Eau Claire County - Board of Land Use Appeals
MINUTES

721 Oxford Avenue, Room 1277 • Eau Claire, Wisconsin
Monday, January 28, 2019 • 5:30 p.m.

Members Present: Karen Meier-Tomesh, Pat Schaffer, Gary Eslinger, Darrin Schwab (alternate)
Members Absent: Randall Stutzman
Staff Present: Rod Eslinger, Jared Grande, Chad Berge, Jeanna Allen

1. Call to order
   Alternate Chair Karen Meier-Tomesh called the meeting to order at 5:30 p.m. and verified that the meeting was properly noticed. Ms. Meier-Tomesh reviewed the order of proceedings for the applicant and owners.

2. A request for an after the fact variance to disturb slopes in excess of 30% for the purpose of constructing an accessory structure (Town of Seymour - Nelson) / Discussion – Action
   Chad Berge, Conservation Technician for Eau Claire County, was sworn in by the chair. Mr. Berge reviewed the request for the variance, discussed the staff report, and showed a video of the site. The requested variance is for an after the fact permit to disturb slopes in excess of 30% for the purpose of constructing an accessory structure. Additionally, Mr. Berge reviewed the intent of Title 17.

   Land Conservation staff recommend approval of the variance request and outlined the reasoning for approval.

   Mark Erickson, applicant representing Everyday Land Surveying, was sworn in by the chair and spoke in favor of the request. Mr. Erickson discussed methods for directing runoff and sediment, as well as the integrity of the slope after excavation.

   No one else spoke in favor of the request.
   No one spoke in opposition of the request.

   Deliberations began at 5:49 p.m.
   Deliberations ended at 5:56 p.m.

   ACTION: Motion by Pat Schaffer, seconded by Gary Eslinger, to approve an after the fact variance request to disturb slopes greater than 30%. Motion carried, 4-0-0.
   Findings that support the variance approval:
   - The probability of the project to negatively impact the safety and health of the public is low.
   - The project is located “high” in the watershed. The flow path to the closest water resources is 4,710 feet, which provides ample time for sediment and contaminates to filter out of stormwater before discharging to Seven Mile Creek. There is a low probability that sediment from this project will reach the waterbody to negatively impact fish and aquatic life.

- Properly implementing the erosion control plan that Everyday Surveying and Engineering prepared and properly installing Best Management Practices (BMPs) reduces the probability for erosion to occur or sediment to leave the property.
- Comparable sandstone bed rock walls in the Chippewa Valley have proven that the probability for slope failure is minimal.

Subject to the following conditions:

- All stormwater from the development be routed south to the proposed sediment basin as shown on the engineered plans. This can be accomplished with BMPs such as diversions and roof gutters. Stormwater that flows to the north will drain into the feedlot, contaminating stormwater with manure that has the potential to leave the property.
- The erosion control plan will be designed and stamped by a Professional Engineer (PE). The PE has the professional background to ensure that the slope is stable and has a low probability of eroding.

3. Review / Approval of Minutes from July 16, 2018 / Discussion – Action
   ACTION: Motion by Karen Meier-Tomesh, seconded by Gary Eslinger, to approve the minutes as submitted. Motion carried, 4-0-0.

4. Adjournment
   ACTION: Motion by Pat Schaffer to adjourn the meeting at 5:50 p.m. Motion carried by unanimous consent.

Respectfully submitted,

Jeanna Allen
Clerk, Board of Land Use Appeals