

# STAFF REPORT    LAND MANAGEMENT COMMITTEE

Land Management Committee Meeting, February 6, 2019

Agenda Item 4

**Applicant:**    Jerry & Debra Hallis (owners)

**Request:**    Conditional Use Permit (CUP) for a Kennel

**Background:**

Mr. & Mrs. Hallis have been raising dogs as a hobby and operating a kennel on their property since May 24, 1999. They began breeding and selling golden retrievers, but now only breed and sell tea cup poodles that range between 3-6 pounds each. The American Kennel Club has completed inspections in the past and the report states they were in compliance. The owners were apparently not aware that a kennel permit was required until the American Kennel Club Inspector mentioned it during a recent inspection.

**Issues Pertaining to the Request:**

- This property is located in the SW ¼ and the SE ¼ of Sec. 11, T26N, R19W, Town of Oak Grove, Pierce County, Wisconsin.
- Current land use is agricultural and residential. Neighboring land uses are agricultural, commercial, and residential.
- The applicants own 35 acres that is in the General Rural Flexible-8 zoning district.
- PCC Table of Uses allows 'kennels' in the General Rural zoning district with the issuance of a CUP subject to the provisions in § 240-36 I:
  1. All dogs shall be housed indoors during the hours from 9:00 p.m. to 6:00 a.m.
  2. Minimum side and rear yards for all structures associated with kennels shall be 200 feet
  3. Except as exempted here, all kennels shall be screened from public highways by vegetative screening as described in § 240-31D. Structures located at least 200 feet from the centerline of public roads are exempt from the screening requirement.
  4. There shall be no more than two adult dogs in a single enclosure unit.
- Pierce County Code (PCC) § 240-88 defines 'Kennel' as, "any establishment wherein or whereon eight or more dogs over the age of five months are kept."
- The applicants built an addition onto the north side of their home that they use to house the dogs. The addition is located within 200 feet of the centerline of the town road but is shielded from public view by the applicants' home. The addition is located more than 200 feet from side and rear yard lot lines. Applicants indicate that they have dedicated the mud room to raising tea cup poodles and have ceramic tile on the floor for easy clean-up.
- To the northeast of the house, the applicants have a fenced in area so dogs have outdoor accessibility and so they can be exercised. This fenced in area is located within 200 feet for the centerline of the town road. The fence facing 570<sup>th</sup> Avenue has two layers. The inside is chain linked and the outside has tall wooden fence panels for security and screening. Adult dogs are separated from puppies and

males are separated from females. This spring they plan to install artificial turf on the ground to help prevent digging and promote cleanliness.

- Driveway access is off 570<sup>th</sup> Avenue. Pierce County Code § 240-54 does not specify parking requirements for this type of operation. There are several off-street parking spaces available.
- Applicants don't employ anyone else and don't plan on hiring additional help.
- Applicants currently have 20 tea cup poodles and would like a maximum of 23 poodles. When the owners retire, they plan to eventually stop breeding the dogs and reduce their number of dogs as each pass away.
- The Oak Grove Town Board recommended denial of this request on 8-20-2018 because "...it does not meet the distance requirement in the Town's kennel ordinance..."
- The applicants proposed operation complies with the zoning requirements of 240-36(I) Kennels. The Zoning Office does not enforce the Town Kennel Ordinance. However, it is a standard condition that an applicant must acquire all necessary permits and licenses from applicable agencies (DSPS, DNR, and Towns).

The approval of this CUP request by the LMC would not eliminate the need to comply with the Town of Oak Grove's Kennel Ordinance and dog licensing requirements. An approval would rather certify compliance with Pierce County Zoning Code standards and provide the applicant with time to work with the Town to resolve kennel permitting issues. If a solution with the Town cannot be reached within the initial term of the conditional use permit, the applicant would likely be in violation of the CUP and enforcement action/revocation would be commenced if required.

**Recommendation:**

Staff recommends that the Land Management Committee determine whether the proposed use at the proposed location would be contrary to the public interest and whether it would be detrimental or injurious to public health, public safety, or the character of the surrounding area. If found to be not contrary to the above, staff recommends the Land Management Committee approve this conditional use permit for a dog kennel with the following conditions:

1. Activities shall be conducted as submitted in the application and as presented to the LMC.
2. All dogs shall be housed indoors during the hours 9 PM to 6 AM.
3. There shall be no more than two adult dogs housed in a single enclosure unit.
4. Vegetative screening shall be installed to screen the fenced-in exercise area if activities are determined by staff to be readily visible from the adjacent public road during leaf on conditions.
5. Any buildings or advertising signs shall comply with the zoning code standards and applicant shall obtain any necessary permits.
6. One off street parking space shall be delineated.

7. This conditional use permit shall expire in one year.
8. The applicant shall comply with all applicable State and local rules and regulations, and shall acquire all necessary permits and licenses from other applicable agencies (DATCP) and the Town of Oak Grove.
9. An inspection of the facility by DATCP shall be conducted annually and the report submitted to the Zoning Office and the Town of Oak Grove. If a DATCP inspection of the kennel is not required, a written explanation of that determination shall be provided and an inspection of the facility by the American Kennel Club shall be conducted annually and a report submitted to the Zoning Office and to the Town of Oak Grove.
10. Applicant understands that expansion or intensification of this use will require modification to this conditional use permit.

**Submitted By:** Emily Lund,  
Assistant Zoning Administrator

Pierce County

Navigation: Zoom Prev

Zoom Extent

X/Y Map Tips Measure Pictometry Legend Results Sea

Tools

Measure

Distance Feet

Area Square Feet

Segment (ft.): 0.40

Total (ft.): 0.40

Show labels while drawing

Toggle measurement labels

Stream Mode

Snapping Mode

Clear Last Clear

Scale 1: 600

X: 1281047.4465 Y: 344494.4462

# Land Management Committee

Jerry & Debra Hallis  
(February 6, 2019)  
CUP - Kennel

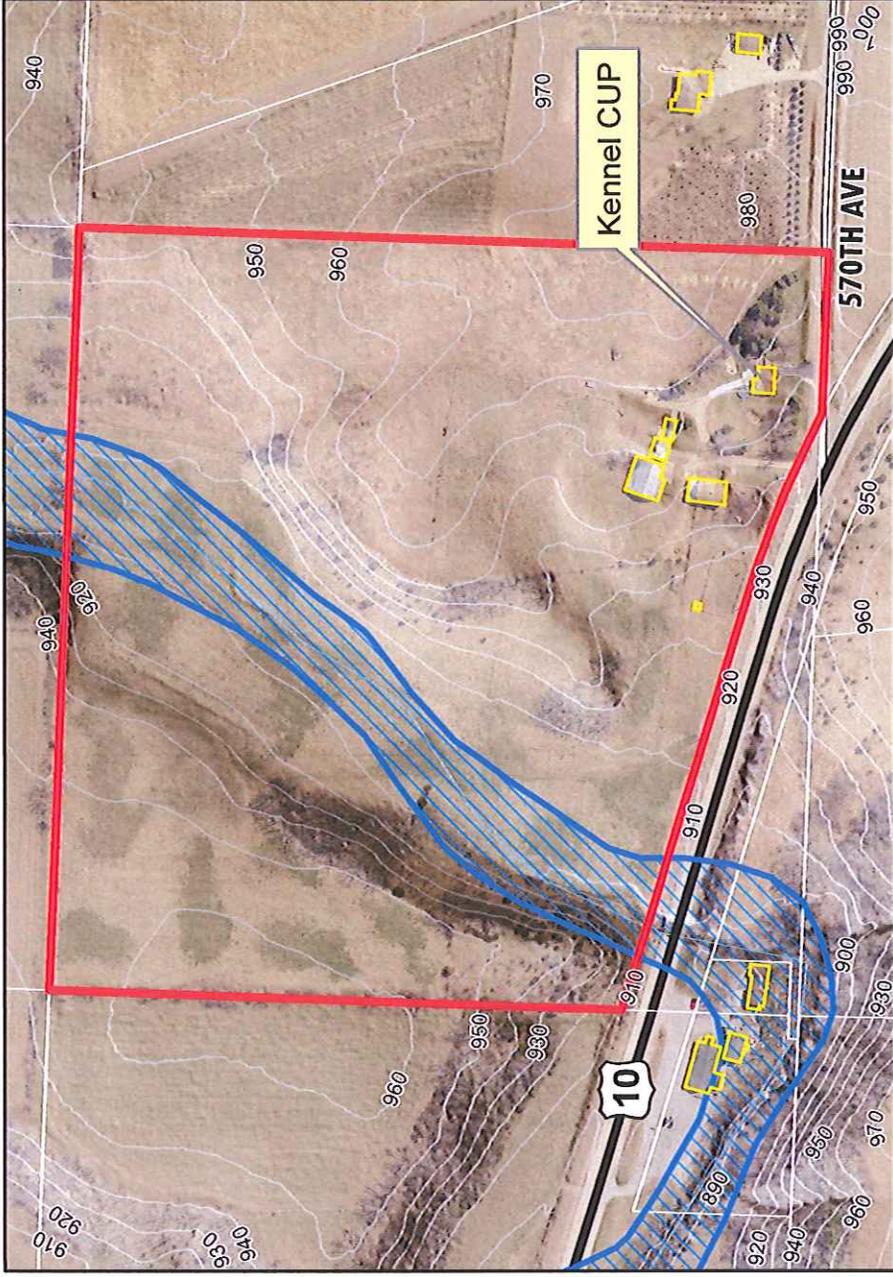
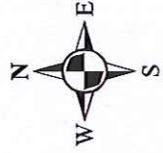
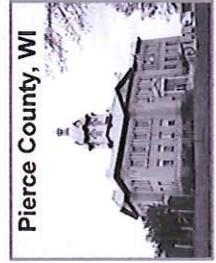
## Legend

-  Dwellings
-  Plan Site
-  Parcels
-  Building Footprints (2015 Aerials)
-  100 Yr Floodway/ No Base Elev. Det

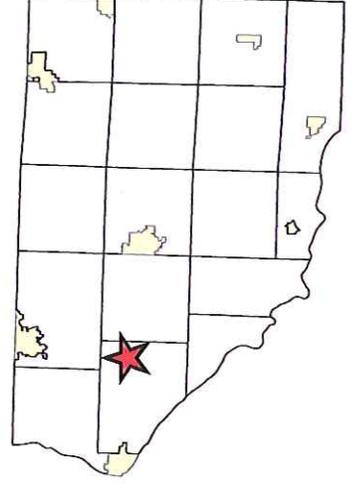
## Zoning

-  Commercial
-  General Rural Flexible - 8
-  Light - Industrial

Orthophotography - 2015 Pierce County



**Site Location**  
W10218 570TH AVE  
Town of Oak Grove



## STAFF REPORT      LAND MANAGEMENT COMMITTEE

Land Management Committee Meeting,

February 06, 2019

Agenda Item 5

**Request:** Discuss take action on proposed amendments to Pierce County Code Chapter 240-35, Agricultural Uses.

### Background:

The raising of backyard fowl in residential areas has become quite popular in recent years. Some cities and villages within and nearby Pierce County have created ordinances to allow a limited number of fowl to be kept within their municipal boundaries. Staff is proposing to allow limited domestic fowl and structures in Rural Residential zoning districts. The proposed amendments would be regulated under Agricultural Uses in §240-35.

While deliberating how to incorporate the regulation of domestic fowl into the Agricultural Uses section, staff discovered some inconsistencies in the code. Pierce County Code §240-35(A)(3) states: *General agricultural practices except for barnyards, feed lots, and uses involving agricultural structures, shall be allowed in all nonagricultural zoning districts.* However, the Pierce County Table of Uses chart only reflects “general agriculture” as a permitted use in agricultural districts. This means that the ordinance and table of uses chart are contradicting.

In addition to the inconsistency described above, the current definition of general agriculture appears to be blended with language relating to intensive agriculture. This makes it hard to decipher which activities (for example animal husbandry) can be viewed as general agriculture and which activities should be viewed as intensive agriculture. The current definition of “general agriculture” is: *any agricultural use, except those listed for intensive agriculture, including apiculture; animal husbandry; dairying; floriculture; forage crop production; forest crop production; grain production; grazing; horticulture; orchards; specialty crop production, such as maple syrup, mint and willow; viticulture; and truck farming.* “Intensive agriculture” is not defined in the Zoning Ordinance and not referenced in the Pierce County Table of Uses chart.

Staff believes that it would be appropriate to re-define “general agriculture” and create a new definition for “intensive agriculture” to better regulate specific agricultural uses in certain districts (specifically animal husbandry). The new definition of general agriculture would describe/list agricultural uses that would be allowed in all zoning districts. The new definition of intensive agriculture would describe/list higher impact agricultural uses only allowed in agricultural districts.

Staff asks the committee consider the following questions when discussing the proposed amendments:

1. Should domestic fowl be allowed in residential zoning districts and if so, how many domestic fowl should be allowed on a residential parcel? Staff thought 6 may be an appropriate number based on the examples listed below:

City of Prescott allows 6 (2012)

Village of Ellsworth allows 10

Dunn County allows 4 in residential districts.

Buffalo County allows 12 in residential districts.

City of Hudson allows 5  
City of River Falls does not allow chickens. (2010)

2. Does the committee feel comfortable using the terms “general agriculture” and “intensive agriculture” to separate the regulation of different intensity agricultural uses?

Staff would propose activities such as animal husbandry, grazing, dairying, and apiculture to fall under “intensive agriculture.”

**Recommendation:**

Staff recommends the Land Management Committee discuss the proposed concepts, and if appropriate, direct staff to draft ordinance amendments for future LMC consideration.

**Submitted By:** Adam Adank,  
Zoning Specialist