

Eau Claire County
PLANNING & DEVELOPMENT COMMITTEE AGENDA

Tuesday, October 25, 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 convert a structure into a secondary dwelling unit for the purpose of housing the elderly in the AP District (Powers – Town of Washington)
CUP-0012-16 / Discussion – Action **p. 2 - 17**
4. Variance request of land suitability requiring a minimum contiguous buildable area of at least one-half of an acre in Section 9, T26N-R9W, Town of Pleasant Valley / Discussion – Action **p. 18 - 22**
5. Emergency Management Coordinator Introduction / Discussion
6. Proposed 2017 meeting dates / Discussion – Action **p. 23**
7. Quarterly Fiscal Report/Departmental Update / Discussion **p. 24 - 27**
8. Review of September Bills / Discussion **p. 28**
9. Review/Approval of Meeting Minutes / Discussion – Action
 - a. September 27, 2016 **p. 29 - 31**
 - b. October 4, 2016 **p. 32**
10. Proposed Future Agenda Items / Discussion
11. Adjourn



EAU CLAIRE COUNTY PLANNING STAFF RECOMMENDATION

CONDITIONAL USE PERMIT NUMBER: CUP-0012-16

COMPUTER NUMBERS: 024-1107-01-010

PUBLIC HEARING DATE: October 25, 2016

STAFF CONTACT: Rod Eslinger, Land Use Manager

OWNER: Paul and Laurie Powers, 6750 Hillview Road, Eau Claire, WI 54701

AGENT: Same

REQUEST: A second housing unit for an elderly or handicapped parent.

LOCATION: 6750 Hillview Road, Eau Claire, WI 54701

LEGAL DESCRIPTION: SE ¼ of the NE ¼, Section 13, T26N-R9W, Town of Washington, Eau Claire County

SUMMARY

Request for a conditional use permit to convert a structure into a secondary dwelling unit for the purpose of housing for the elderly (retired person) in the AP District. The applicants indicated in the narrative that their son plans on moving into their principal residence on the property, and that they will reside in the second dwelling unit upon its completion. The floor plans reveal how the existing residence will be remodeled to accommodate two bedrooms, kitchen, living area, kitchen, and garage space. The building is currently served by water and gas. A new septic system will be installed to serve the second dwelling unit. The existing driveway will serve both dwelling units. The applicant indicated that all living quarters will be removed when the applicants are no longer able to live there.

SITE CHARACTERISTICS:

- The applicants own 120 acres.
- Most of the property is cropped with the exception of about 12 acres.
- Currently situated on the property is a single family home and several out buildings.

CURRENT ZONING:

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

- 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;
- 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;
- 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:

	ZONING	LAND USE
North	AP	Agricultural Use
West	AP	Agricultural Use
South	AP	Agricultural Use
East	A2	Residential-Single Family, Ag. Fields

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.

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.

Section 18.30.190 Housing For The Elderly And Handicapped - a conditional use permit is required for placement of a second housing unit for an elderly or handicapped person in the A-1 District, subject to the following criteria : 1) the lot must be a minimum of two acres; 2) the occupant(s) of the residence

must be related to the owner by blood, marriage, or adoption and must be of retirement age (62) or unable to live independently because of disability; 3) the occupant is a permanent resident of the property; 4) the unit must remain capable of being removed, cannot exceed three bedrooms, and must be compatible with existing development in the area; 5) the property must be owner occupied; and 6) the permit must be reviewed every two years by the department. The intent of this provision is to allow for the temporary placement of a residence for the care of an elderly and handicapped individual, which should be removed from the premises when the elderly and handicapped individual is no longer living in the residence.

ANALYSIS: It appears that the application meets all the criteria required for a second home on the property housing for the elderly or handicapped. The property is larger than two acres, the parents are older than 62, the applicant is related and is a permanent resident of the property, the living quarters will be removed when they are no longer able to live there, and does not exceed three bedrooms.

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 dwelling unit and the structure will meet minimum setbacks required in the AP District. 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 is scheduled to meet on October 20, 2016 to discuss the request.

STAFF CONCLUSIONS AND RECOMMENDATION: Staff has concluded that the proposal to provide a temporary home on the property as a residence to be used by Laurie and Paul Powers is consistent with the standards for a second residence for the elderly, is consistent with the standards for conditional use permits, and consistent with the purpose of the zoning ordinance

Staff recommends that the committee approve the conditional use permit with the following conditions:

1. The site plan that was submitted with the application shall be attached to and made a part of the permit.
2. Prior to the commencement converting the structure into a second dwelling unit on the property, the applicant shall obtain all necessary permits; including but not limited to, land use, building (UDC) and sanitary permits.
3. The applicant shall record an affidavit with the Register of Deeds stating that second dwelling unit shall have all living quarters (bedrooms, bathrooms, and kitchen) removed when Paul and Laurie Powers no longer occupy the dwelling. At that time, the owners will be required to obtain a land use permit to convert the structure back to an accessory structure.
4. The applicant shall notify the Land Use Manager upon completion of the second dwelling unit so that staff can verify compliance with the terms of this approval.
5. 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.
6. 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.
7. 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

Application Accepted:	10/5/2016
Accepted By:	Rod Eslinger
Receipt Number:	48790
Town Hearing Date:	10/20/2016
Scheduled Hearing Date:	
Application No:	CUP-0012-16
Appl Status:	Pending

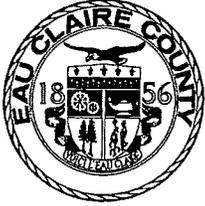
Conditional Use Permit - County

Owner/Applicant Name(s): Paul & Laurie Powers		Address: (ow) 6750 HILLVIEW RD EAU CLAIRE		Telephone: 715-210-1060(C) 715-835-0140(H)	
Site Address(es): 6750 HILLVIEW RD EAU CLAIRE					
Property Description:		Sec 13 Twn 26 Rge 09		Town of Washington	
				Lot Area: 40.000 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	Alternate No	Parcel No	Legal (partial)		
1802422609131400001	024117105000	26.9.13.1-4-A&I	SE-NE		
General Description:				Conditional Use Contract: No	
Type: Housing for the Elderly and Handicapped				Structure Check: Yes	
Description of Proposed Use: HOUSING FOR THE ELDERLY					

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.



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 Eau Claire County Courthouse
 721 Oxford Avenue, Room 3344
 Eau Claire, Wisconsin 54703
 (715) 839-4741

CUP-0012-16

Application Accepted:	10/4/2016
Accepted By:	Rod Esinger
Receipt Number:	48790
Town Hearing Date:	Oct. 20, 2016
Scheduled Hearing Date:	Oct. 25, 2016

CONDITIONAL USE PERMIT APPLICATION

Property Owner Name:	Paul Alan Powers	Phone#	715 215 1060
Mailing Address:	6750 Hillview Road		
Email Address:	paulp@powertexgroup.com		

Agent Name:	Phone#
Mailing Address:	
Email Address:	

SITE INFORMATION

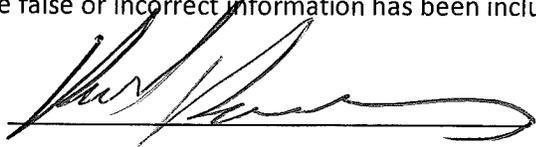
Site Address:	6750 Hillview Road				
Property Description:	SE ¼ NE ¼ Sec. 13 T. 26 N. R. 9 W, Town of Washington				
Zoning District:	Code Section(s): 18.30.190				
Overlay District: Check Applicable	<input type="checkbox"/> Shoreland	<input type="checkbox"/> Floodplain	<input type="checkbox"/> Airport	<input type="checkbox"/> Wellhead Protection	<input type="checkbox"/> Non-Metallic Mining
Computer #(s):	024-1171-05-000				

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. 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 \$500.00 application fee (non-refundable), payable to the Eau Claire County Treasurer
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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 10/3/2016

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).

see attached

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)

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 type="checkbox"/> Show parcel and building dimensions of all existing and proposed structures | <input type="checkbox"/> Landscape and screening plans |
| <input type="checkbox"/> Show all signs, fences and other features that may be regulated by zoning | <input type="checkbox"/> Show the well and septic system |
| <input type="checkbox"/> Site access, driveway, and nearest road (labeled) | <input type="checkbox"/> Parking areas with spaces |
| <input 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 | |

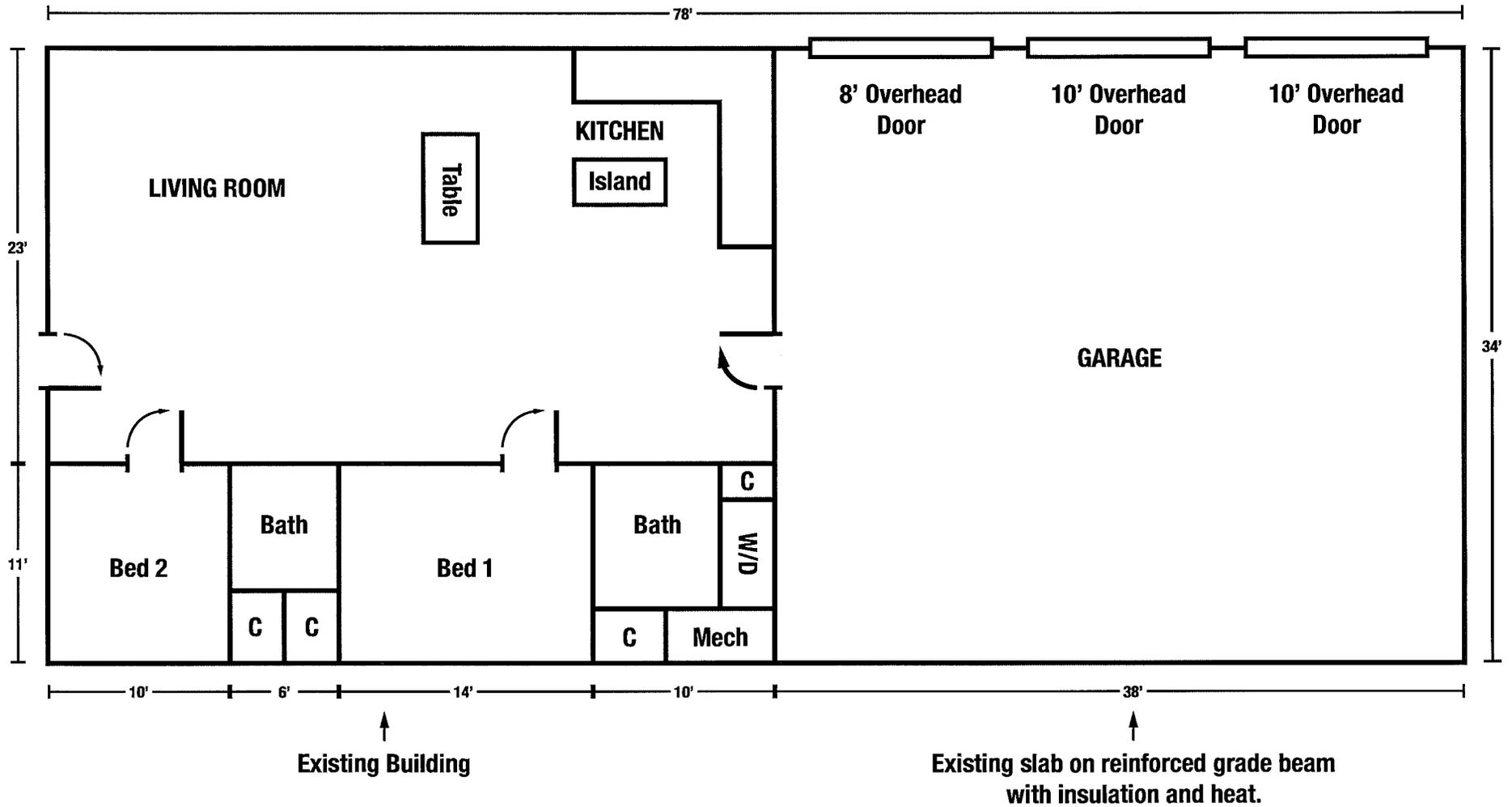
FOR ALL NON-AGRICULTURAL ACCESSORY STRUCTURES

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

We are filing for a conditional use permit to take an existing structure that no longer is being used for our greenhouse business, and make it into a second dwelling on our 40 acres of land that is zoned A-1. Our son Kyle Powers will reside in the primary residence and we will reside in the 2nd dwelling until we are no longer able to do so. At that time, Kyle is aware that the secondary dwelling will be returned to the state it is in now (an outbuilding) and all living quarters will be removed. (Kitchen, bedrooms, bathrooms). Our building plan shows we will have two bedrooms, two bathrooms, kitchen, and living area. All on one floor in the existing floor space in the building. The structure has an existing Hydronic Heat system in the floor. There is an existing woodburning stove with a class A chimney in the structure that will be removed and replaced with a gas furnace. Gas and water services are already run to the building. A sewer will be installed off the southwest corner of the house. The garage floor is already poured. That was the greenhouse foundation (no longer in use) and we will construct the garage on that slab and grade beam construction. The driveway already exists to that 2nd dwelling as it was used for the greenhouse business. That will be shared with the primary residence. Paved parking exists at both dwelling locations. Please feel free to call with any questions.

Paul Powers 715-215-1060

Laurie Powers 715-215-1059











Site
Plan w/
details

N →

Eau Claire County Parcel Mapping



1 inch = 200 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:

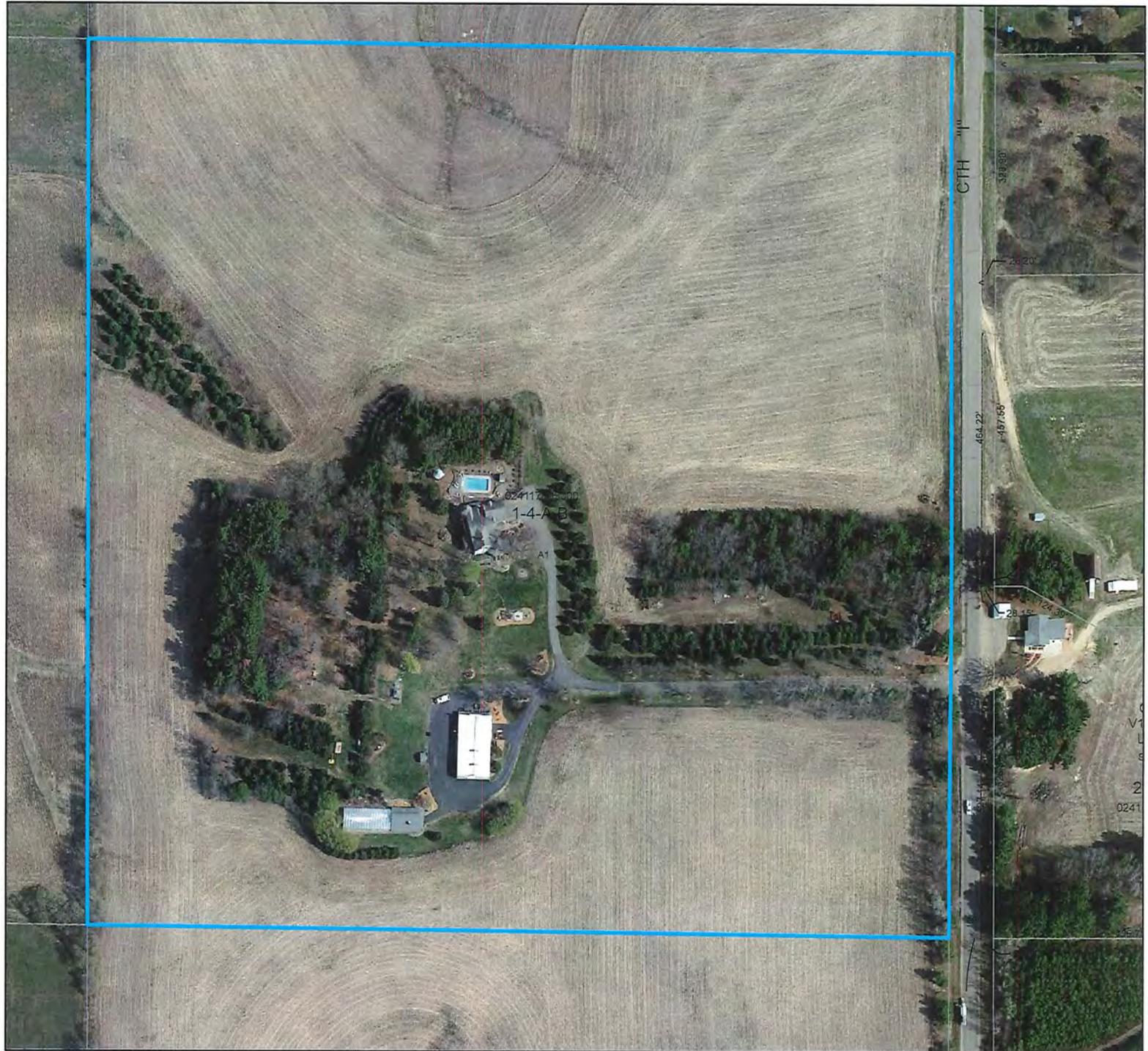
The horizontal datum is based on the Eau Claire County Coordinate System NAD_1983_HARN_Ad_LW_EauClaire_Feet

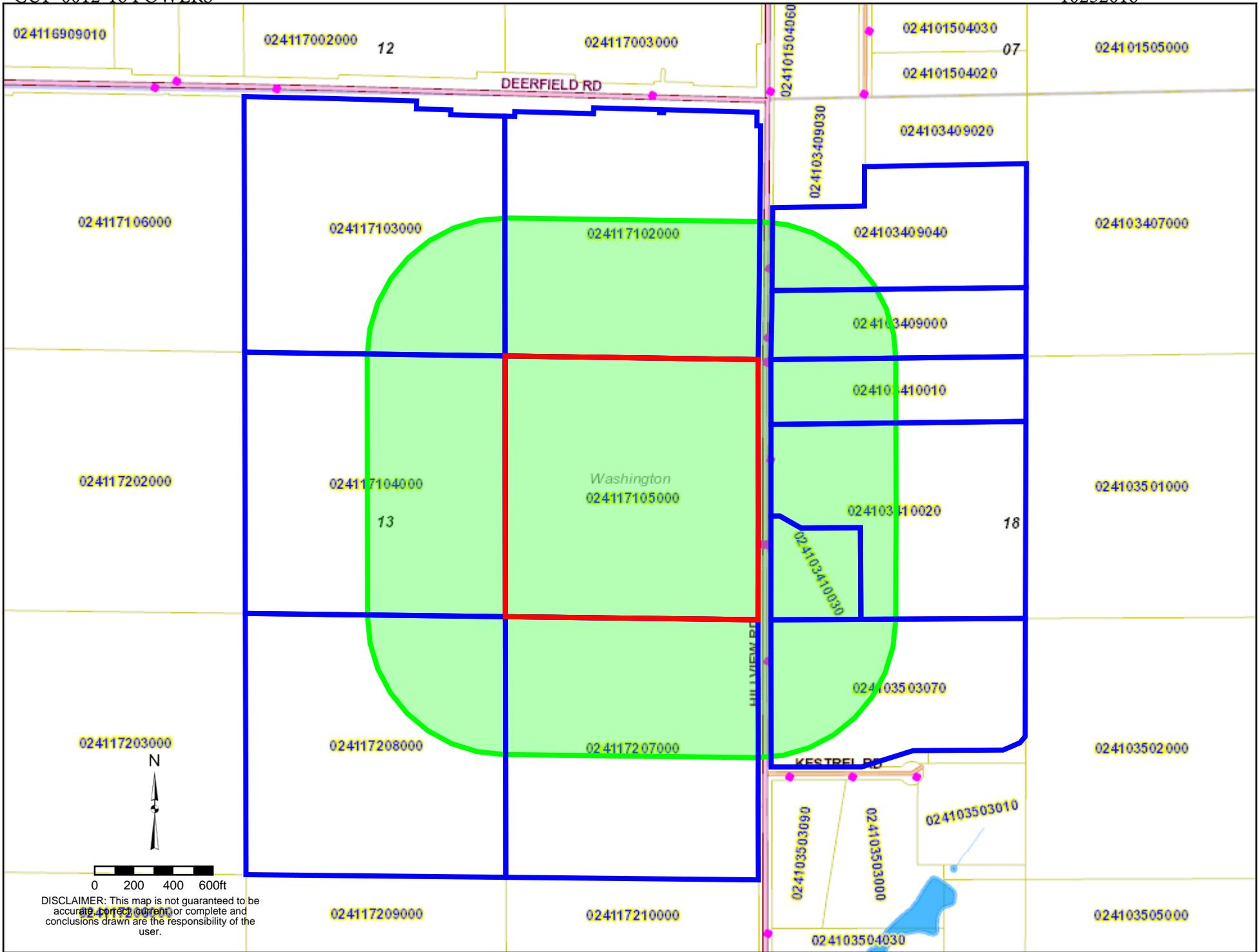
This map is a collection of public record information and was prepared as an ongoing commitment to provide quality and up-to-date information to the public. This map is intended for information use only. Although significant care has been exercised to produce maps that satisfy mapping accuracy standards, 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





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
1802422609131200001	BISCHOFF, SCOTT A	5935 DEERFIELD RD	EAU CLAIRE	WI	54701-8712
1802422608182209003	FARR, DAVID	S 7495 COUNTY ROAD F	EAU CLAIRE	WI	54701-9150
1802422608183209003	GRAFENAUER, JOHN	6775 HILLVIEW RD	EAU CLAIRE	WI	54701
1802422608182209000	OJIBWAY, JEFFREY M & MICHELLE K	6551 HILLVIEW RD	EAU CLAIRE	WI	54701-8806
1802422608182309000	SUMNER TRUST, MICHAEL C & SUZANNE M	6581 HILLVIEW RD	EAU CLAIRE	WI	54701-8806
1802422608182309002	SZYMONIAK, NATHAN J & AMY M	6749 HILLVIEW RD	EAU CLAIRE	WI	54701-8813
1802422608182309001	ZIMMERMAN, JERRE D & SUSAN M	5619 US HIGHWAY 53	EAU CLAIRE	WI	54701-8836



Eau Claire County
DEPARTMENT OF PLANNING
AND DEVELOPMENT
Eau Claire County Courthouse, Rm. 3344
721 Oxford Avenue
Eau Claire, Wisconsin 54703-5481
(715) 839-4741

Housing & Community Development
839-6240
Emergency Services Management
839-4736
Real Property Description
839-2984
Land Use Controls
839-4743
Building Inspection
839-2944
Land Conservation
839-6226
Planning
839-5055
County Surveyor
839-4742

REPORT:

TO: COMMITTEE ON PLANNING AND DEVELOPMENT

FROM: Rod Eslinger, Land Manager

DATE: October 17, 2016

RE: Variance request of land suitability requiring a minimum contiguous buildable area of at least one-half (1/2) of an acre

Pete Gartmann, Professional Land Surveyor, has requested a subdivision variance for less than the required one-half (1/2) of an acre of contiguous buildable area (CBA) on lots 1 and 2 of a proposed preliminary certified survey map (CSM). The owner is Suzanne Bast. The preliminary CSM is located in the SE ¼ of the SE ¼ Section 9, T26N-R9W, Town of Pleasant Valley. The property is zoned R-H, Rural Homes District.

The map is being presented to the committee because lots 1 and 2 are greater than 1 acre in size requiring the CBA to be at least one-half (1/2) of an acre in size. The existing lot is 2.26 acres and the owner is wanted to divide the parcel into two lots as shown on the CSM. The existing lot of 2.26 acres was created as a result of the widening of STH 93 and the construction of frontage road, Michael Drive. The Town of Pleasant Valley has approved the CSM as presented. The CBA for lot 1 as planned is 16,421 square feet (.38 of an acre) and the CBA for lot 2 as planned 16,075 square feet (.37 of an acre). The proposed CSM has been submitted for review.

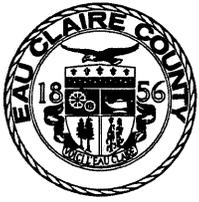
18.77.080.A. states:

All lots one acre and greater in size shall have a minimum contiguous buildable area of at least one-half (1/2) of an acre; lots smaller than one acre shall have contiguous buildable area equal to the minimum lot size required by the zoning code. Floodplain elevations....to determine floodplain elevations.

Under 18.77.070 of the subdivision control code, the committee can grant variances to Chapters 18.82, 18.83, and 18.84 of the code. The committee must find that there is exceptional or undue hardship in the request; it is not detrimental to the public good, and without impairment to the intent and purpose of the code. The committee must consider all the facts and testimony when deliberating this matter.

STAFF RECOMMENDATION: Staff has reviewed this request and recommends that the committee approve the contiguous buildable area (CBA) of lots 1 and 2 as shown. The following reasons may be used to support approving the request:

- The variance will not be detrimental to the public good, the spirit and purpose of the code will be upheld.
- The land suitability would allow for a single family home to be constructed.
- All other zoning setbacks can be met with the CBAs as shown.
- Access to the properties is off of Michael Drive.
- The purpose of the Subdivision Control Code will be upheld.



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 721 Oxford Avenue, Room 3344
 Eau Claire, Wisconsin 54703
 (715) 839-4741

Application Accepted:	10/5/16
Accepted By:	Rod
Receipt Number:	48793
Town Hearing Date:	
Scheduled Hearing Date:	10/25/2016

VARIANCE APPLICATION

Property Owner Name: <u>Suzanne Bast</u>	Phone#
Mailing Address: <u>E 3115 James Ln Eau Claire WI 54701</u>	
Email Address:	

Agent Name: <u>Steve Wiggins / Peter J. Gaetmann (RLS)</u>	Phone# <u>715-577-0092</u>
Mailing Address: <u>4319 Jeffers Road Suite 150 Eau Claire WI 54703</u>	
Email Address: <u>slwiggins@live.com</u>	

SITE INFORMATION

Site Address:	
Property Description: <u>SE 1/4 SE 1/4 Sec. 22 T 26 N, R 9 W, Town of Pleasant Valley</u>	
Zoning District: <u>RH1</u>	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 - 1105 - 09 - 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. All information from the checklist must be included.

A detailed written statement that specifically identifies what is being requested.

Written argument that justifies the need for the variance and addresses the variance standards. It is the applicant's responsibility to prove that an "unnecessary hardship" exists and that a variance can be granted. (See reverse for additional information.)

The applicant must flag/stake the property/project corners and label them accordingly (e.g. NE Lot corner, NE building corner).

A scaled site plan of the site and surrounding area for a distance of 100 feet, including buildings and other structures. Also, include the proposed addition/structure/location of septic system, well, driveway, property lines, navigable water ways, wetlands, floodplains, slopes in excess of 20% , and any other unique limiting condition of the property. All maps and engineering data to be no larger than 11" x 17".

Provide a ~~\$500.00~~ application fee (non-refundable), payable to the Eau Claire County Treasurer. \$210⁰⁰

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

RECEIVED
 OCT - 3 2016
 Date 10-2-16

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.

We are asking Eau Claire County to reduce the buildable area requirement from 0.50 acres to accommodate the required building setbacks from the State Highway "93" of 100' from the right of way.

The State in recent years came through and widened the right of way through this area to add 4 lanes of traffic, divided highway and turn lanes. The State also created the frontage road now called Michael Drive to reduce the access points onto the highway. All of the new area came from the Bast Family and was required by the DOT. Now the County wants an additional 150 feet of restrictions from this property for building setbacks and buildable area.

We are not asking the County to change the setback because we have no trouble fitting a house and all outbuildings within this area. We are asking the county to relax the buildable area requirements from 21,780 square feet to 16,100. If the highway setback was fifty feet (as the State of Wisconsin highway setback is) we would not be asking for any relaxation of the buildable area.

Lot 1 of the land division has 49,290 square feet but with the outrageous setback and the county requirement this property only has 16,421 square feet to build on. Lot 2 has 57,904 square feet and only 16,075 square feet to build on.

You can place septic systems, wells, driveways, retaining walls, ponds and all other features in the areas of non-buildable, the only thing you can't is buildings. Who has 21,780 square feet of buildings. In perspective that is a building 200 feet wide and 109 long.

Please review the exhibit for details.

RECEIVED

OCT - 3 2016

18.22.020 Highway setbacks and access requirements. A.

Class A Highways. The following highways in Eau Claire County are designated as Class A highways: Interstate Highway 94; USH 53 from I-94 northwesterly to USH 12; USH 53 from Main Street in Eau Claire northerly to the north county line; and STH 37-85 from I-94 northeasterly to USH 12.

1. Setbacks. The setback for all structures from a Class A highway shall be one hundred fifty feet from the centerline or one hundred feet from the right-of-ways line, whichever is greater.

2. Access Driveways. There shall be no direct access to Class A highways.

B. Class B Highways. All federal or state highways not designated as Class A highways are designated as Class B highways.

1. Setbacks. The setback for Class B highways shall be one hundred fifty feet from the centerline or one hundred feet from the right-of-way line, whichever is greater.

2. Access Driveways. A minimum distance of five hundred feet shall be required between access driveways along the same side of a Class B highway.

C. Class C Highways. All lettered county highways and town roads are designated as Class C highways.

1. Setbacks. The minimum setback from a Class C highway shall be eighty-three feet from the centerline or fifty feet from the right-of-way line, whichever is greater, in the A-1, A-2, A-3, A-R, C-3, I-1 and I-2 districts and shall be sixty-three feet from the centerline or thirty feet from the right-of-way line, whichever is greater in the R-1-L, R-1-M, R-2, R-3, C-1 and C-2 districts.

2. A minimum of one driveway access per 100 feet of road frontage is permitted.

D. Class D Highways. All roads located within subdivisions are hereby designated as Class D highways.

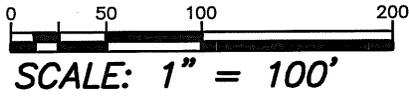
1. Minimum setbacks from Class D highways shall be 50 feet from the right-of-way line for districts A-1, A-2, A-3, A-R, R-H, C-3, F-1, F-2, I-1 and I-2 and shall be 30 feet from the right-of-way line for districts R-1-L, R-1-M, R-2, R-3, C-1 and C-2.

2. Driveway Access. There shall be no minimum distance for driveway access along Class D highways. (Ord. 129-74 Secs.11,12, 1986; Ord. 128-24 Sec.33, 1984; Ord. 126-69 Secs.19, 22, 1983; Ord. 126-16 Sec.3(part), 1982).

18.22.025 Traffic visibility. A. At every intersection of two public roads or a public road and a railroad right-of-way, there shall be a traffic-visibility triangle. Within the triangle, no obstructions such as structures, parking or vegetation shall be allowed between two and one half feet and ten feet above the elevation of the roadway.

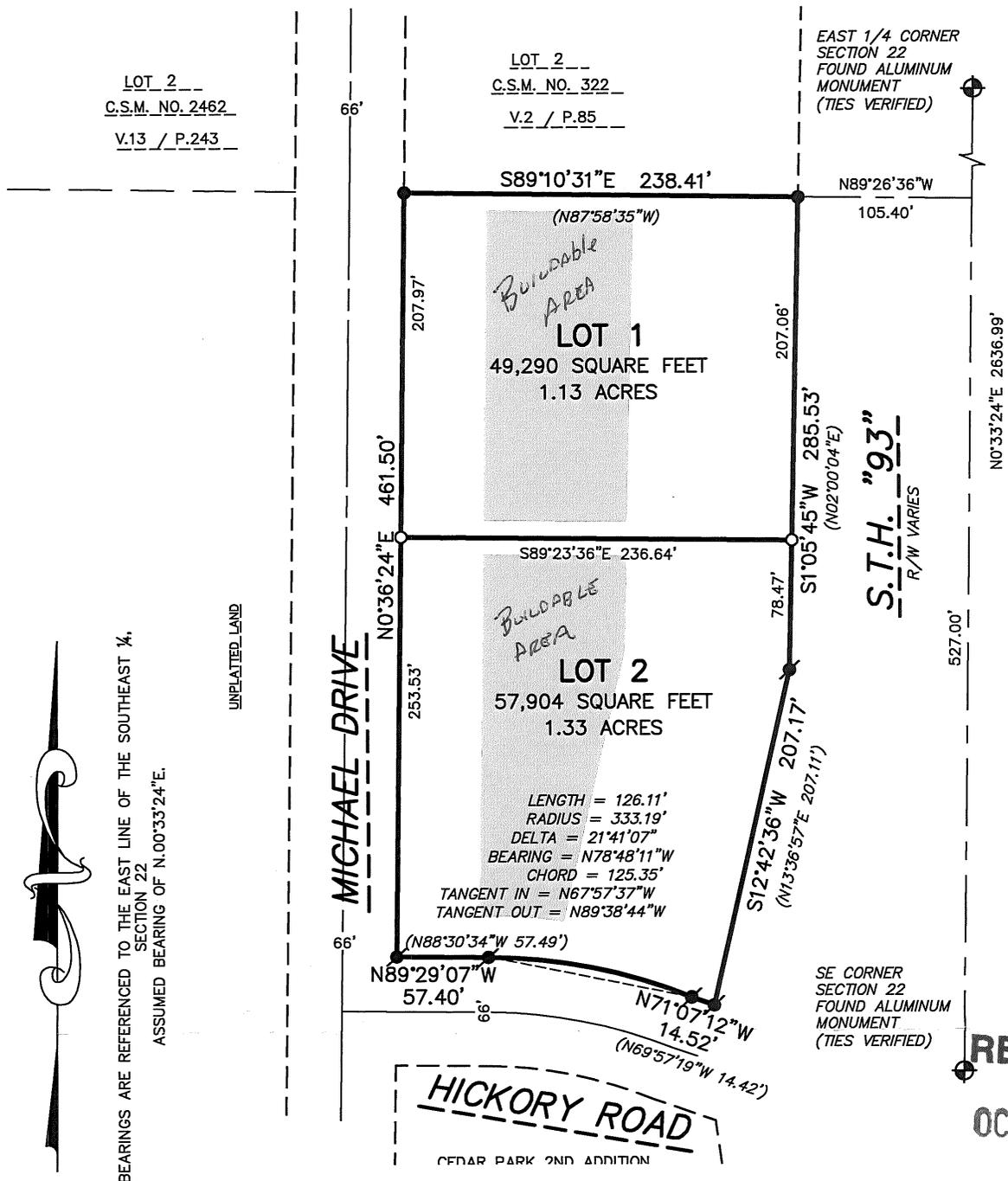
CERTIFIED SURVEY MAP, NUMBER _____

IN THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4,
SECTION 22, TOWNSHIP 26 NORTH, RANGE 9 WEST,
TOWN OF PLEASANT VALLEY, EAU CLAIRE COUNTY,
WISCONSIN



LEGEND

- ⦿ ----- FOUND 3/4" REBAR WITH DOT CAP
- ----- FOUND 1" OUTSIDE DIAMETER IRON PIPE
- ----- SET 1" OUTSIDE DIAMETER x 18" IRON PIPE
WEIGHING 1.13 POUNDS PER LINEAR FOOT
- () ----- RECORDED AS



BEARINGS ARE REFERENCED TO THE EAST LINE OF THE SOUTHEAST 1/4,
SECTION 22
ASSUMED BEARING OF N.00°33'24"E.

UNPLATTED LAND

MICHAEL DRIVE

S.T.H. "93"
R/W VARIES



Proposed 2017 Committee on Planning and Development Meeting Schedule

January 23

February 28

March 28

April 11

April 25

May 9

May 23

June 13

June 27

July 11

July 25

August 8

August 22

September 12

September 26

October 24

November 28

December 12

Planning and Development - Fund 100 (Excluding Housing)
Summary of Expenditures/Revenue to Date
Through Sept 2016
(75% of the Year)

	2016 Budget	2016 Year-to-Date	% Spent/ Collected
Expenditures:			
Personnel	\$ 1,617,400	\$ 1,041,842	64.4%
Services & Supplies	136,311	75,251	55.2%
Equipment	500	1,911	382.2%
Total Expenditures	\$ 1,754,211	\$ 1,119,004	63.8%
Revenues:			
Federal/State Grants	\$ 276,254	\$ 96,662	35.0%
Charges & Fees	368,700	383,315	104.0%
Miscellaneous	1,000	852	85.2%
Fund Balance Applied	-	-	
Property Tax Levy	1,108,257	831,193	75.0%
Total Revenues	\$ 1,754,211	\$ 1,312,022	74.8%

Explanations for Variances

- 1) Personnel below budget due to vacancies in Surveying and Emergency Mngt.
- 2) Services/supplies on pace.
- 3) Equipment purchases to accommodate new staff - chairs/desk layouts.
- 4) Most grant funding received in either 3rd or 4th quarters each year.

Planning and Development - Fund 100 (Housing Program)
Summary of Expenditures/Revenue to Date
Through Sept 2016
(75% of the Year)

	2016 Budget	2016 Year-to-Date	% Spent/ Collected
Expenditures:			
Personnel	\$ 221,359	\$ 159,084	71.9%
Services & Supplies	12,750	4,250	33.3%
Rents/CDBG	1,043,000	682,098	65.4%
Total Expenditures	\$ 1,277,109	\$ 845,432	66.2%
Revenues:			
Federal/State Grants	\$ 1,277,109	\$ 603,682	47.3%
Charges & Fees			
Miscellaneous			
Fund Balance Applied	-	-	
Property Tax Levy			
Total Revenues	\$ 1,277,109	\$ 603,682	47.3%

Explanations for Variances

- 1) Grant reimbursements lag by 1-2 months
- 2) Program entirely funded by HUD grants
- 3) Expenses are on track.

Planning and Development - Fund 207 (LCD Programs)
Summary of Expenditures/Revenue to Date
Through Sept 2016
(75% of the Year)

	2016 Budget	2016 Year-to-Date	% Spent/ Collected
Expenditures:			
Personnel	\$ -	\$ -	
Services & Supplies	147,900	49,112	33.2%
Equipment			
Total Expenditures	\$ 147,900	\$ 49,112	33.2%
Revenues:			
Federal/State Grants	\$ 137,900	\$ 30,615	22.2%
Charges & Fees			
Miscellaneous			
Fund Balance Applied	-	-	
Property Tax Levy	10,000	7,500	75.0%
Total Revenues	\$ 147,900	\$ 38,115	25.8%

Explanations for Variances

- 1) Most programs are conservation practice reimbursements.
- 2) Expenses to-date for Nutrient Mngt workshops and R2R Contr Srvcs

Planning and Development - Fund 211 (Recycling Program)
Summary of Expenditures/Revenue to Date
Through Sept 2016
(75% of the Year)

	2016 Budget	2016 Year-to-Date	% Spent/ Collected
Expenditures:			
Personnel	\$ 77,639	\$ 48,138	62.0%
Services & Supplies	1,131,020	774,085	68.4%
Equipment	1,000		0.0%
Total Expenditures	\$ 1,209,659	\$ 822,223	68.0%
Revenues:			
Federal/State Grants	\$ 380,000	\$ 462,932	121.8%
Charges & Fees	788,400	673,816	85.5%
Miscellaneous	4,000	3,999	100.0%
Fund Balance Applied	37,259	-	
Property Tax Levy			
Total Revenues	\$ 1,209,659	\$ 1,140,747	94.3%

Explanations for Variances

- 1) Personnel below budget due to vacancies in Surveying and Emergency Mngt.
- 2) Services/supplies on pace.
- 3) Equipment purchases to accommodate new staff - chairs/desk layouts.
- 4) Most grant funding received in either 3rd or 4th quarters each year.

**Planning and Development
September 2016**

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

Planning

Vendor	Amount	Description	Line Item#
Panda Consulting	\$ 3,000.00	Parcel Fabric Project	51740-200-201
EO Johnson	94.45	Toner	51820-310-000
Rod Eslinger	49.21	Mileage - August	51820-330-000
Fred Dahlke	778.77	Mileage - August	51820-330-000
Matt Michels	59.16	Mileage - August	51820-330-000
Office Depot	90.04	Office Supplies	51820-310-000
EO Johnson	287.09	Plotter Ink	51820-310-000
WI Dept of DNR	135.00	Permit demolition T of Fairchild	44400-000-000
Short Elliot Hendrickson	195.00	Over charge of CSM	44400-000-000
Dept of Administration	1,007.55	Building Permit Seals	51820-310-000
Jared Grande	232.05	Mileage - August	51820-330-000
WCCA	176.00	Conference Registration	51820-340-000
AB Electrical Inspection	461.20	Electrical Inspections	51820-200-000
Roxann Schmidt	236.13	Mileage/Meals conference	51820-340-000

Resurvey

Vendor	Amount	Description	Line Item#
Panda Consulting	4,250.00	Parcel Fabric Project	51440-820-000
Highway Department	167.35	Fuel	51740-241-200
Berntsen-Pro-card	667.37	Rebar and Caps	51740-360-200
Highway Department	79.90	Fuel	51740-241-200

Emergency Management

Vendor	Amount	Description	Line Item#
Jeanna Allen	24.78	Mileage - August	52410-330-000
Matt Michels	9.54	Mileage - August	52410-330-000
Jimmy Johns	42.23	Lunch - Interviews	52410-390-000
Highway Department	330.03	Mobile Command Repairs	52410-390-000

Recycling

Vendor	Amount	Description	Line Item#
Highway Department	514.54	Signs/Brush Removal	54885-912-000
RAM/SWANA Fall Conference	570.00	Registration (Haffe/Michels)	54885-912-000
Boxx Sanitation	22,791.94	Recycling Services - Curbside	54885-201-000
Village of Fairchild	122.40	Recycling Services - Dropbox	54885-208-000
Waste Management	14,348.02	Recycling Services - Curbside	54885-201-000
Earthbound Environmental	492.26	Recycling Services - Curbside	54885-201-000
Town of Wilson	82.08	Recycling Services - Dropbox	54885-201-000
Dunn County Recycling	957.80	Conference Reimbursement	54885-340-000
Provyro Waste Services	8,462.04	Recycling Services - Curbside	54885-201-000
Dunn County Solid Waste	6,667.24	Recycling Specialist Services	54885-912-000
Advanced Disposal	40,187.14	Recycling Services - Curbside	54885-201-000
Advanced Disposal	1,778.15	Recycling Services - Dropbox	54885-208-000

Land Conservation

Vendor	Amount	Description	Line Item#
Water Education Group	655.00	R2R Education/Advertising	57588-912-000
WCWRPC	2,400.00	R2ROutreach	57588-200-000
Kelly Jacobs	39.38	Expenses	57410-330-000
WCWRPC	950.00	R2R Outreach	57588-200-000
Clark Nelson	200.00	R2R Education/Advertising	57589-912-000
Smartlite	295.00	R2R Mall Advertising	57588-912-000
NACD	17.66	Watershed Advertising	57410-326-000
Altoona Post Office	9.40	Postage	51820-310-000

Division	Totals
Planning	6,801.65
Resurvey	5,164.62
Emergency Management	406.58
Recycling	96,973.61
Land Conservation	4,566.44
Total	109,346.46

Eau Claire County
PLANNING & DEVELOPMENT COMMITTEE AGENDA

Tuesday, September 27, 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, Kelly Jacobs, Matt Michels

1. Call to Order

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

2. Public Input Session: None.

3. A variance request to create a lot with a depth to width ratio to exceed 3:1, Sections 27 & 28, T26N-R09W, Town of Pleasant Valley / Discussion – Action

Rod Eslinger presented the background and staff report relating to a request for a variance to exceed the depth to width ratio to permit a land division in the Town of Pleasant Valley on Lowes Creek Road. The request is to exceed the standard 3:1 depth to width ratio for a ratio of 3.45:1. Both proposed lots have extensive environmentally sensitive areas that would prevent development in the rear of each lot. Staff has reviewed the standards and is recommending approval of the variance request.

ACTION: Motion by Gordon Steinhauer to approve the variance request as the variance will not be detrimental to public good or purpose of the code given that the rear portions of the lots are non-buildable. Motion carried, 5-0.

4. Public Hearings:

a. **Proposed Ordinance: File No. 16-17/048** “To Renumber Section 18.76.003 A. 8. Through 30. As 9. Through 31 Of The Code: Definitions; To Create Section 18.76.003 A. 8. Of The Code: Definitions; To Repeal And Recreate Section 18.77.010 Of The Code: Jurisdiction; To Amend Section 18.82.060 B. Of The Code: Lot Standards” / Discussion – Action

Rod Eslinger provided background and rationale of the request to amend the Subdivision Code for clarification purposes and to better address unintended consequences. Rod Eslinger provided several examples or scenarios where the current ordinance language presents problems for requiring certified survey maps and official review. The definition or “contiguous” was discussed. Mr. Eslinger indicated that staff had met with several surveyors who conduct business in Eau Claire County on September 2nd and all agreed to use the term as it exists in state statutes and all were supportive of the proposed changes. Mr. Eslinger indicated that this is a first step with seeking input to clean up and improve code, which will be part of the comprehensive code amendments staff will be working on in 2017.

ACTION: Motion by Jim Dunning to approve file 16-17/048 as presented. Motion carried, 5-0.

b. **Proposed Ordinance: File No. 16-17/049** “To Repeal Chapter 18.19 Of The Code: Shoreland Overlay District; To Create Title 20 Of The Code: Shoreland Protection Overlay District; To Amend Section 18.01.020 B. Of The Code...” / Discussion – Action

Rod Eslinger presented the staff report and background information relating to the proposal to repeal and recreate the Shoreland Zoning Ordinance as Title 20 of the Eau Claire County Code of Ordinances. Mr. Eslinger began by indicating the proposed ordinance is based on the model ordinance provided by the Wisconsin DNR to enact a new ordinance which complies with the new requirements of NR 115 of the Wisconsin Administrative Code, as amended. Mr. Eslinger presented a power point outlining the history of shoreland zoning, its purpose, efforts to revise the code dating back to the late 1990's, recent legislative changes, and the new standards of shoreland zoning. All counties in Wisconsin are required to adopt the new standards and rules by October 1, 2016, subject to the review and approval of the WDNR. Mr. Eslinger also defined what a shoreland area is subject to zoning, which is 300 feet from the OHWM on a river or stream, or 1,000 feet from the OHWM on a lake. Mr. Eslinger reviewed changes to the standards for nonconforming structures as well as impervious surface standards and mitigation requirements. Mr. Eslinger reminded the Committee that other codes are still in effect, including floodplain zoning, erosion control, stormwater, private on-site sewer systems, and land division regulations. James Engel of the Town of Ludington, appeared to comment on the proposed rules. Mr. Engel indicated that there was an 8-page document distributed by Kay Lutz of the WDNR, which stated that any statutory references should be included or incorporated into the draft ordinance, and that the final document should include all statutory references. Mr. Engel also had questions regarding a permit for grading on slopes of 1% to 5% and wondered if that is indeed a requirement of the model code and how it would be applied to ditches and other road infrastructure under 20.8. Are permits really required, but no fees required? Is this provided in Title 20 or in accord with NR 115? Mr. Engel is perhaps confusing this draft ordinance for shoreland areas with stormwater requirements under Chapter 17.06. Mr. Eslinger indicated that the draft ordinance has been submitted to the WDNR for review and approval. Given that there may be changes to the final code, staff is recommending that action be postponed at this time to ensure that the code forwarded to the County Board is in final draft form.

ACTION: Motion by Mark Olson to postpone file 16-17/049 at this time. Motion carried, 5-0.

5. Violation Update / Discussion

Jared Grande and Rod Eslinger discussed code enforcement and made note that significant strides have been made with the Amish community to resolve lingering code enforcement issues. Staff continues to modify approaches to work with property owners to comply with code requirements, rather than proceed with formal notification or citation processes.

6. Departmental Update / Discussion

Lance Gurney provided an update for Emergency Management and staff contributions. Matt Michels provided an update on the Recycling Program and our contract for staffing assistance with Dunn County. Planning and Development has been notified from Dunn County that this arrangement will be terminated at the end of November. Staff has reached out to other neighboring counties to inquire if there would be an opportunity to have a similar arrangement. Based on those contacts, no other contractual partner has been identified at this time. Therefore, it will be necessary to convert the position from a contracted position to a county position. In light of the fact this item is not properly listed on the agenda, a special meeting on October 4th was scheduled.

7. Review of August Bills – No discussion.
8. Review/Approval of August 23, 2016 Meeting Minutes / Discussion – Action

ACTION: Motion by Stella Pagonis to approve the minutes as submitted. Motion carried, 5-0.

9. Proposed Future Agenda Items / Discussion
Special meeting before County Board on October 4th to discuss Recycling Program staffing.
10. Gary Gibson adjourned the meeting 9:10 p.m.

Respectfully submitted,

Lance Gurney
Clerk, Committee on Planning & Development

Eau Claire County
PLANNING & DEVELOPMENT COMMITTEE MINUTES

Tuesday, October 4, 2016 • 6:30 PM
Eau Claire County Courthouse • 721 Oxford Avenue • Room 1278
Eau Claire, Wisconsin

Members Present: Gary Gibson, Jim Dunning, Stella Pagonis

Members Absent: Gordon Steinhauer, Mark Olson

Staff Present: Lance Gurney, Matt Michels

1. Call to Order

Gary Gibson called the meeting to order at 6:31 p.m.

2. Review/Approval to convert/create the Recycling Coordinator position at .6 FTE within the Planning & Development Department / Discussion – Action

Matt Michels and Lance Gurney presented the request to convert the Recycling Coordinator position from a contracted position with Dunn County to a .6 FTE. Eau Claire County has contracted with Dunn County for the previous seven years to share a recycling coordinator position for 20 hours per week most recently. Dunn County has recently notified Eau Claire County that it has chosen to terminate the cooperative contract in order to make the position a full time position solely for Dunn County Solid Waste. Eau Claire County has reached out to other surrounding counties to inquire about opportunities for cooperative contracting, but have not found any willing partners. The grant funding Eau Claire County receives on an annual basis sets forth several requirements that necessitate the need for a Recycling Coordinator. By transitioning the position to a county position, Eau Claire County will be able to increase the hours to 24 per week, while at the same time staying under the amount budgeted for the previously contracted position. The request is to convert the currently contracted .5 FTE position with Dunn County to a .6 FTE position for Eau Claire County.

ACTION: Motion by Stella Pagonis to approve the request as presented. Motion carried, 3-0.

3. Gary Gibson adjourned the meeting at 6:41 p.m.

Respectfully submitted,

Lance Gurney
Clerk, Committee on Planning & Development