

AGENDA

Eau Claire County

• PLANNING & DEVELOPMENT COMMITTEE •

Date: Tuesday, July 14, 2020

Time: 7:00 p.m.

*via remote access **ONLY**.

*Event link below can be used to connect to meeting and interact (by the chair) from computer or through the WebEx Meeting smartphone app.

Join WebEx Meeting: <https://eauclairecounty.webex.com> Meeting ID: **145 507 5507** Password: **E7wqVMYSh37**

*Meeting audio can be listened to using this Audio conference dial in information.

Audio conference: 1-415-655-0001 Access Code: **145 507 5507**

**Please mute personal devices upon entry*

1. Call to Order and confirmation of meeting notice
2. Public Comment **(15 minute maximum)**
3. Public Hearings
 - a. **Proposed Ordinance: File No. 20-21/013** “Amended the 1982 Zoning District Boundary Map for the Town of Otter Creek” (Wayne M. and Carla L. Kostka) / Discussion – Action **PAGES 2 - 15**
 - b. **Proposed Ordinance: File No. 20-21/037** “Amended the 1982 Zoning District Boundary Map for the Town of Seymour” (James McCann, et. al. and Becky Herman) / Discussion – Action **PAGES 16 - 30**
 - c. A conditional use permit request for a cumulative area of all accessory structures to exceed 1,200 square feet (2,160 square feet requested) in the RH Rural Homes District. (Matthew Briggs) Town of Seymour / Discussion – Action **PAGES 31 - 44**
4. Resolution: File No. 20-21/038 / Discussion – Action **PAGES 45 - 47**
5. Update of the 2021 P&D Budget Financial Review / Discussion
6. Review/Approval of June 23, 2020 Meeting Minutes / Discussion – Action **PAGES 48 -51**
7. Proposed Future Agenda Items / Discussion
 - a. Next scheduled meeting – July 28, 2020
8. Adjourn

4 -AMENDING THE 1982 OFFICIAL ZONING DISTRICT BOUNDARY MAP FOR THE
5 TOWN OF OTTER CREEK -

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 Otter Creek, described as follows:

10
11 A parcel of land being part of the Southeast ¼ of the Northwest ¼ and part
12 of the Northeast ¼ of the Northwest ¼, of Section 17, Township 25 North,
13 Range 7 West, being that part of the East 705 feet of the Southeast ¼ of
14 the Northwest ¼ of said Section 17 lying West of Young Road.

15
16 Also, that part of the East 705 feet of the Northeast ¼ of the Northwest ¼
17 of said Section 17 lying South of abandoned railroad.

18
19 Said described parcel of land containing 24.5 acres +/-, of land and is
20 subject to the easements and restrictions of record to be reclassified from
21 the A-P Agricultural Preservation District to the A-3 Agricultural
22 District.

23
24 **SECTION 2.** Where a certified survey map is required and may alter the above
25 described property description, the official zoning district map for the
26 town shall be automatically amended to reflect the property description of
27 the certified survey map.

28
29
30 **ENACTED:** I hereby certify that the foregoing correctly represents the
31 action taken by the undersigned Committee on, July 14,
32 2020 by a vote of for, against.

33
34
35 _____
36 Planning & Development Committee, Chairperson

37
38
39 CC

40
41 Dated this 14th day of July 2020

42
43 ORDINANCE 20-21/013
44
45

REZONE NUMBER: RZN-0007-20 **COMPUTER NUMBER:** 016103902000

PUBLIC HEARING DATE: July 14, 2020

STAFF CONTACT: Matt Michels, Senior Planner

OWNER/AGENT: Wayne M & Carla L Kostka, S 13185 Young Rd, Osseo, WI 54758

REQUEST: Rezone 29.14 acres +/- of land from A-P (Agricultural Preservation) District to A-3 (Agricultural) District to sell land to neighboring property owners.

LOCATION: Northwest of the intersection of Co Rd. HH and Young Road

LEGAL DESCRIPTION: Part of the SE ¼ NW ¼ and NE ¼ NW ¼ of Section 17, Township 25 North, Range 7 West, Town of Otter Creek, Eau Claire County, Wisconsin (complete legal description attached).

RECOMMENDATION Approval of request based on findings outlined on Page 5 of this report

BACKGROUND

SITE CHARACTERISTICS:

- The property contains a single-family residence, agricultural outbuildings, and agricultural fields
- The property rolling, with approximately 40 feet of topographic relief.
- The property does not contain floodplains or mapped wetlands.
- The remaining 10.9 +/- acres will remain zoned A-P since it is contiguous to other A-P zoned property, which makes the zoning lot greater than the required 35 acres.

EXISTING ZONING DISTRICT:

A-P Agricultural Preservation District. The A-P Agricultural Preservation District 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;*
- 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;*
- 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;*
- 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;*
- 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:

A-3 Agricultural District. This 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.

ZONING/LAND USE CONTEXT:

LOCATION	ZONING	LAND USE
Subject	A-P	Farmstead; Agricultural Fields
North	A-P	Agricultural Fields; Woodlands
East	A-P	Farmstead; Agricultural Fields
South	A-P	Agricultural Fields
West	A-P	Agricultural Fields

COMPREHENSIVE PLANS:

The Eau Claire County Future Land Use Map includes the property in the Rural Lands (RL) planning area and the Town of Otter Creek includes the property in the Rural Preservation (RP) planning area. Following are descriptions of the intent of the applicable County and Town comprehensive plan future land use categories 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. *The following Eau Claire County Zoning Districts will be considered for approval within RL 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 Otter Creek:

- Rural Preservation 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.*
- Applicable Policies:
 - 1. Farming and agricultural uses shall be established as the primary land uses within these areas. Uses that are incompatible with farming and agriculture shall be discouraged or prohibited (see policy 3 & 4).*
 - 2. Within the RP classification, the gross density for any development shall be one (1) unit per 35 contiguous acres held in single ownership.*
 - 3. Agriculturally related businesses, cottage industries, utility, recreation, mineral extraction, religious and government uses may be permitted based on the conditional use requirements of the appropriate Eau Claire County base zoning districts for RP areas (See policy 5).*
 - 5. The following Eau Claire County zoning districts will be considered for approval within RP areas: A-1 Exclusive 5. Agricultural District, A-R Floating Agricultural-Residential District, F-2 Forestry District, and F-1 Forestry District.*

The application has been found to be generally consistent with the intent, description, and the applicable policies of the Eau Claire County Rural Lands Future Land Use. Note that the Town of Otter Creek Rural Preservation Future Land Use does not specifically include A-3 as a permitted zoning district in the RP area.

FARMLAND PRESERVATION PLAN:

The property is included in the Farmland Preservation Plan Map, which allows the property owner to claim Farmland Preservation tax credits. The proposed A-3 District is not a certified farmland preservation district and the proposed lot would not qualify for Farmland Preservation tax credits.

Comprehensive Plan Summary

The proposed A-3 zoning district is consistent with the intent and description and the applicable policies of the Eau Claire County Comprehensive Plan Rural Lands Planning Area.

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 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** – Four (4) of the five (5) soil types on the property are considered prime agriculture soils.

Soil Type	Description	Capability Class
E1B	Eleva Sandy Loam, 2-6% slopes, eroded	3
E1C2	Eleva Sandy Loam, 6-12% slopes, eroded	3
MeB	Meridian Loam, 2-6% slopes	2
MeC2	Meridian Loam, 6-12% slopes, eroded	3
EmE	Elk mound Loam, 20-45% slopes	7

- **Historical Productivity** – The parcel is currently developed with a single-family residence, agricultural buildings, and agricultural fields. No changes to land use are proposed with this rezoning.
- **Site Location** – The property is located on County Road HH and Young Road
- **Adjacent Land Uses** – Uses in the area include a mixture of farmlands, woodlands, and single-family residences, and vacant open areas.

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 Comprehensive Plan, including policies related to limiting residential density in rural areas of the County and limiting conversion of productive farmland.

Standard 3 - *The rezoning is substantially consistent with the certified Eau Claire County Farmland Preservation Plan.* The proposed rezoning would not remove productive farmland from cultivation

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 likely impair or limit current or future agricultural use, although non-farm residential development is discouraged in the Rural Lands (RL) Planning Area.

Town Board Action: The Otter Creek Town Board considered the rezone petition at their Tuesday, June 16 meeting and recommended approval.

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

- The proposed rezoning is consistent with the intent and purpose of the Eau Claire County Future Land Use plan.
- Existing uses in the area include agricultural fields, farmsteads, scattered single-family residences, and scattered woodlands.
- Zoning in the area is predominantly A-P.

CONCLUSION

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

- Eau Claire County Comprehensive Plan future land use designation
- Eau Claire County Comprehensive Plan goals, objectives and policies
- Eau Claire County Farmland Preservation Plan
- 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. No correspondence in support or opposed to the proposed rezoning has been received, to date.

FINDINGS

Findings in Favor:

1. The request is generally consistent with the goals, objectives, and policies of the Eau Claire County Comprehensive Plan, as required by Section 19.01.020.B of the Eau Claire County Code; and Wisconsin Statutes §66.1001(1)(am) and §66.1001(3)(j), including the intent, description, and policies of the Rural Lands Future Land Use classification in Section 3.3 of the Eau Claire County Comprehensive Plan and Map 9 (Future Land Use) of the Eau Claire County Comprehensive Plan.
2. The remainder of the property will remain A-P.
3. The property has existing road frontage on Young Road and Co. Rd. HH.

Finding Against:

1. Although it is not currently proposed, the proposed rezoning could potentially allow for an additional non-farm residence in a predominantly agricultural area.

20-21/013

Sup. Dist. 5 - Carl Anton

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

RECEIVED

APR 15 2020

COUNTY CLERK

Rezoning - County

Application Accepted: 4/15/2020
Accepted By: Matt Michels
Receipt Number: 63447
Town Hearing Date: 04/20/2020
Scheduled Hearing Date: 5/12/2020
Application No: RZN-0007-20
Appl Status: Pending

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: **24.5**

Part Of The Se1/4 Nw1/4, Sect 17, T25N, R7W, Town Of Otter Creek, Eau Claire Co, WI

Owner/Applicant Name(s): Wayne M & Carla L Kostka	Address: (ow) S 13185 YOUNG RD OSSEO	Telephone:
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Site Address(es): S 12360 YOUNG RD OSSEO	S 12432 YOUNG RD OSSEO
Property Description: Sec 17 Twn 25 Rge 07	Town of Otter Creek 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
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PIN 1801622507172400001	Alternate No 016103902000	Parcel No 25.7.17.2-4	Legal (partial) SE-NW
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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 _____

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:
 Application Number:
 Town Hearing Date:
 Scheduled Hearing Date:

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: A-1 / AB Proposed Zoning District(s): A-3

Acres to be rezoned: Approx 24.5

Property Owner Name: Wayne & Carla Kostka Phone# 715-829-6417
 Mailing Address: 512360 Young Rd Osseo WI 54758
 Email Address:

Agent Name: Phone#
 Mailing Address:
 Email Address:

RECEIVED
APR 15 2020
COUNTY CLERK

SITE INFORMATION

Site Address: 512360 Young Rd Osseo WI 54758
 Property Description: SE 1/4 NW 1/4 Sec. 17 T 25 N, R 07 W, Town of See Attach 1

Zoning District: Code Section(s):
 Overlay District: Shoreland Floodplain Airport Wellhead Protection Non-Metallic Mining
 Check Applicable

Computer #(s): 016 - 1089 - 02 - 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.

- Complete attached information sheet
- Contact the Town to coordinate a recommendation on the application
- Provide legal description of property to be rezoned
- Provide \$595.00 application fee (non-refundable), payable to the Eau Claire County Treasurer (\$525.00 application processing fee and \$70.00 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 Wayne Kostka Date 4-6-20

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

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 selling land to our neighbors Landa Wier. We are also doing a small deed transfer to keep as much farm land connected.

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.

Any land being farmed at the time of sale will continue to be farmed as it was before. The small amount of field in the 24 acres that was farmed before will continue to be farmed/rented to the Wiers.

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.

Attach 1

Part of the Southeast Quarter of the Northwest Quarter and part of the Northeast Quarter of the Northwest Quarter, Section 17, Township 25 North, Range 7 West, Town of Otter Creek, Eau Claire County, Wisconsin. Described as follows.

That part of the East 705 feet of the Southeast Quarter of the Northwest Quarter of said Section 17 lying West of Young Road.

ALSO, that part of the East 705 feet of the Northeast Quarter of the Northwest Quarter of said Section 17 lying South of abandoned Railroad.

Legend

- 700' Buffer
- Subject parcel
- Parcels in buffer
- Civil Divisions
- Parcels



FirstName	LastName	Address	City	State	Zip
JAMES A & SHEILA Y	HAMPTON	S 11862 YOUNG RD	AUGUSTA	WI	54722-7440
WAYNE M & CARLA L	KOSTKA	S 13185 YOUNG RD	OSSEO	WI	54758-6701
RONALD	PERRY	E 12735 COUNTY ROAD K	OSSEO	WI	54758-9787
RANDY	SAMENS	E 13215 COUNTY ROAD HH	OSSEO	WI	54758-9795
LANCE	WIER	S 12205 COUNTY ROAD K	OSSEO	WI	54758-7728

4 -AMENDING THE 1982 OFFICIAL ZONING DISTRICT BOUNDARY MAP FOR THE
5 TOWN OF SEYMOUR -

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 Seymour, described as follows:

10
11 A parcel of land being part of the Northeast Quarter of the Southeast
12 Quarter and the Northwest Quarter of the Southeast Quarter, Section 9,
13 Township 27 North, Range 7 West, Town of Seymour, Eau Claire County,
14 Wisconsin, more particularly described as follows:

15
16 Commencing at the East Quarter Corner of said Section 9:
17 Thence S2°33'40"W, 682.97 feet along the East line of the Southeast
18 Quarter;
19 Thence S87°23'37"W, 196.36 feet to the centerline of North 150th Avenue
20 and the point of beginning;
21 Thence S13°59'10"E, 19.09 feet along said centerline;
22 Thence along said centerline and the arc of a curve 471.62 feet, concave
23 westerly, with a chord bearing of S11°35'13"E, a chord length of 471.49
24 feet, and a radius of 5,758.00 feet;
25 Thence S09°14'26"E, 50.24 feet along said centerline;
26 Thence along said centerline and the arc of a curve 92.91 feet, concave
27 westerly, with a chord bearing of S07°19'42"E, a chord length of 92.90
28 feet, and a radius of 1,392.05 feet;
29 Thence S87°23'37"W, 1,489.32 feet;
30 Thence N02°23'05"E, 629.29 feet;
31 Thence N87°23'37"E, 1,343.75 feet to the point of beginning.

32
33 Said parcel contains 892,119 square feet or 20.48 acres, more or less.

34
35 Said described parcel of land containing 20.48 acres +/-, of land and is
36 subject to the easements and restrictions of record to be reclassified from
37 the A-P Agricultural Preservation District to the A-3 Agricultural
38 District.

39
40 **SECTION 2.** Where a certified survey map is required and may alter the above
41 described property description, the official zoning district map for the
42 town shall be automatically amended to reflect the property description of
43 the certified survey map.
44
45
46
47

1 ENACTED:

I hereby certify that the foregoing correctly represents the
action taken by the undersigned Committee on, July 14,
2020 by a vote of for, against.

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6

Planning & Development Committee, Chairperson

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8

9

10 SS

11

12 Dated this 14th day of July 2020

13

14 ORDINANCE 20-21/037

15

16

REZONE NUMBER: RZN-0013-20 **COMPUTER NUMBERS:** 020101307000
020101307010
020101308000

PUBLIC HEARING DATE: July 14, 2020

STAFF CONTACT: Matt Michels, Senior Planner

OWNER: James McCann, et al., S15 County Rd. N, Augusta, WI 54722

AGENT: Becky Herman, N4683 Mall Ln, Medford, WI 54451

REQUEST: Rezone 20.48 acres +/- of land from A-P (Agricultural Preservation) District to A-3 (Agricultural) District to retain the existing home and 20 acres of farmland for agricultural purposes

LOCATION: 1610 N 150th Ave, Cadott, WI 54727

LEGAL DESCRIPTION: Part of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 9, Township 27 North, Range 7 West, Town of Seymour, Eau Claire County, Wisconsin (complete legal description attached).

RECOMMENDATION Approval of request based on findings outlined on Page 5 of this report

BACKGROUND

SITE CHARACTERISTICS:

- The property has a single-family residence on the east side
- The remainder of the property is cultivated for agriculture
- The subject property does not contain environmentally sensitive areas (mapped wetlands, floodplains, and steep slopes greater than 25%)

EXISTING ZONING DISTRICT:

A-P Agricultural Preservation District. The A-P Agricultural Preservation District 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;*
- 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;*
- 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:

A-3 Agricultural District. *This 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.*

ZONING/LAND USE CONTEXT:

LOCATION	ZONING	LAND USE
Subject	A-P	Agricultural Fields
North	A-P	Agricultural Fields
East	None (Town of Ludington is unzoned)	Agricultural Fields
South	A-P	Agricultural Fields; Farmstead
West	A-P	Agricultural Fields; Farmstead

COMPREHENSIVE PLANS:

The Eau Claire County and Town of Seymour Future Land Use Maps both include the property in the Rural Lands (RL) planning area. Following are descriptions of the intent of the applicable County and Town comprehensive plan future land use categories 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. *The following Eau Claire County Zoning Districts will be considered for approval within RL 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 Seymour:

- Rural Lands 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 land use and character of these areas. However, the term Rural Lands is not intended to imply that changes in land use will not occur in these areas.*
- Applicable Policies:
 - Farming and agricultural uses shall be established as the primary land uses within these areas. Nonfarm 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.
 - The maximum gross density of new non-farm development shall be based on the zoning of the subject parcel on January 1, 2009 (except as otherwise provided below for conservation subdivisions). The following policies shall be used to determine the maximum gross density of property.
 - a. Parcels zoned for exclusive agricultural use (A-P or A-1) as of January 1, 2009 shall have a maximum gross density of one residential dwelling unit per thirty five (35) contiguous acres held in single ownership.
 - 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.
 - 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.

Comprehensive Plan Summary

The proposed A-3 zoning district is consistent with the intent and description and the applicable policies of the Eau Claire County Comprehensive Plan Rural Lands Planning Area.

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 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** – There are three (3) different soil types on the property to be rezoned, one of which is considered a prime agricultural soil. However, the applicant has stated that they intend to keep farming the property, so there would be no loss of productive agricultural land.

Soil Type	Description	Capability Class
BiB	Billett sandy loam, 1-6% slopes	3
P1B	Plainfield loamy sand, loamy substratum, 1-6% slopes	4
EmE	Elkmound loam, 20-45% slopes	6

- **Historical Productivity** – The property is currently in cultivation and the applicant’s stated intent is to keep farming the property
- **Site Location** – The property is located on 150th Ave
- **Adjacent Land Uses** – Uses in the area include a mixture of farmland, woodlands, farmsteads, single-family residences, and vacant open areas.

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 Comprehensive Plan, including policies related to limiting residential density in rural areas of the County and discouraging and limiting conversion of productive farmland.

Standard 3 - *The rezoning is substantially consistent with the certified Eau Claire County Farmland Preservation Plan.* The proposed rezoning would not remove productive farmland from cultivation, which is consistent with the Eau Claire County Farmland Preservation Plan.

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 impair or limit current or future agricultural use.

EAU CLAIRE COUNTY FARMLAND PRESERVATION PLAN:

The property is included in the Farmland Preservation Plan Map, which allows the property owner to claim Farmland Preservation tax credits. The proposed A-3 District would exclude the property from eligibility for the aforementioned tax credits.

Comprehensive Plan Summary

The proposed A-3 zoning district is consistent with the intent and description and the applicable policies of the Eau Claire County Comprehensive Plan Rural Lands Planning Area.

Town Board Action: The Seymour Town Board will consider the rezoning petition on Monday, July 13, 2020.

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

- The proposed rezoning is consistent with the intent and purpose of the Eau Claire County Future Land Use plan.

- Existing uses in the area include agricultural fields, farmsteads, scattered single-family residences, and scattered woodlands.
- Zoning in the area is primarily A-P, with A-2 zoning approximately one-quarter mile to the south on the south side of Olson Drive.

CONCLUSION

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

- Eau Claire County Comprehensive Plan future land use designation
- Eau Claire County Comprehensive Plan goals, objectives, and policies
- Eau Claire County Farmland Preservation Plan
- 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. No correspondence in support or opposed to the proposed rezoning has been received, to date.

FINDINGS

Findings in Favor:

1. The request is consistent with the goals, objectives, and policies of the Eau Claire County Comprehensive Plan, as required by Section 19.01.020.B of the Eau Claire County Code; and Wisconsin Statutes §66.1001(1)(am) and §66.1001(3)(j), including the intent, description, and policies of the Rural Lands Future Land Use classification in Section 3.3 of the Eau Claire County Comprehensive Plan and Map 9 (Future Land Use) of the Eau Claire County Comprehensive Plan.
2. The proposed rezoning will not impact productive farmland.
3. No additional single-family residences are proposed with this rezoning action.
4. The property has required road frontage on 150th Avenue

Finding Against:

1. There are no other A-3 zoned lots in the immediate vicinity. However, there are other similarly sized lots with A-P zoning in the area.

RECEIVED



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

JUN 29 2020
COUNTY CLERK

Table with 2 columns: Field Name and Value. Fields include Application Accepted (6/23/20), Accepted By (MM), Receipt Number (64019), Town Hearing Date (7/13/20), and Scheduled Hearing Date (7/14/20).

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: 15 Acres

Property Owner Name: James McCann, et. al. Phone# 715-271-5778
Mailing Address: S15 Cty. Rd. N, Augusta, WI 54722
Email Address: abcnelson12838@gmail.com

Agent Name: Becky Herman on behalf of all owners Phone# 715-965-6200
Mailing Address: N4683 maul Ln, Medford, WI 54451
Email Address: beckyherman4683@gmail.com

SITE INFORMATION

Site Address: 1610 N. 150th Ave., Cadott, WI 54727
Property Description: SW 1/4 NE 1/4 Sec. 9, T 27, N, R 7, W, Town of Seymour
Zoning District: Code Section(s):
Overlay District: Check Applicable
Computer #(s): 020 - 101 - 307 - 010
020 - 101 - 307 - 000
020 - 1013 - 08 - 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.
Complete attached information sheet
Provide legal description of property to be rezoned
Contact the Town to coordinate a recommendation on the application
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 Becky Herman Date 6-24-2020

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 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 have a family member, our brother, that wishes to retain 20 acres of farmland for agricultural purposes.

■ 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.

Our mother passed away in August 2019. Our brother retained the homestead and 5.34 acres initially and now wishes to add an additional 15 acres. The proposed zoning area will be attached to the home parcel and will be used for agricultural purposes. The remaining acreage will be sold with a pending offer to purchase to a family who plans to also use the acreage for agricultural and farming purposes.

■ 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.

We are proposing the zoning change to A3 as our brother has requested 15 additional acres to be added to his homestead purchase to total 20.34 acres. The acreage remaining will be sold. The potential buyers have expressed a desire to continue to use the farm for agricultural purposes.

1610 W. 150th Ave 54727

1028P 109

Document Number

STATE BAR OF WISCONSIN FORM 1 - 2000
WARRANTY DEED

872086

This Deed, made between Gerald McCann and Genevieve McCann, husband and wife

Grantor,
and James E. McCann, Susan M. Eckel, Geraldine R. McCann, Amy L. McCann, Daniel D. McCann, and Becky J. Herman, as tenants in common

Grantee.

Grantor, for a valuable consideration, conveys to Grantee the following described real estate in Eau Claire County, State of Wisconsin (the "Property") (if more space is needed, please attach addendum): The West Half (1/2) of the South West Quarter (1/4) of Section 10; The North Half (1/2) of the South East Quarter (1/4) and the South Half (1/2) of the South West Quarter of the North East Quarter (1/4) of Section 9; all in Township 27, North, Range 7 West.

Reserving a life estate to the Grantors. Grantors are entitled to all rents and responsible for payment of all taxes, insurance, utilities, repairs, and replacements during their lifetime.

Together with all appurtenant rights, title and interests.

Grantor warrants that the title to the Property is good, indefeasible in fee simple and free and clear of encumbrances except subject to easements, reservations and restrictions of record, if any, and zoning regulations and ordinances.

Dated this 9th day of June, 2003.

Gerald McCann
* Gerald McCann

Genevieve McCann
* Genevieve McCann

AUTHENTICATION

Signature(s) Gerald McCann and Genevieve McCann
authenticated this 9th day of June, 2003

B. Colbert
* B) James Colbert

TITLE: MEMBER STATE BAR OF WISCONSIN

(If not authorized by §706.06, Wis. Stats.)

THIS INSTRUMENT WAS DRAFTED BY

Attorney B. James Colbert
Chippewa Falls, Wisconsin 54729
(Signatures may be authenticated or acknowledged. Both are not necessary.)

*Names of persons signing in any capacity must be typed or printed below their signature.

WARRANTY DEED

STATE BAR OF WISCONSIN

FORM No. 1-2000

Wiley Wahl Colbert Et Al 119 1/2 N Bridge St, Chippewa Falls WI 54729-2404

Phone: (715) 723-8591

Fax:

Wiley Colbert et al

Produced with ZipForm™ by RE FormsNet, LLC 15026 Fifteen Mile Road, Clinton Township, Michigan 48038, (800) 383-9805

Mary J. Kaiser
VOL. 1628 PAGE 109

2003 JUN 10 AM 10 51

EAU CLAIRE COUNTY
REGISTER OF DEEDS

Recording Area

Name and Return Address

Attorney B. James Colbert
P.O. Box 370

Chippewa Falls, Wisconsin 54729

EPPd 1100 #28190

020-1012-05; 020-1013-07;
020-1013-08; 014-1068-04 and

Parcel Identification Number (PIN) 014-1068-03

This is homestead property.
(is) (is not)

FEE

8
EXEMPT

ACKNOWLEDGMENT

STATE OF WISCONSIN

ss.

County.

Personally came before me this _____ day of _____, _____ the above named

to me known to be the person _____ who executed the foregoing instrument and acknowledged the same.

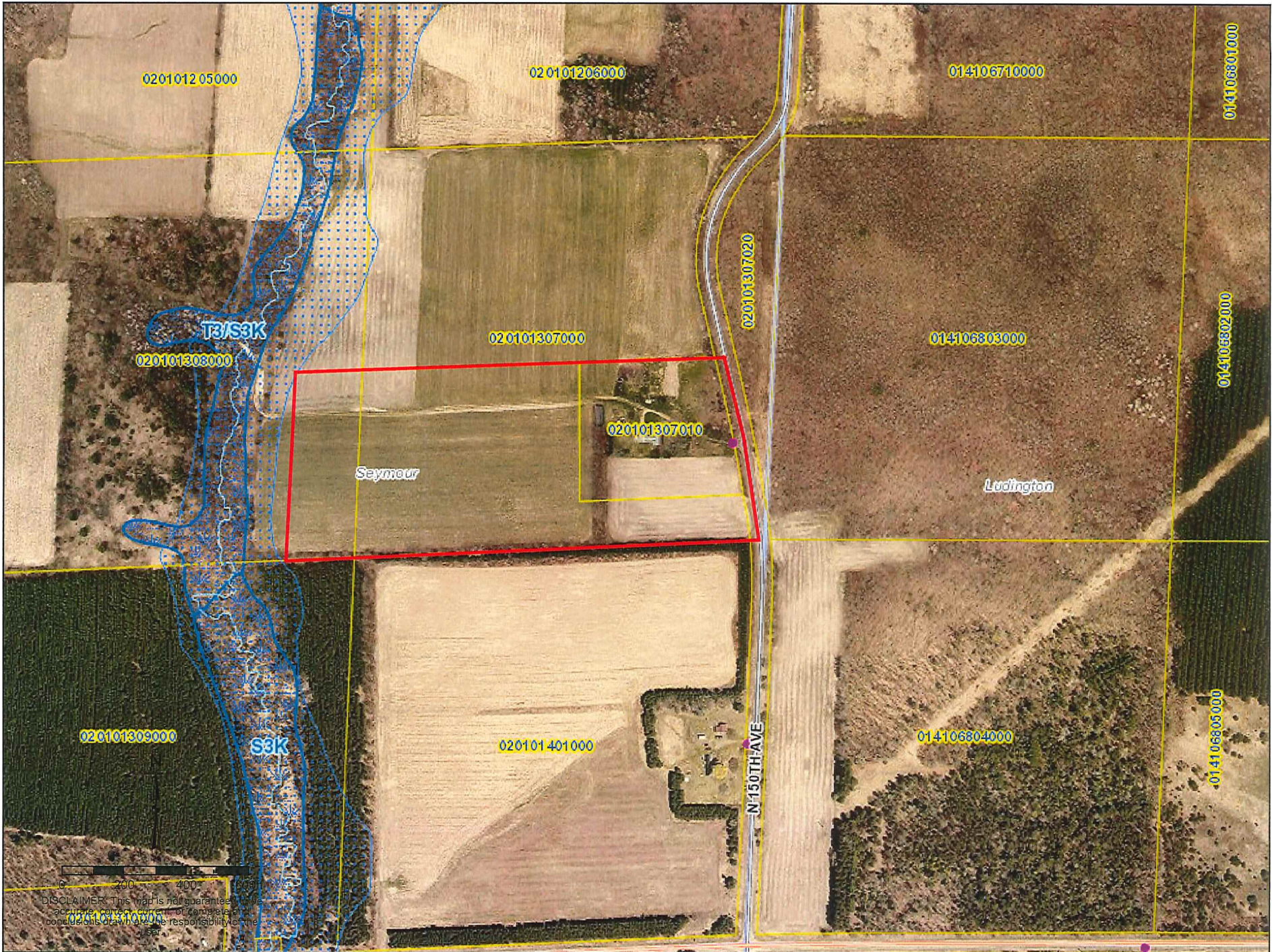
Notary Public, State of Wisconsin

My Commission is permanent. (If not, state expiration date: _____)

Part of the Northeast Quarter of the Southeast Quarter and the Northwest Quarter of the Southeast Quarter, Section 9, Township 27 North, Range 7 West, Town of Seymour, Eau Claire County, Wisconsin, more particularly described as follows:

Commencing at the East Quarter Corner of said Section 9;
Thence $S2^{\circ}33'40''W$, 682.97 feet along the East line of the Southeast Quarter;
Thence $S87^{\circ}23'37''W$, 196.36 feet to the centerline of North 150th Avenue and the point of beginning;
Thence $S13^{\circ}59'10''E$, 19.09 feet along said centerline;
Thence along said centerline and the arc of a curve 471.62 feet, concave westerly, with a chord bearing of $S11^{\circ}35'13''E$, a chord length of 471.49 feet, and a radius of 5,758.00 feet;
Thence $S09^{\circ}14'26''E$, 50.24 feet along said centerline;
Thence along said centerline and the arc of a curve 92.91 feet, concave westerly, with a chord bearing of $S07^{\circ}19'42''E$, a chord length of 92.90 feet, and a radius of 1,392.05 feet;
Thence $S87^{\circ}23'37''W$, 1,489.32 feet;
Thence $N02^{\circ}23'05''E$, 629.29 feet;
Thence $N87^{\circ}23'37''E$, 1,343.75 feet to the point of beginning.

Said parcel contains 892,119 square feet or 20.48 total acres, more or less.



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

Legend

- 700' Buffer
- Subject Parcels
- Parcels in Buffer
- Civil Divisions
- Parcels



1 inch = 600 feet

ComputerNu	FirstName	LastName	Address	City	State	Zip
20101307020	MICHAEL	GLOMSKI	22564 45TH AVE	CADOTT	WI	54727-5946
20101206000	HENRY E JR & EILEEN B	LANE	14855 OAK KNOLL DR	CADOTT	WI	54727-9007
20101205000	JAMES	MCCANN	1610 N 150TH AVE	CADOTT	WI	54727-9000
14106710000	JEFFREY W & NANCY A	MCCANN	E 15370 COUNTY ROAD Q	FALL CREEK	WI	54742-5125
20101305000	MELVIN R & SALLY K	SUNDBY	14008 OLSON DR	FALL CREEK	WI	54742-9468



EAU CLAIRE COUNTY PLANNING STAFF RECOMMENDATION

CONDITIONAL USE PERMIT NUMBER: CUP-0016-20

COMPUTER NUMBERS: 020-1247-06-000

PUBLIC HEARING DATE: July 14, 2020

STAFF CONTACT: Jared Grande, Land Use Manager

OWNER: Matthew and Melissa Briggs, 961 Thistle Ln, Eau Claire, WI 54703

AGENT: owner

REQUEST: Cumulative area of all accessory structures to exceed 1,200 square feet (1,360 total square feet requested)

LOCATION: 961 Thistle Ln, Eau Claire, WI 54703

LEGAL DESCRIPTION: LOT 87 THIRD ADDITION TO ST ANDREWS PARK TOWN OF SEYMOUR, Section 18, T27N-R08W, Town of Seymour, Eau Claire County

SUMMARY

Cumulative area of all accessory structures to exceed 1,200 square feet (2,160 total square feet requested) in the R-H District.

BACKGROUND

The applicant is requesting a 2,160 square foot accessory structure for personal storage. The property currently has an existing single-family home and no other accessory structures. The property is in the Third Addition to St. Andrews Park.

The application materials include scaled site plan, building elevations and floor plan layout of the garage. The plans reveal that the side wall height will be 13 feet with a mean height of 16 feet (the mean maximum height per County Code is 20 feet).

REQUEST CHARACTERISTICS:

- Existing single-family house
- Lot size is 1.502 acres
- Property is in Third Addition to St. Andrews Park
- Access to the property is off Thistle Lane

CURRENT ZONING: The purpose of the R-H District is to, "provide for suburban large-lot development with individual on-site water and sewage disposal facilities".

ADJACENT ZONING & LAND USES:

	ZONING	LAND USE
North	RH	Residential-Single Family
West	RH	Residential-Single Family
South	-	Interstate 94
East	RH	Residential-Single Family

LAND USE PLANS: The County Land Use Plan, adopted in April of 2010, includes this property in a Rural Residential Planning area.

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 effectively 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.184.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 18.07.001 Purpose. The R-H rural homes district is established to provide for suburban large-lot development with individual on-site water and sewage disposal facilities;

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 (mean height).

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: The following is an analysis of the request based upon the standards for approval of conditional use permits:

Chapter 18.21 Conditional Uses. Standards for approval of conditional uses:

It appears that findings can be made that the request meets the standards for accessory structures in residential districts, that the structure will be subordinate to the residence on the property, and that it will meet all the standards for conditional use permits. The exterior of the structure is required to be compatible with the residence on the property. 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 accessory structure and the structure will meet minimum setbacks required in the R-1-L 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 Board for the Town of Seymour will meet on July 13, 2020 to provide a recommendation on the request.

STAFF CONCLUSIONS AND RECOMMENDATION: Staff concludes that the request for a conditional use permit for an accessory structure in excess of 1,200 square feet (2,160 total square feet) will meet all the standards for accessory structures in the R-H District; will meet all the standards for approval of conditional use permits, will be consistent with the purpose of the zoning code, and adheres to 2017 Wisconsin Act 67 and Wis. Stat. 59.69(5e).

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

1. The site plan, floor plan, and elevation drawings submitted with the application shall be attached to and made a part of the permit. The structure shall be constructed in accord with the drawings submitted and located on the property as shown on the site plan.
2. The appearance of the accessory structure must be compatible with the design, style, and appearance of the principal structure on the property, in accord with 18.07.045 C. of the Eau Claire County Code.
3. Any outside lighting shall be shielded in a downward manner to reduce lighting pollution.
4. The structure shall comply with the height standards for accessory structures, including the limit of eave height of 14 feet, and maximum mean height of 20 feet.
5. Prior to construction, the applicant shall obtain all necessary permits including but not limited to a land use permit from the Department of Planning and Development and a building permit from the Town of Seymour.
6. Use of the structure shall be limited to personal storage and shall not contain any living areas.
7. The building cannot be used for commercial or manufacturing purposes.
8. The applicant shall notify the Land Use Manager upon completion of the accessory structure 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 requires 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, Wisconsin
Conditional Use Permit - County**

<u>Permit Subtype:</u> Conditional Use	<u>Town Meeting Date:</u> July 13, 2020
<u>Permit Number:</u> CUP-0016-20	<u>County Meeting Date:</u> July 14, 2020
<u>Applicant:</u> owner	<u>Permit Fee:</u> \$525.00
	<u>Application Date:</u> June 23, 2020

<u>Site Address:</u> 961 THISTLE LN
<u>Parcel Number:</u> 1802022708182302006
<u>Municipality:</u> Town of Seymour

<u>Property Owner:</u> MATTHEW BRIGGS
961 THISTLE LN
EAU CLAIRE, WI 54703-1269

Permit Conditionally Approved for:

Type:	Subtype:	Description:	Height (ft)
Conditional Use	Accessory Structure	CUMULATIVE AREA OF ALL ACCESSORY STRUCTURES TO EXCEED 1,200 SQUARE FEET (2,160 SQUARE FEET REQUESTED).	0.00

Minimum Setback Requirements:

--

Applicable Zoning District(s):

RH - Rural Homes District

Signature: <u>Jared Grande</u>

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



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>Matt Briggs</u>	Phone# <u>715-577-6142</u>
Mailing Address: <u>961 Thistle Ln. Eau Claire, WI 54703</u>	
Email Address: <u>mbriggs@samspaint.com</u>	

Agent Name:	Phone#
Mailing Address:	
Email Address:	

SITE INFORMATION

Site Address: <u>961 Thistle Ln. Eau Claire, WI 54703</u>	
Property Description: _____ ¼ _____ ¼ Sec. _____, T _____, N, R _____, W, Town of <u>Seymour</u>	
Zoning District: <u>RH</u>	Code Section(s): <u>18.07.045.C</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>020 - 124 - 706 - 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 type="checkbox"/> Contact the Town to coordinate a recommendation on the application	<input checked="" type="checkbox"/> Provide \$525.00 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 *Matt Briggs* Date 6-22-2020

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

STANDARDS FOR CONDITIONAL USE PERMITS

The Committee on Planning and Development has the authority to grant conditional use permit only when the standards are met. The conditional use permit standards are located in Section 18.21.060 of the Eau Claire County Code. Those standards are as follows:

- A. The proposed use is in conformance with the purpose of the zoning district in which it is located;
- B. The use will not be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted;
- C. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided;
- D. Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use;
- 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;
- F. Soil conditions are adequate to accommodate the proposed use;
- G. Proper facilities and access points are provided which would eliminate any traffic congestion or hazard which may result from the proposed use.

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).

Accessory Structure 36 x 60 = 2,160 sqft in excess of 1,200 sqft.

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

Description of the type of business activity:

~~N/A~~

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)

Olive LP siding; Clay vinyl windows; wood grain doors; Burnished Slate seamless metal roofing, dry stack Sienna Stone, 13 Foot eaves See Attached reference

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

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



EAU CLAIRE WEST, 3210 N CLAIREMONT AVE, EAU CLAIRE, WI, 715-830-0011

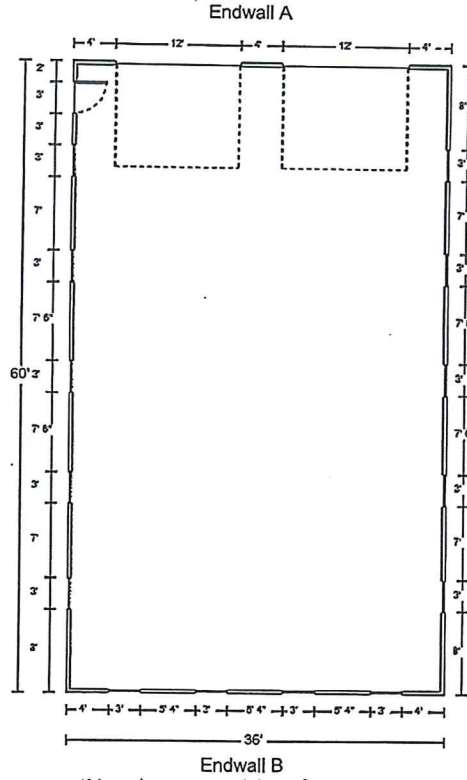
Garage Floor Plan

**Illustration may not depict all selections.

13 foot walls

Sidewall C

Sidewall D

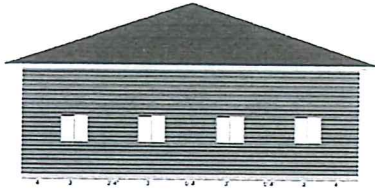




EAU CLAIRE WEST, 3210 N CLAIREMONT AVE, EAU CLAIRE, WI, 715-830-0011

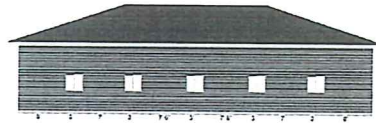
Wall Configurations

*Illustration may not depict all options selected.



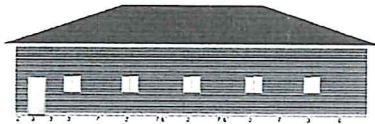
ENDWALL B

(4) - JELD-WEN 36"W x 36"H Vinyl Sliding w/Nailing Flange



SIDEWALL D

(5) - JELD-WEN 36"W x 36"H Vinyl Sliding w/Nailing Flange



SIDEWALL C

(5) - JELD-WEN 36"W x 36"H Vinyl Sliding w/Nailing Flange
(1) - Mastercraft® Primed Steel 6-Panel Prehung Exterior ...



ENDWALL A

(2) - Ideal Door® Commercial 12' x 10' White Insulated Ga...

*Some items like wainscot, gutter, gable accents, are not displayed if selected.

	Design Name: Garage Design	Design ID: 301154495217	Estimate ID: 53057
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214310800



02012170000

02012170000

160

24

Proposed Structure

50'

150'

40'

THIS TILE LN

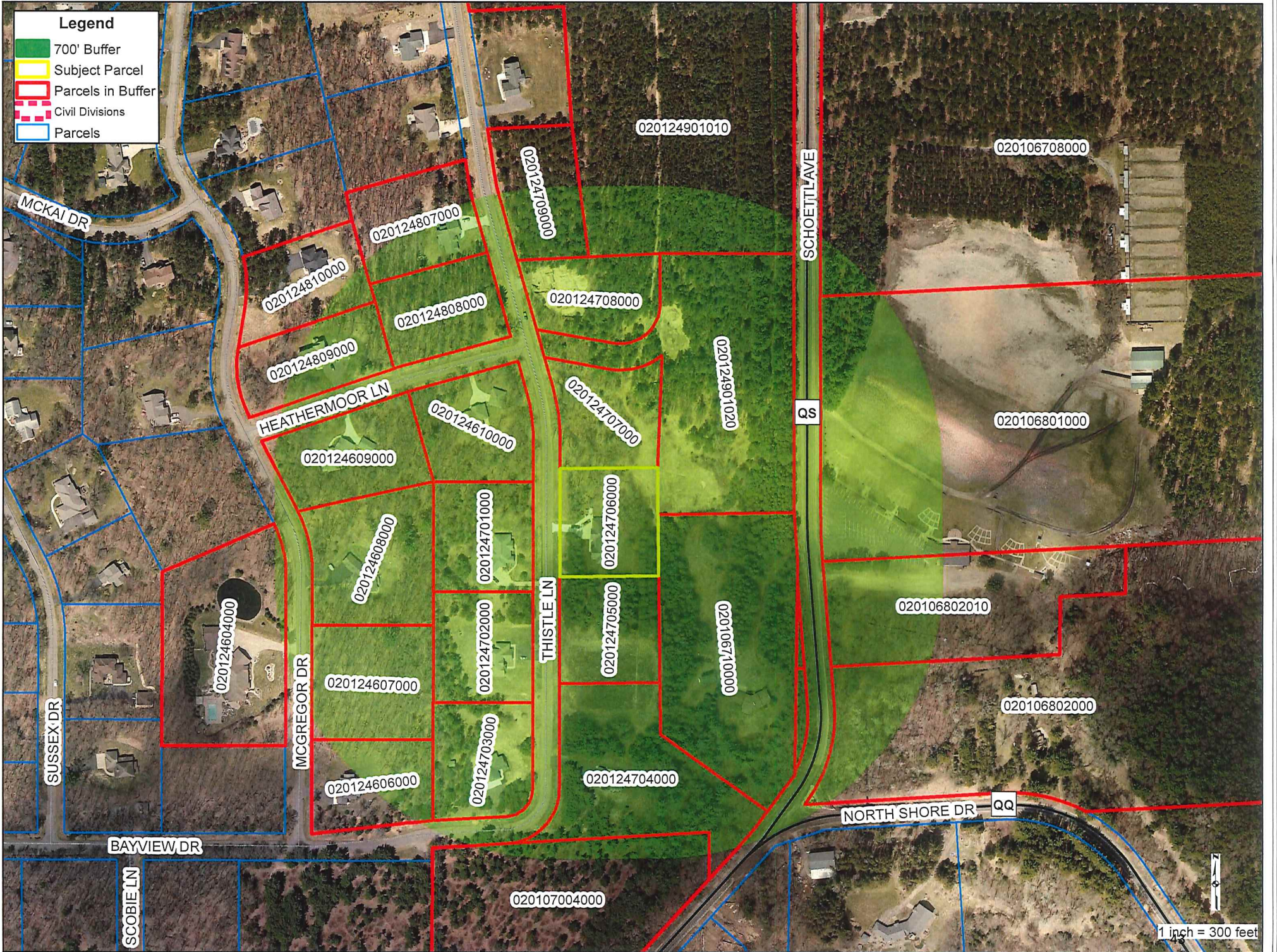
N

0 20 40 60 ft

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

Legend

- 700' Buffer
- Subject Parcel
- Parcels in Buffer
- Civil Divisions
- Parcels



ComputerNu	FirstName	LastName	Address	City	State	Zip
20124708000	ANDREW	ANDERSON	1001 THISTLE LN	EAU CLAIRE	WI	54703-3970
20124901020	MATTHEW	BRIGGS	961 THISTLE LN	EAU CLAIRE	WI	54703-6351
20106710000	ERIC	CUNNINGHAM	740 SCHOETTL AVE	EAU CLAIRE	WI	54703-2055
20124809000	DAVID	DRAPER	10661 ESSEX SQUARE BLVD	FORT MYERS	FL	33913-2612
20124604000	NEAL	DUTTER	908 MCGREGOR DR	EAU CLAIRE	WI	54703-3589
20106801000		EC ROD & GUN CLUB	PO BOX 1572	EAU CLAIRE	WI	54702-1572
20124606000	ERIC	ERTZ	903 MCGREGOR DR	EAU CLAIRE	WI	54703-3925
20124705000	TYLER	FADNESS	933 THISTLE LN	EAU CLAIRE	WI	54703
20124702000	CHARLES	FIRARI	926 THISTLE LN	EAU CLAIRE	WI	54703-6351
20124810000	JOHN	HENSLEY	977 MCGREGOR DR	EAU CLAIRE	WI	54703-3925
20124808000	WALDEMAR	HURT	5972 HEATHERMOOR LN	EAU CLAIRE	WI	54703-3960
20124704000	PATRICK E & MARY B	INGROUILLE	909 THISTLE LN	EAU CLAIRE	WI	54703-6351
20124701000		JEFFREY & DEBORAH FISCHER TR	952 THISTLE LN	EAU CLAIRE	WI	54703-6351
20124709000	THEODORE	JOAS	2326 WELSH CT	EAU CLAIRE	WI	54703
20124608000	GARRY	KEUTE	921 MCGREGOR DR	EAU CLAIRE	WI	54703-3925
20107004000	BRIAN & LORNA	KING TRUST	PO BOX 1244	EAU CLAIRE	WI	54702-1244
20124901010	KASEY	LEMKE	13669 42ND AVE	CHIPPEWA FALLS	WI	54729-5697
20124707000	JEREMY	MCNULTY	W 11798 SPRING CREEK RD	BLACK RIVER FALLS	WI	54615-5932
20124609000	BRIAN R & LAURIE L	MYHRE	5935 HEATHERMOOR LN	EAU CLAIRE	WI	54703-3960
20124610000	STEVEN	O'BRIEN	5979 HEATHERMOOR LN	EAU CLAIRE	WI	54703-3960
20106802000	BONNIE	OWENS	6400 NORTH SHORE DR	EAU CLAIRE	WI	54703-2043
20124703000	MICHAEL	REECE	5978 BAYVIEW DR	EAU CLAIRE	WI	54703-2015
20124807000	KURT	TRUNKEL	1924 SLOAN ST	EAU CLAIRE	WI	54703-6322

2
3 REQUESTING THAT THE WISCONSIN STATE SENATE CONVENE INTO AN
4 EXTRAORDINARY SESSION TO ADDRESS THE 13 “WATER BILLS” PASSED BY THE
5 ASSEMBLY EARLIER THIS YEAR
6

7 WHEREAS, a clean, plentiful supply of rural drinking water is necessary for the health and
8 well-being of roughly 70% of Wisconsinites; and,
9

10 WHEREAS, keeping Wisconsin’s rural drinking water free of pollutants, especially nitrogen
11 and phosphorus, benefits not only citizens but also Wisconsin’s tourism industry as well as rural
12 economic development; and,
13

14 WHEREAS, the 2019 Speakers Task Force on Water Quality brought attention to state
15 legislators and the state’s residents, as well as the immensity of the problem; and,
16

17 WHEREAS, the Wisconsin Assembly took a step in addressing the problem by passing
18 (most unanimously) 13 “water bills” on February 18, 2020; and,
19

20 WHEREAS, the State Senate never had the opportunity to consider these “water bills”
21 when its last scheduled session on March 14, 2020 was postponed by the COVID-19 pandemic.
22

23 THEREFORE, BE IT RESOLVED, the Eau Claire County Board of Supervisors request
24 the Wisconsin State Senate to convene into an extraordinary session to address the 13 “Water
25 Bills” passed in the Assembly earlier this year.
26

27 BE IT FURTHER RESOLVED, the Eau Claire County Clerk is directed to send a copy
28 of this resolution to all 72 Wisconsin Counties, members of the Assembly who represent Eau
29 Claire County, all State Senators, the Wisconsin Land & Water Conservation Association, and
30 the Wisconsin County’s Association.
31

32
33 I hereby certify that the foregoing
34 represents the action taken by the
35 undersigned Committee on July 14, 2020
36 by a vote of ___ for, ___ against.
37

I hereby certify that the foregoing
represents the action taken by the
undersigned Commission on July 20,
2020, by a vote of ___ for, ___ against.

38
39 _____
40 Committee on Planning and Development
41 Chair, Gary Gibson
42

Land Conservation Commission
Chair, Gary Gibson

43 I hereby certify that the foregoing
44 represents the action taken by the
45 undersigned Committee on July 8, 2020
46 by a vote of 8 for, 0 against.
47

48
49 _____
50 Ground Water Advisory Committee
Chair, Jim Dunning

FACT SHEET

TO FILE NO. 20-21/038

This resolution relates to the incomplete process of the Wisconsin Assembly Speaker’s Task Force on Water Quality. The Speaker's Task Force on Water Quality was created to gather information and make policy recommendations to better assess and improve the quality of both surface water and ground water in our state.

In 2019, fourteen (14) hearings were held across the state, which resulted in over 100 hours of testimony including input from 70 stakeholder groups. A strong bipartisan package of legislation was crafted which addressed many of the top concerns heard at the hearings including programs to fund local conservationists, farmer-led conservation programs, failing septic system replacements, collection and disposal of firefighting foams containing PFAS, and contaminated well compensation.

The Wisconsin Assembly passed 13 bills in February 2020, mostly unanimously, to address the concerns. This package of bills was forwarded to the Wisconsin State Senate, but the Senate never had an opportunity to consider these bills as the final scheduled session was postponed by the COVID-19 pandemic.

A summary of these 13 bills is attached to this fact sheet.

This resolution requests the Wisconsin State Senate to convene into an extraordinary session to address these bills.

Fiscal Impact: No immediate fiscal impact on Eau Claire County. Long term, the proposed legislation can have significant positive impact on water quality programs which are overseen by the Land Conservation Commission, Groundwater Advisory Committee, and the Board of Health.

Respectfully submitted,



Gregory R. Leonard
Land Conservation Manager
Land Conservation Division – Planning and Development

GL

Summary of the Senate Bills/Assembly Bills resulting from the Speaker's Task Force on Water Quality

SB 723/AB 790: Would boost annual funding for county land conservation staff to \$12.4 million, up nearly \$3 million from the current fiscal year.

SB 724/AB 789: Would increase state funding for well compensation grants by \$1 million in the next fiscal year. Those grants compensate landowners who are replacing contaminated wells or treating contaminated water from private wells. This legislation also would remove current restrictions that compensate owners of contaminated private wells serving only livestock.

SB 718/AB 796: Would spend \$1 million to create a “nitrogen optimization pilot program” to establish on-farm projects for at least two growing seasons aimed at using optimal rates of nitrogen from manure and fertilizers applied to crops while reducing contamination of water resources. The state Department of Agriculture, Trade and Consumer Protection would be authorized to award grants of up to \$50,000 to agricultural producers for the projects

SB 709/AB 799: Creating a new Office of Water Policy and providing \$150,000 in funding and one full-time staff in 2020-21 at the Wisconsin Geological and Natural History Survey. The office would coordinate water policy statewide.

SB 708/AB 794: Providing public comment periods for actions of certain state agencies in establishing groundwater standards for new substances.

SB 715/AB 795: Providing \$850,000 in assistance to farmers for conservation practices.

SB 722/AB 800: Spending \$1.15 million for testing, mapping of groundwater and educational outreach.

SB 712/AB 801: Creating Freshwater Collaborative of Wisconsin across all University of Wisconsin campuses. Spending \$2 million in fiscal year 2020-21 for integrated undergraduate programs to address water quality challenges.

SB 717/AB 792: Spending \$250,000 to expand the “clean sweep” program to include collection and disposal of firefighting foams containing PFAS, the per- and polyfluoroalkyl substances found to be contaminating groundwater in Wisconsin.

SB 711/AB 793: Requiring economic assessments when awarding Municipal Flood Control Grants.

SB 710/AB 791: Delaying sunset of Wisconsin Fund for septic systems until June 30, 2023 and providing Department of Safety and Protective Services with two full-time project positions, funded by program revenue, to review sanitary permit applications and plans.

SB 725/AB 798: Spending \$150,000 on biomanipulation – deliberate removal of certain fish species to reduce resuspension of sediment in waterbodies – as part of local water quality improvement projects.

SB 716/AB 797: Prohibiting sale or use of asphalt sealants containing coal tars or PAHs in 2021.

MINUTES

Eau Claire County

• PLANNING & DEVELOPMENT COMMITTEE •

Date: Tuesday, June 23, 2020

Time: 7:00 p.m.

*via remote access **ONLY**.

*Event link below can be used to connect to meeting and interact (by the chair) from computer or through the WebEx Meeting smartphone app.

Join WebEx Meeting: <https://eauclairecounty.webex.com> Meeting ID: **145 528 7140** Password: **mCqppWgJ447**

*Meeting audio can be listened to using this Audio conference dial in information.

Audio conference: 1-415-655-0001 Access Code: **145 528 7140**

**Please mute personal devices upon entry*

Members Present: Gary Gibson, Robin Leary, James A. Dunning, Nancy Coffey, Dane Zook

Members Absent:

Ex officio Present: Nick Smair

Staff Present: Rodney Eslinger, Jared Grande, Matt Michels

1. Call to Order and confirmation of meeting notice

Chairperson Gibson called the meeting to order at 7 pm and confirmed with Mr. Eslinger that the meeting was properly noticed.

2. Roll call

Chairperson Gibson – present, Supervisor Leary – present, Supervisor Coffey – present, Supervisor Dunning – present, Supervisor Zook – present.

3. Public Comment **(15 minutes maximum)**

None

4. Public Hearings

a. Proposed Ordinance: File No. 19-20/117 “Amending the 1982 Zoning District Boundary Map for the Town of Washington” (John Kelly/Jeremy Skaw) / Discussion – Action

Matt Michels, Senior Planner for Eau Claire County, presented the staff report to the committee. He gave the location of the proposed site within the Town of Washington. Matt reviewed an aerial map, site plan, the current zoning and planning designations, and adjacent land uses. He indicated the petitioner is requesting to amend the zoning of the current property from A-2, Agriculture Residential District to the RH, Rural Homes District for the purposes of separating the existing home on the property from the remaining lands. The remaining land will keep the A2 zoning classification.

Matt reviewed staff findings with the committee and gave his recommendation to approve the rezoning. He noted that the town board met on June 18th and recommended approval of the request on a vote of 5-0.

John Kelly, owner, spoke in favor of the request and said he purchased the adjacent property for his future use, but at this time he informed the committee that he does not have a plan now.

Jeremy Shaw, with Real Land Surveying represented the applicants and spoke in favor of the request.

He indicated that the intent of the rezone was to eventually create a saleable lot. He also said that the Certified Survey Map (CSM) will contain an easement to access the lot in the event the DOT restricts access to the property off STH 12 in the future. Jeremy also discussed this matter with Joshua Clements, City Planner for the City of Altoona regarding their 1 ½ mile extraterritorial plat jurisdiction authority.

No one else spoke in favor or against the request.

Action: Motion by James A. Dunning to approve Proposed Ordinance: File No. 19-20/117 as presented. Motion carried on a roll call vote: 5-0-0.

b. Proposed Ordinance: File No. 20-21/019 “Amending the 1982 Zoning District Boundary Map for the Town of Washington” (Ryan McKone & Heidi Mertzig-McKone) / Discussion – Action

Matt Michels, Senior Planner for Eau Claire County, presented the staff report to the committee. He gave the location of the proposed site within the Town of Washington. Matt reviewed an aerial map, site plan, the current zoning and planning designations, and adjacent land uses. He indicated the petitioner is requesting to amend the zoning of the current property from A-1 Exclusive Agricultural District to the A-2, Agricultural Residential District and the A-3, Agricultural District. The owner intends to create a lot from the A-2 zoning district for the purpose of building a home for his family. The remaining land will remain in ag. use.

Matt reviewed staff findings with the committee and gave his recommendation to approve the rezoning. He noted that the town board met on June 18th and recommended approval of the request on a vote of 5-0. It was noted that there was one property owner at the town meeting who had questions about the proposed use of the property.

Jeremy Shaw, with Real Land Surveying represented the applicants and spoke in favor of the request. He stated the need to create the smaller lot was due to financing related to the mortgage.

No one else spoke in favor or against the request.

Action: Motion by Robin Leary to approve Proposed Ordinance: File No. 20-21/019 as presented. Motion carried on a roll call vote: 5-0-0.

c. Proposed Ordinance: File No. 20-21/029 “Amending the 1982 Zoning District Boundary Map for the Town of Lincoln” (Brent Welke) / Discussion – Action

Matt Michels, Senior Planner for Eau Claire County, presented the staff report to the committee. He gave the location of the proposed site within the Town of Lincoln. Matt reviewed an aerial map, site plan, the current zoning and planning designations, and adjacent land uses. Mr. Michels explained that much of the parcel is shown to have mapped wetlands onsite. He indicated the petitioner is requesting to amend the zoning of the current property from A-P, Agricultural Preservation District to the A-1, Exclusive Agricultural District for the purposes of constructing a single-family home on it.

Matt reviewed staff findings with the committee and gave his recommendation to approve the rezoning. He noted that the town board met on June 8th and recommended approval of the request on a vote of 3-0.

Brent Welke, property owner, spoke in favor of the request and indicated that most of the woodlands are enrolled in the forest tax program for another 25 years. He clarified to the committee that the buildable area in the northeast section of the parcel.

No one else spoke in favor or against the request.

Action: Motion by Nancy Coffey to approve Proposed Ordinance: File No. 20-21/029 as presented. Motion carried on a roll call vote: 5-0-0.

- d. A conditional use permit request for the cumulative area of all accessory structures to exceed 1,200 square feet (1,512 square feet requested) in the RH Rural Homes District. (Derek Parr/Kari Paulson) Town of Washington / Discussion – Action

Jared Grande, Land Use Manager for Eau Claire County, presented the conditional use permit request for the square footage of an accessory structure to exceed 1,200 square feet (1,512 square feet requested). Mr. Grande reported that the proposed 36-foot by 42-foot garage with 10-foot sidewalls will be used for personal storage. He reviewed the location of the site within the Town of Washington. The proposed garage would meet the setback requirements of the district, comply with the height requirements, the structure's exterior will match the residence, and that the lot is large enough to support the garage. Jared shared two exhibits with the committee, exhibit A, updated building elevations, and exhibit B, updated site plan that shows additional setbacks along with planting plan.

He noted that the town board met on June 18th and recommended to postpone the request to allow the applicant to evaluate moving the structure back on the property.

Staff concluded that the request for a conditional use permit for an accessory structure in excess of 1,200 square feet (1,512 sq. ft.) in the RH District complies with the code standards for accessory structures in the district, is consistent with the purpose of the code, meets the districts setbacks, and the standards for granting conditional use application. Mr. Grande recommended approval subject to the conditions in the staff report and that the accessory building conform to the Title 8 POWTS setbacks.

Matt Ness, applicant's builder, spoke in favor of the request and stated that the garage will blend with the existing residence and will match the residence that is currently under construction. He also noted that they moved the accessory building back as far as possible while maintaining the necessary POWTS setbacks and also shifted the building off the north property line another 3 feet.

No one else spoke in favor of or against the request.

Action: Motion by James A. Dunning to approve conditional use permit request as presented and subject that accessory structure conforms to the setbacks to Title 8 POWTS setbacks. Motion carried on a roll call vote: 5-0-0.

- e. A conditional use permit request for the cumulative area of all accessory structures to exceed 1,200 square feet (1,360 square feet requested) in the R-1-L Single Family Residential, Large Lot District. (Mark and Mary Parker) Town of Seymour / Discussion – Action

Jared Grande, Land Use Manager for Eau Claire County, presented the request for the cumulative square footage of all accessory structures to exceed 1,200 square feet (1,360 sq. ft. requested). Mr. Grande reported that the proposed 32-foot by 32-foot garage will be used for personal storage. He reviewed the location of the site within the Town of Seymour. Jared noted that there is an existing 336 square foot garage onsite. The total cumulative square of both garages is 1,360 square feet. The new garage would meet the setback requirements of the district, comply with the height requirements, the structure's exterior will match the residence, and that the lot is large enough to support the garage.

On June 8, 2020, the Town of Seymour Town Board met to discuss this request and did not have any objections to the request as presented.

Staff concluded that the request for a conditional use permit for an accessory structure in excess of

1,200 square feet (1,360 sq. ft.) in the RH District complies with the code standards for accessory structures in the district, is consistent with the purpose of the code and the standards for granting conditional use application. Mr. Grande recommended approval subject to the conditions in the staff report.

Mark and Mary Parker, thanked Jared for his presentation and did not have any additional comments.

No one else spoke in favor of or against the request.

Action: Motion by Robin Leary to approve conditional use permit request as presented. Motion carried on a roll call vote: 5-0-0.

5. LEPC Appointment / Discussion

The committee reviewed the recommended appointment of Benjamin Frederick to the LEPC. County Board Chair Smair indicated that the County Board approved this appointment at its June meeting. No further action was required by the committee.

6. 2021 Fee Schedule Review / Discussion – Direction to Staff

Jared Grande, Land Use Manager, reviewed his draft 2021 fee schedule with the committee. The final fee schedule will be brought back to the committee in July for its review.

7. Review/Approval of June 9, 2020 Meeting Minutes / Discussion – Action

The committee reviewed the June 9, 2020 meeting minutes

Action: Motion by Nancy Coffey to approve June 9, 2020 Meeting Minutes as presented. Motion carried on a roll call: 5-0-0.

8. Proposed Future Agenda Items / Discussion

- a. Next scheduled meeting – July 14, 2020
- b. Supervisor Coffey requested that the County Board be provided with a 2020 Census Update.

9. Adjourn

Action: Meeting adjourned by unanimous consent at 8:22 PM.

Respectfully Submitted,

Rodney Eslinger
Clerk, Committee on Planning & Development