

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