

Eau Claire County
PLANNING & DEVELOPMENT COMMITTEE AGENDA

Tuesday, June 28, 2016 • 7:00 PM

Eau Claire County Courthouse • 721 Oxford Avenue • Room 1277
Eau Claire, Wisconsin

1. Call to Order
2. Public Input Session **(30 minute maximum)**
Comments are restricted to matters within the Committee's jurisdiction, and items not pertaining to already scheduled public hearings. Comments will be limited to three minutes per individual.
3. Public Hearings:
 - a. A conditional use permit request to allow temporary seasonal housing for farm help in the A-P Agricultural Preservation District (Ferguson's Orchard – Town of Washington) CUP-0007-16 / Discussion – Action **p. 2 - 22**
 - b. A conditional use permit request for a planned commercial development in the C-3 Highway Business District (Stafslie – Town of Washington) CUP-0008-16 / Discussion – Action **p. 23 - 36**
 - c. **Proposed Ordinance: File No. 16-17/022** "Amending the 1982 Official Zoning District Boundary for the Town of Pleasant Valley" (Helfenstine) RZN-0011-16 / Discussion – Action **p. 37 - 58**
 - d. A conditional use permit request to construct a home on a parcel with less than 50 percent of the required area for the A-P Agricultural Preservation District (Peterson – Town of Pleasant Valley) CUP-0009-16 / Discussion – Action **p. 59 - 75**
4. **From May 24, 2016:** A conditional use permit request to construct additions to accessory structures where the cumulative square footage will exceed 1,200 square feet in the RH Rural Homes District (Slowik – Town of Brunswick) CUP-0006-16 / Discussion – Action **p. 76 - 93**
5. Review/Approval of Preliminary Plat of Winter Haven in Section 26, T26N-R09W in the Town of Pleasant Valley / Discussion – Possible Action **p. 94 - 102**
6. Review of May Bills / Discussion **p. 103**
7. Review/Approval of May 24, 2016 Meeting Minutes / Discussion – Action **p. 104 - 108**
8. Proposed Future Agenda Items / Discussion
9. Adjourn

Post: 6/22/2016

Please note: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through sign language, interpreters or other auxiliary aids. For additional information or to request the service, contact the County ADA Coordinator at 839-4710 (FAX) 839-1669 or (TDD) 839-4735 or by writing to the ADA Coordinator, Human Resources Department, Eau Claire County Courthouse, 721 Oxford Ave., Eau Claire, Wisconsin 54703.



EAU CLAIRE COUNTY PLANNING AND DEVELOPMENT STAFF RECOMMENDATION

CONDITIONAL USE PERMIT NUMBER: CUP-0007-16

COMPUTER NUMBER(S): 024-1186-02-020

PUBLIC HEARING DATE: June 28, 2016

STAFF CONTACT: Rod Eslinger, Land Use Manager
Beth Richmond, Planning Intern

OWNER: Ferguson's Morningside Orchard LLC

APPLICANT: Andy Ferguson

REQUEST: Conditional use permit for temporary housing for seasonal farm help.

LOCATION: 6470 Balsam Road, Eau Claire, WI 54703

LEGAL DESCRIPTION: LOT 1 OF CSM V.15 PG.254 (#2765) LYG IN THE NE ¼ EX LOT 1 CSM 2007 (V17 P26 #1104413) in Section 17, T26N, R09W, Town of Washington

SUMMARY

Request for a conditional use permit for temporary housing for seasonal farm help. Ferguson's Orchard is one of the largest commercial apple growers in Wisconsin and as such, has fluctuating needs for seasonal workers throughout the year. To house their temporary workers, Ferguson's proposes to install two (2) 30 foot by 70 foot manufactured homes, each consisting of ten (10) double bedrooms, ten (10) bathrooms, and one (1) kitchen for a total of twenty (20) bedrooms, twenty (20) bathrooms, and two (2) kitchens. These two manufactured homes would be able to house forty (40) workers at a time. These structures would be used during the apple picking months of September and October, and may be used periodically during other months in which seasonal work exists (i.e. tree pruning in January and February, summer hand labor in June and July). The applicant has indicated the housing units will be inspected at least twice annually by state and federal agencies for suitability for worker housing.

BACKGROUND

SITE CHARACTERISTICS:

- The site for these structures is located at the east end of the property, near Balsam Road. This location is relatively hidden from the retail portion of the property.
- Lot size is 128.239 acres.
- There is an existing early 20th century farmhouse on the proposed site which would be removed to make room for the new structures.
- Property co-owner lives onsite.
- Water supply would come from existing wells on the property.
- Shallow well on the proposed site would be capped.
- Electricity will be brought either from Balsam Road or from existing service on the property.
- Sewage would be collected in a 10,000 gallon holding tank pending approval from the Eau Claire City/County Health Department.

- The proposed structures will have a small parking/loading space immediately outside. Any other needed parking will be in existing lots. It is not anticipated that these workers will add to traffic or parking needs.

CURRENT ZONING:

A-P Agricultural Preservation District. The A-P is established to:

- A. Preserve and protect those areas best suited for agricultural, forestry or open-space uses by minimizing fragmentation of contiguous agricultural or forest lands for the benefit and use of current and future generations;
- B. Provide for a wide range of agricultural uses typically associated with the continued production of food and fiber while recognizing that such uses may involve noise, dust, odor, or operation of heavy equipment for long periods of time;
- C. Strengthen and diversify a predominately agricultural and forestry-based economy by providing for a range of economic opportunities for property owners which are generally compatible with and supportive of agriculture or forestry operations as either permitted or conditional uses;
- D. Comply with standards contained in Wis. Stat. ch. 91 to permit eligible landowners to receive tax credits under Wis. Stat. § 71.09, in conjunction with their agricultural operations;
- E. Preserve rural character and promote the efficient use of public infrastructure and utilities by minimizing the adverse effects of urban sprawl along with its associated expense;
- F. Promote environmental quality through the use of conservation practices designed to minimize erosion of productive soils and deter the delivery of sediment and nutrients to the waters of our state;
- G. Minimize land use conflicts which occur when agricultural and non-agricultural uses are intermixed or not adequately separated; and
- H. Provide for carefully regulated extraction of nonmetallic mineral resources through Eau Claire County’s permitting processes to ensure compatibility with adjacent land uses, minimize impacts to natural resources, and to restore lands to productive agricultural use consistent with locally approved reclamation plans.

ADJACENT ZONING & LAND USES:

DIRECTION	ZONING	LAND USE
North	A-1	Ag. fields, residence with an orchard
West	A-R, A-P	Ag. field and residence
South	A-P	Ag. fields and woodlot
East	A-P, A-2	Wooded residential lots and ag. field

LAND USE PLANS

The County Land Use Plan, adopted in 2010, includes this property in a Rural Lands planning area; the Town of Washington Comprehensive Plan places this property in a Rural Preservation area.

Eau Claire County - Rural Lands (RL)

Intent and Description: The primary intent of these areas is to preserve their rural character. This is accomplished by preserving productive agricultural lands, protecting existing farm & forestry operations from encroachment by incompatible uses, promoting further investments in farming, maintaining farmer eligibility for incentive programs, and preserving wildlife habitat and open spaces.

APPLICABLE ZONING REGULATIONS

Section 18.01.010 Purpose. This section describes the purpose of the zoning code. Generally, the purpose of the zoning ordinance is as follows: to separate incompatible land uses from one another; to maintain public health and safety; to protect and conserve natural resources; to prevent overcrowding; to preserve property values; and to maintain the general welfare of the citizens.

18.32.030 A. Conditional Uses. Within the A-P District, temporary housing for seasonal farm help is listed as a conditional use.

18.32.035 A. Structures. Temporary structures for the purpose of housing for seasonal farm help are allowed with conditional use permits in the A-P District.

Chapter 18.21 Conditional Uses. Standards for approval of conditional uses: 1) the use must be in conformance with the purpose of the zoning district it is located in; 2) the use will not be injurious to the use and enjoyment of other property in the immediate vicinity; 3) adequate utilities, access, drainage and other necessary facilities have been or are provided; 4) adequate off-street parking is provided; 5) adequate measures have been taken to prevent or control offensive odors, fumes, dust, noise and vibration so these will not constitute a nuisance, and lighting is controlled so that it does not result in disturbance to neighboring properties; 6) soil conditions are adequate to support the use; 7) access does not pose traffic congestion or hazards.

ANALYSIS: It appears that findings can be made that the proposed request meets the standards for temporary housing for seasonal workers, and that it will meet all of the standards for conditional use permits. This request does not appear to be injurious to the use and enjoyment of other properties in the immediate vicinity. Adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided. Adequate measures have been or will be taken to mitigate nuisance factors such as odor, dust, or noise.

TOWN BOARD ACTION: The Town of Washington Town Board will meet on June 23, 2016 to discuss this request.

STAFF CONCLUSIONS AND RECOMMENDATION: Staff concludes that the proposed temporary housing meets the standards for conditional use permit and is consistent with the purpose of the zoning ordinance.

Staff recommends approval of the conditional use permit with the following conditions:

1. All development on the site shall be done in accord with the site plan that was submitted with the application, and the site plan shall be attached to and made a part of the permit.
2. The proposed temporary structures shall be effectively screened from view of Balsam Road and the adjoining property.
3. Any type of outdoor patio or community space should be located between the two structures so as to keep noise and lighting to a minimum.
4. Skirting shall be added around the bottom of each structure.
5. The applicant shall maintain internal driving areas so the fire and rescue operations can access the current and proposed buildings.
6. All outdoor lighting fixtures shall be shielded lighting to direct light downward and away from residential areas and public right-of-ways.
7. All parking shall comply with the parking regulations in Chapter 18.25 of the County Code.
8. The applicant shall notify the Land Use Control Manager upon completion of the site plan so that staff can verify compliance with the terms of this approval.
9. The Land Use Manager can approve minor alterations from the terms of the permit. A major change does require the approval of the committee at a public hearing.
10. The owners shall allow staff from the Department to enter the property at reasonable times to inspect the premises for compliance with the conditions of this permit.
11. The permit is subject to Sections 18.21.080 to 18.21.100 of the Zoning Code. These provisions establish when a conditional use permit lapses, the conditions under which it can be revoked, and when a CUP expires due to the abandonment of a use.

Eau Claire County
 Department of Planning and Development
 Eau Claire County Courthouse
 721 Oxford Avenue, Room 3344
 Eau Claire, Wisconsin 54703
 (715) 839-4741

City Bd Supervisor #10 Mike Conlin

Application Accepted:	5/27/2016
Accepted By:	Rod Eslinger
Receipt Number:	46790
Town Hearing Date:	06/23/2016
Scheduled Hearing Date:	<i>6/20/2016</i>
Application No:	CUP-0007-16
Appl Status:	Pending

Conditional Use Permit - County

Owner/Applicant Name(s): Attn: Andy Ferguson - Ferguson'S	Address: (ow) 6470 BALSAM RD EAU CLAIRE	Telephone: 612-296-3793(W)
Site Address(es): 6470 BALSAM RD EAU CLAIRE		
Property Description:	Sec 17 Twn 26 Rge 09	Town of Washington Lot Area: 128.239 ACRES
Zoning District(s): AP		
Overlay District: Check Applicable	<input type="checkbox"/> Shoreland	<input type="checkbox"/> Flood Plain <input type="checkbox"/> Airport <input type="checkbox"/> Wellhead Protection <input type="checkbox"/> Non-Metallic Mining
PIN 1802422609171109001	Alternate No 024118602020	Parcel No Legal (partial) LOT 1 OF CSM V.15 PG.254 (#2765) LYG IN THE NE 1/4 EX LOT
General Description: Type: Temporary housing for seasonal farm help Description of Proposed Use: TEMPORARY SEASONAL HOUSING FOR FARM HELP		Conditional Use Contract: No Structure Check: Yes

I certify by my signature that all the information presented herein is true and correct to the best of my knowledge. I give permission for the staff of the Eau Claire County Department of Planning and Development to enter my property for the purpose of collecting information to be used as part of the public hearing process. I further agree to withdraw this application if substantive false or incorrect information has been included.

Owner/Agent Signature *Andy Ferguson* Date *5/27/16*
 Check if DATCAP must be notified _____ Check if DNR to Receive Copy _____

At the public hearing, the applicant may appear in person or through an agent or an attorney of his/her choice. The applicant/agent/attorney may present testimony, evidence and arguments in support of the application. All site plans, pictures, etc. become the property of the Department, and will remain in the file.



Eau Claire County
Department of Planning and Development
 Eau Claire County Courthouse
 721 Oxford Avenue, Room 3344
 Eau Claire, Wisconsin 54703
 (715) 839-4741

Application Accepted:	
Accepted By:	
Receipt Number:	
Town Hearing Date:	June 23, 2016
Scheduled Hearing Date:	June 28, 2016

CONDITIONAL USE PERMIT APPLICATION

Property Owner Name: Ferguson's Morningside Orchard LLC	Phone#: (612) 296-3793
Mailing Address: 6470 Balsam Road, Eau Claire, WI 54701	
Email Address: andy.ferguson@fergusonsorchard.com	

Agent Name: Andy Ferguson	Phone#: (612) 296-3793
Mailing Address: 6470 Balsam Road, Eau Claire, WI 54701	
Email Address: andy.ferguson@fergusonsorchard.com	

SITE INFORMATION

Site Address: 6470 Balsam Road, Eau Claire, WI 54701	
Property Description: NE ¼ NE ¼ Sec. 17, T26 N, R09 W, Town of Washington	
Zoning District: A-P	Code Section(s): 18.32.030 A.
Overlay District: Check Applicable	<input type="checkbox"/> Shoreland <input type="checkbox"/> Floodplain <input type="checkbox"/> Airport <input type="checkbox"/> Wellhead Protection <input type="checkbox"/> Non-Metallic Mining
Computer #(s):	024 - 1186 - 02 - 020

GENERAL APPLICATION REQUIREMENTS

Applications will not be accepted until the applicant has met with department staff to review the application and determine if all necessary information has been provided. Applications are due by 12:00 PM of the Tuesday three weeks prior to the Planning and Development Committee meeting. All information from the checklist below must be included.

<input checked="" type="checkbox"/> Complete attached information sheet	<input checked="" type="checkbox"/> Site Plan Drawn to Scale	<input type="checkbox"/> Contact the Town to coordinate a recommendation on the application	<input checked="" type="checkbox"/> Provide \$500.00 application fee (non-refundable), payable to the Eau Claire County Treasurer
---	--	---	---

I certify by my signature that all information presented herein is true and correct to the best of my knowledge. I give permission for the staff of the Eau Claire County Department of Planning and Development to enter my property for the purpose of collecting information to be used as part of the public hearing process. I further agree to withdraw this application if substantive false or incorrect information has been included.

Owner/Agent Signature *Robert Ferguson* Date 5/27/16

NOTICE: PERMIT FEES DOUBLE WHEN WORK BEGINS PRIOR TO ISSUANCE OF PERMITS & APPROVALS.

At the public hearing, the applicant may appear in person or through an agent or an attorney of his/her choice. The applicant/agent/attorney may present testimony, evidence and arguments in support of the application. All site plans, pictures, etc. become the property of the Department, and will remain in the file.

SUPPLEMENTAL INFORMATION FOR A CONDITIONAL USE PERMIT

In order to process your application as quickly as possible, please fill in all of the sections below that are applicable to your request, and attach all appropriate maps or plans described below that are relevant to your request.

■ WRITTEN DESCRIPTION OF THE PROPOSED USE:

General description of the use (home occupation, accessory structure in excess of 1,200 square feet, filling in a floodplain, non-metallic mining, or any other listed conditional use in zoning districts).

Ferguson's Morningside Orchard LLC ("Ferguson's Orchards"), by co-owner Andy Ferguson, respectfully requests a Conditional Use Permit for temporary housing for seasonal farm help. Applicable zoning codes are 18.32.030A, allowing a conditional use for "temporary housing for seasonal farm help," and 18.32.035A, conditionally allowing "temporary structures for the purpose of housing for seasonal farm help." Ferguson's Orchards is one of the largest commercial apple growers in WI and is an extremely labor-intensive operation, largely due to the fact that there is not a viable way to mechanically pick apples. While we do not wish to be limited in the number of workers we may house in the future, the structures we are seeking to install are two (2) 30'x70' manufactured homes, each consisting of ten (10) double bedrooms, ten (10) bathrooms, and one (1) kitchen, for a total of twenty (20) bedrooms, twenty bathrooms (20) and two (2) kitchens. These two identical structures would house forty (40) workers total on site and are largely self-contained. The structures would be most heavily used during September and October of any given year for apple pickers, although they may be partially used periodically in other months that seasonal work exists (i.e. tree pruning in January and February, summer hand labor in June and July). The structures are commonly referred to as "double-wide" mobile structures and would sit on concrete pier footings. The structures would be purchased from a North Dakota oilfield and are approximately 18 months old. Water supply would be ran from existing wells on the property and sewage would be collected in a 10,000 gallon holding tank pending approval from Eau Claire City/County Health Dept. Workers will be supervised, with cleanliness and safety being a priority and a condition of living in our housing. We do not anticipate any burdens placed on neighboring properties or roads. Providing housing on site will allow us to attract and retain a dependable seasonal workforce for our growing family business and will satisfy the federal and state requirements for employer-provided housing for migrant workers. Houses will be inspected at least twice annually by state and federal agencies for suitability for worker housing.

□ IF THE PROPOSED USE INVOLVED A BUSINESS ACTIVITY, DESCRIBE THE PROPERTY

Description of the type of business activity:
Ferguson's Morningside Orchard LLC is a commercial apple orchard with over 100,000 apple trees which both 1. produces fresh apples destined for grocery stores around the Midwest, and 2. provides retail apple sales (and related products) and agri-tourism activities on site. The apples must be harvested by hand due to their fragile nature.

Equipment used in the business activity:
See attached.

Days and hours of operation: Houses will be occupied 24/7 during peak seasons (especially fall) and sporadically throughout the year.

Number of employees: There can be 40 max housed in the proposed two structures.

Nuisance abatement measures that will be implemented:

Noise abatement measures: The buildings are well-insulated.

Vibration abatement measures: na

Dust control measures: na

Measures to control fumes or odors: na

Visual screening measures (plants, fences, walls, etc.)

The buildings are attractive, and grass, shrubs/trees will be planted and fences built for additional screening as needed.

DESCRIPTION OF ANY OTHER FEATURES OR CHARACTERISTICS THAT MAY BE SUBJECT TO ZONING REGULATIONS

Exterior appearance of any structure, including a description of the building materials used, the height of eaves, the color of the structure, etc. (required for conditional use permit applications for accessory structures in excess of 1,200 square feet)

See photos and building diagrams. Buildings have white vinyl siding and are pre-constructed. They are standard 1 level heights. The buildings will fit in well with our existing buildings and will have a clean, professional appearance from the road.

Any proposed excavation or fill, the amount of material that will be mined in a non-metallic mining operation, the amount of material that will be stockpiled, etc.

Construction will involve light removal of topsoil, simple grading of building sites and installation of concrete piers for a foundation. Topsoil will be spread when finished and grass will be planted. Grades are not such that erosion control methods should be needed.

Other features or characteristics (signs, fences, outdoor display areas, etc.)

NA

SCALED SITE PLAN

<input checked="" type="checkbox"/> Show parcel and building dimensions of all existing and proposed structures	<input checked="" type="checkbox"/> Landscape and screening plans
<input checked="" type="checkbox"/> Show all signs, fences and other features that may be regulated by zoning	<input checked="" type="checkbox"/> Show the well and septic system
<input checked="" type="checkbox"/> Site access, driveway, and nearest road (labeled)	<input type="checkbox"/> Parking areas with spaces
<input checked="" type="checkbox"/> Drainage plans including the erosion control plan	<input checked="" type="checkbox"/> Show all navigable water ways, wetlands, floodplains, slopes in excess of 20%, and any other unique limiting condition of the property
<input checked="" type="checkbox"/> The layout of the use within the structure; if the use only occupies part of the structure, the floor plan should illustrate only the layout of that part of the structure occupied by the use and any access to the use through halls, doorways, etc.	
<input checked="" type="checkbox"/> The location of any equipment that will be used	

FOR ALL NON-AGRICULTURAL ACCESSORY STRUCTURES

- Show floor plan, including attics
- Show scaled building elevations
- Show color scheme

Ferguson's Morningside Orchard LLC

Re: Conditional Use Permit for Temporary Housing for Seasonal Farm Help

Supplemental Information

- I. Standards for Conditional Use Permits
- II. Property and Building Site Maps
- III. Structure Floor Plans and Layouts
- IV. Structure Photos

- I. Standards for Conditional Use Permits

- A. **The proposed use is in conformance with the purpose of the zoning district in which it is located.**

A principal purpose of the A-P zoning district is to preserve and protect areas best suited for agricultural use. The proposed use complements the agricultural use of the apple orchard and is necessary to preserve and improve the future of our agricultural business. Hand laborers, and the housing we are required to provide for them, are a necessary tool in the harvesting of our crop.

- B. **The use will not be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted.**

The proposed use will be similar to the current use of the property, as we have many workers on site during apple picking season. Even though they had not been housed on site in the past, they do spend the majority of their time on the property during the peak seasons. Also, our standard orchard practices have long included nighttime equipment operation (i.e. spraying) due to wind conditions during the day. Therefore, the proposed use will not differ significantly in terms of effect on other properties. Finally, the majority of properties in the immediate vicinity are farmland.

- C. **Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.**

The proposed use and structures will utilize an existing driveway entrance from Balsam Road. Water supply will be brought from an existing well on the property, and electricity will be brought either from Balsam Road or from existing service on our property by a licensed electrician. A 10,000 gallon holding tank will be constructed to hold sewage and will be pumped regularly. The holding tank will be connected by a licensed plumber pending approval of a sanitary permit.

D. Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

The proposed structures will have a small parking/loading space immediately outside, however any needed parking will be in our existing parking lots (capacity over 200 vehicles). We do not anticipate any added traffic or parking needs as often workers will not have their own vehicles, and instead rely on us to provide transportation to the grocery store, bank, etc.

E. Adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

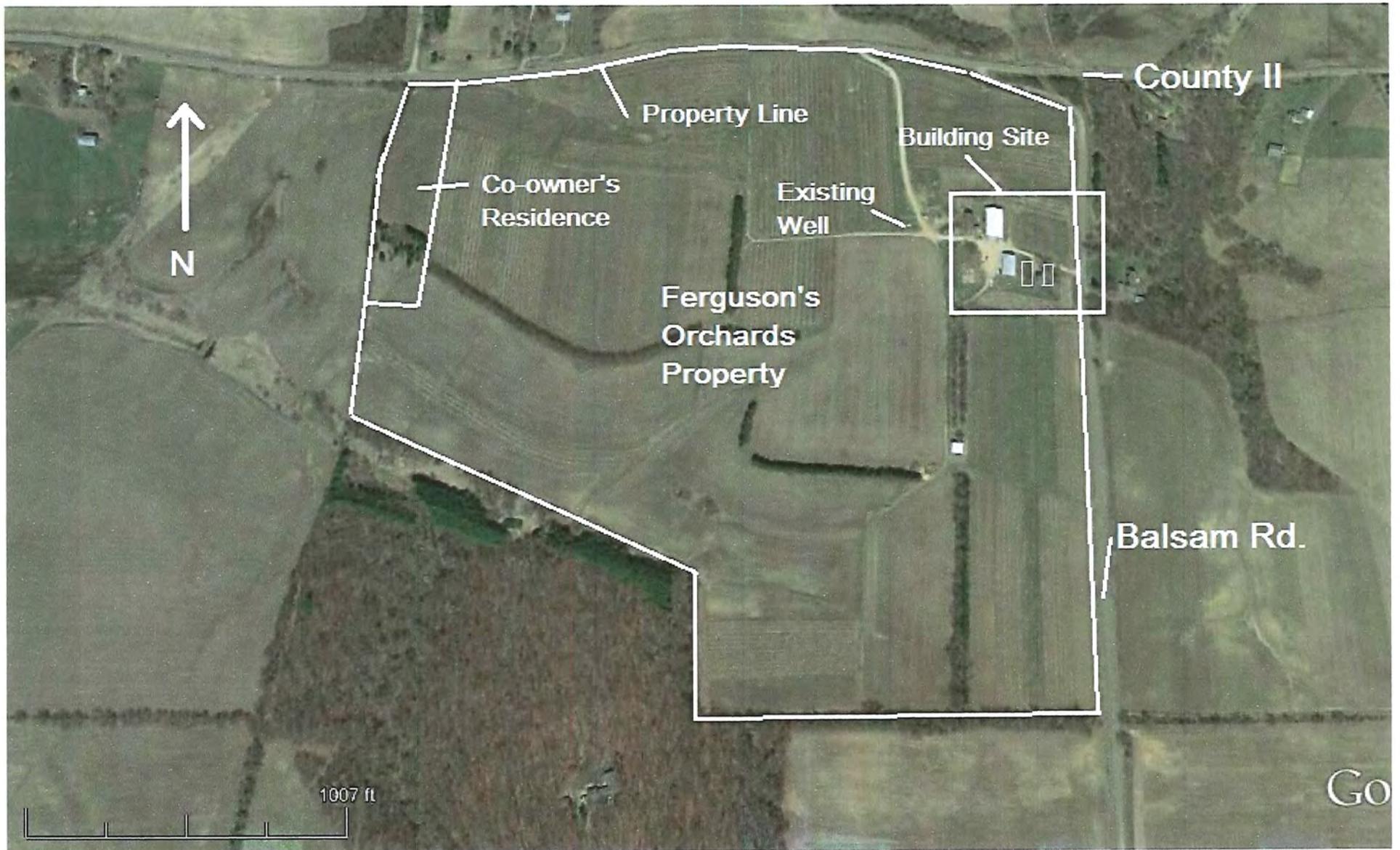
There are no anticipated nuisances which will be created by the proposed use, however we will be diligent in ensuring there are no unreasonable odors, noise, or other nuisances. Exterior lighting may be added if required by either building or worker housing regulations, but they will be directed away from the road or any neighboring properties. Structures will be inspected at least once annually by the Wisconsin Department of Workforce Development, and from time to time by the US DoL and the USDA.

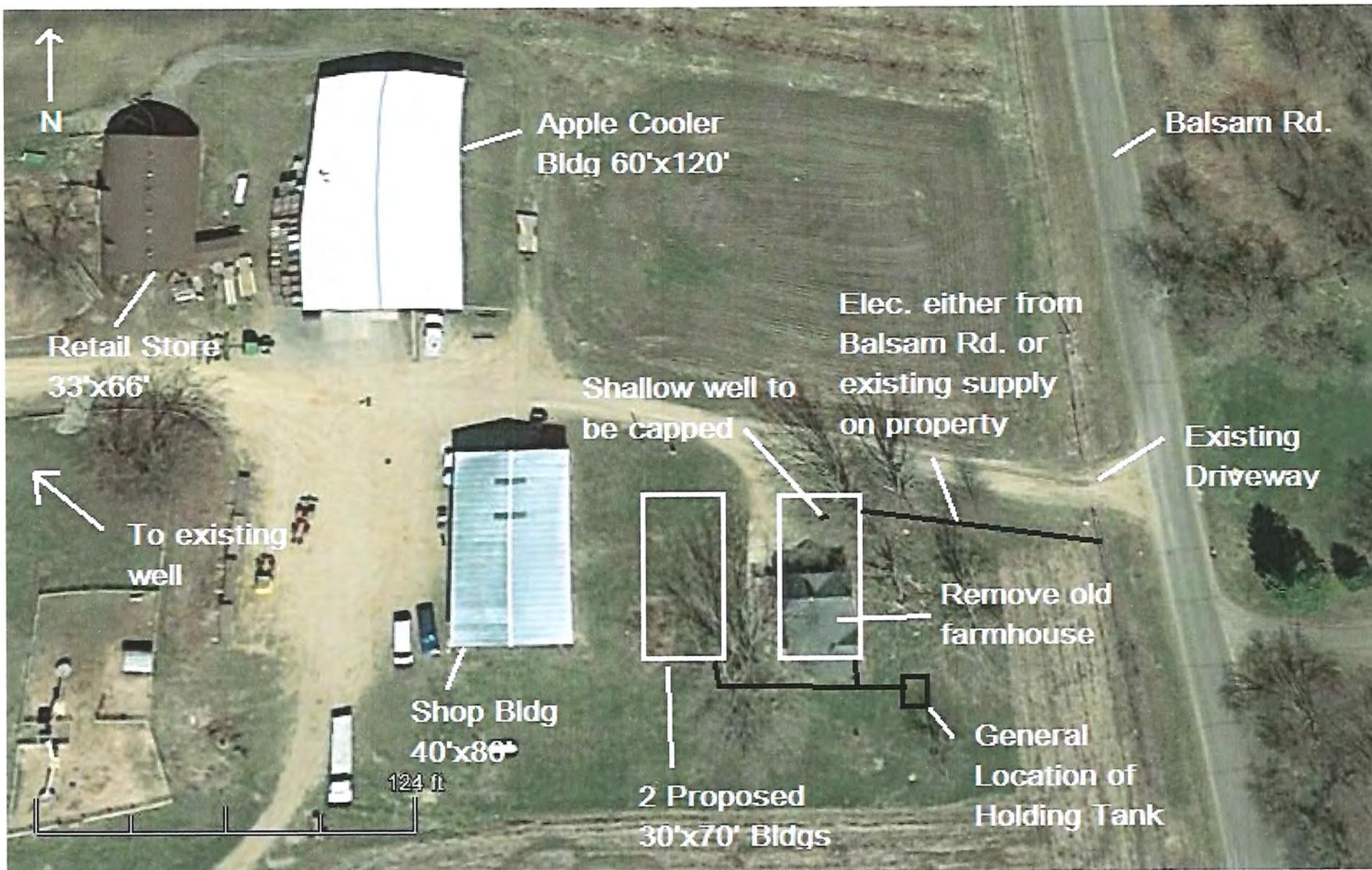
F. Soil conditions are adequate to accommodate the proposed use.

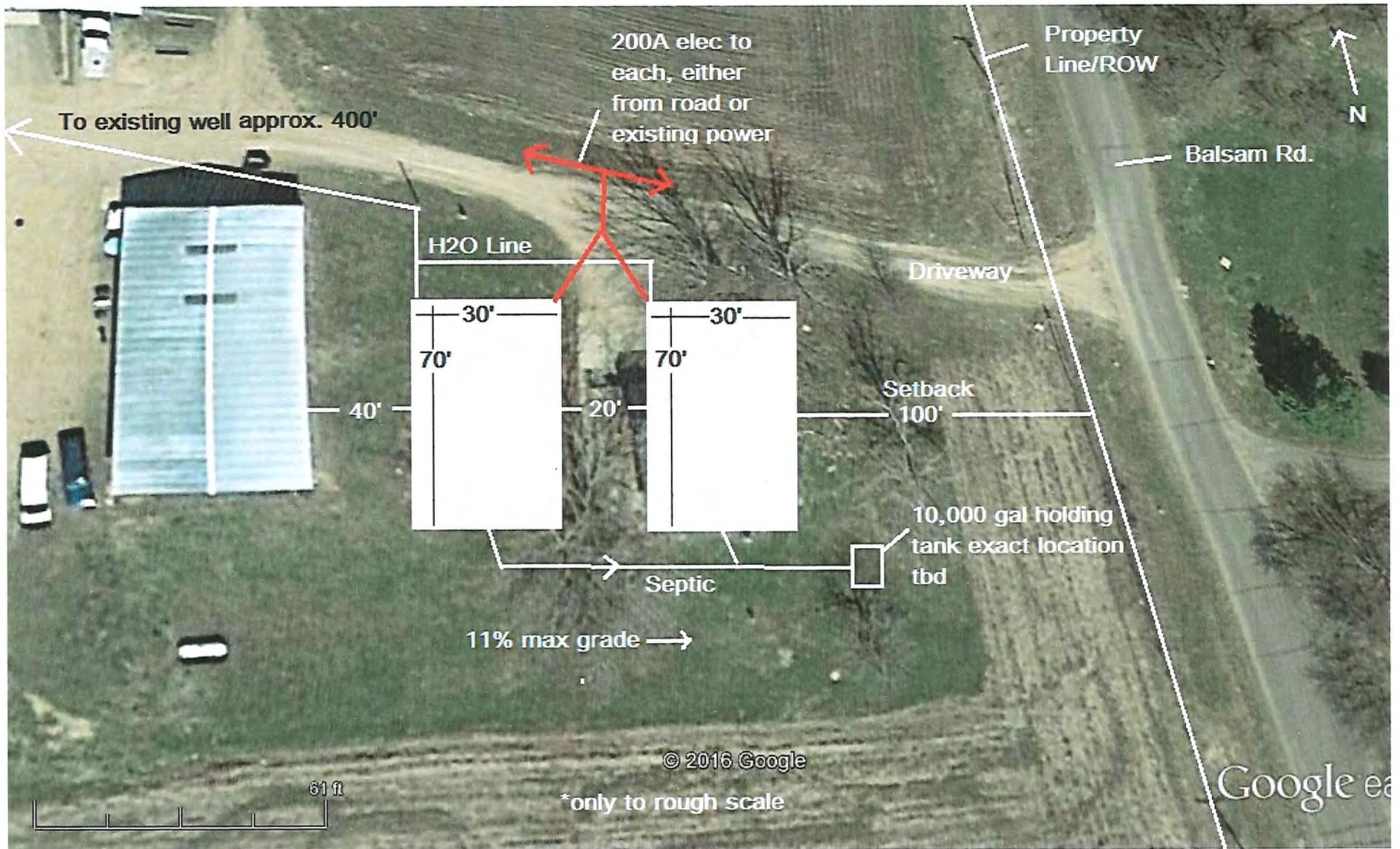
Soil conditions are adequate for the proposed use, and the site location was chosen in part for its unsuitability for us to plant apple trees in the future due to its proximity to our existing buildings.

G. Proper facilities and access points are provided which would eliminate any traffic congestion or hazard which may result from the proposed use.

There are two access roads into the property, from Balsam Road and Deerfield Road (County II). Balsam Road will be the one primarily used for this use. Traffic congestion is not anticipated due to most workers not having their own vehicles. Workers primarily rely on us to provide transportation. One benefit of having housing on site is the lack of transportation needed to arrive at work when they are at our main Eau Claire orchard.

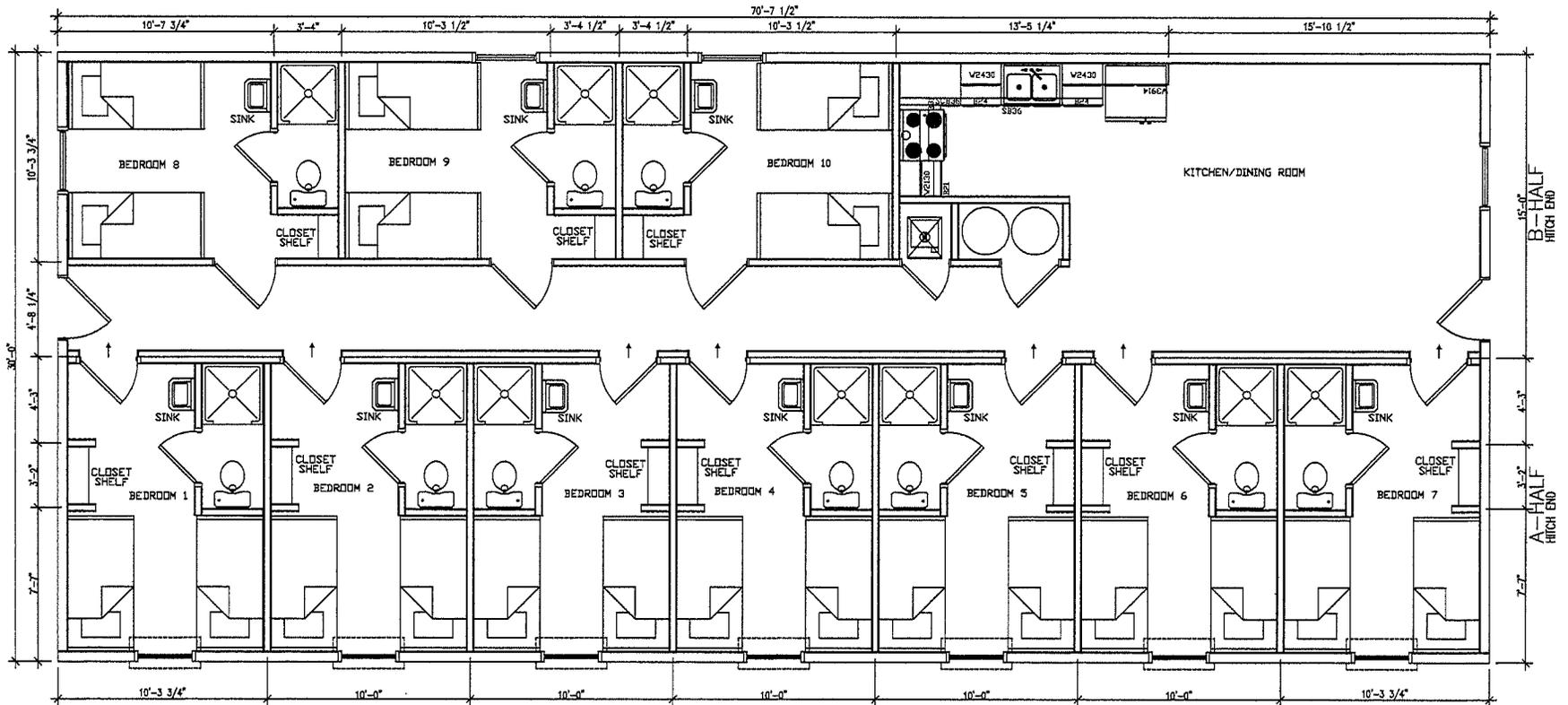






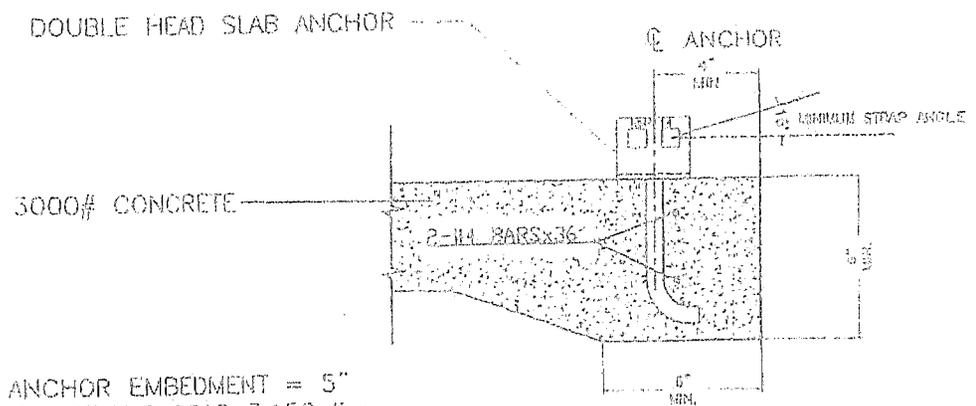






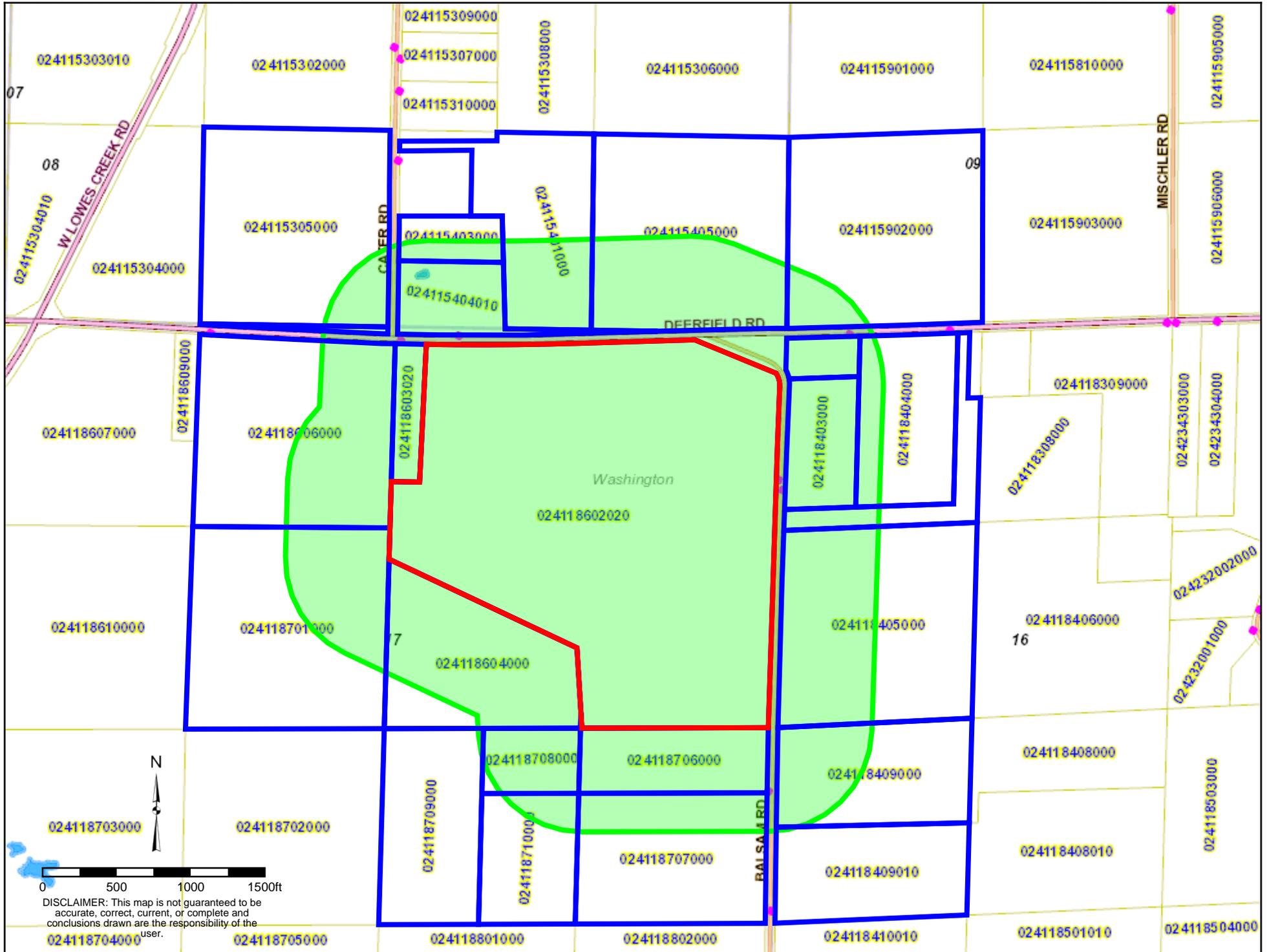
REVISIONS	BY	DATE	GENERAL NOTES
1			FLOOR PLAN 3/16" = 1'-0"
A1.1			

DRAWING TITLE		NAME:	SERIES:	MODEL NO.
FLOOR PLAN		PLANT:	DESCRIPTION:	JOB NO.
		DRAWN BY:	DATE DRAWN:	SHEET: A1.1



NOTES:

1. MINIMUM ANCHOR EMBEDMENT = 5"
2. ALLOWABLE WORKING LOAD 3,150 lbs.
WILL WITHSTAND A 50% OVERLOAD
(4,725 lbs. TOTAL)
3. MINIMUM SLAB AREA PER ANCHOR:
6" SLAB = 65 S.F.
8" SLAB = 48 S.F.
4. MARK MMA-14



Parcel Id	NAME	ADDRESS	CITY	STATE	ZIP
1802422609162200002	ADAMS, ROSS A	923 DEERFIELD RD	EAU CLAIRE	WI	54701
1802422609084300003	BARTON, MARK S & SUSAN M	130 DEERFIELD RD	EAU CLAIRE	WI	54701-8932
1802422609162200004	CARLSON, DONALD F	2444 NOBLETON LN	THE VILLAGES	FL	32162-3512
1802422609171209000	FERGUSON, ANDREW	6470 BALSAM RD	EAU CLAIRE	WI	54701-9108
1802422609171109000	FERGUSONS MORNINGSIDE ORCHARD LLC	N 17543 GROVER LN	GALESVILLE	WI	54630-8258
1802422609163200002	GALSTAD, ROGER I & JUNE D	6971 BALSAM RD	EAU CLAIRE	WI	54701
1802422609083400001	HEBL, JOSEPH T & KAREN D	5998 CATER RD	EAU CLAIRE	WI	54701
1802422609174200002	MINTON TRUST, BETTY LOU	4012 PONDEROSA DR E	EAU CLAIRE	WI	54701-7463
1802422609162200001	NELSON, DOUGLAS	E 562 MAPLE RD	EAU CLAIRE	WI	54701-9143
1802422609171300001	RAINVILLE, JEREMY E & AUNDREA D	6820 BALSAM RD	EAU CLAIRE	WI	54701-9108
1802422609172100001	SCHUMACHER, JOHN	6411 W LOWES CREEK RD	EAU CLAIRE	WI	54701
1802422609084300001	STEWART, LAVERNE L	2016 BRACKETT AVE	EAU CLAIRE	WI	54701
1802422609174100002	THOMPSON, BETTY	1970 S 75TH ST	WEST ALLIS	WI	53219
1802422609163200001	THOMPSON, LINDA	883 PO BOX	MENOMONEE FALLS	WI	53052-0883
1802422609162200003	WEBB, JUSTIN	6475 BALSAM RD	EAU CLAIRE	WI	54701



EAU CLAIRE COUNTY PLANNING AND DEVELOPMENT STAFF RECOMMENDATION

CONDITIONAL USE PERMIT NUMBER: CUP-0008-16

COMPUTER NUMBER(S): 024-2351-03-000

PUBLIC HEARING DATE: June 28, 2016

STAFF CONTACT: Rod Eslinger, Land Use Manager

OWNER: Cyrus Stafslie LLC

APPLICANT: Cyrus Stafslie

REQUEST: Conditional use permit for a commercial planned unit development (PUD) to allow up to three tenants to occupy an existing commercial warehouse building.

LOCATION: 7467 Kent Avenue, Eau Claire, Wisconsin

LEGAL DESCRIPTION: Lot 6 of the Interstate Development, Section 29, T27N, R8W, Town of Washington

SUMMARY

The applicant proposes to allow up to three tenants to occupy an existing commercial warehouse. The building was constructed in 2002 and has been occupied by one tenant at a time. The applicant has indicated that the building was designed originally to be occupied by more than one tenant. The site is already developed with a well, septic system (may have to be enlarged to accommodate additional employees), storm water treatment system, parking area, and loading berths. Equipment to be used in the warehouse includes pallet racking, powered forklifts, and possible metal shelving units for product storage. It was indicated in the application materials that the existing septic system could support up to seventeen employees. If the employee total exceeds seventeen than the applicant would be required to enlarge the septic system to accommodate the additional waste water flows. The applicant stated that the past business hours have been 8 a.m. to 5 p.m., five days a week. It is anticipated that the delivery of product will be via semi-trucks.

BACKGROUND

SITE CHARACTERISTICS:

- The site is located in the Interstate Development located at the intersection of US HWY 12 and Prill Road.
- Lot size is 5.25 acres.
- The existing building on the property is 125 feet by 208 feet.
- The commercial access is from Kent Avenue
- A storm water basin currently serves the property and is located on the southeast corner of the lot.
- A gravel base serves as the driving surface.
- The site is served by two accesses off of Kent Avenue
- There is a plat restriction that reveals an 83 foot building setback along the south property line.

CURRENT ZONING:

C-3 Highway Business District. The purpose of the C-3 District is "...to provide an area for the development of those commercial activities that require large lots or attract concentrations of automobile traffic which make the uses incompatible with the predominantly retail uses in other commercial districts."

ADJACENT ZONING & LAND USES:

DIRECTION	ZONING	LAND USE
North	C3	Commercial
West	C3	Commercial
South	AP	Agricultural
East	C3	Commercial

LAND USE PLANS

The County Land Use Plan, adopted in 2010, includes this property in a Rural Commercial planning area; the Town of Washington Comprehensive Plan also places this property in a Rural Commercial Planning area.

Eau Claire County - Rural Commercial (RC)

Intent and Description: The primary intent of this classification is to identify areas suitable for planned commercial development. There are some existing scattered commercial developments throughout the County and these areas are expected to stay in commercial use. The most appropriate commercial uses will be those that serve rural needs and/or are consistent with the existing rural character, e.g. veterinary clinics, blacksmith/woodworking shops, roadside meat or produce businesses, nurseries, or agricultural implement dealers.

APPLICABLE ZONING REGULATIONS

Section 18.01.010 Purpose. This section describes the purpose of the zoning code. Generally, the purpose of the zoning ordinance is as follows: to separate incompatible land uses from one another; to maintain public health and safety; to protect and conserve natural resources; to prevent overcrowding; to preserve property values; and to maintain the general welfare of the citizens.

Section 18.14.030 A Planned Commercial Developments as conditional uses in the C-3 District – A planned commercial development is listed as a conditional use in the C-3 District.

Chapter 18.27 Planned Unit Developments - This chapter of the code establishes requirements for PUD's including, but not limited to, the following: the minimum size of a PUD is two acres; the number of principal structures must be equivalent to the density allowed in the district; that the committee may grant up to a 25% increase in density; provisions must be set up to maintain land set aside as common open space; where a PUD involves the creation of more than one lot, a subdivision plat must be submitted simultaneously with the PUD application.

Chapter 18.21 Conditional Uses. Standards for approval of conditional uses: 1) the use must be in conformance with the purpose of the zoning district it is located in; 2) the use will not be injurious to the use and enjoyment of other property in the immediate vicinity; 3) adequate utilities, access, drainage and other necessary facilities have been or are provided; 4) adequate off-street parking is provided; 5) adequate measures have been taken to prevent or control offensive odors, fumes, dust, noise and vibration so these will not constitute a nuisance, and lighting is controlled so that it does not result in disturbance to neighboring properties; 6) soil conditions are adequate to support the use; 7) access does not pose traffic congestion or hazards.

ANALYSIS: Findings can be made that the proposed request meets the standards for commercial PUD in a commercial district, and that it will meet all of the standards for conditional use permits. This request does not appear to be injurious to the use and enjoyment of other properties in the immediate vicinity. The lot is large enough to accommodate the additional tenants using the building for warehouse purposes. It does not appear that the use of the structure will result in any nuisance factors such as noise, dust, or fumes.

TOWN BOARD ACTION: The Town of Washington Town Board will meet on June 23, 2016 to discuss this request.

STAFF CONCLUSIONS AND RECOMMENDATION: Staff concludes that the proposed PUD meets the standards for conditional use permit and is consistent with the purpose of the zoning ordinance.

Staff recommends approval of the conditional use permit with the following conditions:

1. All development on the site shall be done in accord with the site plan that was submitted with the application, and the site plan shall be attached to and made a part of the permit. The planned commercial development is approved for up to three tenants to occupy the existing building for warehouse use.
2. All commercial traffic shall use the access off of Kent Avenue via Prill Road via US Highway 12.
3. The applicant shall maintain internal driving areas so fire and rescue operations can access the current and proposed buildings.
4. The committee may consider establishing hours of operation for the PUD.
5. All lighting fixtures shall be shielded lighting to direct light downward not to cause light pollution at the property line and public right-of-ways.
6. All parking shall comply with the parking regulations in Chapter 18.25 of the County Code. Specifically, all parking areas access drives shall be covered with a dust-free, all-weather surface, with proper surface drainage. All areas containing five or more spaces shall be hard surfaced, and have aisles and spaces clearly marked.
7. All signage shall comply with the sign regulations in Chapter 18.26 of the County Code. All new signage shall require a permit.
8. The applicant shall notify the Land Use Manager upon completion of the site plan so that staff can verify compliance with the terms of this approval.
9. The Land Use Manager can approve minor alterations from the terms of the permit. A major change does require the approval of the committee at a public hearing.
10. The owners shall allow staff from the Department to enter the property at reasonable times to inspect the premises for compliance with the conditions of this permit.
11. The permit is subject to Sections 18.21.080 to 18.21.100 of the Zoning Code. These provisions establish when a conditional use permit lapses, the conditions under which it can be revoked, and when a CUP expires due to the abandonment of a use.

County Board Supervisor #8 Kevin Stelljes

Eau Claire County
Department of Planning and Development
Eau Claire County Courthouse
721 Oxford Avenue, Room 3344
Eau Claire, Wisconsin 54703
(715) 839-4741

Application Accepted:	6/2/2016
Accepted By:	Rod Eslinger
Receipt Number:	46854
Town Hearing Date:	06/23/2016
Scheduled Hearing Date:	6/28/2016
Application No:	CUP-0008-16
Appl Status:	Pending

Conditional Use Permit - County

Owner/Applicant Name(s): Cyrus M Stafslien Llc	Address: (ow) 725 N MAIN ST VIROQUA	Telephone: 608-606-1305(C)
--	---	--------------------------------------

Site Address(es):
7467 KENT AVE EAU CLAIRE

Property Description: Sec 29 Twn 27 Rge 08 **Town of Washington** **Lot Area:** 5.250 ACRES

Zoning District(s): C3

Overlay District: Shoreland Flood Plain Airport Wellhead Protection Non-Metallic Mining

Check Applicable

PIN	Alternate No	Parcel No	Legal (partial)
1802422708293302001	024235103000	27.8.29:305:6	LOT 6 INTERSTATE DEVELOPMENT TOWN OF WASHINGTON

General Description: Type: Planned commercial developments Description of Proposed Use: PLANNED COMMERCIAL DEVELOPMENT	Conditional Use Contract: Structure Check: Yes
---	--

I certify by my signature that all the information presented herein is true and correct to the best of my knowledge. I give permission for the staff of the Eau Claire County Department of Planning and Development to enter my property for the purpose of collecting information to be used as part of the public hearing process. I further agree to withdraw this application if substantive false or incorrect information has been included.

Owner/Agent Signature + Cyrus M Stafslien Date 6-2-16

Check if DATCAP must be notified _____ Check if DNR to Receive Copy _____

At the public hearing, the applicant may appear in person or through an agent or an attorney of his/her choice. The applicant/agent/attorney may present testimony, evidence and arguments in support of the application. All site plans, pictures, etc. become the property of the Department, and will remain in the file.

SUPPLEMENTAL INFORMATION FOR A CONDITIONAL USE PERMIT

In order to process your application as quickly as possible, please fill in all of the sections below that are applicable to your request, and attach all appropriate maps or plans described below that are relevant to your request.

WRITTEN DESCRIPTION OF THE PROPOSED USE:

General description of the use (home occupation, accessory structure in excess of 1,200 square feet, filling in a floodplain, non-metallic mining, or any other listed conditional use in zoning districts).

This property built in 2002 was originally designed for the flexibility to lease to one or up to three tenants. The first tenant utilized the entire building. Hence the permit applied for, was for one tenant. I am here to ask for an increase of tenant occupancy in the building to three. Knowing because of demand the building may have one tenant or possibly two or three. These tenants will comply with C-3 zoning requirements.

IF THE PROPOSED USE INVOLVED A BUSINESS ACTIVITY, DESCRIBE THE PROPERTY

Description of the type of business activity:

This building is listed as commercial warehouse in C-3 and that has been its use up to this point, I anticipate future use to be along the warehouse guidelines but would like the flexibility to include other C-3 business types.

Equipment used in the business activity:

Pallet racking for product storage and battery powered forklifts for product moving. Possibly tenant installed metal shelving for product storage.

Days and hours of operation: Past tenants hours 8AM until 5PM Monday through Friday.

Number of employees: Building will support up to seventeen persons per Health Department.

Nuisance abatement measures that will be implemented:

Noise abatement measures:

Vibration abatement measures:

Dust control measures:

Measures to control fumes or odors:

Visual screening measures (plants, fences, walls, etc.)

DESCRIPTION OF ANY OTHER FEATURES OR CHARACTERISTICS THAT MAY BE SUBJECT TO ZONING REGULATIONS

Exterior appearance of any structure, including a description of the building materials used, the height of eaves, the color of the structure, etc. (required for conditional use permit applications for accessory structures in excess of 1,200 square feet)

This is a steel building with 20 foot ceilings, grey in color, insulated with a simple saver system. It has a steel standing seam roof. 24 feet in the back and 20 feet in the front. The building is 208 feet by 125.

Any proposed excavation or fill, the amount of material that will be mined in a non-metallic mining operation, the amount of material that will be stockpiled, etc.

N/A

Other features or characteristics (signs, fences, outdoor display areas, etc.)

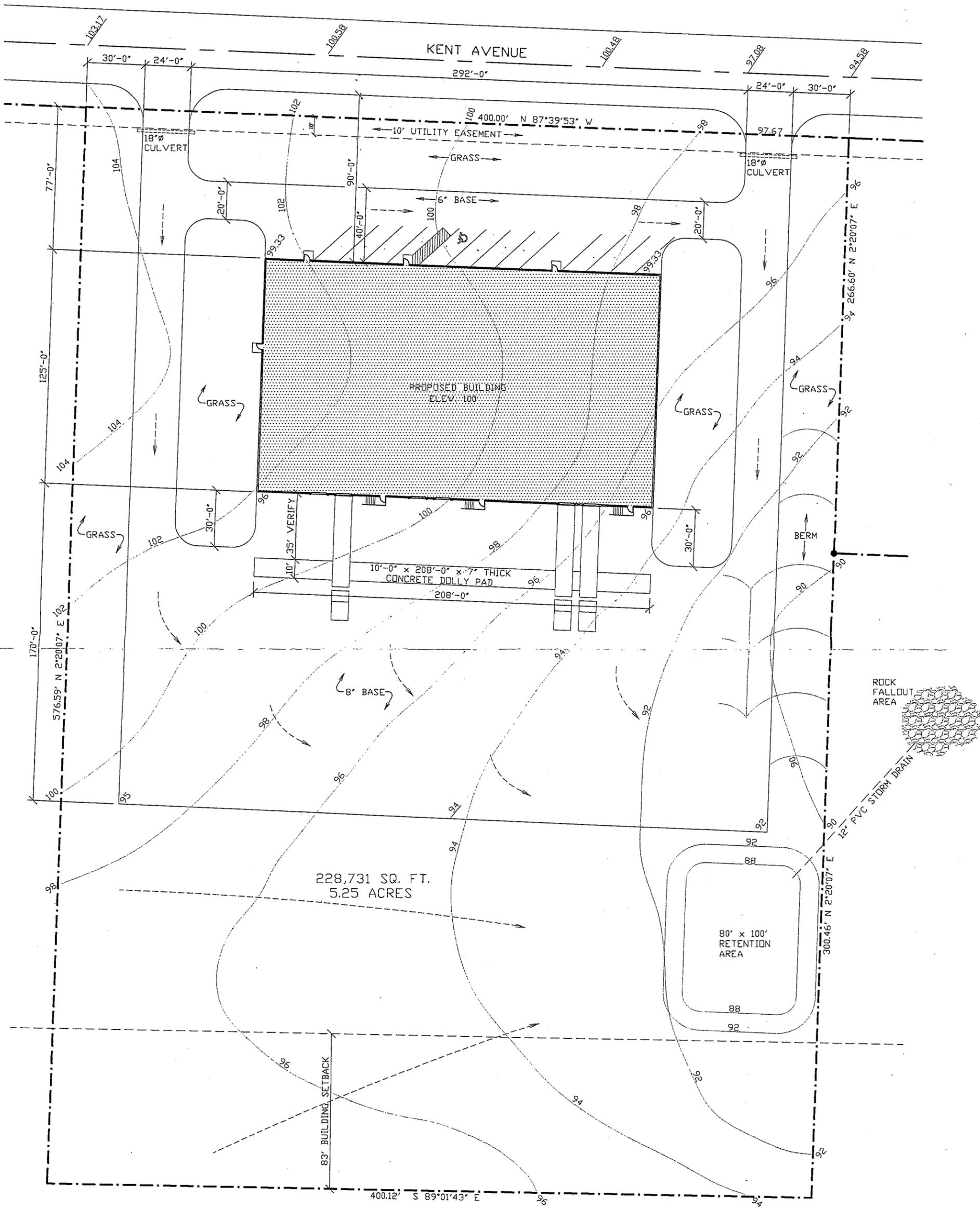
N/A

SCALED SITE PLAN

- | | |
|---|--|
| <input checked="" type="checkbox"/> Show parcel and building dimensions of all existing and proposed structures | <input type="checkbox"/> Landscape and screening plans |
| <input checked="" type="checkbox"/> Show all signs, fences and other features that may be regulated by zoning | <input checked="" type="checkbox"/> Show the well and septic system |
| <input type="checkbox"/> Site access, driveway, and nearest road (labeled) | <input checked="" type="checkbox"/> Parking areas with spaces |
| <input checked="" type="checkbox"/> Drainage plans including the erosion control plan | <input checked="" type="checkbox"/> Show all navigable water ways, wetlands, floodplains, slopes in excess of 20%, and any other unique limiting condition of the property |
| <input type="checkbox"/> The layout of the use within the structure; if the use only occupies part of the structure, the floor plan should illustrate only the layout of that part of the structure occupied by the use and any access to the use through halls, doorways, etc. | |
| <input type="checkbox"/> The location of any equipment that will be used | |

FOR ALL NON-AGRICULTURAL ACCESSORY STRUCTURES

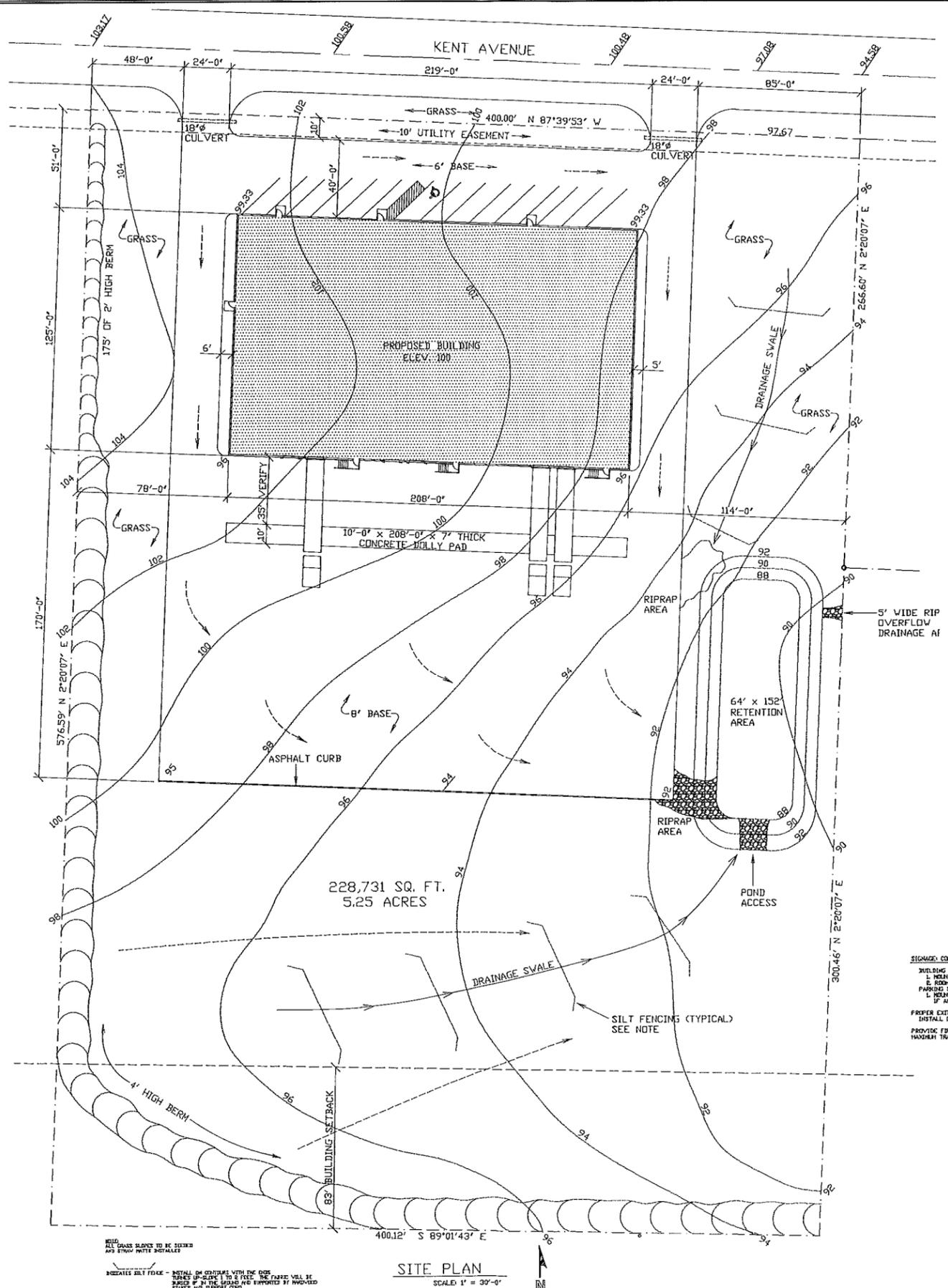
- Show floor plan, including attics
- Show scaled building elevations
- Show color scheme



SITE PLAN

SCALE: 1" = 50'-0"





SIGNAGE COM. 631703 (ADAMS 412 C73)

BUILDING SIGNAGE
 1. MOUNTING HEIGHT SHALL BE 3 FEET ABOVE FINISHED FLOOR TO CENTER OF SIGN.
 2. SIGNAGE SHALL BE NEAREST ADJACENT WALL SPACE AVAILABLE TO THE LATCH SIDE OF THE DOOR.

PARKING SIGNAGE
 1. MOUNTING HEIGHT SHALL BE 4 FEET ABOVE THE PARKING LOT SURFACE, OR TOP OF CURB IF ANY, TO THE BOTTOM OF THE SIGN.

PROPER EXIT HARDWARE COM. 51252324
 INSTALL ON ALL EXIT & EXIT ACCESS DOORS. HARDWARE SHALL BE ACCESSIBLE FOR HANDICAPPED USE.

PROVIDE FIRE EXTINGUISHERS SIZED & LOCATED IN ACCORDANCE WITH NFPA 10.10 (SEE COM. 512821). MAXIMUM TRAVEL DISTANCE TO EXTINGUISHERS SHALL NOT EXCEED 75 FEET.

INDEX	
SHEET NO.	DESCRIPTION
1	SITE PLAN
2	ELEVATIONS
3	FOUNDATION PLAN
4	FLOOR PLAN
5	SECTION VIEWS & DETAILS

SITE PLAN
 SCALED 1" = 30'-0"

NO.	DATE	REVISIONS
1	12-20-06	ORIGINAL DRAWING VERSION
2	01-10-07	REVISIONS TO ACCOMMODATE PERMITTED SURVEY AND CALCULATED MEASUREMENTS, INCLUDING RETENTION AREA
3	01-10-07	REVISIONS TO ACCOMMODATE PERMITTED SURVEY AND CALCULATED MEASUREMENTS, INCLUDING RETENTION AREA
4		
5		

ENG NO 232074A

BAUMAN CONSTRUCTION OF CHIPPEVA FALLS, INC.
 3544 130TH STREET CHIPPEVA FALLS, VT 05729 PHONE 873-723-6987
 COMMERCIAL * INDUSTRIAL * RESIDENTIAL

THIS DRAWING SHALL NOT BE COPIED OR SUBMITTED TO OTHERS WITHOUT CONSENT OF THIS COMPANY.

PROJECT: CYRUS STAFSLIEN
LOCATION: EAU CLAIRE, VT

SHEET NO.
 1
 5

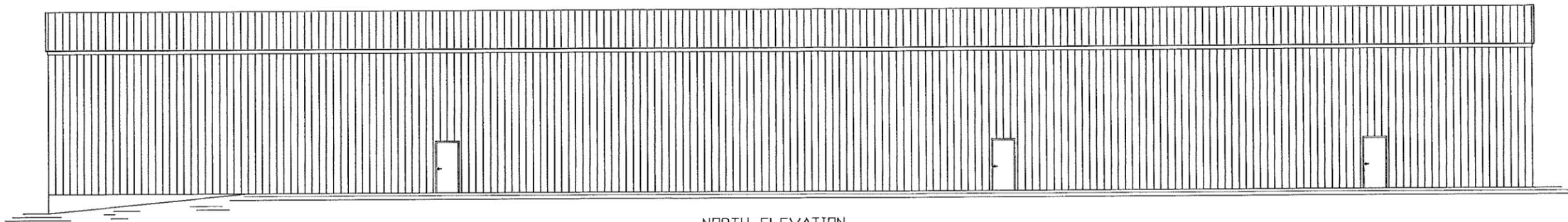


Google Maps 7467 Kent Ave

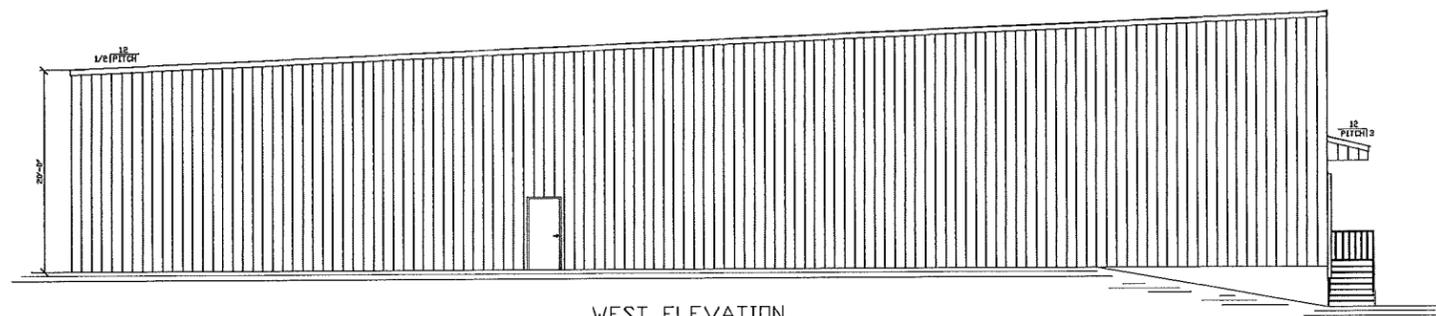
- 1. SEPTIC + DRAIN FIELD
- 2. WATER RETENTION POND
- 3. WELL AND PARKING
- 4. KENT AVE
- 5. S. PRILL ROAD



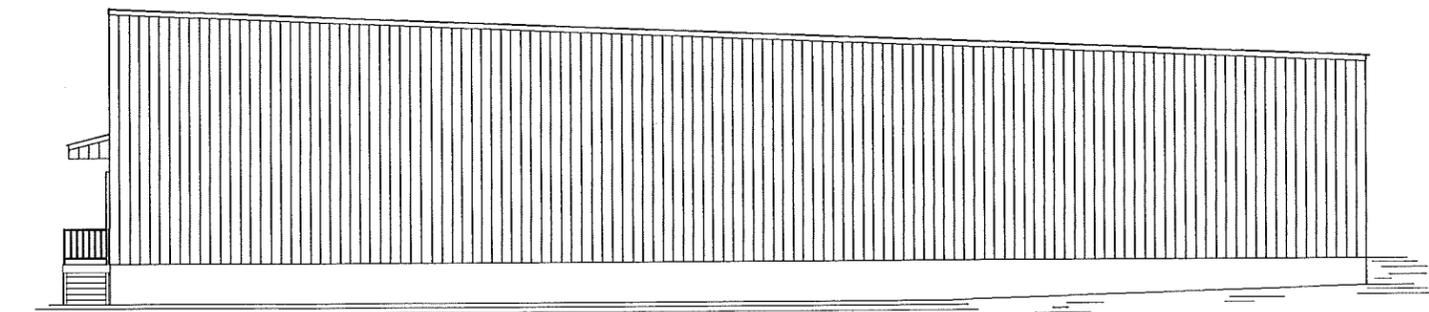
Imagery ©2016 Google, Map data ©2016 Google 100 ft



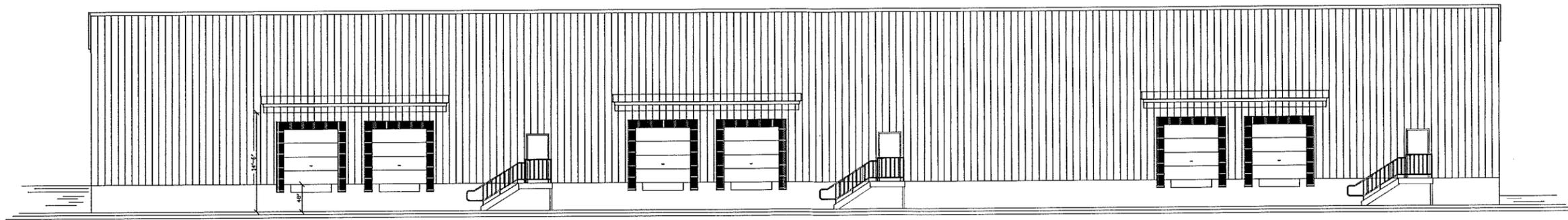
NORTH ELEVATION
SCALE: 1/8" = 1'-0"



WEST ELEVATION
SCALE: 1/8" = 1'-0"



EAST ELEVATION
SCALE: 1/8" = 1'-0"



SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

NO.	DATE	REVISIONS
1	12-21-18	ORIGINAL DRAWING VESSEL
2		
3		
4		
5		

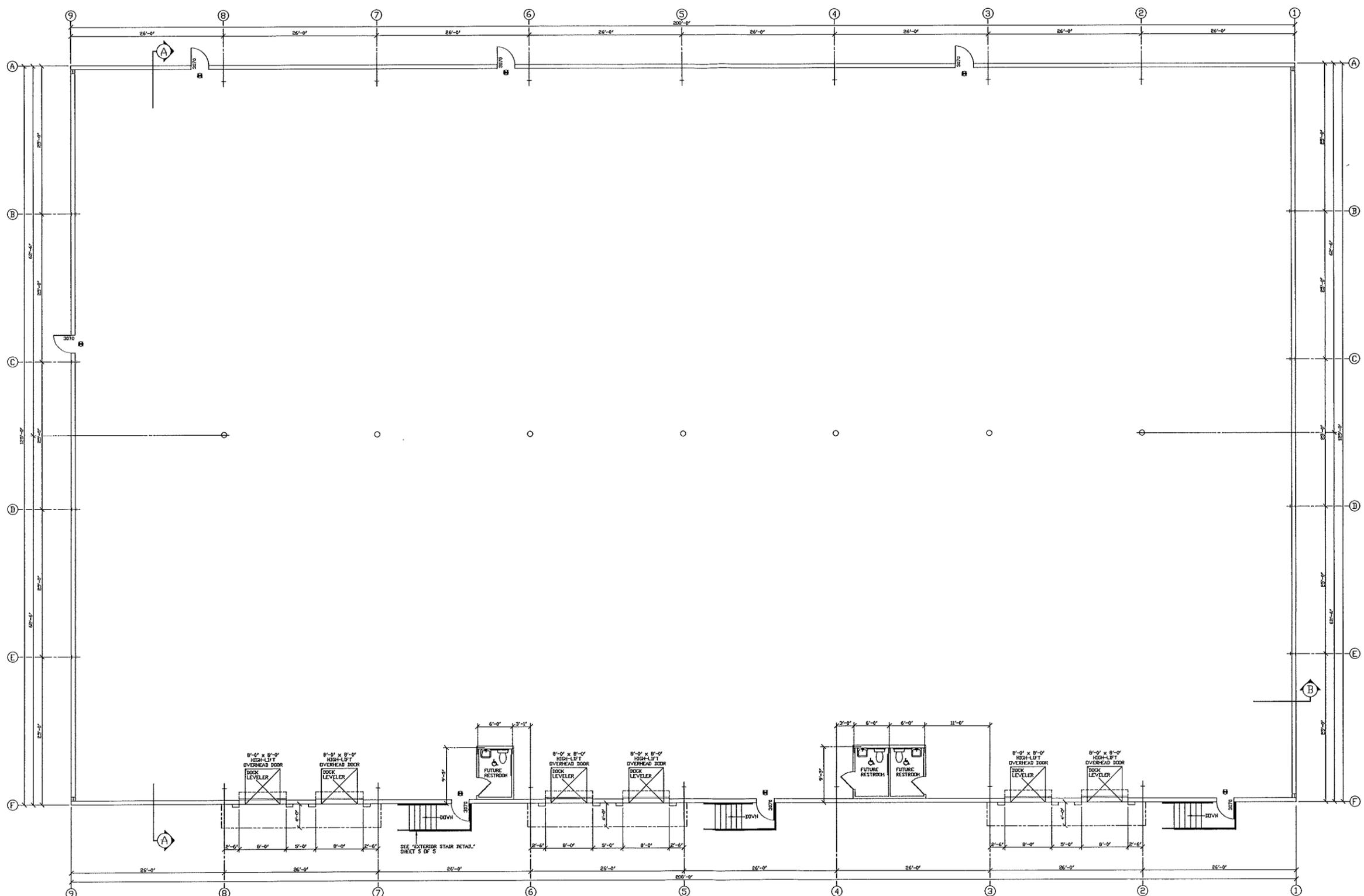
EVTG NO. 232618A

BAUMAN CONSTRUCTION OF CHIPPEWA FALLS, INC.
3044 10TH STREET CHIPPEWA FALLS, WI 54725 PHONE (715) 753-1007
COMMERCIAL * INDUSTRIAL * RESIDENTIAL
THIS DRAWING SHALL NOT BE COPIED OR SUBMITTED TO OTHERS WITHOUT CONSENT OF THE COMPANY.

PROJECT: CYRUS STAFSLIEN
LOCATION: EAU CLAIRE, WI

SHEET NO.
2
5





EXTERIOR DOOR SCHEDULE	
TYPE	U-VALUE
8'-0" x 8'-0" OVERHEAD DOOR HORIZONTAL TRACK WITH 1 3/4" POLYURETHANE FOAM CORE AND VINYL THERMAL BREAKS	0.14
3'-0" x 7'-0" STEEL SERVICE DOOR 1 3/4" POLYURETHANE CORE 1/2" THERMAL BREAK	0.20

FLOOR PLAN
SCALE: 1/8" = 1'-0"



DRINKING FACILITIES: SEE COMM. SCHEDULE
A BOTTLED WATER DISPENSER OR COOLER MAY BE USED AS THE ONLY SOURCE OF DRINKING WATER.
IT IS THE OWNER'S RESPONSIBILITY TO ENSURE THAT AN ADEQUATE SUPPLY OF BOTTLED WATER IS
MAINTAINED IN THE BUILDING DURING ALL PERIODS OF OCCUPANCY.
■ INDICATES AN APPROVED ILLUMINATED EXIT LIGHT INSTALLED AS SPECIFIED IN COMM. SCHEDULES.

NO.	DATE	COMMENTS
1	3-3-88	ORIGINAL DRAWING VESTIB
2		
3		
4		
5		
6		

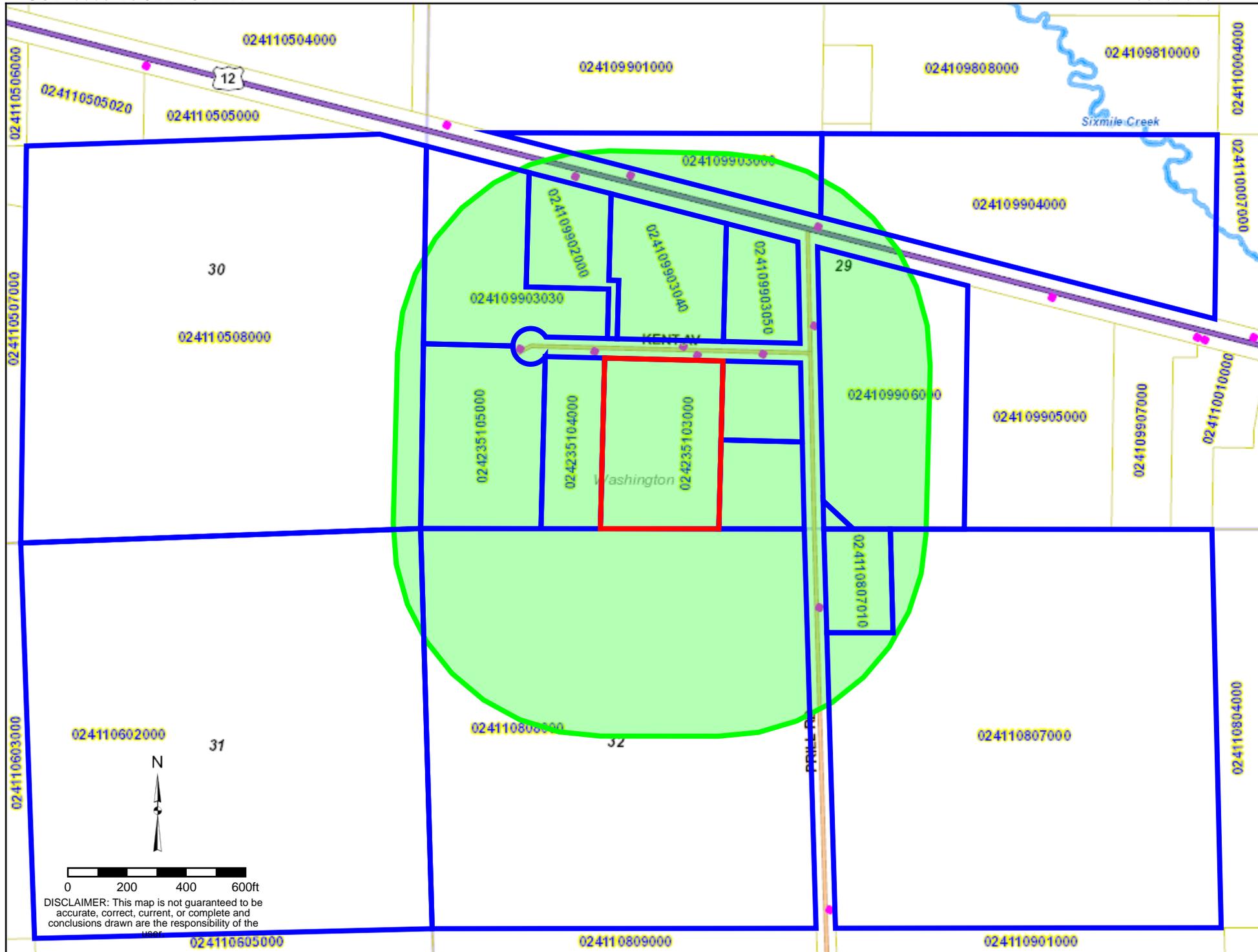
25 NO 23467A

BAUMAN CONSTRUCTION OF CHIPPEWA FALLS INC.
3644 130TH STREET CHIPPEWA FALLS, WI 54725 PHONE (715) 723-6337
COMMERCIAL ■ INDUSTRIAL ■ RESIDENTIAL
THIS DRAWING SHALL NOT BE COPIED OR SUBMITTED TO OTHERS WITHOUT CONSENT OF THIS COMPANY.

PROJECT: CYRUS STAFSLIEN
LOCATION: EAU CLAIRE, WI

SHEET NO.
4
OF
5





Parcel Id	NAME	ADDRESS	CITY	STATE	ZIP
1802422708293400001	BACKSTROM, FRED	131 S BARSTOW ST 1 STE	EAU CLAIRE	WI	54701-2625
1802422708293302002	CC LEWIS LLC	4404 HARLESS RD	EAU CLAIRE	WI	54701
1802422708293400003	CHIPPEWA VALLEY GROWERS	7825 PRILL RD	EAU CLAIRE	WI	54701
1802422708293300001	CONRAD, RANDELL & JEAN K	7528 US HIGHWAY 12	EAU CLAIRE	WI	54701-8368
1802422708293302003	DEL TORTO, PAUL J	401 WATER ST	EAU CLAIRE	WI	54703
1802422708293309001	FIELDS OF GREENS LLC	1140 COVENTRY CLS	ALTOONA	WI	54720-2311
1802422708322100002	GARDNER, MARK P	7731 PRILL RD	EAU CLAIRE	WI	54701
1802422708293400004	KRAUSE, MARK S & DELORES M	1810 MAPPA ST	EAU CLAIRE	WI	54703
1802422708304400001	LESLIE, DONNA M	7219 US HIGHWAY 12	EAU CLAIRE	WI	54701
1802422708322100001	MANAGEMENT SELECT LLC	156 PO BOX	ALTOONA	WI	54720-0156
1802422708293309002	MINNESOTA SUPPLY CO	6470 FLYING CLOUD DR	EDEN PRAIRIE	MN	55344
1802422708293302000	THORPE, GORDON D	916 E CLAIREMONT AVE	EAU CLAIRE	WI	54701-4739

Applicable to the following items:

3c. Helfenstine rezone

3d. Peterson conditional use

5. Winter Haven

TOWN OF PLEASANT VALLEY

June 13, 2016

TOWN BOARD MEETING

CALL THE MEETING TO ORDER

Chairman Dan Hanson called a Town Board Meeting of the Town of Pleasant Valley to order on Monday, June 13, 2016 in the Town Hall Meeting Room in Cleghorn at 7:30 p.m.

PLEDGE OF ALLEGIANCE

The chairman called for the honoring of the flag with the pledge of allegiance.

INTRODUCTION OF TOWN OFFICIALS

Board members present: Chairman Dan Hanson, Supervisor Doug Nelson and Supervisor Dan Green. Staff members present: Jen Meyer, Clerk/Treasurer, Dale Welke, Deputy Clerk/Treasurer and Highway Foreman Mark Behlke.

WINTERHAVEN – PRELIMINARY PLAT

The preliminary plat for Winter Haven has been received from P&D. There were not any representatives present.

Motion(Nelson/Green) to table approval of preliminary plat until the Town Board meets with representatives from Winter Haven.

Chairman announced the ayes carry 3-0 and the motion is carried.

HELFFENSTINE- REZONE

Agent Dave Strassman, representing Samuel and Geraldine Helfenstine, presented information on the request to rezone a 40 acre parcel on the corner of Hwy F and Birch Road from AP to A3. A3 was recommended to the property owner by Eau Claire County Planning and Developing. The town board is in support of rezoning to either A1 or A3.

Motion(Hanson/Nelson) to approve the rezoning request of said parcel from AP to either A1 or A3.

Chairman announced the ayes carry 3-0 and the motion is carried.

MARY AND MICHAEL PETERSON CONDITIONAL USE PERMIT APPLICATION

An application for a conditional use permit for property located on Cty WW was reviewed. The conditional use permit is to allow a non-conforming lot with less the 50% of the required area of an AP zoned property.

Motion(Nelson/Green) to enter into record that the town board does not have any objection to the said conditional use permit.

Chairman announced the ayes carry 3-0 and the motion is carried.

FENCE LINE ISSUES

Resident Ann Zimmerman from Hillview Road discussed with the board issues she is having with her neighbor to the south, Rod Berdal, regarding the location of an existing fence. Surrounding neighbors Lisa Vetsch and Leticia Papke were also present. The Town Board shared with residents the limited powers of the board regarding Fence Viewing. Clerk Jen Meyer will provide all property owners information on State Statutes regarding fences.

PROCEDURES

Motion (Green/Nelson) to dispense with the reading of minutes of the May 9, May 12 and May 13, 2016 Town Board Meeting minutes and approve as printed.

Motion (Green/Nelson) to approve the Treasurers report for the month of May 2016 as presented and printed.

Chairman announced the ayes carry 3-0 and the motion is carried.

LETTERS & REPORTS

Town Chairman

-None

Town Supervisors

-Calls were received regarding a dead deer in the road right-of-way from a Lowes Creek Road resident. It was picked up by the highway department.

Highway Supervisor

-Spruce Road has been pulverized and based.

-the beginning 700ft was also pulverized and based after discussions regarding quality of road in that section

-Scott Construction has been delayed due to all the rain. They anticipate mid-July for chip sealing in Pleasant Valley.

-The old school bell has been painted and placed on new pedestal.

-The ball field has been aeriated by Hickory Hills. The town will need to pay for the sand needed to complete the project.

Town Clerk/Treasurer

-Dan Green will contact the Historical Committee to begin regular meetings.

-The County has provided the name of who they contract with for dead deer pick up if we are interested in entering into a contract.

-If the town is interested in purchasing solar power, a loan is an option.

Deputy Clerk/Treasurer

-new sign has been installed at cemetery

-clean up continues around the fences in the cemetery

CITIZEN INPUT

Resident Roger Rieck of S7496 Ridgewood Drive presented pictures of his driveway culvert to the board. He states his culvert fills quickly with sand runoff during rains. Mark and the board will visit his property and try to come up with a resolution.

COMPLAINTS

Jen received emails from Rod Berdal expressing concerns about the neighbors' livestock and the fence placement. He was provided information on who to call if the livestock escape the enclosure as well as information regarding fence lines.

OLD BUSINESS

None

NEW BUSINESS

Letter to Centurylink

Representative from Centurylink met with Jen Meyer regarding a grant they are applying for to upgrade internet speeds in the Hickory Hills/Interlachen/Stonebrook/Benrud area. A letter of support from the board has been requested by Centurylink.

Motion(Green/Nelson) to send a letter supporting increased internet speeds to Centurylink for their grant process.

Chairman announced the ayes carry 3-0 and the motion is carried.

Alcohol Beverage Licenses 2016/2017

Motion (Nelson/Green) to approve the following licenses:

Renewal of the Combination Class B alcohol beverage licenses for the license year July 1, 2016 to June 30, 2017 to:

Ronda Myren, Owner, Cleghorn Keg LLC, and

John T. Norby, Partner, Hickory Hills L.L.P. , and

Renewal of a Special Class B Retailers Winery license to:

Jeffery Bemis, owner, Bemis Bluff Custom Fruit Wines for the license year July 1, 2016 to June 30, 2017, and

A new Class B (fermented beverages) alcohol beverage license application license to:

Jeffery Bemis, owner, Bemis Bluff Custom Fruit Wines for the license year July 1, 2016 to June 30, 2017, and

A renewal of a Class B(fermented beverages) alcohol beverage license application to:

Marvin Brott, Agent, Cleghorn Lions Club, Cleghorn Park & Town Hall/Fire Station premises, with said license fee being waived for the license year July 1, 2016 to June 30, 2017 to

Chair announced the ayes carry 3-0 and motion is adopted.

Granting Cigarette License 2016/2017

Motion (Green/Nelson) to approve the Cigarette and Tobacco Products Retail License application for the license year July 1, 2016 to June 30, 2017 to Ronda Myren, Owner, Cleghorn Keg LLC.

Chair announced the ayes carry 3-0 and motion is adopted.

Granting Operator Licenses 2016/2017

Motion (Nelson/Green) to approve the applications for an “Operator’s” (Bartender) license’s per list presented, numbers PV16/17-01 to PV16/17-19 for the period ending June 30, 2017 upon receipt of requirements for issuing operator licenses.

Chair announced the ayes carry 3-0 and the motion is adopted.

Garbage Hauler Licenses 2016/2017

Motion (Nelson/Green) to approve the refuse licenses to Boxx Sanitation LLC, Advanced Disposal Services Solid Waste Midwest LLC, ProVyro LLC and Waste Management for license year of July1, 2016 to June 30, 2017.

Chairman announced the ayes carry 3-0 and the motion is carried.

Building Budget Review

The remaining funds and projects were reviewed for the building project.

2016 Budget Review

The 2016 budget as of June 13, 2016 was presented and reviewed.

Operator Licenses

None

REVIEW/APPROVE ORDERS

The bills / orders for the month of May 2016 and the alternative of claims paid report were presented by the clerk and approved by the town board for payment.

ADJOURNMENT

Motion (Green/Nelson) to move this meeting is adjourned.

Chairman announced the ayes carry 3-0 and the motion is adopted.

Adjourned at 9:37 p.m.

Respectfully submitted,
Jen Meyer, Clerk / Treasurer

Posted at town hall 7-12-2016
Placed on Website 7-12-2016



EAU CLAIRE COUNTY PLANNING STAFF RECOMMENDATION

REZONE NUMBER: RZN-0011-16 **COMPUTER NUMBER:** 018101903000

PUBLIC HEARING DATE: June 28, 2016

STAFF CONTACTS: Matt Michels, AICP, Senior Planner
Beth Richmond, Planning Intern

OWNER: Samuel M. & Jeraldine A. Helfenstine, E645 Birch Road, Eleva, WI 54738

AGENT: Dave Strassman, 4410 Golf Terrace, Suite 125, Eau Claire, WI 54701

REQUEST: Rezone 40 acres +/- from A-P (Agricultural Preservation) District to A-3 Agricultural District to develop a single family home

LOCATION: Southeast corner of Birch Road and County Road F, Town of Pleasant Valley

LEGAL DESCRIPTION: NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8, T25N, R9W, Town of Pleasant Valley

SUMMARY

The applicants propose to rezone 40 acres +/- of property from A-P Agriculture Preservation District to A-3 Agricultural District to develop a non-farm single-family residence. The A-P District only permits farm residences, which are defined as one or two-family dwelling occupied by an owner, operator, or parent or child of the owner or operator of the farm, or an individual who earns more than 50 percent of his or her gross income from the farm.

Prior to the creation of the A-P District, this property was zoned A-1 Exclusive Agriculture. Under A-1 zoning, it was possible to obtain a building permit for a non-farm single-family residence after leaving agricultural fields fallow for at least three (3) years. This property has been fallow for at least seven (7) years with the goal of being able to develop a single-family residence.

BACKGROUND

SITE CHARACTERISTICS:

- Parcel is approximately 40 acres
- Small pond on the northern portion of the property
- Parcel is rolling, with a ridge running northwest to southeast in the center of the property
- Parcel contains fallow farm fields and several rows of trees

CURRENT ZONING:

A-P Agricultural Preservation District. The A-P Agricultural Preservation District is established to:

- A. *Preserve and protect those areas best suited for agricultural, forestry or open-space uses by minimizing fragmentation of contiguous agricultural or forest lands for the benefit and use of current and future generations;*

- B. Provide for a wide range of agricultural uses typically associated with the continued production of food and fiber while recognizing that such uses may involve noise, dust, odor, or operation of heavy equipment for long periods of time;
- C. Strengthen and diversify a predominately agricultural and forestry-based economy by providing for a range of economic opportunities for property owners which are generally compatible with and supportive of agriculture or forestry operations as either permitted or conditional uses;
- D. Comply with standards contained in Wis. Stat. ch. 91 to permit eligible landowners to receive tax credits under Wis. Stat. § 71.09, in conjunction with their agricultural operations;
- E. Preserve rural character and promote the efficient use of public infrastructure and utilities by minimizing the adverse effects of urban sprawl along with its associated expense;
- F. Promote environmental quality through the use of conservation practices designed to minimize erosion of productive soils and deter the delivery of sediment and nutrients to the waters of our state;
- G. Minimize land use conflicts which occur when agricultural and non-agricultural uses are intermixed or not adequately separated; and
- H. Provide for carefully regulated extraction of nonmetallic mineral resources through Eau Claire County’s permitting processes to ensure compatibility with adjacent land uses, minimize impacts to natural resources, and to restore lands to productive agricultural use consistent with locally approved reclamation plans.

REQUESTED ZONING DISTRICT:

The petition is to rezone the 40-acre property described above from the A-P Agricultural Preservation District to the A-3 Agricultural District.

A-3 Agricultural District. The A-3 District is established to “1. Protect the agricultural base of the county; 2. Preserve the county’s natural resources and open space; 3. Provide an area for limited residential and hobby farm development in a rural atmosphere; and 4. Minimize urban sprawl and its associated public costs.” Minimum lot size in the A-3 District is twenty (20) acres.

ZONING/LAND USE CONTEXT:

LOCATION	ZONING	LAND USE
Subject	A-P	Undeveloped/fallow agricultural fields
North	A-P	Agricultural fields
East	A-P; A-3	Single family residence, agricultural fields and undeveloped land
South	A-3	Single family residence
West	A-3	Single family residence and agricultural fields

COMPREHENSIVE PLANS:

The Eau Claire County Future Land Use Map includes this property in the Rural Lands (RL) planning area, and the Town of Pleasant Valley Future Land Use Map includes this property in the Rural Preservation (RP) planning area, which is consistent with this rezone request. Following is a description of the intent of the applicable County and Town comprehensive plan future land use category and applicable policies:

Eau Claire County:

- Rural Lands Intent and Description: *The primary intent of these areas is to preserve productive agricultural lands, protect existing farm & forestry operations from encroachment by incompatible uses, promote further investments in farming, maintain farmer eligibility for incentive programs,*

and preserve wildlife habitat and open spaces. In other words, to preserve the rural character of these areas.

- Applicable Policies:
 1. *Farming and other agriculture uses, agricultural-related businesses, cottage industries, forestry, mineral extraction, open space, and utilities shall be established as the primary land uses within these areas. Other uses may be permitted if found to be compatible with these uses and existing uses adjacent to the property.*
 2. *The preferred housing density is one (1) unit per 20 or more acres; however, local comprehensive plans may be more or less restrictive than this guideline and generally range from one (1) unit per five (5) acres to one (1) unit per 35 acres.*
 3. *For those Towns under County Zoning, the following Eau Claire County Zoning Districts will be considered for approval within RP areas: A-1 Exclusive Agricultural District, A-2 Agricultural-Residential District, A-3 Agricultural District, A-R Floating Agricultural-Residential District, F-2 Forestry District, F-1 Forestry District, and the proposed AC-R District noted below. The following additional policies shall apply to rezoning petitions:*
 - a. *Rezoning land to the A-R Floating Agricultural-Residential District or the proposed AC-R Agricultural Compatible Residential District is preferred over additional non-farm A-2 or A-3 parcels, unless rezoning land to either of these districts will not interfere with, will not disrupt, or will not be incompatible with farming or agricultural use, and will not take land suitable for cultivation or other agricultural use out of production.*

Town of Pleasant Valley:

- Rural Preservation Comprehensive Plan Intent and Description: *The primary intent of these areas is to, “preserve productive agricultural lands in the long-term, protect existing farm & forestry operations from encroachment by incompatible uses, promote further investments in farming, maintain farmer eligibility for incentive programs, and to preserve wildlife habitat and open spaces. In other words, to preserve the rural character of these areas. However, the term rural preservation is not intended to imply that changes in land use will not occur in these areas.”*
- Applicable Policies: *The following policies are applicable to this rezoning petition.*
 1. *Farming and agricultural uses shall be established as the primary land uses within these areas. Non-farm development shall only be allowed if it will not interfere with, will not disrupt, or will not be incompatible with farming or agricultural use, and will not take significant tracts of land suitable for cultivation or other agricultural use out of production.*
 - ...
 3. *Proposals for any new non-farm residential development shall be consistent with the following policies:*
 - a. *The maximum gross density for non-farm residential lots shall be one unit per five (5) acres held in single ownership, except as otherwise provided below for conservation subdivisions. The minimum lot size for non-farm residential lots shall be one (1) acre. The balance of the land not included in the residential lots shall be placed in a permanent conservation easement for agriculture, forestry, and open space use.*
 - b. *Any new non-farm residential lot shall have a “Right to Farm” disclosure attached to it acknowledging that the potential non-farm owner has been informed that his lot has been established in an area where farming is the preferred land use, and stating that the owner understands that he must abide by the State of Wisconsin “Right to Farm” statute (WI Stat. 823.08). This language shall be recorded on the deed to the property, transferable to subsequent owners.*

c. Non-farm residential development shall only occur on land that is marginal for agricultural productivity. At least 80% of any proposed new lot shall not contain Class I, II, or III soils. In addition, it is the preference of the Town of Pleasant Valley that new non-farm residential lots that are approved in accord with these policies be located adjacent to or near existing non-farm development.

4. *The following Eau Claire County zoning districts will be considered for approval within RP areas: A-1 Exclusive Agricultural District, A-2 Agricultural-Residential District, A-3 Agricultural District, A-R Floating Agricultural-Residential District, F-2 Forestry District, F-1 Forestry District, and the proposed AC-R District noted above. The following additional policies shall apply to zoning petitions:*

b. Rezoning land to the A-2 Agriculture-Residential District or the A-3 Agriculture District is discouraged for new non-farm residential development, unless findings can be made that rezoning land to either of these districts will not interfere with, will not disrupt, or will not be incompatible with farming or agricultural use, and will not take land suitable for cultivation or other agricultural use out of production.

c. Rezoning land to the A-R Floating Agricultural-Residential District or the proposed AC-R Agricultural Compatible Residential District is preferred over additional non-farm residential A-2 or A-3 parcels.

FARMLAND PRESERVATION PLAN:

The property is included in the Farmland Preservation Plan Map, which allows the property owner to claim Farmland Preservation tax credits. Many other properties in the vicinity are excluded from farmland preservation.

ANALYSIS

When rezoning land, a finding should be made that the purpose of the proposed zoning district and the uses that are allowed in that district are appropriate for the location; and that the rezoning will uphold the purpose of the zoning ordinance. A finding should also to be made that the rezone is consistent with the County's Comprehensive Plan.

The rezoning petition has been evaluated for consistency with the purpose of A-3 District and the uses allowed in the district. The request is consistent with the purpose of the zoning code based on the following findings:

- The proposed rezoning is generally consistent with the Future Land Use plans for the County and the Town of Pleasant Valley
- The property is appropriately situated for the intended A-3 zoning with frontage on Birch Road
- Existing uses in the area include a mixture of single-family residences, agricultural fields, scattered woodlots, and fallow farmland

When rezoning land, a finding should be made that the purpose of the proposed zoning district and the uses that are allowed in that district are appropriate for the location; and that the rezoning will uphold the purpose of the zoning ordinance. A finding should also to be made that the rezone is consistent with the County's Comprehensive Plan.

A-P Rezoning Standards

In addition, there are four standards for approving a rezoning of land from the A-P Agricultural Preservation zoning district to any other district. The following provides an analysis of this rezoning petition based on those standards:

Standard 1 - *The land is better suited for a use not allowed in the A-P Agricultural Preservation zoning district based on a review of soil types, historical productivity, location, and adjacent land uses.*

- **Soil Types** – Although the majority of the property has been previously used for agriculture, the soils are generally marginal for high productivity. The applicant has provided additional reasons in his application (see attached). Several soil types are found on the property to be rezoned, including:

Soil Type	Description	Capability Class
Ho	Houghton muck, 0-2% slopes	6
BIB	Billett sandy loam, 1-6% slopes	3
PfB	Plainfield loamy sand, 1-6% slopes	4
Mc	Marshan loam, 0-2% slopes	6

- **Historical Productivity** – The property to be rezoned has been fallow for at least seven (7) years with the intent of building a single family residence on the property.
- **Site Location** – The site is located on the southeast corner of Birch Road and County Road F.
- **Adjacent Land Uses** – Uses in the area are a mixture of cropland, undeveloped land, and single-family residences. Zoning in the area is also a mixture of A-P, A-3, and A-2 zoning in the vicinity of this property. Agriculture is limited by topography and soil capability.

Standard 2 - *The rezoning is consistent with any applicable comprehensive plans.*

The proposed rezoning substantially conforms to the future land use intent, purpose, and policies for the Eau Claire County and Town of Pleasant Valley Comprehensive Plans.

Standard 3 - *The rezoning is substantially consistent with the certified Eau Claire County Farmland Preservation Plan.*

In general, the land is marginal for agriculture, with a majority of the property containing Class 4 soils or lower. Moreover, this land is not currently used agriculturally and has not been for over seven years. The rezoning is substantially consistent with the Farmland Preservation Plan and will have no impact on productive farmland surrounding the property.

Standard 4 - *The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.*

The proposed rezoning will not substantially impair or limit current or future agricultural use.

Town Board Action: The Pleasant Valley Town Board considered this rezoning petition on Monday, June 13, 2016 and recommended approval of the rezoning.

CONCLUSION

The rezone petition has been evaluated for consistency with the following:

- Eau Claire County and Town of Clear Creek Comprehensive Plan future land use designations
- Eau Claire County and Town of Clear Creek Comprehensive Plan goals, objectives and policies
- Eau Claire County Zoning Ordinance, including purpose of the zoning code and allowable uses in the A-3 District

In addition, the following factors have also been considered:

- Input of surrounding property owners (within 660 feet). No correspondence has been received to date
- Town of Pleasant Valley Board action

Staff finds that the proposed rezoning request substantially conforms with the Eau Claire County Comprehensive Plan and the Town of Pleasant Valley Comprehensive Plan. The Eau Claire County Comprehensive Plan recognizes that the proposed A-3 zoning district is consistent and therefore allowed within the mapped Eau Claire County Rural Lands and Town of Pleasant Valley Rural Preservation future land use designations.

RECOMMENDATION

Staff recommends that the Planning and Development Committee file a recommendation of approval to the County Board for the rezoning petition to rezone the 40-acre property from the A-P District to the A-3 District as depicted on the attached map and described in the attached legal description.

1 **Enrolled No.**

ORDINANCE

File No. 16-17/022

2
3 - AMENDING THE 1982 OFFICIAL ZONING DISTRICT BOUNDARY MAP FOR THE
4 TOWN OF PLEASANT VALLEY -

5
6 The County Board of Supervisors of the County of Eau Claire does ordain as follows:

7
8 **SECTION 1** That the 1982 Official Zoning District Boundary Map for the Town of
9 Pleasant Valley, Eau Claire County described as follows:

10
11 **The NW-NE in Section 8, T25N-R09W, Town of Pleasant Valley, Eau**
12 **Claire County.**

13
14 **Said described lands contain 40 acres to be reclassified from the A-P**
15 **Agricultural Preservation District to the A-3 Agricultural District.**

16
17 **SECTION 2** Where a certified survey map is required and may alter the above
18 described property description, the official zoning district map for the
19 town shall be automatically amended to reflect the property description of
20 the certified survey map.

21
22 ENACTED: I hereby certify that the foregoing correctly represents the
23 action taken by the undersigned Committee on
24 June 28, 2016 by a vote of for, against.

25
26
27
28 _____
Planning & Development Committee, Chairperson

SUP. DIST. 7 - Steve Chilson

Eau Claire County
Department of Planning and Development
Eau Claire County Courthouse
721 Oxford Avenue, Room 3344
Eau Claire, Wisconsin 54703
(715) 839-4741

Application Accepted: 6/6/2016
Accepted By: <i>mm</i>
Receipt Number: 46902
Town Hearing Date: 06/13/2016
Scheduled Hearing Date: 6/28/2016
Application No: RZN-0011-16
Appl Status: Pending

Rezoning - County

Pursuant to the procedure described in Wisconsin Statutes Section 59.69(5), I hereby petition the Eau Claire County Board of Supervisors to amend the Zoning District from:

Existing Zoning District: **AP** Proposed Zoning District(s): **A3** Acres to be Rezoned: **40**

Nw1/4 Ne1/4 Of Section 8, T25N, R9W, Town Of Pleasant Valley, Eau Claire County

Owner/Applicant Name(s): Samuel M & Jeraldine A Helfenstin (ow) Dave Strassman	Address: E 645 BIRCH RD ELEVA (appl) 4410 GOLF TERRACE STE 125 EAU CLAIRE	Telephone: 830-832-0310(H) 715-456-1500(H)
---	--	---

Site Address(es):		
Property Description: Sec 08 Twn 25 Rge 09	Lot Area: 40.000 ACRES	
Zoning District(s): AP		

Overlay District: Check Applicable	<input type="checkbox"/> Shoreland	<input type="checkbox"/> Flood Plain	<input type="checkbox"/> Airport	<input type="checkbox"/> Wellhead Protection	<input type="checkbox"/> Non-Metallic Mining
--	------------------------------------	--------------------------------------	----------------------------------	--	--

PIN 1801822509081200001	Alternate No 018101903000	Parcel No 25.9.8.1-2	Legal (partial) NW-NE
-----------------------------------	-------------------------------------	--------------------------------	---------------------------------

I certify by my signature that all the information presented herein is true and correct to the best of my knowledge. I give permission for the staff of the Eau Claire County Department of Planning and Development to enter my property for the purpose of collecting information to be used as part of the public hearing process. I further agree to withdraw this application if substantive false or incorrect information has been included.

Owner/Agent Signature *see attached application* Date *June 6, 2016*

Check if DATCAP must be notified _____

Check if DNR to Receive Copy _____

RECEIVED

JUN 6 2016

COUNTY CLERK

At the public hearing, the applicant may appear in person or through an agent or an attorney of his/her choice. The applicant/agent/attorney may present testimony, evidence and arguments in support of the application. All site plans, pictures, etc. become the property of the Department, and will remain in the file.



Eau Claire County
Department of Planning and Development
 Eau Claire County Courthouse
 721 Oxford Avenue, Room 3344
 Eau Claire, Wisconsin 54703
 (715) 839-4741

Application Accepted:	6/6/16
Accepted By:	mm
Receipt Number:	46903
Town Hearing Date:	6/13/16
Scheduled Hearing Date:	6/28/16

REZONING APPLICATION

Pursuant to the procedure described in Wisconsin Statutes Section 59.69(5), I hereby petition the Eau Claire County Board of Supervisors to amend the Zoning District from:

Existing Zoning District: AP	Proposed Zoning District(s): A3
Acres to be rezoned: 40	

Property Owner Name: Samuel M and Jeraldine A Helfenstine	Phone#(830) 832-0310
Mailing Address: E645 Birch Road, Eleva, WI 54738	
Email Address: Sam.Helfenstine@gmail.com	

Agent Name: Dave Strassman	Phone#(715) 456-1500
Mailing Address: 4410 Golf Terrace, Suite 125 Eau Claire, WI 54701	
Email Address: dave@homesandhunting.com	

RECEIVED
JUN 6 2016

SITE INFORMATION

COUNTY CLERK

Site Address: Southeast corner of Birch Road and County Road F, Pleasant Valley, WI 54738	
Property Description: NW ¼ NE ¼ Sec. 8, T25 N, R9 W, Town of Pleasant Valley	
Zoning District: AP	Code Section(s):
Overlay District: Check Applicable	<input type="checkbox"/> Shoreland <input type="checkbox"/> Floodplain <input type="checkbox"/> Airport <input type="checkbox"/> Wellhead Protection <input type="checkbox"/> Non-Metallic Mining
Computer #(s):	018 - 101 - 903 - 000

GENERAL APPLICATION REQUIREMENTS

Applications will not be accepted until the applicant has met with department staff to review the application and determine if all necessary information has been provided. All information from the checklist must be included.

<input checked="" type="checkbox"/> Complete attached information sheet	<input checked="" type="checkbox"/> Contact the Town to coordinate a recommendation on the application
<input checked="" type="checkbox"/> Provide legal description of property to be rezoned	<input checked="" type="checkbox"/> Provide \$565.00 application fee (non-refundable), payable to the Eau Claire County Treasurer (\$500.00 application processing fee and \$65.00 mapping surcharge fee)

I certify by my signature that all information presented herein is true and correct to the best of my knowledge. I give permission for the staff of the Eau Claire County Department of Planning and Development to enter my property for the purpose of collecting information to be used as part of the public hearing process. I further agree to withdraw this application if substantive false or incorrect information has been included.

Owner/Agent Signature Date 6/3/16

At the public hearing, the applicant may appear in person or through an agent or an attorney of his/her choice. The applicant/agent/attorney may present testimony, evidence and arguments in support of the application. All site plans, pictures, etc. become the property of the Department, and will remain in the file.

REZONING APPLICATION CHECKLIST

Applications are due by Tuesday at 12:00 PM three weeks prior to the Committee on Planning and Development meeting. The application must include the items listed below. After a preliminary review, additional information may be needed. A hearing will not be scheduled until the application is deemed complete. Applications are considered complete when all materials and associated fees are received and approved by staff.

Required Application Items:

- Application must be signed by the property owner(s)
- A legal description of land and address of land to be rezoned
- Complete the attached supplemental rezoning information sheet
 - Describe the reason for the request
 - Describe how the proposed zoning district and the uses allowed in that district are appropriate for the selected location, and how the proposed change in zoning will uphold the purpose of the zoning ordinance
 - Explain and justify why this particular property is under consideration for rezoning
 - For rezoning requests from A-P to any zoning district other than the AR district must consider the factors in Section 18.32.055 A. – D.
 - For rezoning requests from the A-P to the AR zoning district must consider the factors in Section 18.06.050 A. – D.
 - For rezoning requests out of the Shoreland-wetland district must consider Section 18.19.100 B

The rezoning procedures and details have been outlined in the rezoning brochure, which is available at the Department of Planning and Development.

SUPPLEMENTAL INFORMATION FOR A REZONING PETITION

In order to process your application as quickly as possible, please fill in all of the sections below that are applicable to your request, and attach all appropriate maps or plans described below that are relevant to your request.

■ Describe the reason(s) for your rezoning request:

We are requesting rezoning of the parcel so it will be more compatible with the surrounding parcels and to more closely match the permitted uses that existed under the A1 zoning that was in place when we acquired the property.

■ When evaluating a rezoning petition, staff from the Eau Claire County Department of Planning and Development consider whether the purpose of the proposed zoning district and the uses allowed in the district are appropriate for the selected location. Staff also considers whether the change in zoning will uphold the purpose of the zoning ordinance, which is to separate incompatible land uses from one another, to maintain public health and safety, to protect and conserve natural resources, to prevent overcrowding, to preserve property values, and to maintain the general welfare of the citizens. Please describe how the proposed zoning district and the uses allowed in that district are appropriate for the selected location, and how the proposed change in zoning will uphold the purpose of the zoning ordinance.

The parcels to the east, south and west of this parcel each contain non-farm residences and A3 zoning. Changing this parcel to A3 will make it more compatible with surrounding property.

There is a pond on a portion of the parcel and a significant portion of the soil is substandard making the parcel more suited for a residence than for agricultural use.

If a single faml residence were to be built on the parcel there would be no negative impact on public health and safety or natrual resources, the value of the property would increase and there would be no resulting overcrowding. The general welfare of the citizens would not be jeopardized.

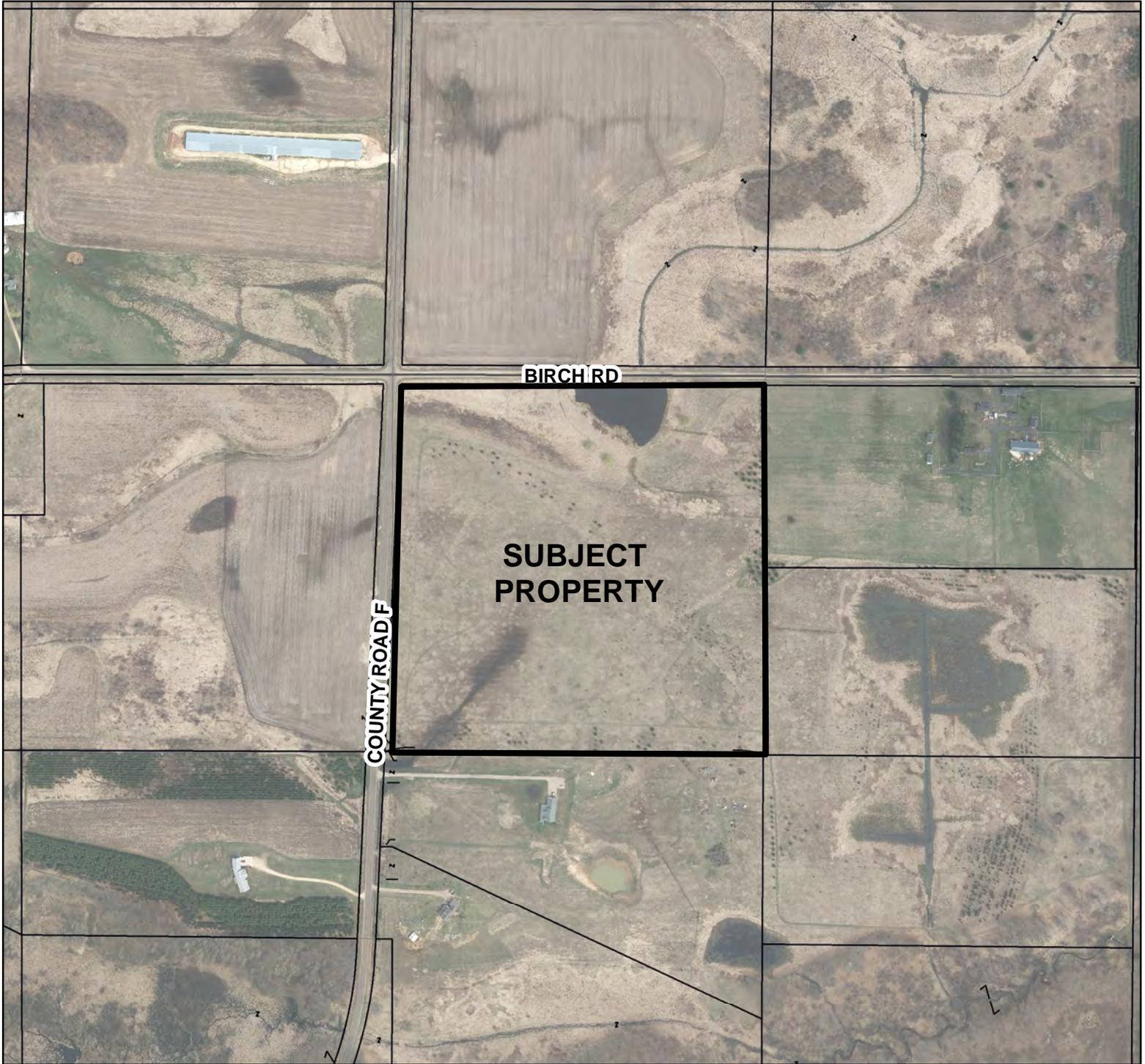
Rezoning petitions to change the zoning of a parcel from the A-P Agricultural Preservation District to any other District must be based upon findings that consider the following factors:

- 1) The land is better suited for a use not allowed in the A-P Agricultural Preservation zoning district based on a review of soil types, historical productivity, location, and adjacent land uses;
- 2) The rezoning is consistent with any applicable comprehensive plans;
- 3) The rezoning is substantially consistent with the certified Eau Claire County Farmland Preservation Plan; and
- 4) The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

If you are petitioning to rezone land from an A-P District to another district, please describe how the proposed change in zoning will be consistent with the four findings listed here.

- 1) The land in question has been fallow for at least 7 years (we've been told 10+ years). Much of the soil is below grade 3 and there is a pond and a belt of trees on the property that render a significant portion of this parcel unsuitable for productive agriculture. The land is surrounded on the east, south and west by land with A3 zoning.
- 2) We are not aware of any ways in which rezoning this land would jeopardize any applicable comprehensive plans.
- 3) The parcel is not consistent with the land that is intended to be protected under the Farmland Preservation Plan. The land in question is not high quality agricultural land, and it is not used in agriculture. The newly implemented AP zoning conflicts with the surrounding land uses.
- 4) Rezoning this parcel would not impact the current or future agricultural use of surrounding parcels that are zoned for such use. Only the parcel to the north is currently used for agriculture. This requested rezoning would have zero impact on that parcel.

HELFENSTINE REZONING AERIAL MAP



Parcel Mapping Notes:

The horizontal datum is based on the Eau Claire County Coordinate System NAD_1983_HARN_Adj_WI_EauClaire_Feet

This map is a collection of public record information and was prepared as an ongoing commitment to provide quality and up-to-date information to the public. This map is intended for information use only. Although significant care has been exercised to produce maps that satisfy mapping accuracy standards, these maps are only as accurate as the source data from which they were compiled. These maps are intended to be advisory and are NOT designed or intended to be used as a substitute for an accurate field survey, as performed by a Wisconsin Credentialed Land Surveyor, to determine precise property location.

Eau Claire County does not warrant, guarantee or make any representations regarding the use of, or results from the use of the data in terms of correctness, accuracy, reliability, currentness, or otherwise; and the user relies on the map and results solely at their own risk.

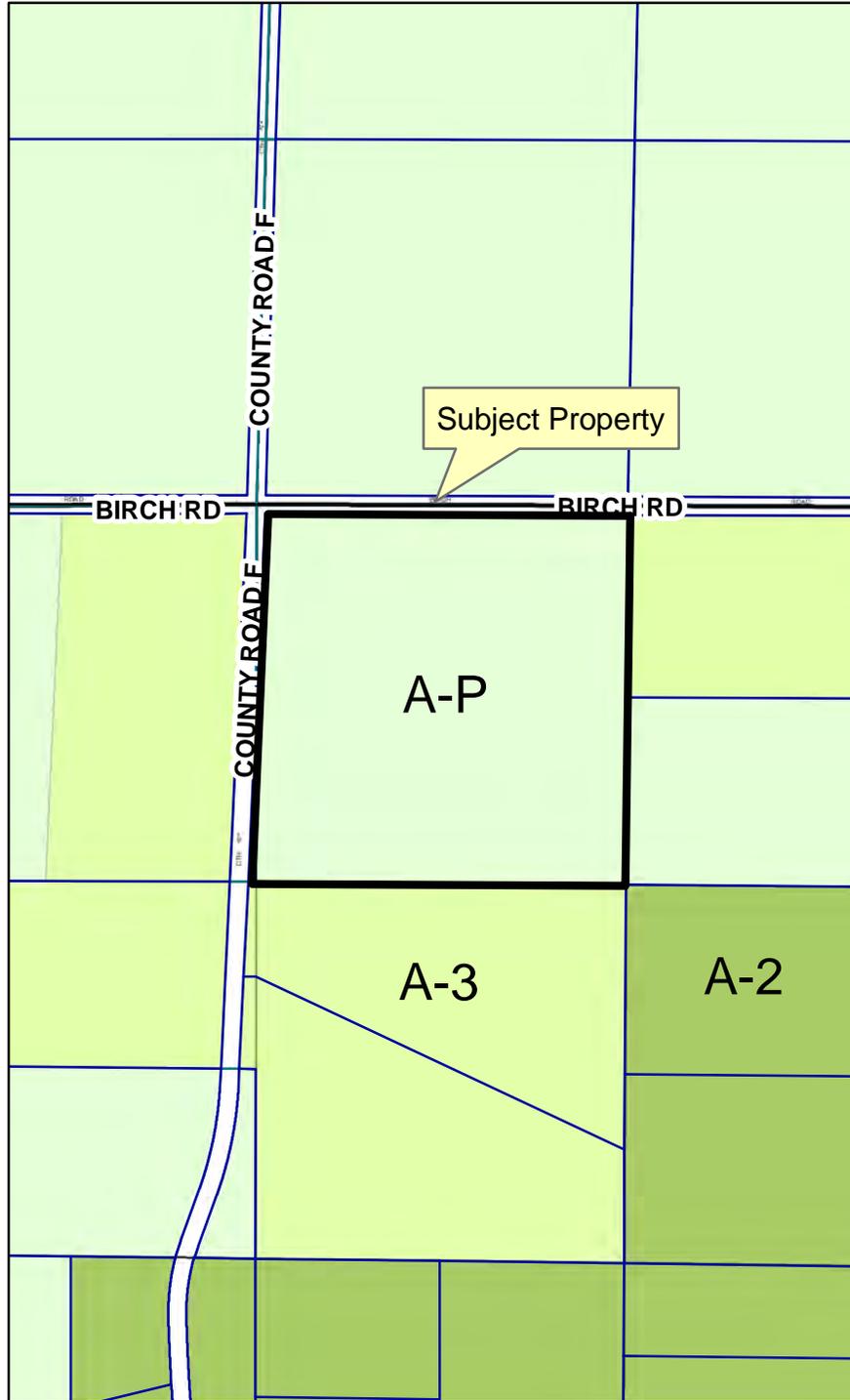




Helpfenstine Rezoning: RZN-0011-16

Existing Zoning

1 inch = 666.66667 feet



- all other values-
- A1 - Exclusive Agricultural District
- A2 - Agriculture-Residential District
- A3 - Agricultural District
- AP - Agricultural Preservation
- AR - Floating Agricultural-Residential District
- C1 - Neighborhood Business District
- C2 - General Business District
- C3 - Highway Business District
- F1 - Exclusive Forestry District
- F2 - Forestry District
- I1 - Nonsewered Industrial District
- I2 - Sewered Industrial District
- R1L - Single-Family Residential District, Large Lot
- R1M - Single-Family Residential District
- R2 - Two-Family Residential District
- R3 - Multiple-Family Residential District
- RH - Rural Homes District

- Commercial Industrial
- County Forest
- Natural Resource Protection
- Park and Recreational
- Public Institutional
- Recreational Commercial
- Rural Commercial
- Rural Hamlet
- Rural Industrial
- Rural Lands
- Rural Residential
- Rural Residential - Mobile Home
- Rural Transition
- Urban Mixed Use



Parcel Mapping Notes:

The horizontal datum is based on the Eau Claire County Coordinate System NAD_1983_HARN_Adj_WI_EauClaire_Feet

This map is a collection of public record information and was prepared as an ongoing commitment to provide quality and up-to-date information to the public. This map is intended for information use only. Although significant care has been exercised to produce maps that satisfy mapping accuracy standards, these maps are only as accurate as the source data from which they were compiled. These maps are intended to be advisory and are NOT designed or intended to be used as a substitute for an accurate field survey, as performed by a Wisconsin Credentialed Land Surveyor, to determine precise property location.

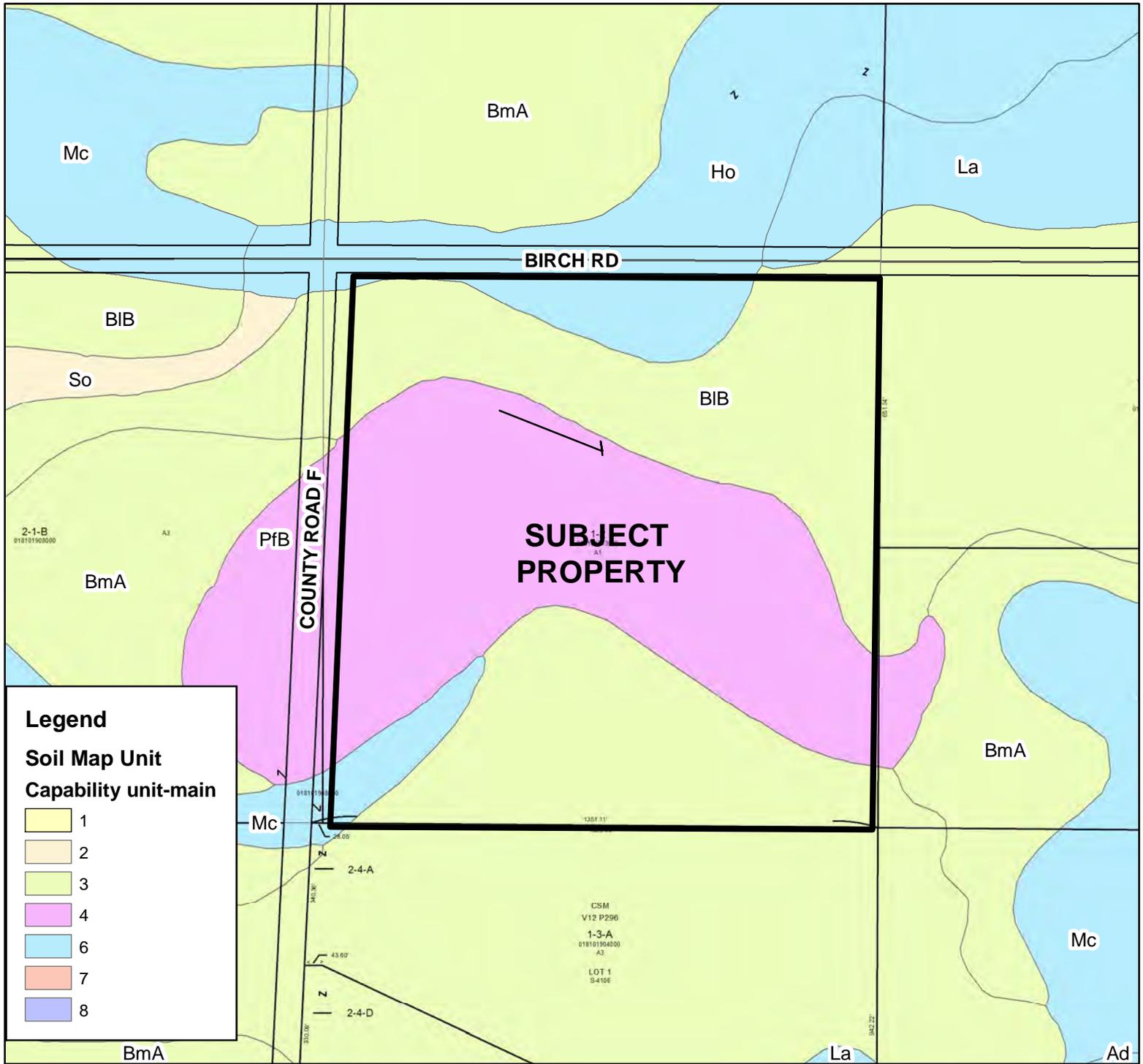
Eau Claire County does not warrant, guarantee or make any representations regarding the use of, or results from the use of the data in terms of correctness, accuracy, reliability, currentness, or otherwise; and the user relies on the map and results solely at their own risk.

Existing Future Land Use

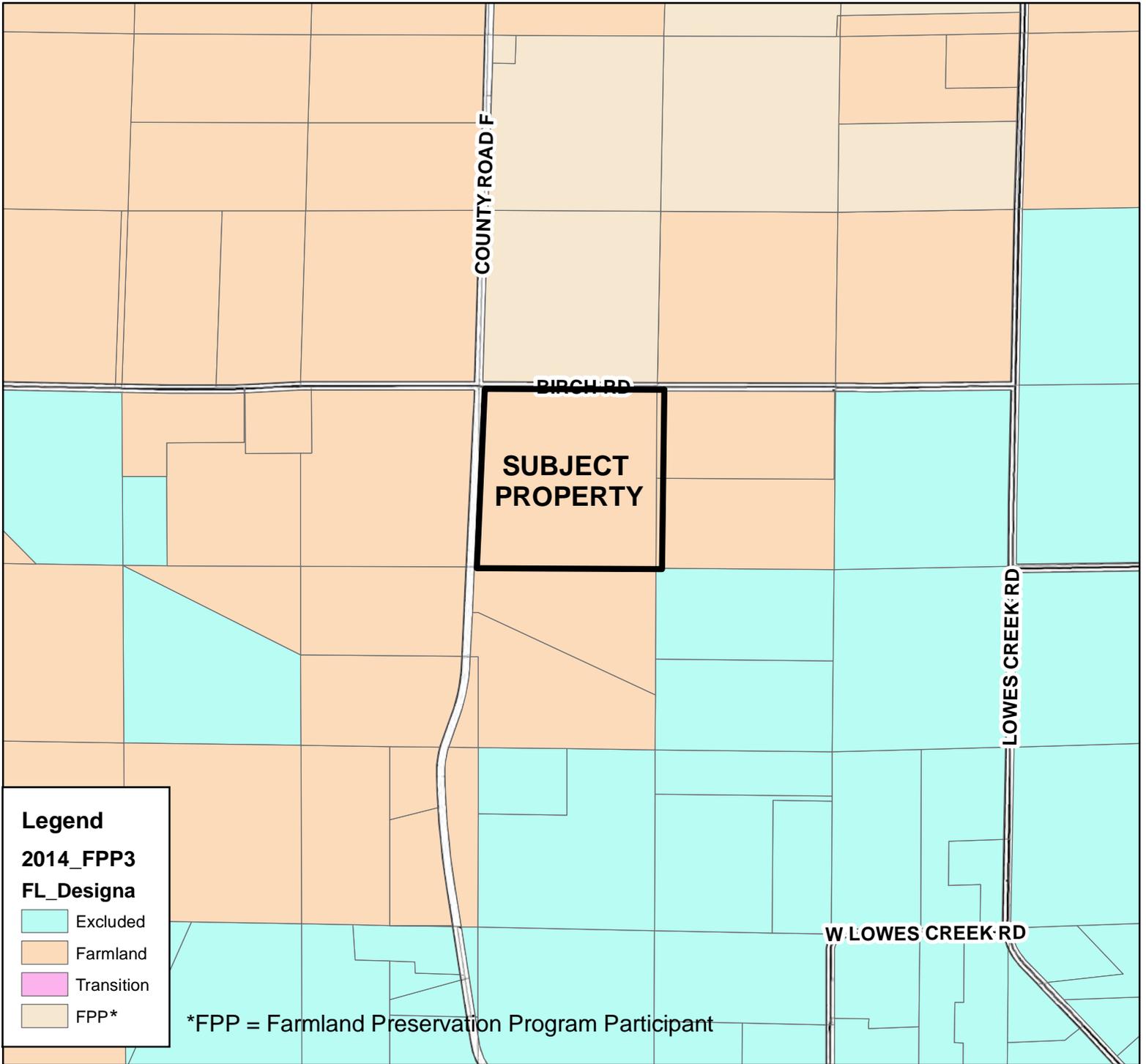
1 inch = 667 feet



HELFFENSTINE REZONING SOIL MAP



HELFENSTINE REZONING FARMLAND PRESERVATION MAP



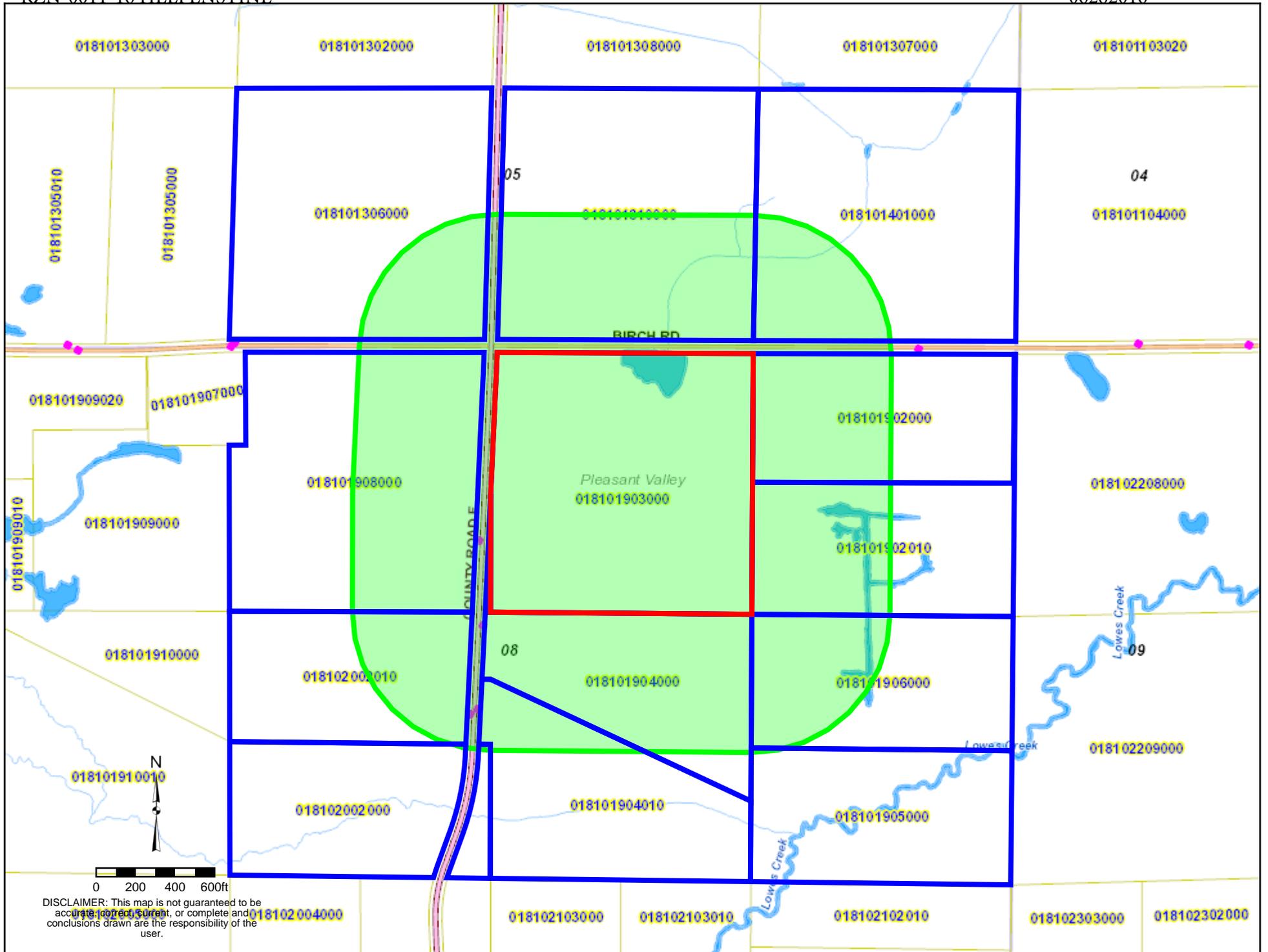
Parcel Mapping Notes:

The horizontal datum is based on the Eau Claire County Coordinate System NAD_1983_HARN_Adj_WI_EauClaire_Feet

This map is a collection of public record information and was prepared as an ongoing commitment to provide quality and up-to-date information to the public. This map is intended for information use only. Although significant care has been exercised to produce maps that satisfy mapping accuracy standards, these maps are only as accurate as the source data from which they were compiled. These maps are intended to be advisory and are NOT designed or intended to be used as a substitute for an accurate field survey, as performed by a Wisconsin Credentialed Land Surveyor, to determine precise property location.

Eau Claire County does not warrant, guarantee or make any representations regarding the use of, or results from the use of the data in terms of correctness, accuracy, reliability, currentness, or otherwise; and the user relies on the map and results solely at their own risk.





DISCLAIMER: This map is not guaranteed to be accurate, correct, current, or complete and conclusions drawn are the responsibility of the user.

Parcel Id	NAME	ADDRESS	CITY	STATE	ZIP
1801822509081309001	ANDERSON, NATHAN J & JULIE L	S 11335 COUNTY RD F	ELEVA	WI	54738
1801822509054300001	ANDERSON, RONALD S & VICKI K	S 10400 LOWES CREEK RD	ELEVA	WI	54738-9041
1801822509053400001	BUTZLER, DANIEL J & KATHLEEN A	W 440 BIRCH RD	ELEVA	WI	54738
1801822509082400002	CAUCUTT, KEITH L & PAULA J	S 11510 COUNTY RD F	ELEVA	WI	54738
1801822509054400001	LOWRY, THOMAS R & DANICA R	E 970 BIRCH RD	ELEVA	WI	54738-9490
1801822509081309000	MAHAL, LUCAS & LISA	50662 W 2ND ST	ELEVA	WI	54738
1801822509082100001	RATZ, JOEL	2919 MALL DR C STE	EAU CLAIRE	WI	54701-6872
1801822509081400001	STATE OF WISCONSIN, DEPT NATURAL RESOURCES	7921 PO BOX	MADISON	WI	53707
1801822509082400003	STEINKE, RICK L & SANDRA J	S 11340 COUNTY RD F	ELEVA	WI	54738



EAU CLAIRE COUNTY PLANNING AND DEVELOPMENT STAFF RECOMMENDATION

CONDITIONAL USE PERMIT NUMBER: CUP-0009-16
COMPUTER NUMBER(S): 018-108-301-010
PUBLIC HEARING DATE: June 28, 2016

STAFF CONTACT: Rod Eslinger, Land Use Manager
Beth Richmond, Planning Intern

OWNER: Michael and Mary Peterson, 251 Butternut Drive, Strum, WI 54770

APPLICANT: Same as above

REQUEST: Conditional use permit to allow construction of a single-family home on a non-conforming lot with less than 50% of the required area for the A-P District.

LOCATION: County Road WW, Eleva WI

LEGAL DESCRIPTION: That part of the E ½ of the NE of the NW lying north of the centerline of County Road WW, Section 33, T25N-R9W, Town of Pleasant Valley, Eau Claire County

SUMMARY

A conditional use permit request to allow the construction of a single-family residence on this property. In 2014 when the property was zoned A-1, Exclusive Agricultural District, the committee granted the then-owner a conditional use permit to allow construction of a single-family home on a nonconforming lot. A single-family home was never built, and the conditional use permit became void after one year from the date of issuance. Currently, the property is zoned A-P, Agricultural Preservation District.

BACKGROUND

SITE CHARACTERISTICS:

- Lot size is 7.35 acres.
- The lot is heavily wooded.
- The property contains a steep ridge.
- A survey by Koxlien Brothers Wood Products estimates the value of the standing timber on the property at between \$8,000 and \$10,000 which exceeds the \$6,000 threshold necessary to classify the land as farmed land, thereby permitting a farm residence on the property.

CURRENT ZONING:

A-P Agricultural Preservation District – The A-P District was established to:

- A. Preserve and protect those areas best suited for agricultural, forestry or open-space uses by minimizing fragmentation of contiguous agricultural or forest lands for the benefit and use of current and future generations;

- B. Provide for a wide range of agricultural uses typically associated with the continued production of food and fiber while recognizing that such uses may involve noise, dust, odor, or operation of heavy equipment for long periods of time;
- C. Strengthen and diversify a predominately agricultural and forestry-based economy by providing for a range of economic opportunities for property owners which are generally compatible with and supportive of agriculture or forestry operations as either permitted or conditional uses;
- D. Comply with standards contained in Wis. Stat. ch. 91 to permit eligible landowners to receive tax credits under Wis. Stat. § 71.09, in conjunction with their agricultural operations;
- E. Preserve rural character and promote the efficient use of public infrastructure and utilities by minimizing the adverse effects of urban sprawl along with its associated expense;
- F. Promote environmental quality through the use of conservation practices designed to minimize erosion of productive soils and deter the delivery of sediment and nutrients to the waters of our state;
- G. Minimize land use conflicts which occur when agricultural and non-agricultural uses are intermixed or not adequately separated; and
- H. Provide for carefully regulated extraction of nonmetallic mineral resources through Eau Claire County’s permitting processes to ensure compatibility with adjacent land uses, minimize impacts to natural resources, and to restore lands to productive agricultural use consistent with locally approved reclamation plans.

ADJACENT ZONING & LAND USES:

DIRECTION	ZONING	LAND USE
North	A-P	Pasture/grassland, ag. field, and woodlands
West	A-P	Woodlands
South	A-P	Woodlands, single family home
East	A-P	Woodlands, single family home

LAND USE PLANS

The County Land Use Plan, adopted in 2010, includes this property in a Rural Lands planning area. The Town of Pleasant Valley’s Comprehensive Plan places this property in a rural preservation planning area.

Eau Claire County - Rural Lands (RL)

Intent and Description: The primary intent of these areas is to preserve productive agricultural lands, protect existing farm & forestry operations from encroachment by incompatible uses, promote further investments in farming, maintain farmer eligibility for incentive programs, and preserve wildlife habitat and open spaces. In other words, to preserve the rural character of these areas.

APPLICABLE ZONING REGULATIONS

Section 18.01.010 Purpose. This section describes the purpose of the zoning code. Generally, the purpose of the zoning ordinance is as follows: to separate incompatible land uses from one another; to maintain public health and safety; to protect and conserve natural resources; to prevent overcrowding; to preserve property values; and to maintain the general welfare of the citizens.

Section 18.32.010 Permitted principal uses. The follow principal uses are permitted in the A-P District: Farm residences.

Section 18.32.015 Permitted principal structures. The following principal structures are permitted in the A-P district: Farm residences.

Section 18.24.020 Nonconforming lots. A lot of record may be used for any use or structure allowed in the district in which it lies, provided it complies with the following:

- A. All structures shall meet the setback, yard, height, parking, loading and access requirements of this subtitle.
- B. No structure shall be constructed on a lot which has less than 50% of the required width or area until a conditional use permit has been granted.

Chapter 18.21 Conditional Uses. Standards for approval of conditional uses: 1) the use must be in conformance with the purpose of the zoning district it is located in; 2) the use will not be injurious to the use and enjoyment of other property in the immediate vicinity; 3) adequate utilities, access, drainage and other necessary facilities have been or are provided; 4) adequate off-street parking is provided; 5) adequate measures have been taken to prevent or control offensive odors, fumes, dust, noise and vibration so these will not constitute a nuisance, and lighting is controlled so that it does not result in disturbance to neighboring properties; 6) soil conditions are adequate to support the use; 7) access does not pose traffic congestion or hazards.

ANALYSIS: It appears that this application meets the standards for a conditional use permit as requested. There is sufficient land for building a home that will meet setback requirements, and there is public road access.

TOWN BOARD ACTION: The Pleasant Valley Town Board reviewed this matter at the June 13, 2016 town board meeting and entered into the record that the town board did not have any objections to the conditional use permit request.

STAFF CONCLUSIONS AND RECOMMENDATION: Staff concludes that the construction of a single family home will meet all of the standards for a farm residence on a non-conforming lot in the A-P District, will meet all of the standards for approval of conditional use permits, and will be consistent with the purpose of the zoning code. Staff recommends approval of the conditional use permit with the following conditions:

1. Prior to construction, all necessary permits, including road access, sanitary, land use, Uniform Dwelling Code, storm water management, and erosion control permits shall be obtained from the appropriate Eau Claire County departments.
2. The Land Use Manager can approve minor alterations from the terms of the permit. A major change does require the approval of the committee at a public hearing.
3. The owners shall allow staff from the Department to enter the property at reasonable times to inspect the premises for compliance with the conditions of this permit.
4. The permit is subject to Sections 18.21.080 to 18.21.100 of the Zoning Code. These provisions establish when a conditional use permit lapses, the conditions under which it can be revoked, and when a CUP expires due to the abandonment of a use.

Steve Chilson

Eau Claire County
Department of Planning and Development
Eau Claire County Courthouse
721 Oxford Avenue, Room 3344
Eau Claire, Wisconsin 54703
(715) 839-4741

County Board Supervisor # 7

Application Accepted: 6/8/2016
Accepted By: Rod Eslinger
Receipt Number: 46924
Town Hearing Date:
Scheduled Hearing Date: 6/28/16
Application No: CUP-0009-16
Appl Status: Pending

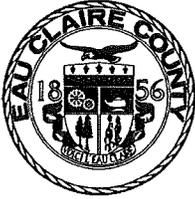
Conditional Use Permit - County

Owner/Applicant Name(s): Mary J Peterson Michael T Peterson	Address: (ow) 251 BUTTERNUT DR STRUM (ow) 251 BUTTERNUT DR STRUM	Telephone: 715-797-2432(H)
Site Address(es):		
Property Description: Sec 33 Twn 25 Rge 09 Town of Pleasant Valley Lot Area: 7.350 ACRES		
Zoning District(s): AP		
Overlay District: <input type="checkbox"/> Shoreland <input type="checkbox"/> Flood Plain <input type="checkbox"/> Airport <input type="checkbox"/> Wellhead Protection <input type="checkbox"/> Non-Metallic Mining Check Applicable		
PIN 1801822509332100003	Alternate No 018108301010	Parcel No 25.9.33.2-1-C
Legal (partial) THAT PRT OF THE E 1/2 OF THE NE-NW LYG N OF THE (C/L) OF		
General Description: Type: Nonconforming lot with less than 50 % of the required area Description of Proposed Use: APPLICANT WANTS TO BUILD A NEW HOME ON A PARCEL THAT HAS LESS THAN 50 PERCENT OF THE REQUIRED AREA IN THE A-P DISTRICT. THE APPLICANT'S PARCEL IS 7.35 ACRES.		Conditional Use Contract: Structure Check: Yes

I certify by my signature that all the information presented herein is true and correct to the best of my knowledge. I give permission for the staff of the Eau Claire County Department of Planning and Development to enter my property for the purpose of collecting information to be used as part of the public hearing process. I further agree to withdraw this application if substantive false or incorrect information has been included.

Owner/Agent Signature See attached application Date
Check if DATCAP must be notified Check if DNR to Receive Copy

At the public hearing, the applicant may appear in person or through an agent or an attorney of his/her choice. The applicant/agent/attorney may present testimony, evidence and arguments in support of the application. All site plans, pictures, etc. become the property of the Department, and will remain in the file.



Eau Claire County
Department of Planning and Development
 Eau Claire County Courthouse
 721 Oxford Avenue, Room 3344
 Eau Claire, Wisconsin 54703
 (715) 839-4741

Application Accepted:	
Accepted By:	
Receipt Number:	
Town Hearing Date:	
Scheduled Hearing Date:	

CONDITIONAL USE PERMIT APPLICATION

Property Owner Name: Michael T & Mary J Peterson	Phone#(715) 797-2432
Mailing Address: 251 Butternut Dr. Strum, WI 54770	
Email Address: mike@insurancemarketingpartners.com	

Agent Name:	Phone#
Mailing Address:	
Email Address:	

SITE INFORMATION

Site Address: County Road WW Eleva, WI 54738	
Property Description: <u>NE</u> $\frac{1}{4}$ <u>NW</u> $\frac{1}{4}$ Sec. <u>33</u> , T <u>25</u> N, R <u>9</u> W, Town of <u>Pleasant Valley</u>	
Zoning District:	Code Section(s):
Overlay District: Check Applicable	<input type="checkbox"/> Shoreland <input type="checkbox"/> Floodplain <input type="checkbox"/> Airport <input type="checkbox"/> Wellhead Protection <input type="checkbox"/> Non-Metallic Mining
Computer #(s):	<u>018</u> - <u>108</u> - <u>301</u> - <u>010</u>

GENERAL APPLICATION REQUIREMENTS

Applications will not be accepted until the applicant has met with department staff to review the application and determine if all necessary information has been provided. Applications are due by 12:00 PM of the Tuesday three weeks prior to the Planning and Development Committee meeting. All information from the checklist below must be included.

<input checked="" type="checkbox"/> Complete attached information sheet	<input checked="" type="checkbox"/> Site Plan Drawn to Scale	<input checked="" type="checkbox"/> Contact the Town to coordinate a recommendation on the application	<input checked="" type="checkbox"/> Provide \$500.00 application fee (non-refundable), payable to the Eau Claire County Treasurer
---	--	--	---

I certify by my signature that all information presented herein is true and correct to the best of my knowledge. I give permission for the staff of the Eau Claire County Department of Planning and Development to enter my property for the purpose of collecting information to be used as part of the public hearing process. I further agree to withdraw this application if substantive false or incorrect information has been included.

Owner/Agent Signature

Date 5-28-16

NOTICE: PERMIT FEES DOUBLE WHEN WORK BEGINS PRIOR TO ISSUANCE OF PERMITS & APPROVALS.

At the public hearing, the applicant may appear in person or through an agent or an attorney of his/her choice. The applicant/agent/attorney may present testimony, evidence and arguments in support of the application. All site plans, pictures, etc. become the property of the Department, and will remain in the file.

Continue to next page

Updated 12/10/2015

T:\Forms\Applications\Conditional Use\ConditionalUseApplication.docx

SUPPLEMENTAL INFORMATION FOR A CONDITIONAL USE PERMIT

In order to process your application as quickly as possible, please fill in all of the sections below that are applicable to your request, and attach all appropriate maps or plans described below that are relevant to your request.

WRITTEN DESCRIPTION OF THE PROPOSED USE:

General description of the use (home occupation, accessory structure in excess of 1,200 square feet, filling in a floodplain, non-metallic mining, or any other listed conditional use in zoning districts).

To construct a single-family home on a parcel that is less than 50% of the required area for the AP Zoning District.

IF THE PROPOSED USE INVOLVED A BUSINESS ACTIVITY, DESCRIBE THE PROPERTY

Description of the type of business activity:

Equipment used in the business activity:

Days and hours of operation:

Number of employees:

Nuisance abatement measures that will be implemented:

Noise abatement measures:

Vibration abatement measures:

Dust control measures:

Measures to control fumes or odors:

Visual screening measures (plants, fences, walls, etc.)

DESCRIPTION OF ANY OTHER FEATURES OR CHARACTERISTICS THAT MAY BE SUBJECT TO ZONING REGULATIONS

Exterior appearance of any structure, including a description of the building materials used, the height of eaves, the color of the structure, etc. (required for conditional use permit applications for accessory structures in excess of 1,200 square feet)

Earth tone engineered or cedar siding

Any proposed excavation or fill, the amount of material that will be mined in a non-metallic mining operation, the amount of material that will be stockpiled, etc.

Minor excavation for basement and driveway.

Other features or characteristics (signs, fences, outdoor display areas, etc.)

None

SCALED SITE PLAN

<input checked="" type="checkbox"/> Show parcel and building dimensions of all existing and proposed structures	<input checked="" type="checkbox"/> Landscape and screening plans
<input type="checkbox"/> Show all signs, fences and other features that may be regulated by zoning	<input checked="" type="checkbox"/> Show the well and septic system
<input checked="" type="checkbox"/> Site access, driveway, and nearest road (labeled)	<input checked="" type="checkbox"/> Parking areas with spaces
<input checked="" type="checkbox"/> Drainage plans including the erosion control plan	<input type="checkbox"/> Show all navigable water ways, wetlands, floodplains, slopes in excess of 20%, and any other unique limiting condition of the property
<input type="checkbox"/> The layout of the use within the structure; if the use only occupies part of the structure, the floor plan should illustrate only the layout of that part of the structure occupied by the use and any access to the use through halls, doorways, etc.	
<input type="checkbox"/> The location of any equipment that will be used	

FOR ALL NON-AGRICULTURAL ACCESSORY STRUCTURES

<input checked="" type="checkbox"/> Show floor plan, including attics
<input checked="" type="checkbox"/> Show scaled building elevations
<input type="checkbox"/> Show color scheme

Koxlien Brothers Wood Products

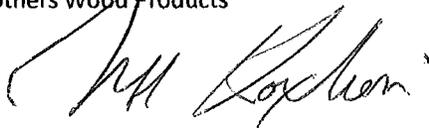
N48887 Koxlien Rd.
Strum, WI 54770
(715) 695-3366

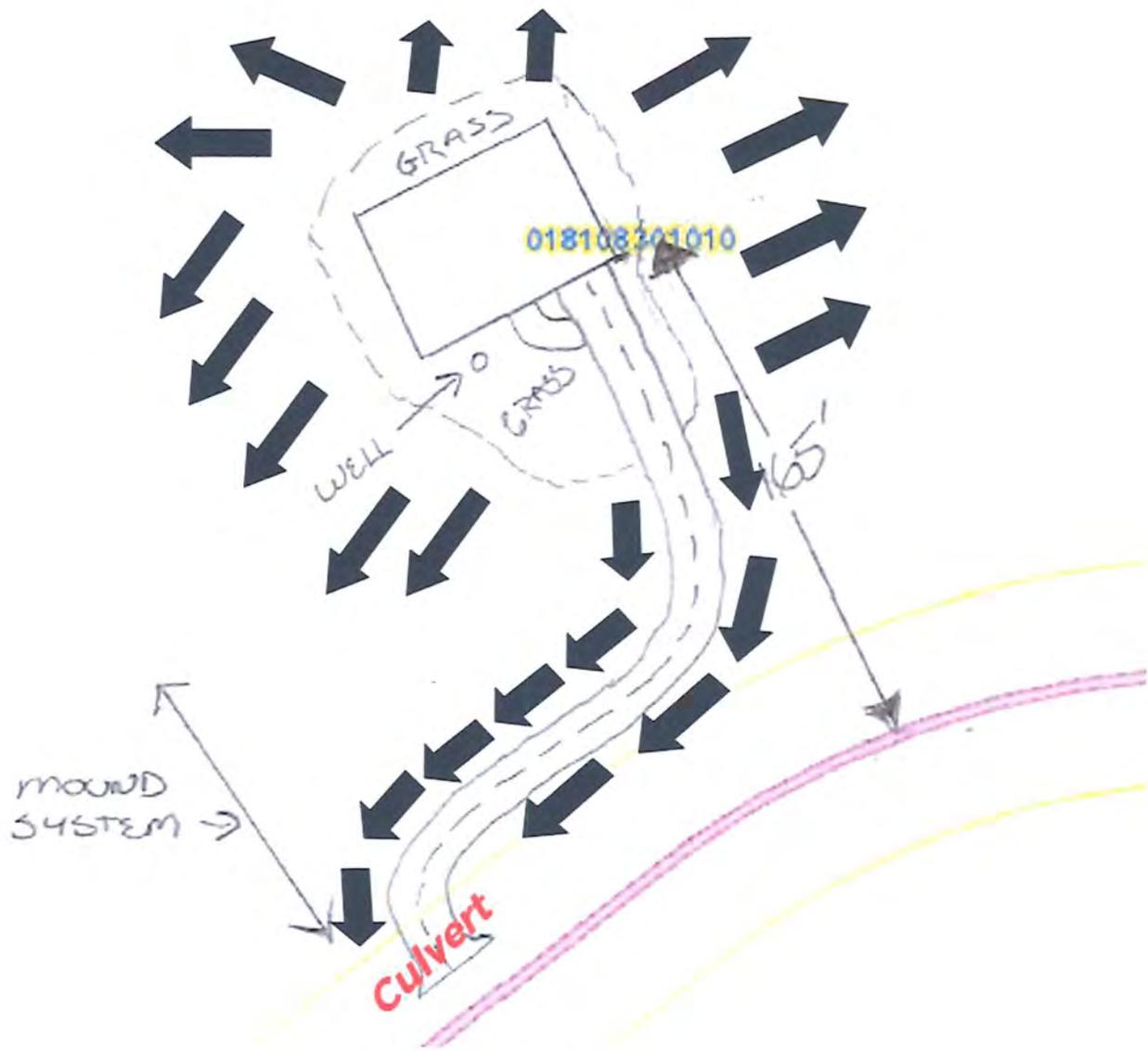
Mike Peterson
251 Butternut Dr
Strum, WI 54770

Dear Mike,

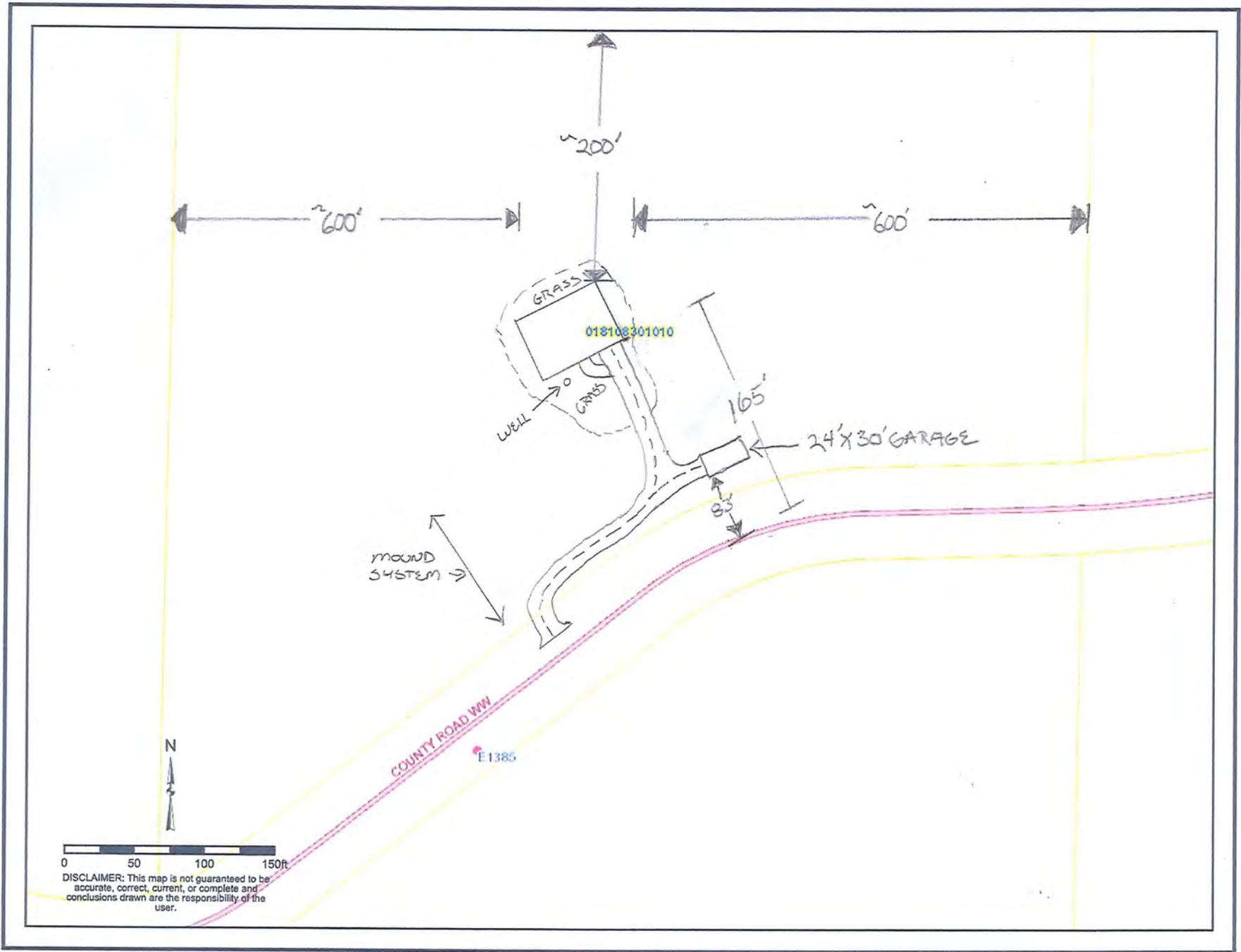
I surveyed the 7.35 Acres of land on County Road WW and found that there was a good mix of Oak and Maple among other species. The current value of the standing timber is approximately \$8,000 – 10,000. This is an estimate and not a binding offer.

Jeff Koxlien,
Koxlien Brothers Wood Products

A handwritten signature in cursive script, appearing to read "Jeff Koxlien".

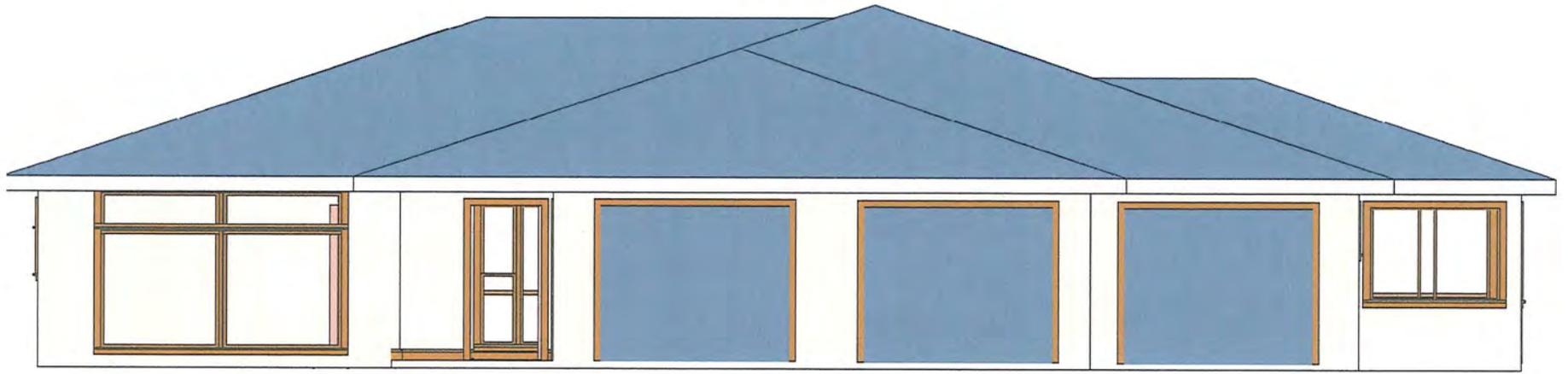


Erosion Control Plan

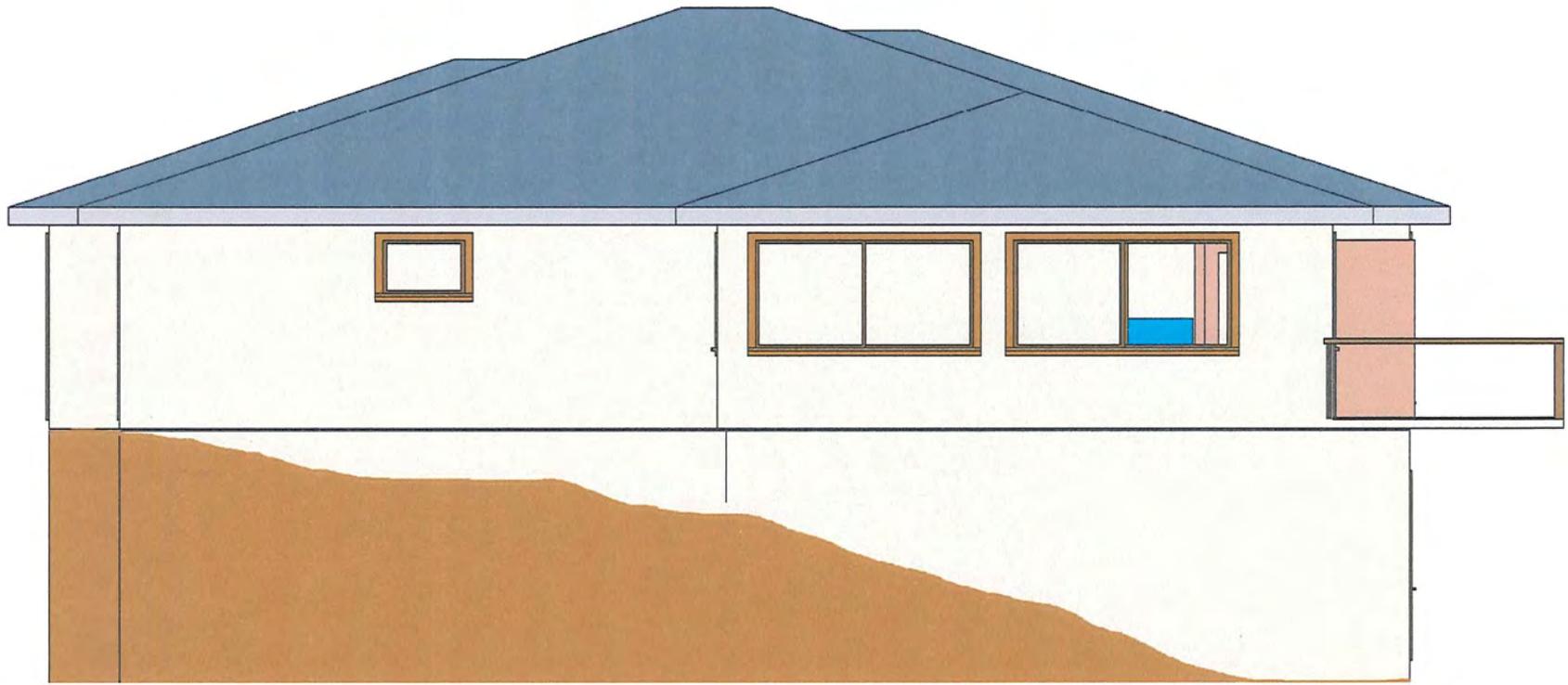




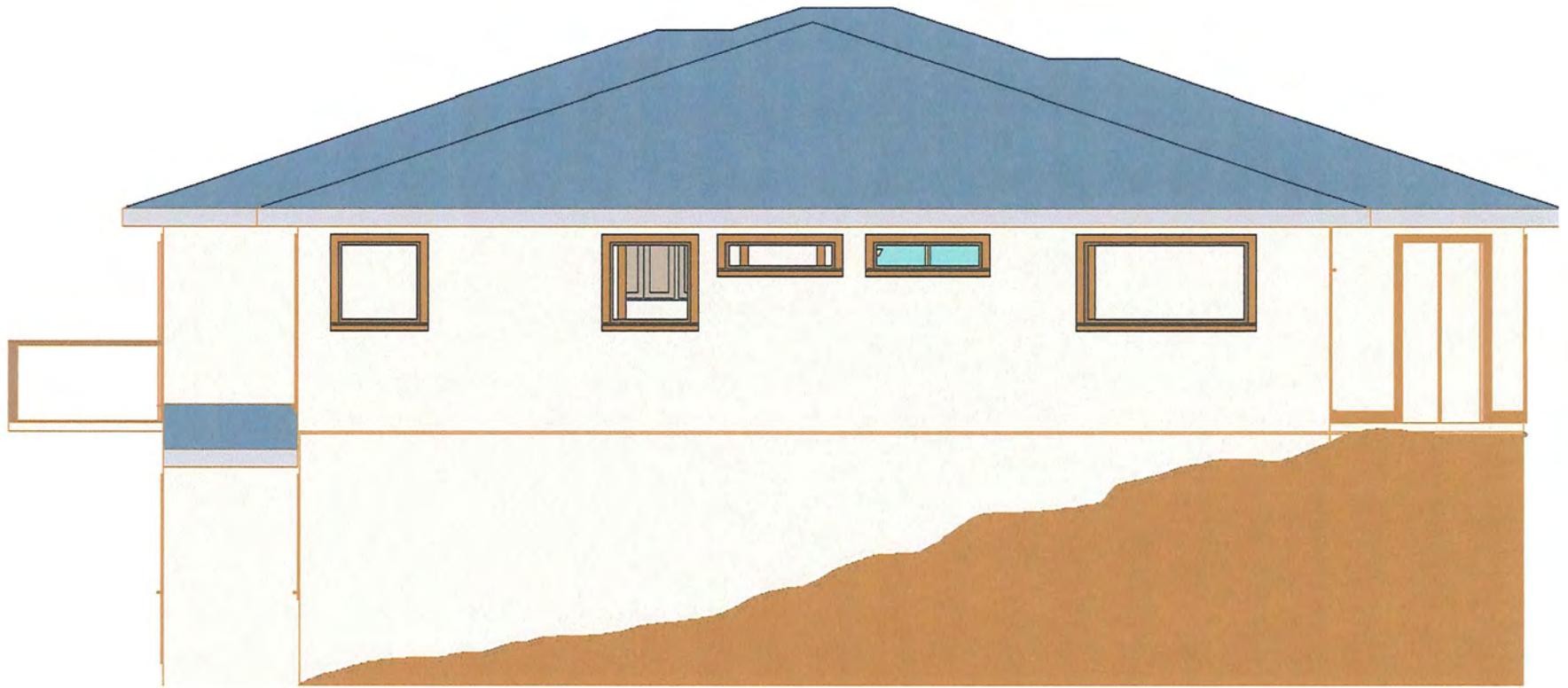
Rear Elevation



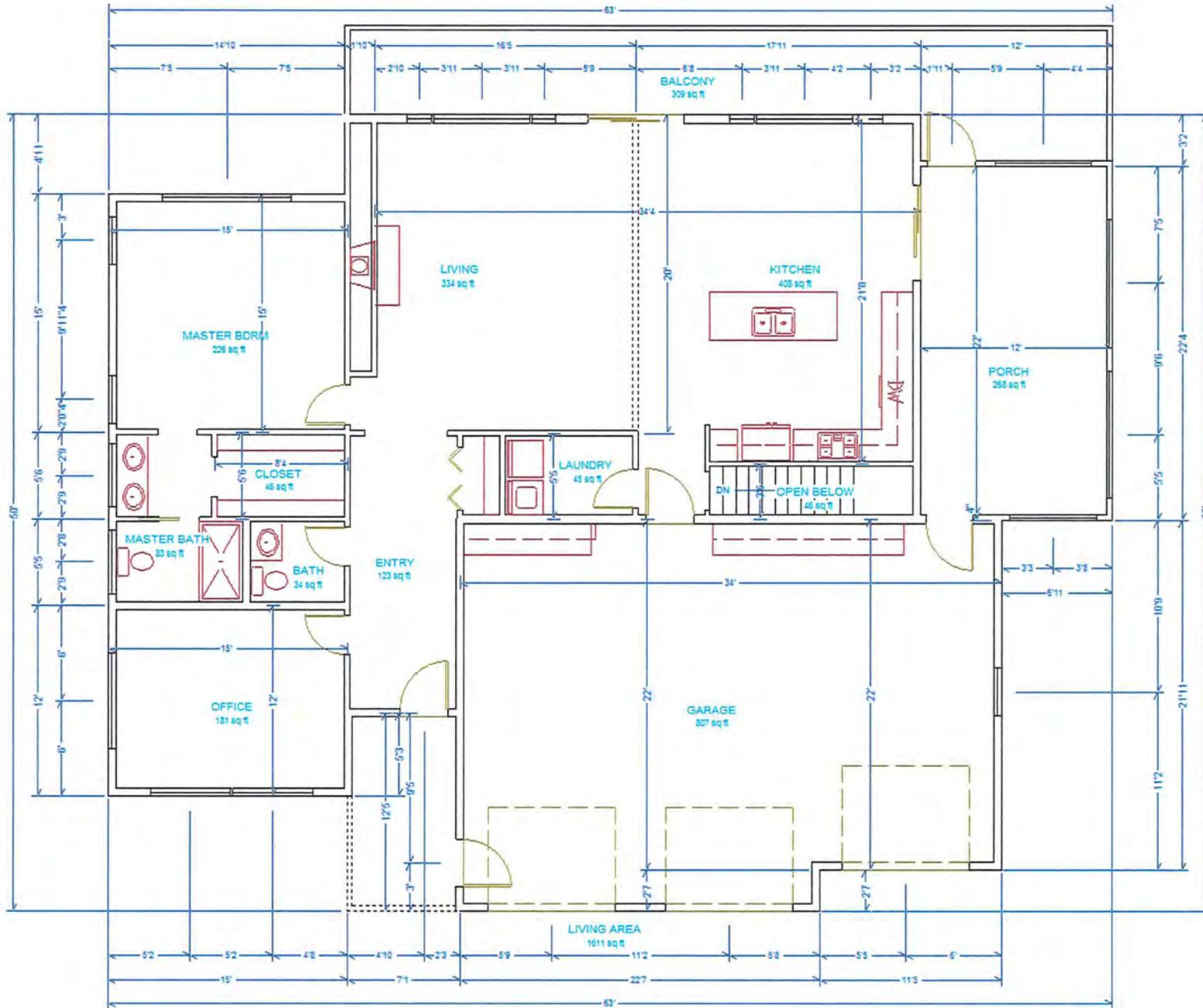
Front Elevation



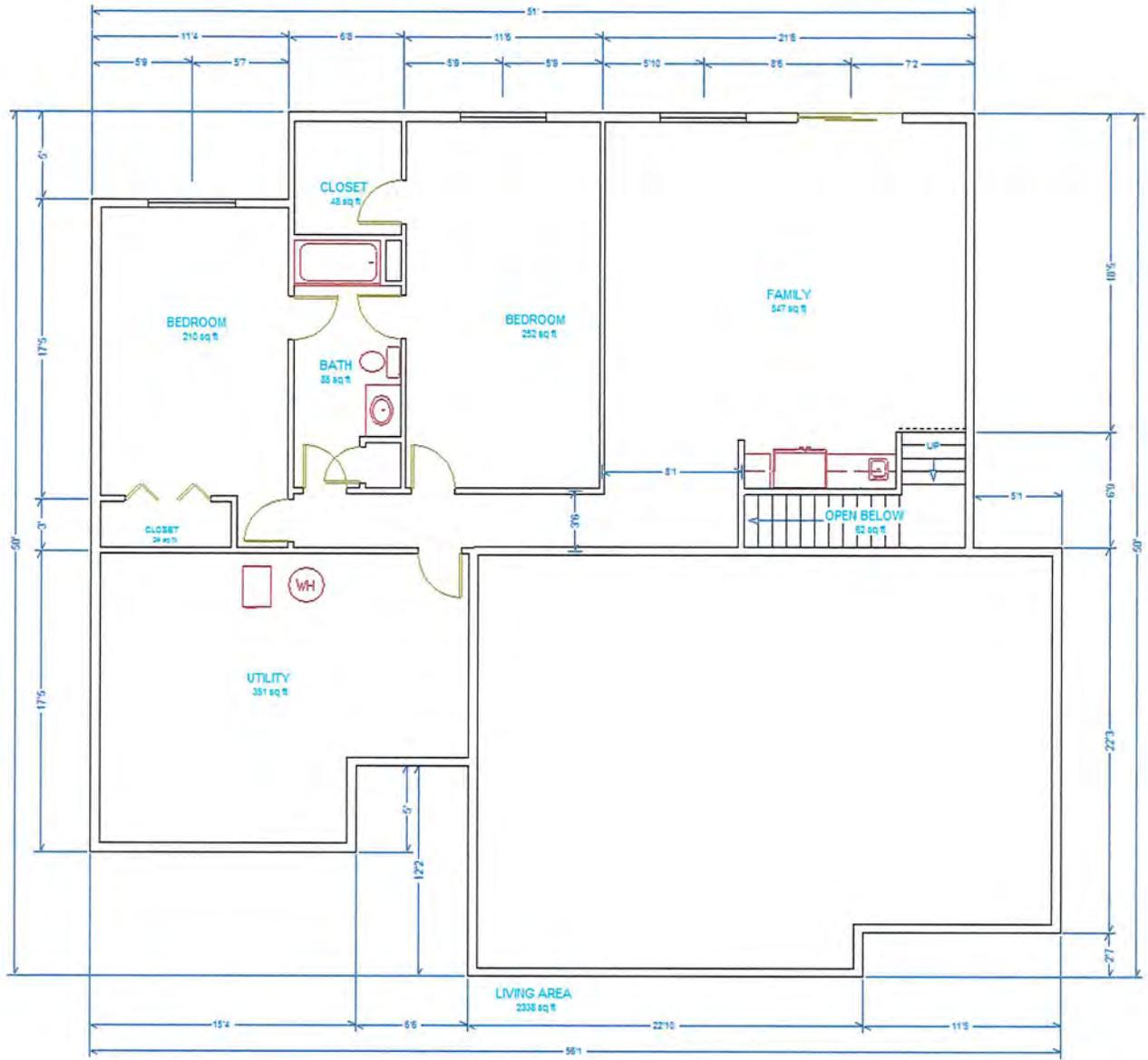
Right Elevation



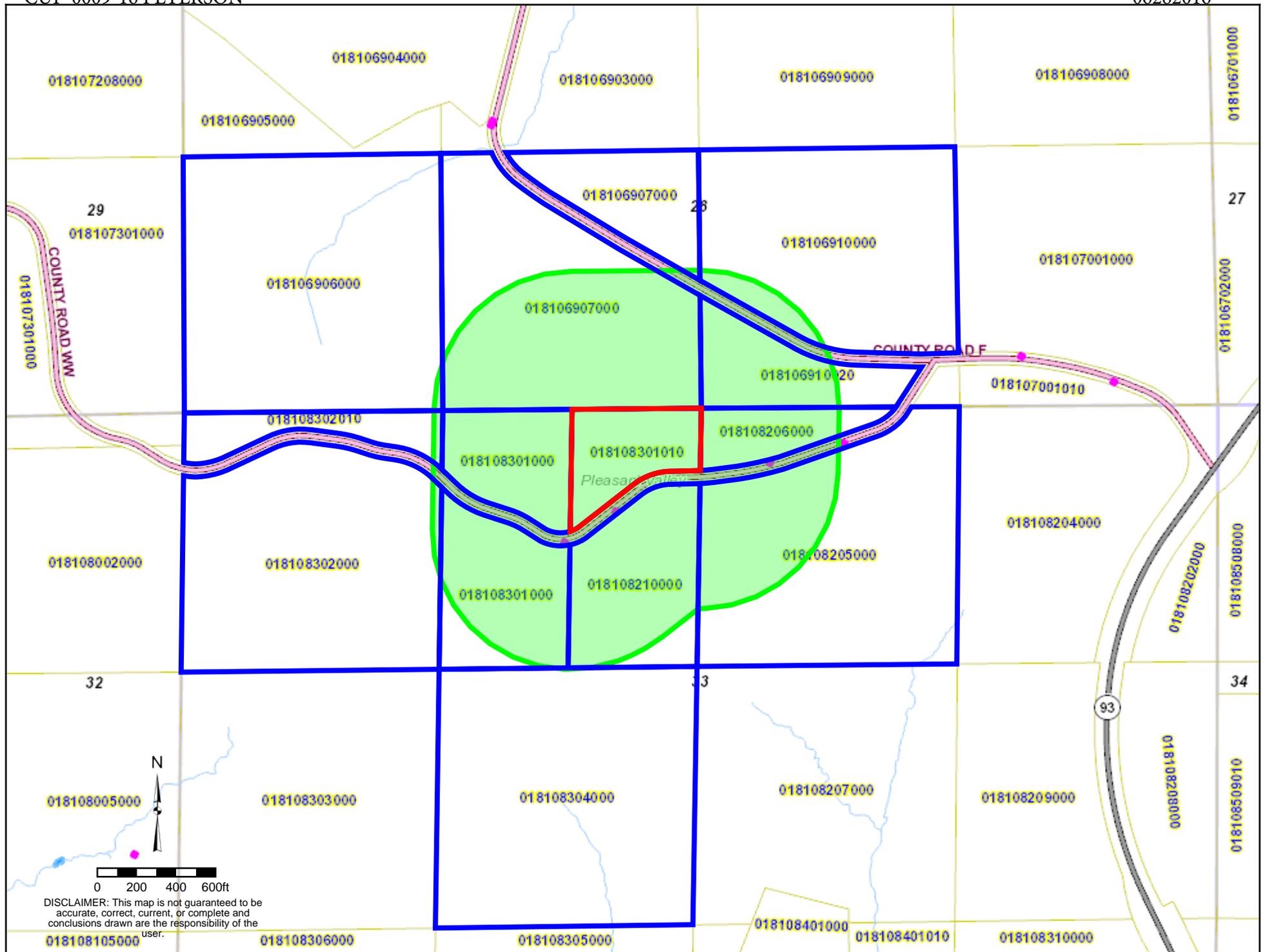
Left Elevation



County Hwy WW – Main Floor



County Hwy WW – Basement



Parcel Id	NAME	ADDRESS	CITY	STATE	ZIP
1801822509331200001	BERG, DAVID	E 1815 COUNTY ROAD WW	ELEVA	WI	54738-9243
1801822509284300001	BRIAN, DALE L & LORETTA A	E 1626 COUNTY RD WW	ELEVA	WI	54738-9242
1801822509332100002	JOHNSON, BASIL L	E 1375 COUNTY ROAD WW	ELEVA	WI	54738
1801822509332100001	OTT, GARY J & LORI K	E 1385 COUNTY ROAD WW	ELEVA	WI	54738-9243
1801822509332200002	PEDERSON, RICHARD & DARLENE	S 14750 COUNTY RD F	ELEVA	WI	54738
1801822509332200001	REIDENBACH, KATHLEEN	2324 S 82ND ST	WEST ALLIS	WI	53219-1734
1801822509332400001	TOLLEFSON, PALMER L & NANCY	E 2000 TOLLEFSON RD	ELEVA	WI	54738



EAU CLAIRE COUNTY PLANNING AND DEVELOPMENT STAFF RECOMMENDATION

CONDITIONAL USE PERMIT NUMBER: CUP-0006-16
COMPUTER NUMBER(S): 004-1013-02-000
PUBLIC HEARING DATE: May 24, 2016

STAFF CONTACT: Rod Eslinger, Land Use Manager
OWNER: Gregg Slowik
APPLICANT: Same as owner
REQUEST: Conditional use permit for the cumulative area of all accessory structures in excess of 1,200 square feet
LOCATION: W 3831 Service Road, Eau Claire, WI 54703
LEGAL DESCRIPTION: Part of the NW of the SW, Section 2, T26N, R10W, Town of Brunswick.

SUMMARY

Request for a conditional use permit for the cumulative area of all accessory structures in excess of 1,200 square feet (3,733 square feet requested) in the RH, Rural Homes District for the purpose of storing cars, boats, motorcycles, lawn equipment, and building materials.

BACKGROUND

- Below are past Committee on Planning and Development or Department actions/approvals/notices on property at W 3831 Service Road, Eau Claire, Wisconsin:
 - June 24, 1987 a conditional use permit (CUP1987-24) was approved to allow an auto repair shop as a home occupation on Mr. Slowik's property.
 - November 9, 1992, a violation notice was sent to Mr. Slowik for not complying with the terms of the conditional use permit regarding outside storage. Department gave a 30-day compliance schedule.
 - May 11, 1993, a land use permit was issued by the department for a 15-foot by 24-foot addition onto an existing garage and a fence.
 - January 31, 2000, a violation notice was sent to Mr. Slowik for the storage of unlicensed or inoperable motor vehicles or parts thereof outside of an enclosed building.
 - May 22, 2001, a conditional use permit (CUP2001-28) was issued to allow an additional garage (40-foot by 25-foot garage) on the property to exceed 1,000 square feet.
 - The exterior of the garage needs to appear similar to residence.
 - The building shall be completed by September 1, 2001. By September 1, 2001, all motor vehicles, boats, and miscellaneous materials stored outside shall either be removed or placed within the structure.
 - May 23, 2001, a land use permit was issued to Mr. Slowik for the construction of a 40-foot by 25-foot accessory structure.
 - September 11, 2001, a violation notice was sent to Mr. Slowik stated that the structure was not completed per scheduled timeframe of conditional use permit (CUP2001-28).

- October 12, 2001 a conditional use permit (CUP2001-55) was approved to allow for the cumulative area of accessory structures to exceed 1,000 square feet (standard changed to 1,200 square feet in 2003) subject to the following conditions:
 - Completed construction date to be December 9, 2001.
 - The building shall be painted by May 23, 2002.
 - It shall be a condition of the issuance of the permit that the owner shall not refuse access to the a member of Eau Claire County Department of Planning and Development to inspect the premise the permit pertains to at a reasonable time to ensure compliance with the conditions of the permit.
 - The permit is subject to Section 18.21.080 to 18.21.100 of the zoning code. These are review procedures for conditional use permits.
- September 4, 2002, a violation notice was sent to Mr. Slowik for not meeting the deadlines to complete the accessory structure and to paint the structure to match the house.
- April 30, 2003, a violation notice was sent to Mr. Slowik for not complying with the terms on conditional use permit (CUP2001-28 and CUP2001-55)
- June 24, 2003 a conditional use permit (CUP2003-31) was approved to allow outside storage of boats behind a six foot high fence in the RH district.
- Mach 9, 2015, department receives a complaint regarding the storage vehicles, boats, and exceeding the terms of existing CUPs.
- March 13, 2015, a violation notice sent to Mr. Slowik regarding the storage of multiple vehicles on the property.
- October 19, 2015, a violation notice was sent to Mr. Slowik as a follow up to the March 13, 2015 letter.
- December 30, 2015, letter outlined the findings of an onsite inspection from December 29, 2015.
- March 29, 2016, letter sent to Mr. Slowik notifying him that the property remains in violation (for the outside storage of unlicensed vehicles and buildings materials) and notifying him that taking no action may result in further legal action.
- April 20, 2016, Mr. Slowik applied for a conditional use permit application.

SITE CHARACTERISTICS:

- The site is located at the intersection of Service Road and Karissa Drive.
- Lot size is 1.23 acres.
- Currently on the property are two outbuildings (garage: 30-foot by 25-foot and a pole shed: 26-foot by 40-foot) and a residence (26-foot by 40-foot).
- The proposed additions to the existing accessory structures that are planned equal 1,943 square feet.
- The existing access driveway is off of Service Road.
- The site is partially screened from adjacent land uses.
- The property is served by an on-site septic system and well.

CURRENT ZONING: RH Rural Homes District. The purpose of the RH District is "...to provide for suburban large-lot (residential) development with individual on-site water and sewage disposal facilities."

ADJACENT ZONING & LAND USES:

DIRECTION	ZONING	LAND USE
North	A-P, Agricultural Preservation District	Non-metallic mining
West	C-3, RH	Residences, Commercial business
South	RH	Residential subdivision
East	RH, C-3	Residences and commercial mixed use

LAND USE PLANS

The County Land Use Plan, adopted in 2010, includes this property in a Rural Residential planning area; the Town of Brunswick Comprehensive Plan also places this property in a Rural Residential Planning area.

Eau Claire County - Rural Residential (RR)

Intent and Description: The primary intent of this classification is to identify areas suitable for future non-farm residential development. Rural Residential areas include lands that are delineated as existing residential properties or vacant platted areas. In addition, some undeveloped land has been designated for RR development where subdivision expansion is likely to occur. These additional areas tend to be adjacent to existing rural subdivisions or where local roads and utilities exist to efficiently and economically serve the area.

APPLICABLE ZONING REGULATIONS

Section 18.01.010 Purpose. This section describes the purpose of the zoning code. Generally, the purpose of the zoning ordinance is as follows: to separate incompatible land uses from one another; to maintain public health and safety; to protect and conserve natural resources; to prevent overcrowding; to preserve property values; and to maintain the general welfare of the citizens.

Section 18.02.020 A.167.a Definition of an Accessory Structure. An “accessory structure” means a subordinate structure which is clearly and customarily incidental to and located on the same lot as a principal structure except that mobile/manufactured homes are not allowed as storage structures.

Section 18.07.040.B.2. Maximum Height for an Accessory Structure in the RH District. The maximum height for the eaves of an accessory structure is 14 feet, and the maximum height for the structure is 20 feet. Maximum height is measured as the height halfway between the peak of the roof and the eaves.

Section 18.07.045 C. Accessory structures in the RH Rural Homes District. A conditional use permit is required to for accessory structures in excess of 1,200 square feet in the RH District and/or where the cumulative square footage of accessory structures is in excess of 1,200 square feet. The regulations also require that the appearance of an accessory structure shall be compatible with the design, style, and appearance of the principal structure on the property.

Chapter 18.21 Conditional Uses. Standards for approval of conditional uses: 1) the use must be in conformance with the purpose of the zoning district it is located in; 2) the use will not be injurious to the use and enjoyment of other property in the immediate vicinity; 3) adequate utilities, access, drainage and other necessary facilities have been or are provided; 4) adequate off-street parking is provided; 5) adequate measures have been taken to prevent or control offensive odors, fumes, dust, noise and vibration so these will not constitute a nuisance, and lighting is controlled so that it does not result in disturbance to neighboring properties; 6) soil conditions are adequate to support the use; 7) access does not pose traffic congestion or hazards.

ANALYSIS: Findings can be made that the proposed request does not meet the standards for accessory structures in residential districts; that the accessory structures will not be subordinate to the residence on the property (total square footage of the accessory structures (3,733 square feet) will far exceed that of the residence), and that standards for conditional use permits are not met. There has been a history of compliance issues with prior committee and department approvals. The applicant has not demonstrated that the property can remain in compliance with the requirements of the county code and the conditional use permit. The property currently is in violation for miscellaneous zoning code violations.

This request does appear to be injurious to the use and enjoyment of other properties in the immediate vicinity. It does appear that the use of the structure will result in a nuisance for the neighborhood.

TOWN BOARD ACTION: The Town of Brunswick Town Board met on May 12, 2016 and voted to recommend approval of the conditional use permit application.

STAFF CONCLUSIONS AND RECOMMENDATION: Staff concludes that the request for the cumulative square footage of the accessory structures to exceed 1,200 square feet on the applicant's property will meet not meet the standards for an accessory structures in a RH District; will not meet the standards for approval of conditional use permits; and will not be consistent with the purpose of the zoning code. Staff recommends denial of the conditional use permit.

County Board Supervisor District
Gordy Steinbaier

Eau Claire County
Department of Planning and Development
Eau Claire County Courthouse
721 Oxford Avenue, Room 3344
Eau Claire, Wisconsin 54703
(715) 839-4741

Application/ Accepted: 4/20/2016
Accepted By: Rod Eslinger
Receipt Number: 46250
Town Hearing Date: 06/11/2015
Scheduled Hearing Date: 5/24/16
Application No: CUP-0006-16
Appl Status: Pending

Conditional Use Permit - County

Owner/Applicant Name(s): Gregg R Slowik	Address: (ow) W 3831 SERVICE RD EAU CLAIRE	Telephone: 715-839-0999(H)
---	--	--------------------------------------

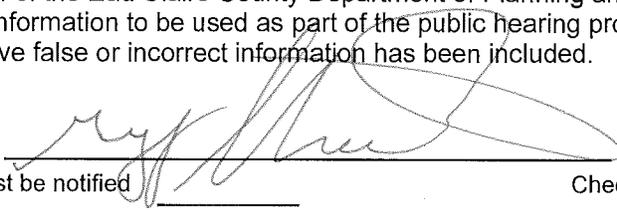
Site Address(es): W 3831 SERVICE RD EAU CLAIRE
Property Description: Sec 02 Twn 26 Rge 10 Town of Brunswick Lot Area: 1.230 ACRES
Zoning District(s): RH

Overlay District: Check Applicable	<input type="checkbox"/> Shoreland	<input type="checkbox"/> Flood Plain	<input type="checkbox"/> Airport	<input type="checkbox"/> Wellhead Protection	<input type="checkbox"/> Non-Metallic Mining
--	------------------------------------	--------------------------------------	----------------------------------	--	--

PIN 1800422610023200004	Alternate No 004101302000	Parcel No 26.10.2.3-2-D	Legal (partial) PRT NW-SW BG 1175.1' E OF W 1/4 COR SEC 2 TN S0*05'W 24.
-----------------------------------	-------------------------------------	-----------------------------------	--

General Description: Type: Accessory Structure in Excess of 1200 sq ft	Conditional Use Contract: No
Description of Proposed Use: LEAN-TO ADDITIONS TO GARAGE AND POLE SHED AT W3831 SEVICE ROAD. LEAN-TO ADDITIONS WILL BE USED FOR PERSONAL STORAGE SUCH AS CARS, BOATS, MOTORCYCLES, ETC..	Structure Check: Yes

I certify by my signature that all the information presented herein is true and correct to the best of my knowledge. I give permission for the staff of the Eau Claire County Department of Planning and Development to enter my property for the purpose of collecting information to be used as part of the public hearing process. I further agree to withdraw this application if substantive false or incorrect information has been included.

Owner/Agent Signature  Date 4-20-16

Check if DATCAP must be notified _____ Check if DNR to Receive Copy _____

At the public hearing, the applicant may appear in person or through an agent or an attorney of his/her choice. The applicant/agent/attorney may present testimony, evidence and arguments in support of the application. All site plans, pictures, etc. become the property of the Department, and will remain in the file.



Eau Claire County
 Department of Planning and Development
 Eau Claire County Courthouse
 721 Oxford Avenue, Room 3344
 Eau Claire, Wisconsin 54703
 (715) 839-4741

Application Accepted:	
Accepted By:	
Receipt Number:	
Town Hearing Date:	
Scheduled Hearing Date:	

CONDITIONAL USE PERMIT APPLICATION

Property Owner Name: <u>Gregg Slowik</u>	Phone# <u>715 839-0999</u>
Mailing Address: <u>W3831 Service rd. Eau Claire, WI 54701</u>	
Email Address: <u>none</u>	

Agent Name: <u>none</u>	Phone#
Mailing Address:	
Email Address:	

SITE INFORMATION

Site Address: <u>W3831 Service rd. Eau Claire, WI 54701</u>	
Property Description: _____ ¼ _____ ¼ Sec. _____, T _____, N, R _____, W, Town of <u>BRUNSWICK</u>	
Zoning District: <u>RH</u>	Code Section(s): <u>18.04.045</u>
Overlay District: Check Applicable	<input type="checkbox"/> Shoreland <input type="checkbox"/> Floodplain <input type="checkbox"/> Airport <input type="checkbox"/> Wellhead Protection <input type="checkbox"/> Non-Metallic Mining
Computer #(s): <u>004 - 1013 - 02 - 000</u>	

GENERAL APPLICATION REQUIREMENTS

Applications will not be accepted until the applicant has met with department staff to review the application and determine if all necessary information has been provided. Applications are due by 12:00 PM of the Tuesday three weeks prior to the Planning and Development Committee meeting. All information from the checklist below must be included.

<input type="checkbox"/> Complete attached information sheet	<input type="checkbox"/> Site Plan Drawn to Scale	<input checked="" type="checkbox"/> Contact the Town to coordinate a recommendation on the application	<input type="checkbox"/> Provide \$400.00 ^{\$500.00} application fee (non-refundable), payable to the Eau Claire County Treasurer
--	---	--	---

(June 11, 2015)

I certify by my signature that all information presented herein is true and correct to the best of my knowledge. I give permission for the staff of the Eau Claire County Department of Planning and Development to enter my property for the purpose of collecting information to be used as part of the public hearing process. I further agree to withdraw this application if substantive false or incorrect information has been included.

Owner/Agent Signature

Date 4-20-16

NOTICE: PERMIT FEES DOUBLE WHEN WORK BEGINS PRIOR TO ISSUANCE OF PERMITS & APPROVALS.

At the public hearing, the applicant may appear in person or through an agent or an attorney of his/her choice. The applicant/agent/attorney may present testimony, evidence and arguments in support of the application. All site plans, pictures, etc. become the property of the Department, and will remain in the file.

SUPPLEMENTAL INFORMATION FOR A CONDITIONAL USE PERMIT

In order to process your application as quickly as possible, please fill in all of the sections below that are applicable to your request, and attach all appropriate maps or plans described below that are relevant to your request.

WRITTEN DESCRIPTION OF THE PROPOSED USE:

General description of the use (home occupation, accessory structure in excess of 1,200 square feet, filling in a floodplain, non-metallic mining, or any other listed conditional use in zoning districts).

Additions to garage and pole shed at W3831 Service rd. Eau Claire will be used for storage. Items such as cars, boats, motorcycles, lawn equipment, and building materials are examples of items to be placed in indoor storage at this previously listed address

IF THE PROPOSED USE INVOLVED A BUSINESS ACTIVITY, DESCRIBE THE PROPERTY

Description of the type of business activity:	NA
Equipment used in the business activity:	NA
Days and hours of operation:	NA
Number of employees:	NA
Nuisance abatement measures that will be implemented:	NA
Noise abatement measures:	NA
Vibration abatement measures:	NA
Dust control measures:	NA
Measures to control fumes or odors:	NA
Visual screening measures (plants, fences, walls, etc.):	NA

DESCRIPTION OF ANY OTHER FEATURES OR CHARACTERISTICS THAT MAY BE SUBJECT TO ZONING REGULATIONS

Exterior appearance of any structure, including a description of the building materials used, the height of eaves, the color of the structure, etc. (required for conditional use permit applications for accessory structures in excess of 1,200 square feet)

see attached sheet

Any proposed excavation or fill, the amount of material that will be mined in a non-metallic mining operation, the amount of material that will be stockpiled, etc.

Other features or characteristics (signs, fences, outdoor display areas, etc.)

SCALED SITE PLAN

- | | |
|--|--|
| <input checked="" type="checkbox"/> Show parcel and building dimensions of all existing and proposed structures | <input checked="" type="checkbox"/> Landscape and screening plans |
| <input checked="" type="checkbox"/> Show all signs, fences and other features that may be regulated by zoning | <input checked="" type="checkbox"/> Show the well and septic system |
| <input checked="" type="checkbox"/> Site access, driveway, and nearest road (labeled) | <input checked="" type="checkbox"/> Parking areas with spaces |
| <input checked="" type="checkbox"/> Drainage plans including the erosion control plan | <input checked="" type="checkbox"/> Show all navigable water ways, wetlands, floodplains, slopes in excess of 20%, and any other unique limiting condition of the property |
| <input checked="" type="checkbox"/> The layout of the use within the structure; if the use only occupies part of the structure, the floor plan should illustrate only the layout of that part of the structure occupied by the use and any access to the use through halls, doorways, etc. | |
| <input checked="" type="checkbox"/> The location of any equipment that will be used | |

FOR ALL NON-AGRICULTURAL ACCESSORY STRUCTURES

- Show floor plan, including attics
- Show scaled building elevations
- Show color scheme

See attached sheets

garage and pole shed will be painted the same colors as the residence at this named address upon completion of construction.

Eau Claire County Parcel Mapping



1 inch = 60 feet

PLSS Lines

- Meander Line
- Forty Line
- Quarter Section Line
- Section Line

Parcel Lines

- Parcel Line
- Extended Parcel Line
- Tie Line
- Extended Tie Line
- Road Right-of-Way Lines

Platted Lands

- Certified Survey Map
- Condominium Plat
- Assessors or Subdivision Plat

Navigability

- Navigable
- Non-Navigable

Alternate Number = 026107103000
Survey Map Index Number = S-2769

Parcel Mapping Notes:

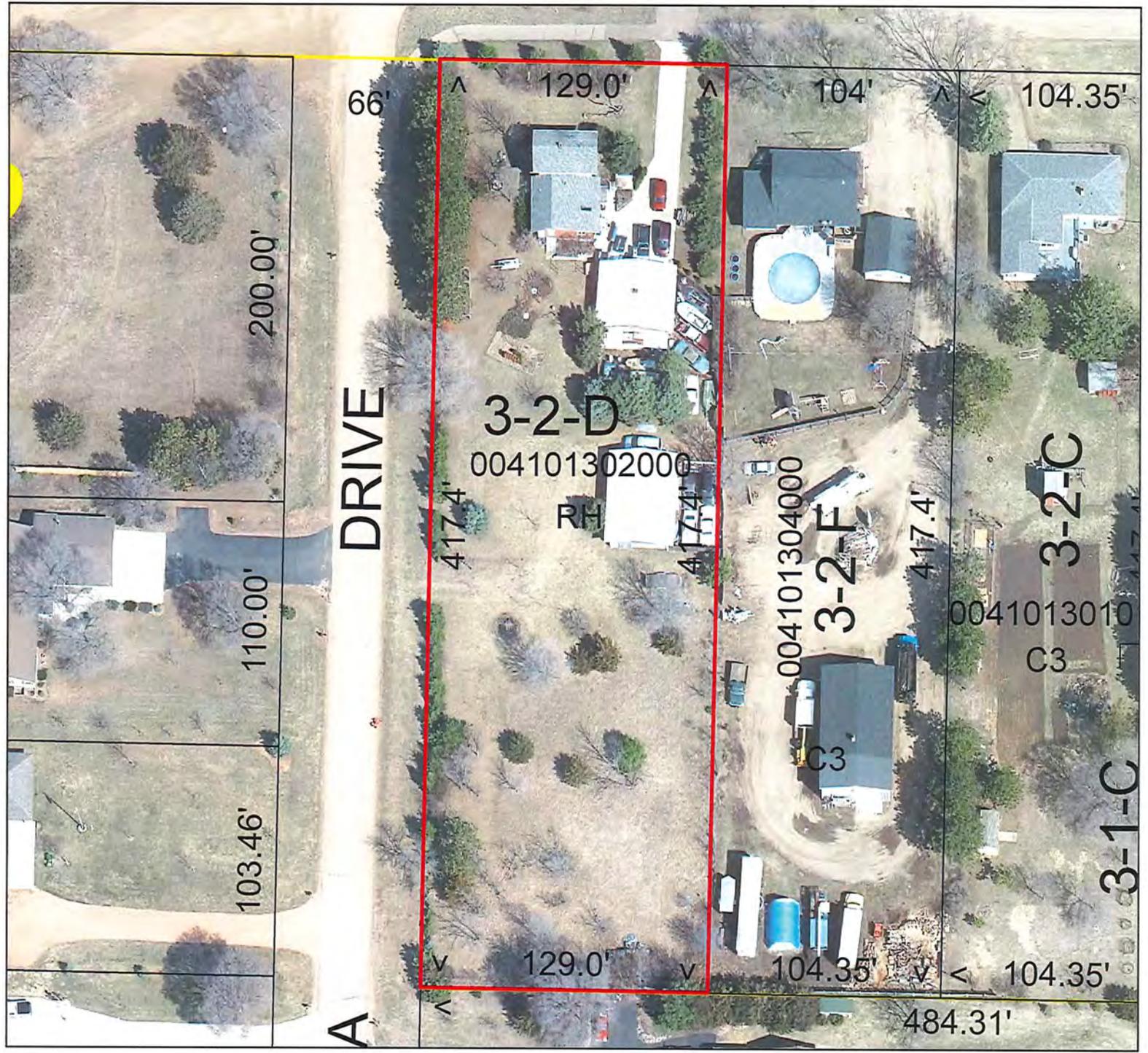
The horizontal datum is based on the Eau Claire County Coordinate System NAD_1983_HARN_Ag_LW_EauClaire_Feet

This map is a collection of public record information and was prepared as an ongoing commitment to provide quality and up-to-date information to the public. This map is intended for information use only. Although significant care has been exercised to produce maps that satisfy mapping accuracy standards, these maps are only as accurate as the source data from which they were compiled. These maps are intended to be advisory and are NOT designed or intended to be used as a substitute for an accurate field survey, as performed by a Wisconsin Credentialed Land Surveyor, to determine precise property location.

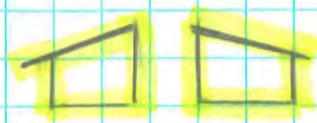
Eau Claire County does not warrant, guarantee or make any representations regarding the use of, or results from the use of the data in terms of correctness, accuracy, reliability, currentness, or otherwise; and the user relies on the map and results solely at their own risk.

Date:

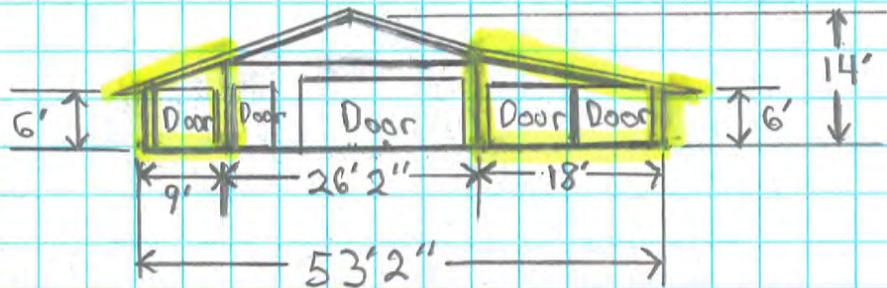
Aerial Photography Flight Spring 2013
Information Current January 1, 2013



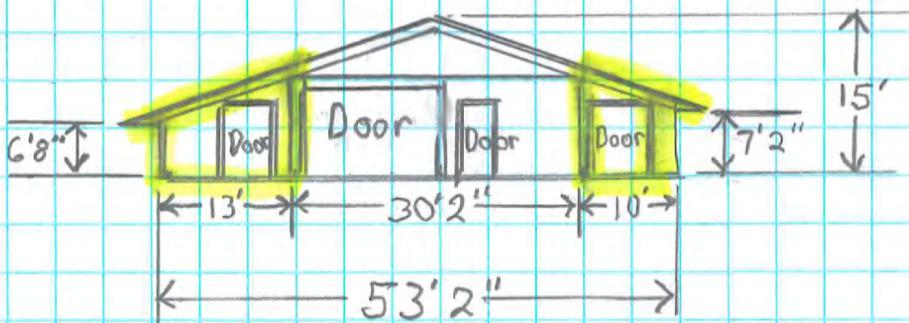
Key
each square equals 5 feet

 - proposed additions

Pole Shed
with additions
facing Service rd.



Garage with additions
facing Service rd.



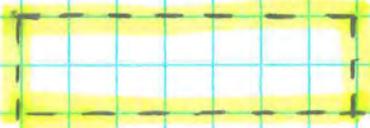
Key - each square equals 10 feet

Proposed Pole Shed Addition - 1084.509'

$$18' \times 40'2'' = 723.006'$$

$$9' \times 40'2'' = 361.503'$$

$$\text{Total } \underline{\underline{1084.509'}}$$

 = proposed addition site

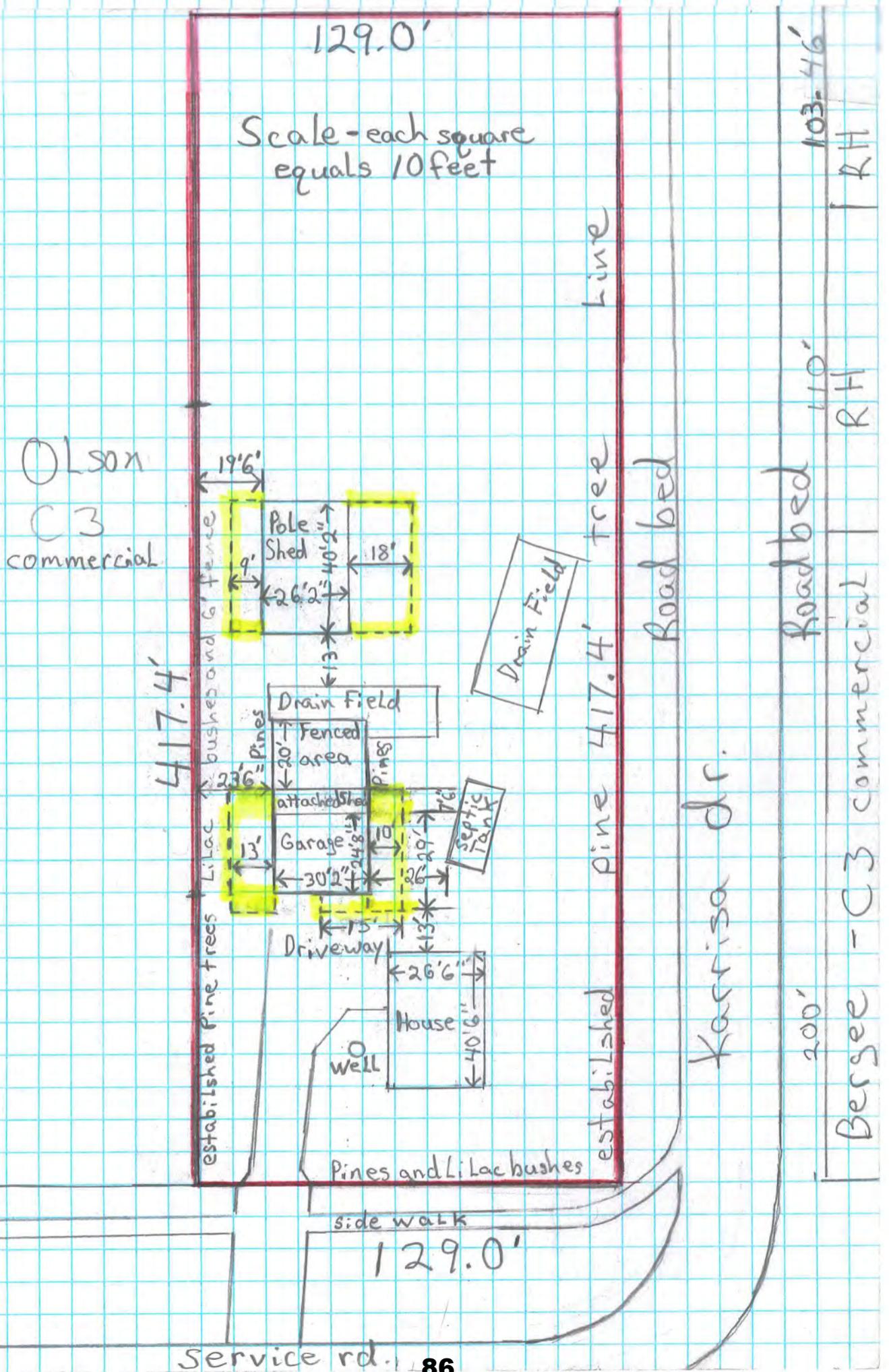
Proposed Garage Addition - 859.5'

$$13' \times 36'6'' = 474.5'$$

and
 $10' \times 36'6'' = 365'$

and
 $4' \times 5' = 20'$

$$\text{Total } \underline{\underline{859.5'}}$$



May 12, 2016

Rod Eslinger
Eau Claire County Land Use Supervisor
Department of Planning and Development
Eau Claire County Courthouse – Room 3344
721 Oxford Ave.
Eau Claire, WI 54703

RE: CUP-0006-16

Dear Mr. Eslinger,

I recently received the notice letter of an upcoming public hearing (May 24th, 2016) where my neighbor, Gregg Slowik has applied for a conditional use permit to construct an addition or additional storage accessory structure(s). My work schedule at the time of the hearing will not permit me to attend, so I am placing my comments in writing and I appreciate you, along with the Eau Claire County Committee Members to consider my opinion in this matter.

I have been living in my home and have been a neighbor of Gregg for 16 years. I live on Karissa Drive which consists of a cul de sac containing seven homes each on approximately one to three acre lots. The only access to Karissa Drive is right next to Gregg's home on Service Road, so his home is the first and last thing one sees as they enter or leave Karissa Drive.

It is my request Mr. Eslinger, if you haven't already, that you and the Committee Members visit and walk around Gregg's property and see first-hand what is currently at the property and inside the existing storage spaces. I believe this is an important component to the consideration of Gregg's permit request because one can't fully understand what type or quantity of "stuff" is on his property by just driving by. His home exterior is missing shingles and siding and is generally dilapidated. He has accumulated so many items, including but not limited to multiple vehicles, steel doors, lumber, pallets, potted trees, etc. that he only has a small walking pathway to get from the end of his driveway to his entry door. This general state is nothing new, and to my recollection, has been generally so since I moved into the neighborhood, but definitely has grown worse (more "stuff") annually.

Several years back, (about 7-8 years ago?) Gregg was granted the permit from Eau Claire County to erect a USED pole shed storage building. I recall that it was stated that this was to help clean up the items that had accumulated outside his home at that time. I also recall that a condition of that permit being granted was that he was to paint the exterior of the pole shed. That USED shed was constructed, was NOT painted, and did NOT reduce the amount of "stuff" on his lot.

Apparently, Eau Claire County has been attempting to work with Gregg for some time to get him to clean up the "stuff" on his lot. I understand that it may seem logical to allow another storage building to allow him the opportunity to store such items out of sight. I don't believe that approval of such additional space alone is going to change anything long term, and recent history as mentioned above should be a very good indicator of this. It is my opinion that the approval of this permit only "kicks the can further down the road" and doesn't really address the root of the problem which is the amount of

“stuff” that continues to accumulate. In my opinion, the solution should be to remove/eliminate the “stuff”, and instead of building additional storage space, invest in the home improvements that are desperately overdue.

I make every effort to be a friendly, respectful, and generally a good neighbor. I really don't like to meddle in my neighbors' business or what they deem as their enjoyment of their property. This situation, however; doesn't seem to have an end nor does it show any promise of positive change. The state of Gregg's house and yard does have direct impact on those of us living around him. The impact goes well beyond the eyesore that we are faced with on a daily basis. I had an appraiser at my home a few years ago because we were refinancing our home loan. The appraiser commented how wonderful our neighborhood was, but it was a shame that it was directly adjacent to “that place on the corner”. The appraiser commented that Gregg's home negatively impacts the property values of our homes. In other words, the state that Gregg has his home and lot in is reducing the value of my home and that of my neighbors' as well. That DOES make this my business, and the reason I am taking the time to write this letter.

Please consider how you would feel if you were living in this neighborhood and experiencing the actual (not perceived) negative impacts on your own property value. I trust that whatever the Eau Claire County Department of Planning and Development determines with this conditional use permit, that proper oversight and enforcement will continue into the future to assure that Gregg eliminates the “stuff” piled, parked, and stored on his lot and the general appearance of his home is greatly improved.

Sincerely,

Matt McHugh
S 4850 Karissa Dr.
Eau Claire, WI 54701

MINUTES

Brunswick Town Board Regular Monthly Meeting

May 12, 2016

Brunswick Town Hall

PRESENT: Chairman Fred Turk, Supervisors Don Jaquish and Dan Sommerfeld, Clerk, Debra Grinde. **Absent:** Treasurer Leslie Jaquish.

Call to Order: Chairman Turk called the meeting to order at 7:00 p.m. He led the Pledge of Allegiance to the Flag.

Meeting Minutes: Supervisor Sommerfeld moved to approve the April 19, 2016 minutes. Seconded by Supervisor Jaquish. Motion carried.

INFORMAL PUBLIC COMMENT TIME: The approach to a mailbox at 2550 Rim Rock Rd. needs repair and will be forwarded to American Express to complete. Bonnie Peterson will plant the flower boxes at the Town Hall using Grinde's flowers the same as last year. Future CUP applicants will be advised to communicate with their neighbors as to the reason for their application upon being placed on the agenda. Traffic concerns at stop signs and excess speeds were discussed.

DISCUSSION/ACTION ITEMS

1. Bid opening for town road projects: Monarch – Spehle Rd. \$162,782.62. Maple Drive Rd. \$115,503.13. Senn – Spehle Rd. \$164,636.22. Maple Drive Rd. \$114,349.26. No other bids. Motions by Jaquish/Sommerfeld to award Monarch the Spehle Rd. work for \$162,782.62 and Senn the Maple Drive Rd. project for \$114,349.26. Motions carried.
2. Doug Carlson presented the Board a report on land now owned by the Town of Brunswick. He will continue to research the history and values of these parcels prior to the Board taking action on the sale of land.
3. The CUP application presented by Gregg Slowik was reviewed by the Board. A neighbor expressed his concern over the slow progress he has seen at the site. Supervisor Jaquish made a motion to recommend approval of the application to

construct a lean-to for storage, with a second by Chairman Turk. Motion carried.

4. Bills: A motion was made by Supervisor Sommerfeld to pay the bills and upon receipt of monthly statements from American Express Excavation for February and March and hereafter to pay their invoices. Seconded by Chairman Turk. Motion carried.
5. The Treasurer's report was furnished to the Board for review prior to the meeting.
6. The next meeting will be held on June 9, 2016 at 7 p.m. OPEN BOOK is scheduled from 4:30 – 6:30 p.m. that evening and Board of Review will meet and adjourn to June 16, 2016 from 5 to 7 p.m. All meetings held at the Brunswick Town Hall.
7. Adjournment at 8:14 p.m. by Turk/Jaquish. Motion carried.

Respectfully submitted by,

Debra Grinde

Clerk

Parcel Id	NAME	ADDRESS	CITY	STATE	ZIP
1800422610023202009	BW RENTALS WISCONSIN LLC	1123 SUNSET LN	ALTOONA	WI	54720-2049
1800422610023202000	DODD, ANTHONY W & JULIE M	S 4855 KARISSA DR	EAU CLAIRE	WI	54701
1800422610023100004	FRANSON, GENE A & JEAN	W 3645 SERVICE RD	EAU CLAIRE	WI	54701-9520
1800422610023202005	HALL, JAMES	S 4870 KARISSA DR	EAU CLAIRE	WI	54701-5306
1800422610023202007	HOLLISTER, JEREMY S	S 4840 KARISSA DR	EAU CLAIRE	WI	54701
1800422610023100015	JOHNSON, RICHARD E	S 4830 JOHNSON LN	EAU CLAIRE	WI	54701-9525
1800422610023202008	KING, JAMES J & BARBARA J	S 4810 KARISSA DR	EAU CLAIRE	WI	54701
1800422610023100011	MAAG, CHRISTOPHER M	W 3691 SERVICE RD	EAU CLAIRE	WI	54701-9520
1800422610023202006	MCHUGH, MATTHEW T & REBECCA S	S 4850 KARISSA DR	EAU CLAIRE	WI	54701-5306
1800422610023202002	MOEN TRUST, MICHAEL J	662A 26 3/8 ST	NEW AUBURN	WI	54757-8771
1800422610023200002	OLSEN, CHARLES & BARBARA	S 4905 STATE ROAD 37	EAU CLAIRE	WI	54701-9528
1800422610023200006	OLSON, RICHARD	W 3801 SERVICE RD	EAU CLAIRE	WI	54701-9508
1800422610023202001	PETERSON, ERIC	S 4875 KARISSA DR	EAU CLAIRE	WI	54701-5306
1800422610023200003	SEEP, PHILLIP J II & MARY C	W 3775 SERVICE RD	EAU CLAIRE	WI	54701
1800422610022300001	TAYLOR CREEK DEVELOPMENT	688 PO BOX	EAU CLAIRE	WI	54702-0688
1800422610023100005	ZEIMETZ, ROBERT	W 442 ALBANY L	MONDOVI	WI	54755
		S5152 DAMAR PVT DR	EAU CLAIRE	WI	54701
		S5156 DAMAR PVT DR	EAU CLAIRE	WI	54701
		S5160 DAMAR PVT DR	EAU CLAIRE	WI	54701
		S5164 DAMAR PVT DR	EAU CLAIRE	WI	54701
		S5168 DAMAR PVT DR	EAU CLAIRE	WI	54701
		S5172 DAMAR PVT DR	EAU CLAIRE	WI	54701
		S5216 DAMAR PVT DR	EAU CLAIRE	WI	54701
		S5220 DAMAR PVT DR	EAU CLAIRE	WI	54701
		S5224 DAMAR PVT DR	EAU CLAIRE	WI	54701
		S5228 DAMAR PVT DR	EAU CLAIRE	WI	54701
		S5232 DAMAR PVT DR	EAU CLAIRE	WI	54701
		S5236 DAMAR PVT DR	EAU CLAIRE	WI	54701
		S5240 DAMAR PVT DR	EAU CLAIRE	WI	54701
		S5246 DAMAR PVT DR	EAU CLAIRE	WI	54701
		S5250 DAMAR PVT DR	EAU CLAIRE	WI	54701
		S5256 DAMAR PVT DR	EAU CLAIRE	WI	54701
		S5261 DAMAR PVT DR	EAU CLAIRE	WI	54701
		S5265 DAMAR PVT DR	EAU CLAIRE	WI	54701
		S5266 DAMAR PVT DR	EAU CLAIRE	WI	54701
		S5270 DAMAR PVT DR	EAU CLAIRE	WI	54701
		S5273 DAMAR PVT DR	EAU CLAIRE	WI	54701
		S5279 DAMAR PVT DR	EAU CLAIRE	WI	54701

Preliminary Plat Report



To: Committee on Planning and Development
Regarding: Preliminary Plat of "WINTER HAVEN"
Surveyor: Peter Gartmann; Real Land Surveying
Owner/Agent: Esther Gonitzke/CMJM Properties LLC
Date: June 21, 2016
Cc: Peter Gartmann; Real Land Surveying, Cody Filipczak, CMJM Properties LLC.
Dan Hanson, Chairman, Town of Pleasant Valley

Committee Members:

The statutory time limit for the County to take action on this matter expires on **July 26, 2016**. The County must "Approve, Conditionally Approve or Deny" this submitted Plat by this time or it automatically is deemed approved by statute.

Staff has reviewed and recommends conditionally approving the **05/27/2016** "Preliminary Plat of **"WINTER HAVEN"**".

Recommended conditions for approval are as follows:

- 1) That the Town of Pleasant Valley conditionally approves this preliminary plat.
- 2) That the plat be revised and updated to include:
 - a) Correct section breakdown label.
 - b) Approximate radii for all curves.
 - c) Corrected dimension of 943.78 in description
 - d) Label for wooded areas line.
 - e) Change in proposed road name "Oulu Way" at intersection with proposed "Herbster Street" to prevent addressing range overlap. -Suggestions of "Port Wing" or "Russel" to maintain Bayfield County theme.
 - f) Owner's full address.
 - g) Type, width and elevation of streets (add more contour labels as they are difficult to ascertain).
- 3) Indicate the drainage patterns on the plat and wetlands on the preliminary map. Specifically concerned with the drainage patterns across lots 30, 31, 35, 36, 37, 38, 39, and 40.
 - Will the drainage contain additional flows from the new road system and how will that impact the lot lying north of the plat.
 - What is the plan/or design to cross the drainage way?
- 4) Show high-water elevations on the plat if there are areas planned to hold water. Recommend establishing low building openings on those lots adjacent (lots 1, 7, 8, 9, 10, 11, and 45) to storm water features.
- 5) Show or indicate that each lot contains a 1/2 acre contiguous buildable area per code.
- 6) Clearly label the buildable area on the lots.
- 7) No access shall be allowed from CTH "T".
- 8) That the storm water plans meet the approval of the Eau Claire County Land Conservation Department.

- 9) That the soil boring reports meet the approval of the City/County Health Department for on site sanitary systems (SPS 383).
- 10) The groundwater map shall be reviewed and approved by the City/County Health Dept.
- 11) That the Wisconsin Department of Administration Plat Review Section certifies that it does not object to this plat.
- 12) That the Final Plat conforms to 18.78.060 Final Plat Submittal, 18.78.070 Final Plat Review and Approval, 18.78.080 Recording of the Final Plat, 18.80 Final Plat, 18.82 Design Standards, 18.83 Required Improvements, 18.84 Subdivision Improvement Guarantees and 18.85.030 Legal, Engineering and Inspection Fees which are requirements and procedures outlined within the Subdivision Control of the County Code that may not have specifically identified previously in detail. (i.e., vision corner easements at all road intersections and noted with restrictions in 18.22.025; etc.)
- 13) That the Final Plat complies with all applicable portions of s. 236 of the Wisconsin Statutes and that the Department of Administration has no objection to the final plat and certifies to this.
- 14) That in submitting for final plat approval, the owner will also furnish to the county an abstract of title or a policy of title insurance certified to date for examination as allowed in s. 236.21 (2) (b).

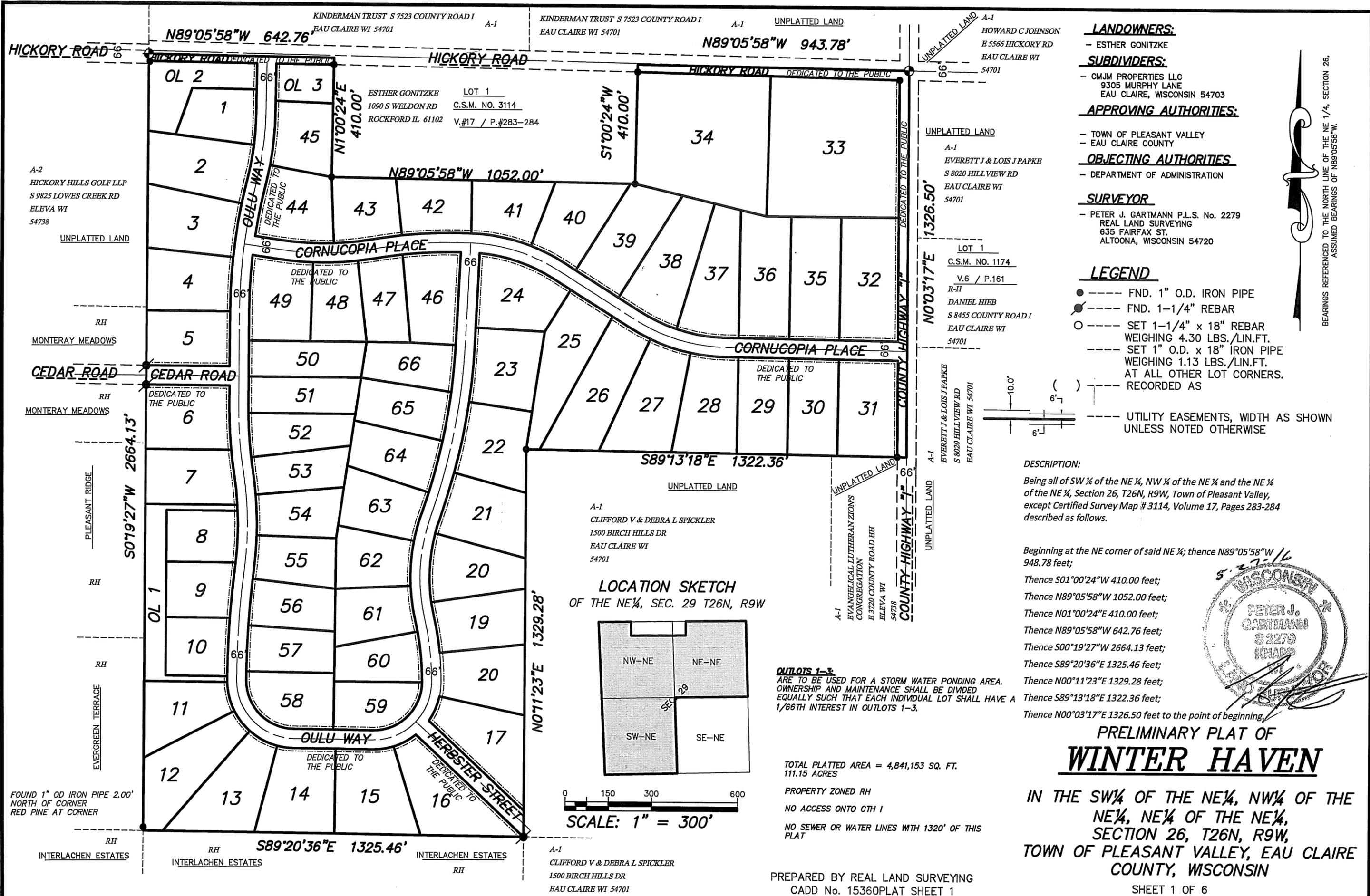
Notes:

- 1) The surveyor should provide digital CAD files of the approved final plat to the Department of Planning and Development for its use.
- 2) Indicate the proposed depth to width ratio for all lots within the development. Lots exceeding 3 to 1 depth to width ratio require that the committee approve a variance to the standard.
- 3) Lots 5, 6, 16, 17, 24, 31, 32, 33, 46, 44, 49 front on multiple roads. Front yard setbacks apply in all cases.
- 4) The developer will need to meet with the USPS Postmaster to determine type and location of mailbox installation for this development.

Respectfully submitted:

Dean J. Roth, PLS

Eau Claire County Surveyor
Land Records Division Supervisor
Department of Planning and Development
Room 3344 - 721 Oxford Avenue
Eau Claire, WI 54703-5481
Voice: 715-839-4742
FAX 715-831-5802
E-mail: dean.roth@co.eau-claire.wi.us



- LANDOWNERS:**
 - ESTHER GONITZKE
- SUBDIVIDERS:**
 - CMJM PROPERTIES LLC
 9305 MURPHY LANE
 EAU CLAIRE, WISCONSIN 54703
- APPROVING AUTHORITIES:**
 - TOWN OF PLEASANT VALLEY
 - EAU CLAIRE COUNTY
- OBJECTING AUTHORITIES:**
 - DEPARTMENT OF ADMINISTRATION
- SURVEYOR:**
 - PETER J. GARTMANN P.L.S. No. 2279
 REAL LAND SURVEYING
 635 FAIRFAX ST.
 ALTOONA, WISCONSIN 54720

- LEGEND**
- --- FND. 1" O.D. IRON PIPE
 - --- FND. 1-1/4" REBAR
 - --- SET 1-1/4" x 18" REBAR WEIGHING 4.30 LBS./LIN.FT.
 - SET 1" O.D. x 18" IRON PIPE WEIGHING 1.13 LBS./LIN.FT.
 - AT ALL OTHER LOT CORNERS. RECORDED AS
 - UTILITY EASEMENTS, WIDTH AS SHOWN UNLESS NOTED OTHERWISE

DESCRIPTION:
 Being all of SW 1/4 of the NE 1/4, NW 1/4 of the NE 1/4 and the NE 1/4 of the NE 1/4, Section 26, T26N, R9W, Town of Pleasant Valley, except Certified Survey Map # 3114, Volume 17, Pages 283-284 described as follows.

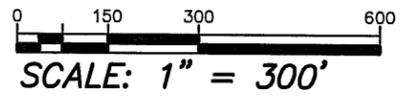
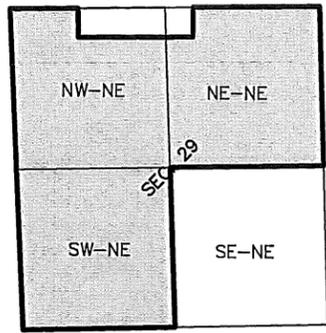
Beginning at the NE corner of said NE 1/4; thence N89°05'58"W 948.78 feet;
 Thence S01°00'24"W 410.00 feet;
 Thence N89°05'58"W 1052.00 feet;
 Thence N01°00'24"E 410.00 feet;
 Thence N89°05'58"W 642.76 feet;
 Thence S00°19'27"W 2664.13 feet;
 Thence S89°20'36"E 1325.46 feet;
 Thence N00°11'23"E 1329.28 feet;
 Thence S89°13'18"E 1322.36 feet;
 Thence N00°03'17"E 1326.50 feet to the point of beginning.



PRELIMINARY PLAT OF WINTER HAVEN

IN THE SW 1/4 OF THE NE 1/4, NW 1/4 OF THE NE 1/4, NE 1/4 OF THE NE 1/4, SECTION 26, T26N, R9W, TOWN OF PLEASANT VALLEY, EAU CLAIRE COUNTY, WISCONSIN

LOCATION SKETCH OF THE NE 1/4, SEC. 29 T26N, R9W



TOTAL PLATTED AREA = 4,841,153 SQ. FT.
 111.15 ACRES
 PROPERTY ZONED RH
 NO ACCESS ONTO CTH I
 NO SEWER OR WATER LINES WITH 1320' OF THIS PLAT

PREPARED BY REAL LAND SURVEYING
 CADD No. 15360PLAT SHEET 1

BEARINGS REFERENCED TO THE NORTH LINE OF THE NE 1/4, SECTION 26, ASSUMED BEARINGS OF N89°05'58"W.

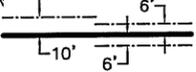
S89°05'58"E 943.78'

HICKORY ROAD

HICKORY ROAD DEDICATED TO THE PUBLIC

LEGEND

- --- FND. 1" O.D. IRON PIPE
- --- FND. 1-1/4" REBAR
- --- SET 1-1/4" x 18" REBAR
WEIGHING 4.30 LBS./LIN.FT.
- SET 1" O.D. x 18" IRON PIPE
WEIGHING 1.13 LBS./LIN.FT.
- () --- RECORDED AS
- UTILITY EASEMENTS, WIDTH AS SHOWN
UNLESS NOTED OTHERWISE



BEARINGS REFERENCED TO THE NORTH LINE OF THE NE1/4, SECTION 26,
ASSUMED BEARING OF N.89°05'58"W.

LOT 34
199,499 SQ.FT.
4.6± ACRES

LOT 33
217,839 SQ.FT.
5.0± ACRES

LOT 37
70,017 SQ.FT.
1.6± ACRES

LOT 36
74,377 SQ.FT.
1.7± ACRES

LOT 35
73,796 SQ.FT.
1.7± ACRES

LOT 32
85,632 SQ.FT.
2.0± ACRES

LOT 38
74,209 SQ.FT.
1.7± ACRES

CORNUCOPIA PLACE
DEDICATED TO THE PUBLIC

LOT 27
73,449 SQ.FT.
1.7± ACRES

LOT 28
65,665 SQ.FT.
1.5± ACRES

LOT 29
57,687 SQ.FT.
1.3± ACRES

LOT 30
57,687 SQ.FT.
1.3± ACRES

LOT 31
68,373 SQ.FT.
1.6± ACRES

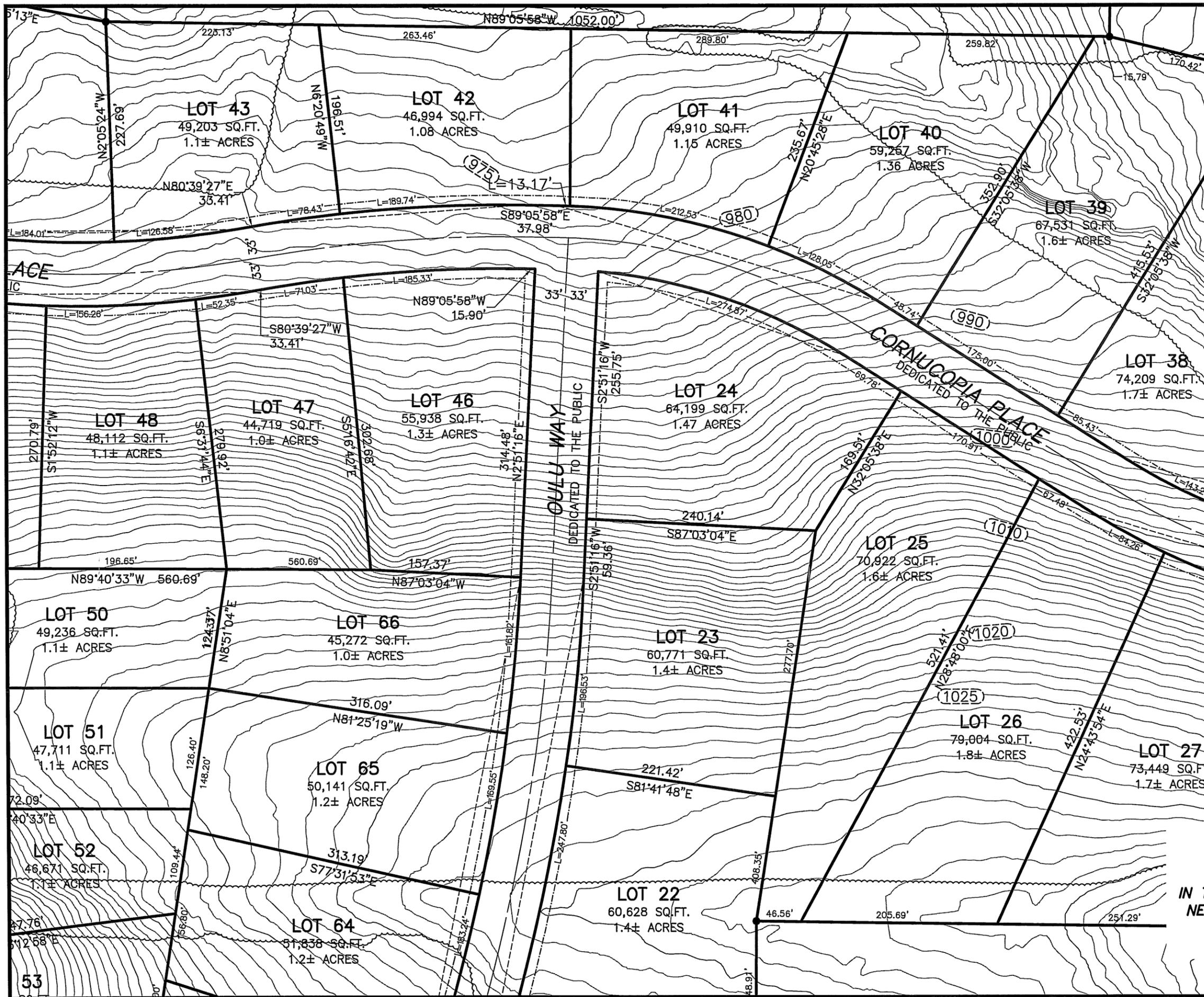
**PRELIMINARY PLAT OF
WINTER HAVEN**

IN THE SW¼ OF THE NE¼, NW¼ OF THE NE¼,
NE¼ OF THE NE¼, SECTION 26, T26N, R9W,
TOWN OF PLEASANT VALLEY,
EAU CLAIRE COUNTY, WISCONSIN

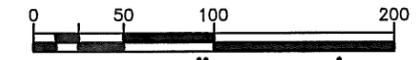


SCALE: 1" = 100'

SHEET 2 OF 6



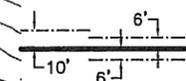
BEARINGS REFERENCED TO THE NORTH LINE OF THE NE1/4, SECTION 26, ASSUMED BEARING OF N.89°05'58"W.



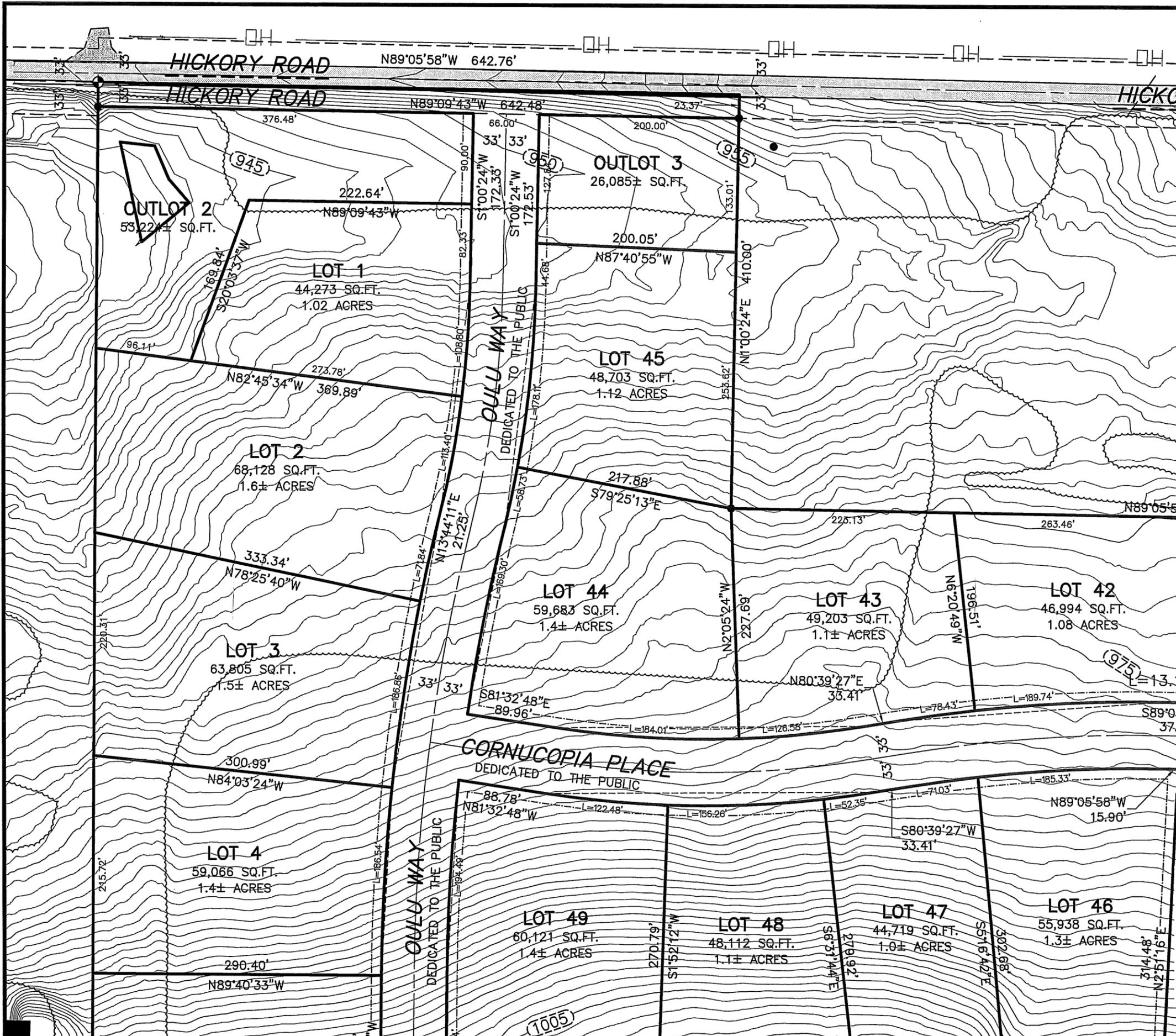
SCALE: 1" = 100'

LEGEND

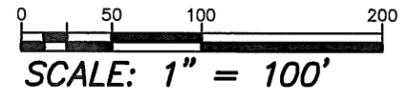
- --- FND. 1" O.D. IRON PIPE
- --- FND. 1-1/4" REBAR
- --- SET 1-1/4" x 18" REBAR WEIGHING 4.30 LBS./LIN.FT.
- SET 1" O.D. x 18" IRON PIPE WEIGHING 1.13 LBS./LIN.FT. AT ALL OTHER LOT CORNERS.
- () --- RECORDED AS
- UTILITY EASEMENTS, WIDTH AS SHOWN UNLESS NOTED OTHERWISE



**PRELIMINARY PLAT OF
WINTER HAVEN**
IN THE SW¼ OF THE NE¼, NW¼ OF THE NE¼,
NE¼ OF THE NE¼, SECTION 26, T26N, R9W,
TOWN OF PLEASANT VALLEY,
EAU CLAIRE COUNTY, WISCONSIN

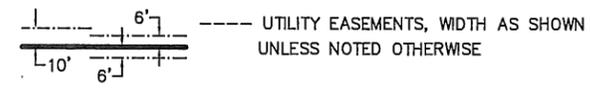


BEARINGS REFERENCED TO THE NORTH LINE OF THE NE1/4, SECTION 26,
ASSUMED BEARING OF N.89°05'58"W.



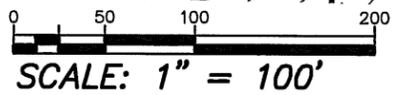
LEGEND

- --- FND. 1" O.D. IRON PIPE
- --- FND. 1-1/4" REBAR
- --- SET 1-1/4" x 18" REBAR WEIGHING 4.30 LBS./LIN.FT.
- SET 1" O.D. x 18" IRON PIPE WEIGHING 1.13 LBS./LIN.FT. AT ALL OTHER LOT CORNERS.
- () --- RECORDED AS



PRELIMINARY PLAT OF WINTER HAVEN

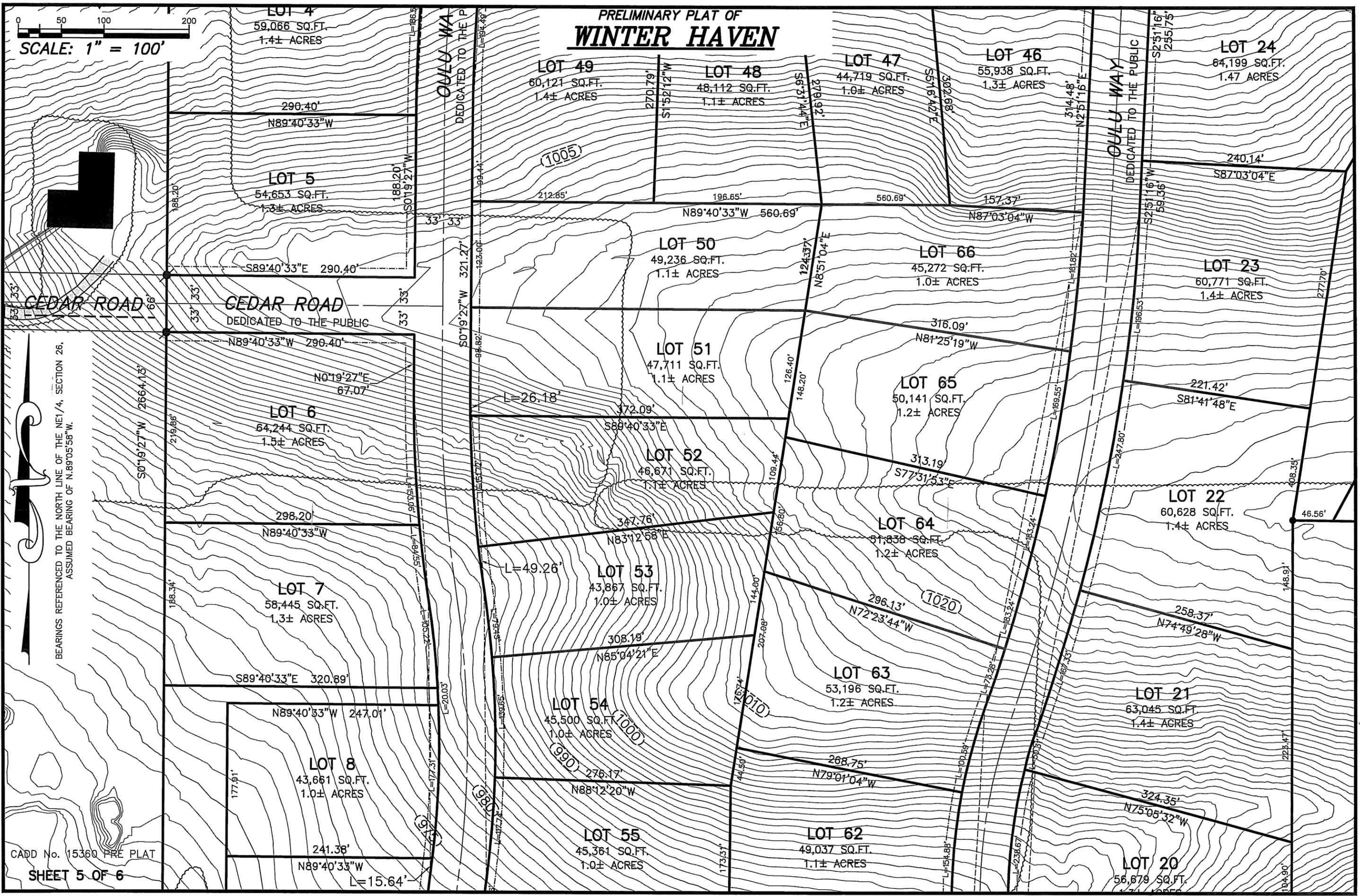
IN THE SW¼ OF THE NE¼, NW¼ OF THE NE¼, NE¼ OF THE NE¼, SECTION 26, T26N, R9W, TOWN OF PLEASANT VALLEY, EAU CLAIRE COUNTY, WISCONSIN



PRELIMINARY PLAT OF WINTER HAVEN

BEARINGS REFERENCED TO THE NORTH LINE OF THE NE1/4, SECTION 26,
ASSUMED BEARING OF N.89°05'58"W.

CADD No. 15360 PRE PLAT
SHEET 5 OF 6



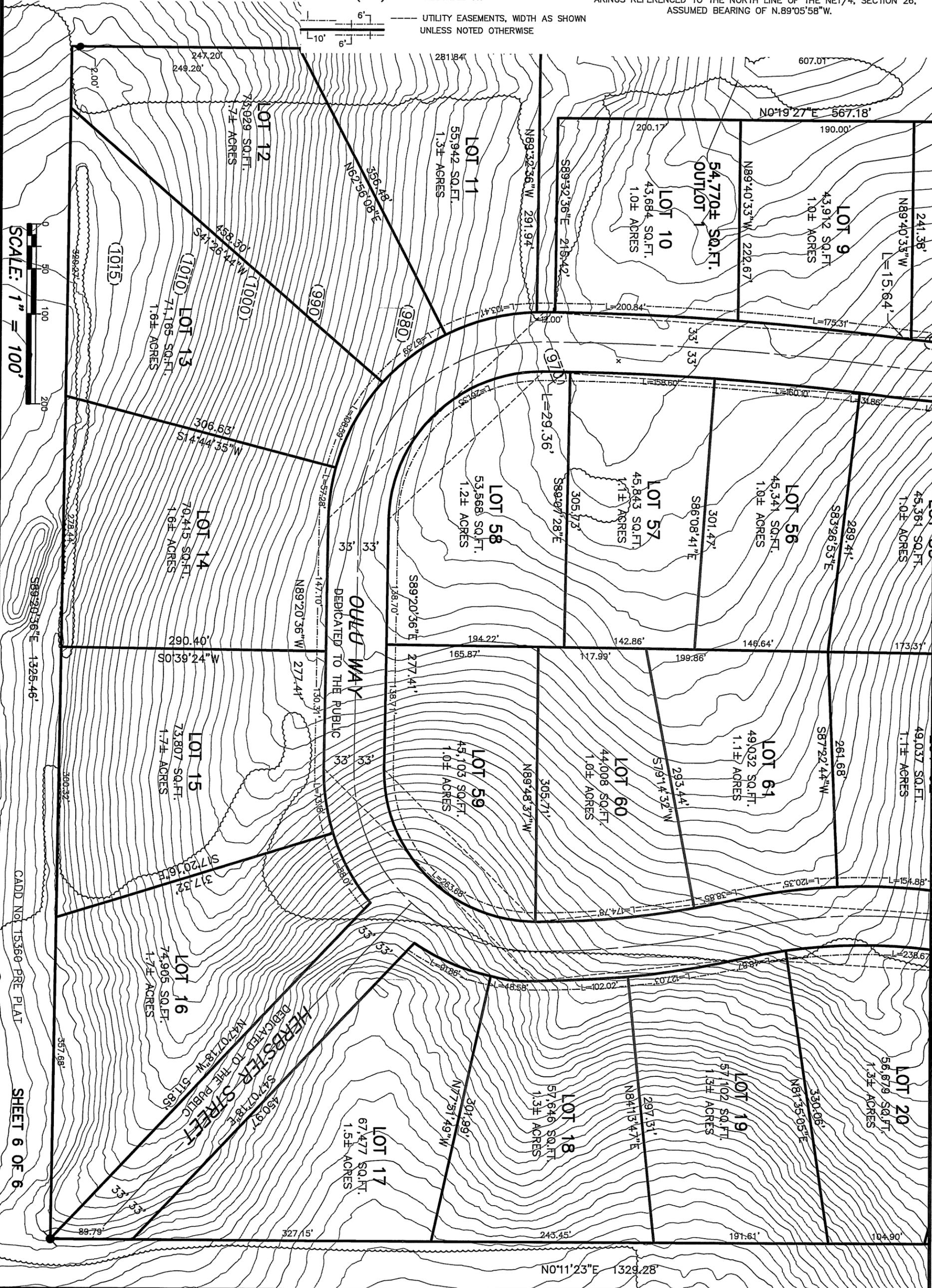
PRELIMINARY PLAT OF WINTER HAVEN

IN THE SW¼ OF THE NE¼, NW¼ OF THE
NE¼ OF THE NE¼, SECTION 26, T26N,
TOWN OF PLEASANT VALLEY,
EAU CLAIRE COUNTY, WISCONSIN

LEGEND

- --- FND. 1" O.D. IRON PIPE
- --- FND. 1-1/4" REBAR
- --- SET 1-1/4" x 18" REBAR
WEIGHING 4.30 LBS./LIN.FT.
- SET 1" O.D. x 18" IRON PIPE
WEIGHING 1.13 LBS./LIN.FT.
AT ALL OTHER LOT CORNERS.
- () --- RECORDED AS
- UTILITY EASEMENTS, WIDTH AS SHOWN
UNLESS NOTED OTHERWISE

ARINGS REFERENCED TO THE NORTH LINE OF THE NE1/4, SECTION 26,
ASSUMED BEARING OF N.89°05'58"W.



TOWN OF PLEASANT VALLEY

June 22, 2016

TOWN BOARD MEETING

CALL THE MEETING TO ORDER

Chairman Dan Hanson called a Town Board Meeting of the Town of Pleasant Valley to order on Wednesday, June 22, 2016 in the Town Hall Meeting Room in Cleghorn at 11:00 a.m..

INTRODUCTION OF TOWN OFFICIALS

Board members present: Chairman Dan Hanson and Supervisor Doug Nelson. Staff members present: Jen Meyer, Clerk/Treasurer, Dale Welke, Deputy Clerk/Treasurer and Highway Foreman Mark Behlke.

WINTERHAVEN – PRELIMINARY PLAT

The preliminary plat for Winter Haven was tabled at the June 13, 2016 Town Board Meeting as there were not any representatives present.

Motion(Hanson/Nelson) to remove from the table the preliminary plat of Winter Haven. Chairman announced the ayes carry 2-0 and the motion is carried.

Cody Fliczak, Sean Bohan and Pete Gartman were present representing the preliminary plat of the Winter Haven subdivision.

After discussions the Town Board requested the following:

- The driveways on Lots 33 and 34 be located close to their adjoining lot line.
- Driveways and ditches with adequate drainage and culverts are required. The town requested a minimum of 2.5 foot ditches with 15” culverts in the driveways.
- Alternative street names were discussed and it was agreed the streets will be named Basswood Road instead of Cornucopia Place, Apple Road instead of Oulu Way and the dedicated Herbster Street will be named Eddie Street.

Motion(Nelson/Hanson) to approve the preliminary plat of Winter Haven with the above recommendations.

Chairman announced the ayes carry 2-0 and the motion is carried.

ADJOURNMENT

Motion (Hanson/Nelson) to move this meeting is adjourned.

Chairman announced the ayes carry 2-0 and the motion is adopted.

Adjourned at 11:25 a.m.

Respectfully submitted,
Jen Meyer, Clerk / Treasurer

Posted at town hall 7-12-2016

Placed on Website 7-12-2016

**Planning and Development
May 2016**

The following bills were sent to the Finance Department for payment:

Planning

Vendor	Amount	Description	Line Item#
Matt Michels	\$ 45.90	Mileage	51820-330-000
Office Depot	68.56	Office Supplies	51820-310-000
Lance Gurney	154.86	Mileage	51820-330-000
Eau Claire Press	178.78	Public Notice	51820-321-000
Steve Maley	478.89	Mileage	51820-330-000
Roxann Schmidt	106.59	Mileage	51820-330-000
Rod Eslinger	45.90	Mileage	51820-330-000
Jared Grande	85.17	Mileage	51820-330-000
Peter Strand	87.72	Mileage-conference	51820-340-000

Resurvey

Vendor	Amount	Description	Line Item#
Highway Department	35.17	Fuel	51740-320-200

Emergency Management

Vendor	Amount	Description	Line Item#
Office Depot	4.26	Office Supplies	52410-390-000
Michael Morlan	176.97	Mileage - Training	52410-340-000
Michael Morlan	33.15	Mileage - Regular	52410-330-000
Michael Morlan	254.51	Mileage & Meals	52410-340-000
Michael Morlan	24.28	Other Supplies	52410-390-000
Michael Morlan	230.53	Mileage - Training	52410-340-000
Michael Morlan	249.39	Mileage - Regular	52410-330-000

Recycling

Vendor	Amount	Description	Line Item#
Associated Recyclers of Wisconsin	65.00	Membership dues	54885-912-000
Recycling Connections	65.00	Bin Purchase	54885-912-000
Tim Wundrow	55.00	Bin Refund	46450-000-000
Provyro	8,090.58	Recycling Services - Curbside	54885-201-000
Box Sanitation	22,160.76	Recycling Services - Curbside	54885-201-000
Waste Management	14,906.72	Recycling Services - Curbside	54885-201-000
Gracious Living Corporation	3,273.20	Compost Bins	54885-912-000
Town of Wilson Treasurer	102.60	Recycling Attendant	54885-208-000
Dunn County Solid Waste	2,645.98	Recycling Coordinator Services	54885-912-000
Earthbound Environmental	323.66	Recycling Services - Curbside	54885-201-000
WRR Environmental Services	9,110.74	Clean Sweep	54886-200-000
Village of Fairchild	122.40	Recycling Attendant	54885-208-000
Advanced Disposal	40,878.72	Recycling Services - Curbside	54885-201-000
Uline	357.17	Medication Boxes	54886-914-000
Advanced Disposal	3,854.30	Recycling Services - Dropbox	54885-208-000
Advanced Disposal	40,582.76	Recycling Services - Curbside	54885-201-000

Land Conservation

Vendor	Amount	Description	Line Item#
Kevin Accola	25.00	Tree Reimbursement	57410-829-000
Kelly Jacobs	58.14	Mileage	57410-330-000
WI Land & Water	30.00	Committee Training	57410-340-000
WCWRPC	5,325.00	R2R Coordinator	57588-200-000
Eau Claire Highway Dept	229.11	Fuel	57410-241-000

Division	Totals
Planning	1,252.37
Resurvey	35.17
Emergency Management	973.09
Recycling	146,594.59
Land Conservation	5,667.25
Total	148,855.22

Eau Claire County
PLANNING & DEVELOPMENT COMMITTEE MINUTES

Tuesday, May 24, 2016 • 7:00 PM
Eau Claire County Courthouse • 721 Oxford Avenue • Room 1277
Eau Claire, Wisconsin

Members Present: Gary Gibson, Jim Dunning, Mark Olson, Gordon Steinhauer, Stella Pagonis

Members Absent: None

Staff Present: Lance Gurney, Rod Eslinger, Jared Grande

1. Call to Order

Gary Gibson called the meeting to order at 7:00 p.m.

2. Public Input Session: None.

3. Public Hearings:

- a. A conditional use permit request to construct additions to accessory structures where the cumulative square footage will exceed 1,200 square feet in the RH Rural Homes District (Slowik – Town of Brunswick) CUP-0006-16 / Discussion – Action

Rod Eslinger presented the background and staff report for a conditional use permit to construct an accessory structure in excess of 1,200 square feet in the RH Rural Homes District in the Town of Brunswick by applicant Greg Slowik. Mr. Eslinger reviewed the history of land use in relation to the operation of an auto repair shop and the approval and issuance of conditional use permits for additional storage. Mr. Eslinger noted numerous violations have occurred on the subject property over the course of the last 20 years in relation to outside storage of inoperable or unlicensed vehicles or failure to comply with conditional use or permit requirements. Mr. Slowik is requesting approval to expand the existing accessory structures (1,790 square feet collectively) by 1,943 square feet, resulting in 3,733 total square feet for accessory structures. Mr. Eslinger then reviewed adjacent land uses and zoning in the area, along with the standards to be met for the issuance of a conditional use permit. Mr. Eslinger noted communications received in opposition to the request along with the Town of Brunswick's recommendation to approve the request. Staff believes the request does not meet the standards of the zoning code for conditional use permit nor the standards for accessory structures in excess of 1,200 square feet, and therefore recommends denial of the request as submitted. A video of the subject property and surrounding properties was then presented. Mr. Eslinger noted that there are numerous accessory structures in this neighborhood that meet or exceed the square footage limitations of the zoning code. Mr. Slowik was present to discuss his request for an addition to his garage and his pole shed. He indicated that he likes cars, has collector cars, and needs storage space for his hobby and business. He indicated that he is not expanding the length, so the view would largely be the same. He has been preparing for the expansion project for the last two years, acquiring materials and financing for the project. Mr. Slowik distributed site plans and accessory structure sizes in the neighborhood. He explained his desire to retire and work on cars at his residence; he has acquired the materials, and obtained financing. Mr. Slowik indicated that he is intending to build the additions himself and would like ample amount of time to construct the accessory additions. The Committee then reviewed the history of violations on the subject property. Mr. Gibson asked how long it would take to complete the additions and resolve the violations for outside storage. Mr. Slowik indicated that he has four separate additions to construct and therefore would request two full years to construct the additions.

The buildings would have entirely new exteriors other than the roof. Mr. Gibson asked staff what the timeline requirements are for a conditional use. Mr. Eslinger then reviewed the history of timelines with this property and previous permits obtained. Mr. Slowik commented on the impacts the creation of the adjacent has had on his own property. Jerry Hollister was present as a neighboring property owner and indicated that the history of this property does not suggest that additional buildings will resolve the issue. He indicated that the accessory structure permitted in 2001 was not completed as required. Mr. Hollister referenced the lack of maintenance and repair of the entire property as it relates to Mr. Slowik's plans to construct the additions himself. Jim King was present and indicated that most neighbors were concerned about general upkeep of property and potential impacts on property values. Mark Olson asked what would happen to resolve the issues should the permit not be granted. Mr. Eslinger indicated that staff would work with Mr. Slowik on a compliance schedule to address the violations that currently exist on the property, and have already enumerated those in written findings. Gordon Steinhauer asked whether the applicant has the materials and funding to complete the project for the accessory structures as well as to complete maintenance of the home including siding and roofing within one complete project. Committee members discussed the need to have the work contracted so that it is completed on time and that the needed maintenance of the residence be included as a condition of the permit. Mr. Slowik indicated he does not have funding to complete the additions and needed and maintenance of the home, instead perhaps using friends to help complete the project. Stella Pagonis indicated that she could not support the conditional use permit for additional storage until the maintenance of the existing structures are first addressed. Jim Dunning stated the same with concerns of the history of the property. Gordon Steinhauer stated that he could support half of the additions so that the remaining funding could be used to address maintenance of the home. A discussion then ensued regarding legal authority of the committee to impose conditions on a separate structure on the same property that was not subject to the permit being sought, again referring to maintenance of the residence. Mark Olson indicated that based on history, he would not be able to support the request at this time. The Committee then discussed the possibility of postpone action to allow staff to consult with Corporation Counsel regarding the ability to tie conditions to other structures for needed maintenance of the entire property.

ACTION: Motion by Gordon Steinhauer to postpone until June 28th. Motion carried 4-1.

- b. A conditional use permit request to construct an accessory structure in excess of 1,200 square feet in the RH Rural Homes District (Menard – Town of Union) CUP-0005-16 / Discussion – Action

Rod Eslinger presented background information and the staff report for an accessory structure in excess of 1,200 square feet by John and Laura Menard for new construction in the amount of 2,920 square feet. The property is 40 acres, mostly wooded and zoned RH. The applicant is currently building a new single-family residence. The proposed accessory structure would serve this new residence. Mr. Eslinger reviewed the neighboring properties, including zoning and land uses. Mr. Eslinger noted that the request is consistent with the requirements for conditional uses and therefore recommends approval. The Town of Union has also reviewed and recommended approval with the conditions offered by staff. A short video was then presented. John Menard III appeared as the applicant and agreed with the

staff report. He indicated that he owns approximately 105 acres at the location.

ACTION: Motion by Jim Dunning to approve the conditional use permit request with staff conditions. Motion carried, 5-0.

c. **File No. 16-17/011** "To Amend Section 18.27.020 D. and F. of the Code: General Regulations" / Discussion – Action

Lance Gurney provided background of the request to amend the zoning code provisions for Planned Unit Developments. The City of Eau Claire entered into an Intergovernmental Agreement with surrounding towns in 2011 to better address land divisions within the City's extraterritorial plat approval jurisdiction. Eau Claire County was not party to the Agreement, but has been asked to make several code revisions since that time to better align county codes with City codes to reflect the policies of the Agreement. The Towns of Washington and Seymour, along with the City of Eau Claire are requesting Eau Claire County to amend its code to provide a higher degree of clarity with regard to policies for conservation subdivisions within the extraterritorial area under the provisions of Planned Unit Developments in Chapter 18.27 of the Eau Claire County Code. The proposed amendments would apply in both the City of Eau Claire and City of Altoona extraterritorial plat approval jurisdictions, including the Towns of Seymour, Washington, Pleasant Valley, Brunswick, and Union. Mr. Gurney then reviewed the proposed amendments as contained in Ordinance 16-17/011. No additional testimony was given.

ACTION: Motion by Mark Olson to approve file 16-17/011 as submitted. Motion carried, 5-0.

d. A petition for the attachment of two properties to the Lake Altoona District / Discussion – Action

- Michael K. and Christine L. Allen, Lots 3 & 4, Block 2, Lake View Addition – Tax Parcel 024-2006-05-000. Site Address: 7734 Elayne Drive, Eau Claire
- Melanie A. Haugen, Lot 8, Block 2, Lake View Addition – 024-2006-10-000. Site Address: 7816 Elayne Drive, Eau Claire

Lance Gurney presented background of the request. Mr. Gurney indicated that the purpose of the hearing is to gather testimony and relevant information. Staff is not ready to make a recommendation as the record is incomplete at this time with information being gathered. Wisconsin Statutes allow up to three months from the date of the hearing for the Committee to report back to the County Board, and up to six months for the Board to vote on the Order. Mr. Gurney reviewed the four standards that must be considered for the attachment of property to the Lake District, with particular focus on #4 which requires the Lake District to demonstrate that the property would be benefited. Paul Johnson appeared as a representative of the Lake District Board. Mr. Johnson indicated that he was not a member of the Board in 2007, but reiterated the request before the Committee is for an attachment, not detachment. Mr. Johnson indicated that the Board did not have a map of the district boundaries or properties, and therefore acquired a map of the District boundaries and properties included within the district. Mr. Johnson indicated that all owners are now largely riparian owners, as are the two properties subject to the attachment petition. Garrett Nix appeared as legal counsel for the Lake District. He indicated that Chapter 33 is rather vague in terms of the

requirements and process for attachments. Mr. Nix will be preparing a report that specifies the considerations taken by the Board for these attachments. He discussed what constituted a “benefit” as established by case law. Mr. Nix then presented information relating to a case in Eau Claire County in 2007 for detachment from the Lake Altoona Rehabilitation and Protection District. The two subject properties, even though they are riparian properties, were perhaps inadvertently detached in 2007. Jeff Goettl appeared in favor of the petition for attachment. He had previously looked at properties in the same vicinity to purchase in recent years, but chose not to due to concerns of access due to sedimentation. Earlier this year, the Lake District did extensive dredging to improve access to the Lake. Mike Allen appeared as one of the property owners and indicated that the order to detach was a court order, not a Lake District order, and therefore is not revocable. Mr. Allen read an excerpt from the 2007 decision relating to the need to demonstrate benefit. In Mr. Allen’s opinion, the Lake District again has not fulfilled the need to demonstrate benefit for the specific property owners; a boundary map is not evidence of benefit. Mr. Allen then read the Lake District meeting minutes at which the attachment motion was made. He contends that the need to demonstrate benefit was not met, but instead was arbitrary. In addition, he indicated that he is more than 1 mile upstream of Lake Altoona and does not believe that he is benefited by inclusion in the Lake District; their property is on the Eau Claire River. Finally, he does not believe that the Lake District has the authority to contradict the court order. Mark Olson verified that Mr. Allen does own property on the river and does utilize it. Mark Hagen appeared on behalf of his daughter, Melanie. Mr. Hagen questioned how the district boundaries were determined. He also indicated that although the property is a riparian, he is not benefitted by the lake itself. He uses the river, but not the lake. Mr. Hagen indicated that a new sandbar has now formed in front of his property even after the dredging this winter. He felt that the only real solution for sedimentation in the lake is to remove the dam. Efforts to continue dredging and removing sand are a waste of financial resources. Mr. Hagen does not feel being on the river is benefited by the lake and access is limited. He felt that they successfully argued for detachment several years ago and does not understand why the Lake District is now trying to reattach their property again.

No action was taken on the Attachment petition at this time.

4. Review/Approval of Preliminary Plat of Trillium Estates in Sections 10 and 11, T26N-R09W in the Town of Washington / Discussion – Possible Action
Rod Eslinger presented the background and staff report for the Preliminary Plat for Trillium Estates. The subject property was recently rezoned to accommodate the proposed development. Mr. Eslinger indicated staff is recommending approval of the Preliminary Plat subject to 13 conditions and 7 additional notes. Mr. Eslinger then reviewed the staff report dated May 18, 2016 with conditions for approval. In particular, Mr. Eslinger discussed variances relating to lot-to-width ratios and for irregular lot configurations would be incorporated into one single action for the preliminary plat.

ACTION: Motion by Gordon Steinhauer to approve the preliminary plat with staff conditions. Motion carried, 5-0.

5. Subdivision variance request due to an unusual lot configuration in Section 2, T27N-R10W in the Town of Union (Menard Inc.)
Jared Grande presented the variance request for unusual lot configuration for property owned by Menard Inc. in the Town of Union. The property is within the City of Eau Claire's extraterritorial plat approval jurisdiction and also subject to the Town of Union's subdivision ordinance. The intention of the certified survey map is to combine an adjacent outlot with an existing CSM lot, thereby creating an unusual lot configuration. The subject property is approximately 92 acres and zoned as I-1.
ACTION: Motion by Stella Pagonis to approve the variance as submitted. Motion carried, 5-0.
6. Subdivision variance request for lots not meeting minimum lot size requirements (1.5 acres) in the extraterritorial jurisdiction of the City of Eau Claire in Section 15, T26N-R09W in the Town of Washington (proposed Chelsea Lane)
Jared Grande presented the variance request for minimum lot size standards of 1.5 acres in the Town of Washington and within the City of Eau Claire's extraterritorial plat approval jurisdiction. Of note, the City of Eau Claire considers the maximum allowable number of lots for the parent parcel of 18.86 acres to be nine lots.
ACTION: Motion by Jim Dunning to approve the variance request for minimum lot size requirements. Motion carried, 5-0.
7. Subdivision variance request for a lot not meeting minimum lot size requirements (1.5 acres) in the extraterritorial jurisdiction for the City of Eau Claire in Section 14, T27N-R09W in the Town of Seymour (Solberg)
Jared Grande presented the background of the request for a variance from the minimum lot size requirements within the City of Eau Claire's extraterritorial plat approval jurisdiction. The variance request is to create a 1.3 acre lot from a parent parcel of 27.64 acres, leaving the remaining lot of approximately 26.2 acres. Access to the existing home was discussed as a limiting factor and rationale for requesting the variance from minimum lot size. The remaining property is considered
ACTION: Motion by Stella Pagonis to approve the lot size variance request. Motion carried, 5-0.
8. Review/Approval of May 10, 2016 Meeting Minutes / Discussion – Action
ACTION: Motion by Jim Dunning to approve the minutes as submitted. Motion carried, 5-0.
9. Proposed Future Agenda Items: Program rankings/performance management changes for 2017 budget and postponed Slowik conditional use permit.
10. Gary Gibson adjourned the meeting at 9:55 p.m.

Respectfully submitted,

Lance Gurney
Clerk, Committee on Planning & Development