, antenna equipment, or wireless support structures.”~~

~~(bb) Wireless provider: “A wireless infrastructure provider or a wireless services provider.”~~

~~(cc) Wireless services: “Any service using licensed or unlicensed wireless spectrum, including the use of a Wi-Fi network, whether at a fixed location or by means of a mobile device.”~~

~~(dd) Wireless services provider: “Any person who provides wireless services.”~~

~~(ee) Wireless support structure: “An existing freestanding structure that is capable of supporting small wireless facilities, except that “wireless support structure” does not include any of the following:~~

- ~~a. A utility pole.~~

~~b. A structure designed solely for the collocation of small wireless facilities."~~

~~(ff) Wireline backhaul facility: "A facility for providing wireline backhaul service."~~

~~(gg) Wireline backhaul service: "The transport of communications services by wire from small wireless facilities to a communications network."~~

14.04 Broadband Network Projects – Pursuant to §196.504, Wis. Stats.

(Added: 23 May 2017; Ord. No. 2017-03)

(1) Authority. This section is enacted consistent with §§ 59.03, 59.54, 59.69 & 196.504, Wis. Stats.

(2) Applicability. This section applies in the unincorporated areas of Door County.

(3) Purposes. The purposes of this section are:

(a) To ensure that Door County may be certified as a *Broadband Forward! Community* under §196.504(4), Wis. Stats.

(b) To encourage the development of broadband infrastructure in underserved areas of Door County; and

(c) To effect the timely and efficient: review and approval of applications, issuance of permits, and resolution of related issues related to broadband network projects.

This section shall at all times be construed consistent with the aforementioned purposes.

(4) Interpretation. If ambiguities or conflicts exist between the provisions of this section and §§14.01–14.03, **and 14.05 above**, an attempt should be made to reconcile and give effect to all provisions if reasonably practicable. If not, then the provisions of this section control.

(5) Definitions. To the extent there are no irreconcilable conflicts, the definitions in this section shall be as set forth in §196.504(4), Wis. Stats., §§14.01-14.03 **and 14.05**, Door County Comprehensive Zoning Ordinance, and as follows:

(a) "Applicant" means a person applying for a permit for a broadband network project.

(b) "Broadband Network Project" means the construction or deployment of wireline or wireless communications facilities to provide broadband communications services in underserved areas of Door County.

(c) "Permit" means any local permit, license, certificate, approval, registration, or similar form of approval required by policy, administrative rule, regulation, ordinance, or resolution with respect to a broadband network project.

(d) "Written" or "in writing" means information that is inscribed on a tangible medium or that is stored in an electronic or other intangible medium and is retrievable in perceivable form.

(6) Point of Contact. The single point of contact for all matters related to a broadband network project, including receipt of a broadband network project application, is the:

Door County Land Use Services Department
 Door County Government Center
 421 Nebraska Street
 Sturgeon Bay, WI 54235
 PH: 920.746.2323
 FAX: 920.746.2387
 Email: mgoode@co.door.wi.us
 Website: <http://map.co.door.wi.us/planning/>

(7) Electronic Submission. All forms, applications, and documentation related to a broadband network project may be filed and signed by electronic, or any other means authorized by the Public Service Commission of Wisconsin.

(8) Application and Permit.

(a) A permit is required for broadband network projects.

(b) The application process, fee and charges, application review, permit grant, and permit transferability shall be, to the extent such does not conflict with §196.504, Wis. Stats., consistent with §§14.01(13) – (16), above.

(9) Structural, Design, and Environmental Standards; Setbacks, Fall Zone, Critical Public Safety Communications Corridor, Wetlands; Site Development and Ceased Operations, Removal, and Financial Assurance for Removal

(a) The foregoing are as set forth in §14.01(17) – 14.01(20), above.

(b) Subject to the limitations set forth in §§66.0404 & 196.504(4), Wis. Stats.

(10) Completeness Review of Applications.

(a) The Door County Land Use Services Department ("Land Use Services Department") will determine whether an application is complete and notify the applicant about the determination in writing within ten (10) days of receiving the application.

(b) If the Land Use Services Department does not believe that an application is complete, the written notification under (10)(a) above will specify in detail the required information that is incomplete.

(c) If the Land Use Services Department does not make the written notification required under (10)(a) above, the application will be deemed to be complete.

(d) An applicant may resubmit an application as often as necessary until the application is complete.

(11) Approval or Denial of Complete Applications.

(a) Within sixty (60) days of receiving an application that is complete, the Land Use Services Department will approve or deny the application and provide the applicant written notification of the approval or denial.

(b) If the Land Use Services Department denies an application, it will include in the written notification under (11)(a) above evidence that the denial is not arbitrary and capricious.

(c) An application is considered approved and any required permit is to be issued if the Land Use Services Department does not provide the written notification under (11)(a) above.

(12) Fees.

(a) Fees, to review an application, issue a permit or perform any other activity related to a broadband network project, will be as established by the Door County Board of Supervisors.

(b) Any fees imposed shall be reasonable consistent with §196.504(5)(i), Wis. Stats.

(c) An application fee that exceeds one hundred dollars (\$100) is unreasonable.

(13) Administration, Appeal, and Enforcement. Administration, appeal and enforcement shall, to the extent there are no irreconcilable conflicts, be as set forth in §§14.01(21) above.

(14) Initial Applicability. This section first applies to applications received for broadband network projects on or after the effective date of this ordinance.

14.035 Other Communications Services Support Structures and Related Facilities

(Renumbered:)

- (1) Authority. Section 14.035 is adopted consistent with §§59.03, 59.54, and 59.69, Wis. Stats., and, to the extent it is applicable, the Federal Telecommunications Act of 1996.
- (2) Applicability. Section 14.035 applies in the unincorporated areas of Door County ("County").
- (3) Purpose. The purpose of Section 14.035 is to regulate the placement, construction, or modification of wireless communications services support structures and related facilities except those described in §§66.0404 and 66.0406, Wis. Stats.
- (4) Intent. Section 14.035 is intended to accomplish, to the greatest degree possible, the following:
 - (a) Preserve Door County's authority over zoning and land use decisions for other communications services support structures and related facilities.
 - (b) Promote and protect public health, safety, and general welfare.
 - (c) Minimize or eliminate the adverse public health or safety effects of other communications services support structures and related facilities through the minimum practical regulations that are necessary to accomplish these objectives.
 - (d) Encourage collocation to the extent technologically feasible, and engage in cooperative efforts with providers to chart the potential overlap of desirable locations, in order to minimize the number of structures and facilities to be sited.
 - (e) To not unreasonably discriminate among providers of functionally equivalent services.
 - (f) To not regulate in a manner that prohibits or has the effect of prohibiting the provision of these other communications services.
- (5) Application and Permit.
 - (a) A permit is required for the placement, construction, or modification of other communications service support structures and related facilities.
 - (b) The application process, fee and charges, application review, permit grant, and permit transferability, for other communications service support structures and related facilities are consistent with that set forth in Sections 14.01(13) – (16), above.

(6) Denial of Placement, Construction, or Modification of Other Communications Service Support Structures and Related Facilities.

(a) Door County must act on applications within a reasonable period of time.

(b) Door County must make any denial of an application in writing supported by substantial evidence in a written record.

(7) Structural, Design, and Environmental Standards; Setbacks, Fall Zone, Critical Public Safety Communications Corridor, Wetlands; Site Development and Ceased Operation, Removal, and Financial Assurance for Removal.

(a) The foregoing are consistent with that set forth in Sections 14.01(17) – (20), above.

(8) Administration, Appeal, and Enforcement.

(a) The foregoing are consistent with that set forth in Section 14.01(21), above.

(9) Definitions.

(a) To the extent that there are no irreconcilable conflicts, the definitions for this section include those set forth in Sections 14.01(12).

(b) Where the language in Section 14.01 refers to mobile service support structures or mobile service facilities said language shall be interpreted in regard to administration of Section 14.035 as referring to wireless communications services support structures and related facilities other than those described in §§66.0404 and 66.0406, Wis. Stats.

(c) Other Communications Services Support Structures: Wireless communications services support structures and related facilities except those described in §§66.0404 and 66.0406, Wis. Stats.

**DOOR COUNTY
CAPITAL IMPROVEMENT PROJECT (CIP) FORM 2021-2025**

Department: Land Use Services
Project Name: County-wide Address Sign Replacement

Submitted By: Mariah Goode
Date: 4/24/2020

Priority: Urgent/**Necessary?**/Growth-Related (circle one)

Description (summarized--detailed project plan, location, and justification to be attached):
The existing green, one-sided address and summary signs placed parallel to the road will be replaced with two-sided blue signs placed perpendicular to the road.

Location (summarized--detailed project plan, location, and justification to be attached):
All individual property address and summary signs in all 14 towns.

Justification (summarized--detailed project plan, location, and justification to be attached):
Request from three towns in Southern Door and various emergency service entities.

Expenditures (in thousands)
Provide \$ amounts for all years if applicable.

	Budget 2021	Proposed 2022	Proposed 2023	Proposed 2024	Proposed 2025
Building Construction/Remodeling/Purchase	-	-	-	-	-
Road Construction/Maintenance	-	-	-	-	-
Equipment Purchase - Contract labor, materials, installation	750,000	-	-	-	-
TOTAL	750,000	-	-	-	-

(Note: The oversight committee is to recommend the funding source before moving the C.I.P. forward.)

Funding Source (in thousands)
Provide \$ amounts for all years if applicable.

	Budget 2021	Proposed 2022	Proposed 2023	Proposed 2024	Proposed 2025
Long Term Financing (15 years to 25 years)	-	-	-	-	-
Short Term Financing (60 days)	-	-	-	-	-
Federal/State Aids (describe)	-	-	-	-	-
Tax Levy ?	750,000	-	-	-	-
Other (prior year carryover)	-	-	-	-	-
TOTAL	750,000	-	-	-	-

(all columns are formatted--just enter the amounts with no decimals)

GOODE, MARIAH

From: GOODE, MARIAH
Sent: Friday, April 3, 2020 12:38 PM
To: PABICH, KEN
Cc: THOMAS, GRANT
Subject: rough estimate for cost of county-wide address sign replacement project

Hi, Ken –

I talked to Chris Moe after you and Grant and I talked about this yesterday.

This is what she originally had calculated a few months ago, based on information we received from a sign manufacturing and installation company the county has worked with previously:

- Physical signs: 18,000 @ \$18.95 = \$341,100
- Summary signs: 2,500 @ \$42.65 = \$106,625
- Installation: 20,500 @ \$9.75 = \$199,875
- New posts: 2,500 @ \$6.86 = \$17,150

That works out to a total estimated cost of \$664,750.00, but I would suggest we increase that estimate to \$750,000 for the CIP for 2021 so as to account for material and labor price increases and other unknowns. (An increase of 10% over the costs above, for example, would work out to \$731,225.00.)

Please let me know if you have any questions, and please let me know if you need me to do anything else.

Thank you!

Mariah Goode, Director
Door County Land Use Services Department
Door County Government Center
421 Nebraska Street
Sturgeon Bay, WI 54235
Direct line: (920) 746-2224
Main office line: (920) 746-2323
FAX: (920) 746-2387
E-mail: mgoode@co.door.wi.us
Website: <http://map.co.door.wi.us/planning>