# **AGENDA**

# Eau Claire County • PLANNING & DEVELOPMENT COMMITTEE •

Date: Tuesday, August 24, 2021

Time: 7:00 p.m.

\*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: 1459 21 7684 Password: teHExEJZ883

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

Audio conference: 1-415-655-0001 Access Code: 1459217684##

# For those wishing to make public comment, you must e-mail Rod Eslinger at

<u>Rod.Eslinger@co.eau-claire.wi.us</u> at least 30 minutes prior to the start of the meeting. You will be called

# on during the public comment period to make your comments.

\*Please mute personal devices upon entry

- 1. Call to Order and confirmation of meeting notice
- 2. Roll Call
- 3. Public Comment (15 minute maximum)
- 4. Public Hearings
  - A conditional use permit (CUP-0018-21) request for the cumulative area of all accessory structures to exceed 1,200 square feet (1,584 square foot structure) in the R-H Rural Homes District (Nanstad) Town of Washington. / Discussion Action PAGES 2-15
  - b. A conditional use permit (CUP-0019-21) request to operate a sawmill in the A-P Agricultural Preservation District (Borntreger) Town of Lincoln. / Discussion Action PAGES 16-29
- 5. Review of July bills / Discussion PAGES 30
- 6. Review/Approval of August 10, 2021 Meeting Minutes / Discussion Action PAGES 31-32
- 7. Proposed Future Agenda Items / Discussion
  - a. Next scheduled meeting September 14, 2021
- 8. Adjourn

Prepared by: Cheryl Cramer

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



CONDITIONAL USE PERMIT NUMBER: CUP-0018-21		
COMPUTER NUMBERS:	024-1157-05-010	
PUBLIC HEARING DATE:	August 24, 2021	
STAFF CONTACT:	Jared Grande, Land Use Manager	
OWNER:	Teresa Nanstad, 1102 Kathryn Dr, Eau Claire, WI 54701	
AGENT:	Lee Nicolet	
REQUEST:	Cumulative area of all accessory structures to exceed 1,200 square feet (1,584 total square feet)	
LOCATION:	1102 Kathryn Dr, Eau Claire, WI 54701	
LEGAL DESCRIPTION:	PRT W 1/2 OF NW 1/4 COM AT N 1/4 COR TN S ON E LN OF NW 1/4 1208' TN W 533' TN N 118.95' TN S 77*49'30'' W 861.0' TN N 72* W 280' TO POB TN S 448.5' TN W 265' TN N 581.5' TN S 72*E 290' TN S 33' TO POB, Section 9, T26N-R9W, Town of Washington, Eau Claire County	

### SUMMARY

Cumulative area of all accessory structures to exceed 1,200 square feet (1,584 total square feet) in the R-H District.

### BACKGROUND

The applicant is requesting to construct a new 36-foot by 44-foot detached garage for personal use; a single-family home is currently on the property. The proposed structure will match the grey house according to the application. There are steep slopes present on the backside of the house going down to Rainetta Dr.

The application materials include scaled site plan, building elevations and floor plan.

#### **REQUEST CHARACTERISTICS:**

- Lot has an existing single-family home with steep slopes.
- Property is located at a dead end on Kathryn Dr.
- Lot size is 2.63 acres.

**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	R-H	Vacant
West	R-H	Residential-Single Family
South	City of Altoona	Residential-Single Family
East	R-H	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.

Section 18.30.120 Accessory structure in the absence of a principal use. The placement of a private garage in the absence of a principal residence is allowed under the following conditions: A. A residence will be constructed on the property within 2 years. B. The use of the structure is permitted as an accessory use such as storage of lumber and supplies for the construction of the residence, motor vehicles, or maintenance machinery for the lot. C. Sanitary and building permits have been issued.

**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 accessary structure and the structure will meet minimum setbacks required in the R-H 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 Washington will meet on August 19, 2021, to review 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 (1,584 total square feet) will meet all the standards for accessory structures in the R-H District, 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 materials submitted with the application shall be attached to and made a part of the permit, and all development of the site shall be done in accord with the site plans.
- 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.
- 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 conditional use permit expires due to the abandonment of a use.



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

**Conditional Use Permit Request** 

# Application Accepted:07/22/2021Accepted By:Jared GrandeReceipt Number:67461Town Hearing Date:Scheduled Hearing Date:Scheduled Hearing Date:08/24/2021Application No:CUP-0018-21Application Status:Pending

5

#### **Owner/Applicant Name(s):** Owner: **TERESA NANSTAD** Applicant: Lee Nicolet Telephone: 715-577-6329 EMail: Site Address(es): **Property Description:** Sec 09 Twn 26 Rge 09 **Town of Washington** 1102 KATHRYN DR Zoning District(s): Lot Area(s) - Acres: **RH - Rural Homes District** 2.63 PIN Legal (partial) 1802422609092200004 PRT W 1/2 OF NW 1/4 COM AT N 1/4 COR TN S ON E LN OF NW 1/4 1208' TN W 533' TN Request Type: Cumulative accessory structures in excess of 1,200 sq./ft.

**Description:** Cumulative area of all accessory structures to exceed 1,200 square feet (1,512 square foot structure).

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.



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

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			Office Use Only	
	Department of Planning and Development Eau Claire County Courthouse		Date Application Accepted:	
			Accepted By:	
	721 Oxford Avenue, Room 3344 Eau Claire, Wisconsin 54703		Receipt Number:	
COUNTY	715) 839-4741		Town Hearing Date:	
COUNTI			Scheduled Hearing Date:	
		USE PERMIT AP		
Property Owner Name: T	evesa Nansta 2 Kathaya Da	ed	Phone# 715 5:	59 2931
Mailing Address: //O.	2 Kathaya Da	Eace Classie	Wi 54201	
Email Address:				
	1.7.7		A	
Agent Name: Lee	Nicolet Kathryn Da b		Phone# 215 5	16329
Mailing Address: 1102	Kathryn Pa L	Face Claima Wi	54201	
Email Address:				
	TENTRO PERSONAL			
		SITE INFORMATION		
Site Address: 1102	Rathaya Kan L	Dr Eac Claime	wi 54701	
Property Description: ¼ ¼ Sec, TN, RW, Town of				
Zoning District: Code Section(s):				
Overlay District:          □ Shoreland         □ Floodplain         □ Airport         □ Wellhead Protection         □ Non-Metallic Mining				
PIN #(s): 024/15 705 - 010				
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.				
Complete attached	□ Site Plan Drawn to	Contact the Town to	□ Provide <b>\$525.0</b>	
information sheet	Scale	coordinate a recommend on the application		le), payable to the Treasurer. Forms of

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

Owner/Agent Signature de Mulo Date 7-13-2021

application if substantive false or incorrect information has been included.

acceptable payment are check or online

#### 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 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).

36 + 44 Detech Garage Pensonal Use □ IF THE PROPOSED USE INVOLVED A BUSINESS ACTIVITY, DESCRIBE THE PROPERTY Description of the type of business activity: Equipment used in the business activity: Days and hours of operation: Number of employees: Nuisance abatement measures that will be implemented: Noise abatement measures: Vibration abatement measures: **Dust control measures:** Measures to control fumes or odors: Visual screening measures (plants, fences, walls, etc.)

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

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

Grey house

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.

Little Fill

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

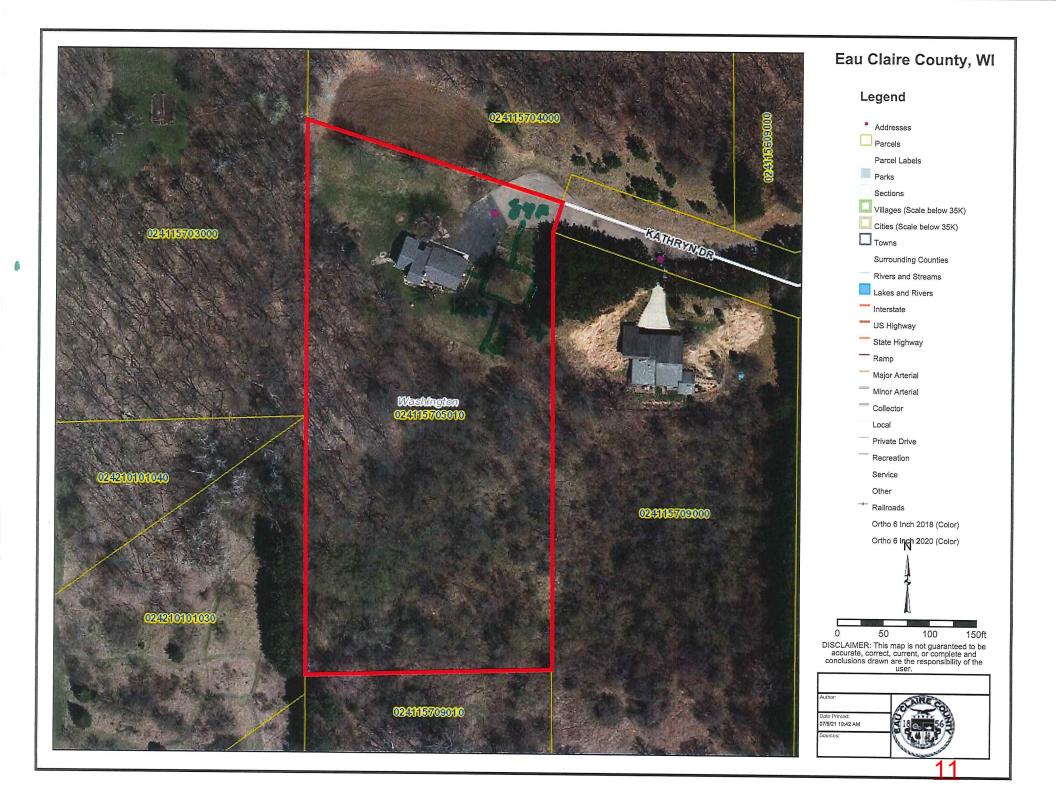
#### □ SCALED SITE PLAN

□ Show parcel and building dimensions of all existing and proposed structures	Landscape and screening plans		
□ Show all signs, fences and other features that may be regulated by zoning	□ Show the well and septic system		
□ Site access, driveway, and nearest road (labeled)	Parking areas with spaces		
□ Drainage plans including the erosion control plan	□ Show all navigable water ways, wetlands, floodplains, slopes in excess of 20%, and any other unique limiting condition of the property		
□ 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.			
The location of any equipment that will be used			

#### □ FOR ALL NON-AGRICULTURAL ACCESSORY STRUCTURES

□ Show floor plan, including attics
Show scaled building elevations

□ Show color scheme



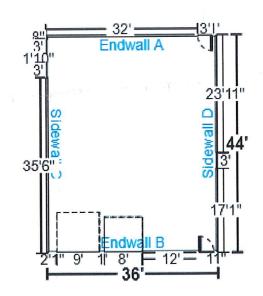
# How to purchase at the store

- 1. Take this packet to any Menards store.
- 2. Have a building materials team member enter the design number into the Garage Estimator Search Saved Designs page.
- 3. Apply the design to System V to create the material list.
- 4. Take the purchase documents to the register and pay.

# How to recall and purchase a saved design at home

- 1. Go to Menards.com.
- 2. Select the Garage Estimator from the Project Center.
- 3. Select Search Saved Design.
- 4. Log into your account.
- 5. Select the saved design to load back into the estimator.
- 6. Add your Garage to the cart and purchase.

## **Garage Image**



#### Estimated Price: \$37,850.50

\* Today's estimated price, future pricing may go up or down. Tax, labor, and delivery not included.

Floor type (concrete, dirt, gravel) is NOT included in estimated price. The floor type is used in the calculation of materials needed. Labor, foundation, steel beams, paint, electrical, heating, plumbing, and delivery are also NOT included in estimated price. This is an estimated price information. This is not an offer and there can be no legally binding contract between the parties based on this estimate. The prices stated herein are subject to change depending upon the market conditions. The prices stated on this estimate are not firm for any time period unless specifically written otherwise on this form. The availability of materials is subject to inventory conditions.

MENARDS IS NOT RESPONSIBLE FOR ANY LOSS INCURRED BY THE GUEST WHO RELIES ON PRICES SET FORTH HEREIN OR ON THE AVAILABILITY OF ANY MATERIALS STATED HEREIN. All information on this form, other than price, has been provided by the guest and Menards is not responsible for any errors in the information on this estimate, including but not limited to quantity, dimension and quality. Please examine this estimate carefully.

MENARDS MAKES NO REPRESENTATIONS, ORAL, WRITTEN OR OTHERWISE THAT THE MATERIALS LISTED ARE SUITABLE FOR ANY PURPOSE BEING CONSIDERED BY THE GUEST. BECAUSE OF WIDE VARIATIONS IN CODES, THERE ARE NO REPRESENTATIONS THAT THE MATERIALS LISTED HEREIN MEET YOUR CODE REQUIREMENTS. THE PLANS AND/OR DESIGNS PROVIDED ARE NOT ENGINEERED. LOCAL CODE OR ZONING REGULATIONS MAY REQUIRE SUCH STRUCTURES TO BE PROFESSIONALLY ENGINEERED AND CERTIFIED PRIOR TO CONSTRUCTION.

# Design ID: 305358584055 Estimate ID: 84108

# Design & Buy" GARAGE

# **Dimensions**

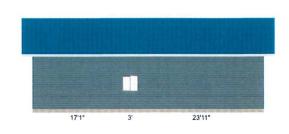
# **Wall Configurations**

\*Illustration may not depict all options selected.



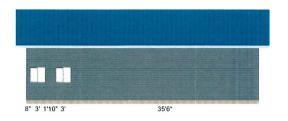
#### ENDWALL B

Mastercraft® 36"W x 80"H Primed Steel 6-Panel Exterior Door Ideal Door® 4-Star 9' x 8' White Select Value Insulated Garage Door Ideal Door® 4-Star 8' x 7' White Select Value Insulated Garage Door



#### SIDEWALL D

Northview Aspen 36"W x 36"H Vinyl Sliding Window with Built-in J-Channel



#### SIDEWALL C

Northview Aspen 36"W x 36"H Vinyl Sliding Window with Built-in J-Channel Northview Aspen 36"W x 36"H Vinyl Sliding Window with Built-in J-Channel

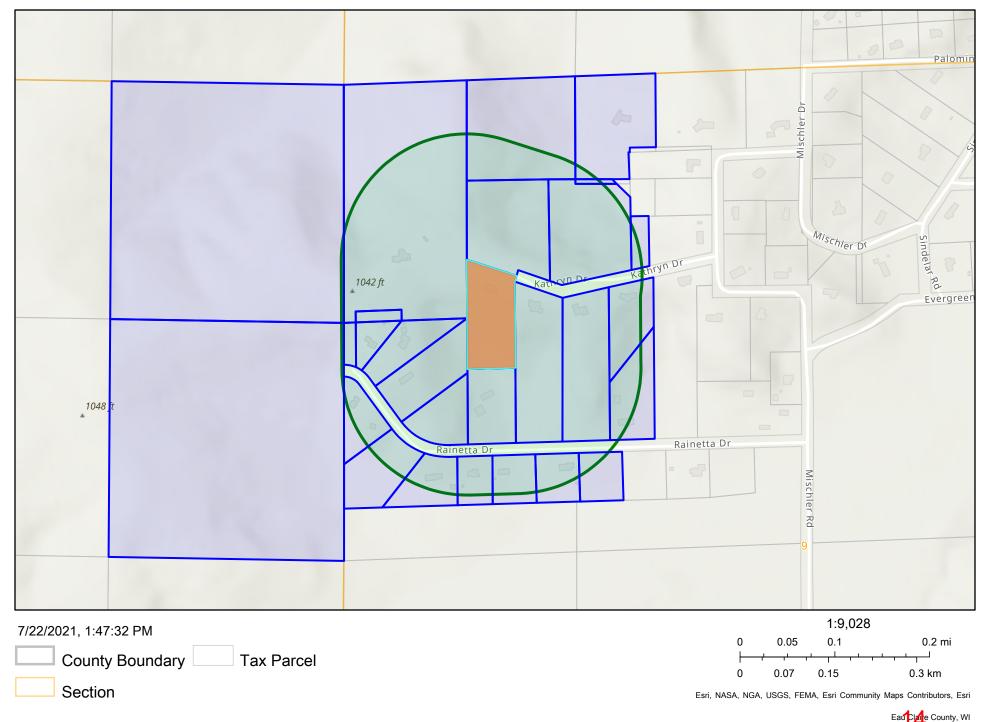


#### ENDWALL A

Mastercraft® 36"W x 80"H Primed Steel 6-Panel Exterior Door

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

# **Public Notification**



FirstName LastName	Address	City State Zip
GENE NICOLET	750 BLACK OAK RD	EAU CLAIRE WI 54701-9349
MATTHEW DUFFENBACH	821 RAINETTA DR	EAU CLAIRE WI 54701-9310
JUSTIN BAUER	825 RAINETTA DR	EAU CLAIRE WI 54701-9310
JEREMY PARRISH	1105 RAINETTA DR	EAU CLAIRE WI 54701-9337
KEVIN J & CONIE J ANASON	1128 RAINETTA DR	EAU CLAIRE WI 54701-9337
ROBERT ROOT	804 RAINETTA RD	EAU CLAIRE WI 54701-9310
MATTHEW B & EMILY E O'MEARA	1121 KATHRYN DR	EAU CLAIRE WI 54701-9320
CAROL AIRIS	802 RAINETTA DR	EAU CLAIRE WI 54701-9310
JEROME & KATHLEEN KROLL	813 RAINETTA DR	EAU CLAIRE WI 54701-9310
GREGORY & CHERYL GRYSKIEWICZ TRUST	1126 KATHRYN DR	EAU CLAIRE WI 54701-9320
BRADLEY C & SANDRA L FLORES	1109 RAINETTA DR	EAU CLAIRE WI 54701-9337
DOUGLAS W & BARBARA J RADKE TRUST	1118 KATHRYN DR	EAU CLAIRE WI 54701-9320
DAYNE SHUDA	1125 RAINETTA DR	EAU CLAIRE WI 54701-9337
LEROY T & JOAN M SCHIEFFER	812 RAINETTA DR	EAU CLAIRE WI 54701-9310
ROLAND D & PAMELA D HICKS	1110 KATHRYN DR	EAU CLAIRE WI 54701-9320
RANDY L & RONNA LEE BECK	1102 RAINETTA DR	EAU CLAIRE WI 54701-9337
DON C & CAROL J PARKER	808 RAINETTA DR	EAU CLAIRE WI 54701-9310
TERESA NANSTAD	1102 KATHRYN DR	EAU CLAIRE WI 54701-9320



# EAU CLAIRE COUNTY PLANNING STAFF RECOMMENDATION

CONDITIONAL USE PERMIT NUMBER: CUP-0019-21		
COMPUTER NUMBERS:	012-1108-06-000	
PUBLIC HEARING DATE:	August 24, 2021	
STAFF CONTACT:	Jared Grande, Land Use Manager	
OWNER:	Daniel and Ruth Borntreger, S 9230 S Shale Ridge Rd, Fall Creek, WI 54742	
AGENT:	Christian Borntreger	
REQUEST:	Sawmill Operations.	
LOCATION:	E 11381 County Road D, Fall Creek, WI 54742	
LEGAL DESCRIPTION:	NE-NW EX HWY EX PRT LYG N OF HWY in Section 25, T26N-R08W, Town of Lincoln	

#### SUMMARY

The request is for a conditional use permit (CUP) to operate sawmill. The applicant would like to use a bandsawmill for custom cuts and his personal use; customers would bring in their rough lumber to be cut to specified length(s)/dimension(s). Existing on the property is a single-family home, greenhouse, and various agricultural buildings.

Sawmill is not defined in Title 18 Zoning and the department's policy is to use Merriam

The proposed hours of operation are 6 days a week. The application indicates no additional employees, just the applicant.

The application materials demonstrate the applicant's proposal to meet cottage industry performance standards (section 18.23.030), scaled site plan, floor plans and building elevations, and a site plan produced by staff.

#### BACKGROUND

#### **REQUEST CHARACTERISTICS:**

- Overall property size is 12.6 acres.
- The site is located on County Road D.

**CURRENT ZONING**: A-P Agricultural Preservation District. The purpose of the A-P District is to "...A. Preserve and protect those areas best suited for agricultural, forestry or open space uses by minimizing fragmentation of contiguous agricultural or forest lands for the benefit and use of current and future generations; B. Provide for a wide range of agricultural uses typically associated with the continued production of food and fiber while recognizing that such uses may involve noise, dust, odor, or operation of heavy equipment for long periods of time; C. Strengthen and diversify a predominately agricultural and forestry-based economy by providing for a range of economic opportunities for property owners which are generally compatible with and supportive of

agriculture or forestry operations as either permitted or conditional uses; D. Comply with standards contained in Wis. Stat. ch. 91 to permit eligible landowners to receive tax credits under Wis. Stat. § 71.09, in conjunction with their agricultural operations; E. Preserve rural character and promote the efficient use of public infrastructure and utilities by minimizing the adverse effects of urban sprawl along with its associated expense; F. Promote environmental quality through the use of conservation practices designed to minimize erosion of productive soils and deter the delivery of sediment and nutrients to the waters of our state; G. Minimize land use conflicts which occur when agricultural and non-agricultural uses are intermixed or not adequately separated; and H. Provide for carefully regulated extraction of nonmetallic mineral resources through Eau Claire County's permitting processes to ensure compatibility with adjacent land uses, minimize impacts to natural resources, and to restore lands to productive agricultural use consistent with locally approved reclamation plans.

 DACENT ZONING & EARD ODES.		
	ZONING	LAND USE
North	A-P	Residential/Agricultural
West	A-P	Residential/Agricultural
South	A-P	Agricultural
East	A-P	Agricultural

## ADJACENT ZONING & LAND USES:

LAND USE PLANS: The County Land Use Plan, adopted in 2010, includes this property in a Rural Lands planning area.

# Rural Lands (RL)

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

# APPLICABLE ZONING REGULATIONS

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

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

*Section 18.32.001 Purpose.* The A-P Agricultural Preservation District is established to: A....H (see current zoning section above for complete description).

Section 18.32.030 B. Conditional Uses. Sawmill operations.

*Section 18.32.040 Standards for approval of conditional uses.* When reviewing conditional use permit requests for the A-P district, the committee shall consider the following factors:

A. The use and its location in the farmland preservation zoning district are consistent with the purposes of the A-P Agricultural Preservation zoning district;

B. The use and its location in the A-P Agricultural Preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law;

C. The use is reasonably designed to minimize conversion of land, at and around the site of the use, from agricultural use or open space use;

D. The use does 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;

E. Construction damage to land remaining in agricultural use is minimized and repaired to the greatest extent feasible;

F. The availability of local units of government to provide services without unreasonable burden; and

G. The effect of the proposed use on water and air pollution, soil erosion, sedimentation, and other possible environmental damage.

**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:

1) The use must be in conformance with the purpose of the zoning district it is in; *sawmill operations are allowed in the A-P District with a conditional use permit approval.* 

2) The use will not be injurious to the use and enjoyment of other property in the immediate vicinity; the sawmill could potentially be injurious to the neighbor to the north due to the proposed location of the sawmill. Staff will be looking to work with the Health Department to do a decibel reading while the saw is in operation.

3) Adequate utilities, access, drainage, and other necessary facilities have been or are provided; *there appears to be adequate utilities, access, drainage, and other necessary facilities available.* 

4) Adequate off-street parking is provided; *staff would apply section 18.25.020.J. for parking requirements for a similar use; staff is recommending at least two parking stalls for the request. There is sufficient area on the property for two parking stalls.* 

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; *The noise produced by the sawmill will be evaluated by the City-County Health Department. There should be minimal odors and fumes. There would be sawdust produced by the sawmill which has not been accounted for by the applicant.* 

6) Soil conditions are adequate to support the use; it appears the soils are adequate to support the use.
7) Access does not pose traffic congestion or hazards; the site has an existing access off County Road G. Based on staff's discussion with the applicant, there appears to be minimal traffic from customers coming into the site. Staff is also following up with the Eau Claire County Highway Department for their review of the request.

**TOWN BOARD ACTION**: The Town of Lincoln Town Board met on August 9, 2021, to review the request and recommended approval as presented. At the request of the residents, the Town of Lincoln board may consider an ordinance placing limits on sawmills sometime in the future.

**STAFF CONCLUSIONS AND RECOMMENDATION**: Staff concludes the request for a conditional use permit to operate a sawmill appears to be consistent with the purpose of the zoning code, consistent with the standards for conditional use permits, consistent with the standards for approval of conditional uses in the A-P district, adheres to applicable zoning regulations, 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 materials submitted with the application shall be attached to and made a part of the permit, and all development of the site shall be done in accord with the site plans.
- 2. The permit shall be reviewed approximately one (1) year from the approved date. An application and fee shall be required by the owner, supplemental materials are not required for this review. All conditions shall be subject to review, including application materials from past permits. The review is to determine if all Federal, State, County and Town rules/regulations are being followed. Violation(s) of any Federal, State, County and Town rules/regulations is cause to revoke the permit following section 18.21.090 of the county code.
- Prior to the commencement of construction, the applicant shall obtain all Federal, State, County and Town approvals and permits/licenses for the proposed development; including but not limited to, erosion control and storm water management, access, and land use permit(s).
- 4. Off-street parking shall be provided in accord with the parking requirements of the zoning code chapter 18.25.
- 5. The property shall be limited to one (1) portable sawmill (saw).
- 6. The business hours shall be Monday-Saturday between the hours of 7:00 a.m. to 7:00 p.m. The hours of operation of the bandsaw shall be Monday-Saturday between the hours of 8 a.m. to 5 p.m.
- 7. The only employee(s) shall be those residing on the property.
- 8. 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.
- 9. 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.
- 10. 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 conditional use permit expires due to the abandonment of a use.



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

**Conditional Use Permit Request** 

#### 

20

Owner/Applicant Name(s): Owner: RUTH BORNTREGI Applicant: Christian Borntregi				
Telephone:	EMail:			
<b>Site Address(es):</b> E 11381 COUNTY ROAD D	Pro	operty Description:	Sec 25 Twn 26 Rge 08 <b>Town of Lincoln</b>	
<b>Zoning District(s):</b> AP - Agricultural Preservation D	Lot Area(s) - Acres: istrict 12.60			
PIN     Legal (partial)       1801222608252100001     NE-NW EX HWY EX PRT LYG N OF HWY				
Request Type: Other				

Description: Sawmill.

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.

	Office Use Only				
Department of Planning and Development	Date Application Accepted:				
Eau Claire County Courthouse	Accepted By:				
721 Oxford Avenue, Room 3344         Eau Claire         Fau Claire	Receipt Number:				
C O U N T Y (715) 839-4741	Town Hearing Date:				
	Scheduled Hearing Date:				
CONDITIONAL USE PERMIT AP	PLICATION				
Property Owner Name: Daniel Borntreger Mailing Address: 59230 S. Shale Fidge Rd Fr	Phone#				
Mailing Address: 59730 5, Shale Ridge Rd F	all Creck				
Email Address:					
Agent Name: Christian Borntreger	Phone#				
Agent Name: Christian Borntreger Mailing Address: E11381 CoRdD Fall Creek	, W4 54742				
Email Address:					
SITE INFORMATION					
Site Address: Same					
Property Description:¼¼ Sec, TN, RW	, Town of				
Zoning District: AP Code Section(s):					
Overlay District:     □ Shoreland     □ Floodplain     □ Airport     □ Wellhead Pr	otection   Non-Metallic Mining				
PIN #(s): 18012 - 2 - 260825 - 210 - 0601					

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.

Complete attached information sheet	□Site Plan Drawn to Scale	□ Contact the Town to coordinate a recommendation on the application	Provide <b>\$525.00</b> application fee ( <b>non-refundable</b> ), payable to the Eau Claire County Treasurer. Forms of acceptable payment are check or <u>online</u>

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 Christian Boutress

Date <u>7-26-21</u>

#### 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.

## 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 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). home-use & andSawm □ IF THE PROPOSED USE INVOLVED A BUSINESS ACTIVITY, DESCRIBE THE PROPERTY Description of the type of business activity: mining tting DOM Equipment used in the business activity: 6 days a week Days and hours of operation: customers Number of employees: Nuisance abatement measures that will be implemented Noise abatement measures: Vibration abatement measures: of the compo comes **Dust control measures:** Measures to control fumes or odors: around Visual screening measures (plants, fences, walls, etc.)

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

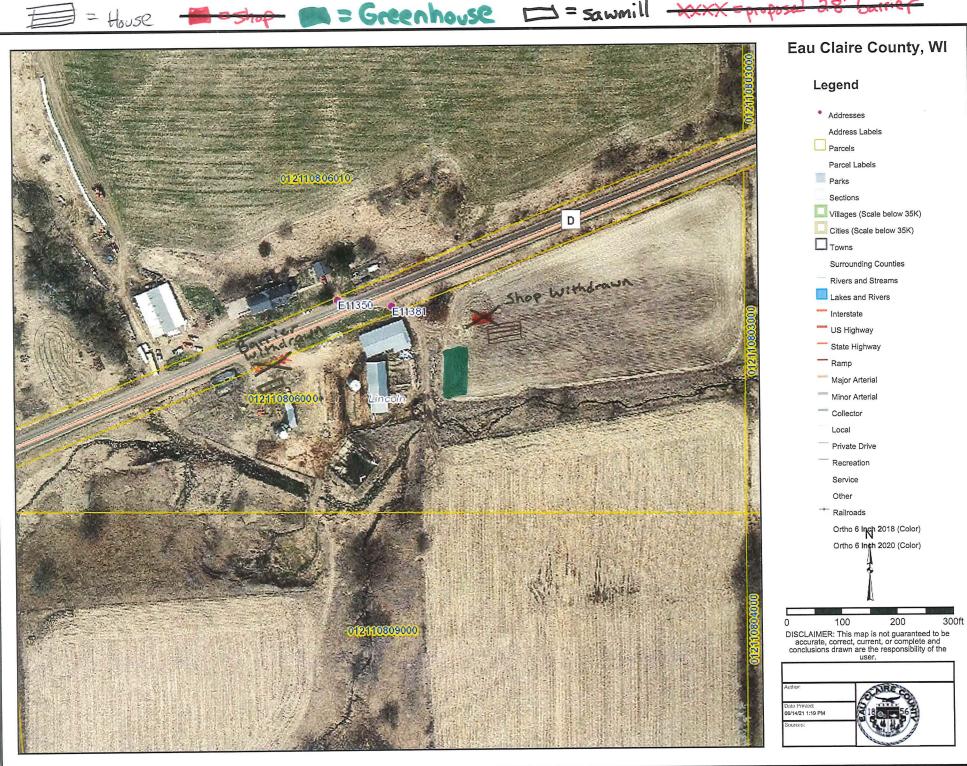
Exterior appearance of any structure, including a description of the building materials used, the height of eaves, the color of the structure, etc. (required for conditional use permit applications for accessory structures in excess of 1,200 square feet)

8 Structure: x3 open sides groon root eaves 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

Show parcel and building dimensions of all existing and proposed structures	Landscape and screening plans			
□ Show all signs, fences and other features that may be regulated by zoning	□ Show the well and septic system			
□ Site access, driveway, and nearest road (labeled)	Parking areas with spaces			
□ Drainage plans including the erosion control plan □ Show all navigable water ways, wetlands, floodplains, slopes in excess 20%, and any other unique limiting condition of the property				
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.				
The location of any equipment that will be used				
FOR ALL NON-AGRICULTURAL ACCESSORY STRUCTURES				
Show floor plan, including attics				
Show scaled building elevations				
Show color scheme				

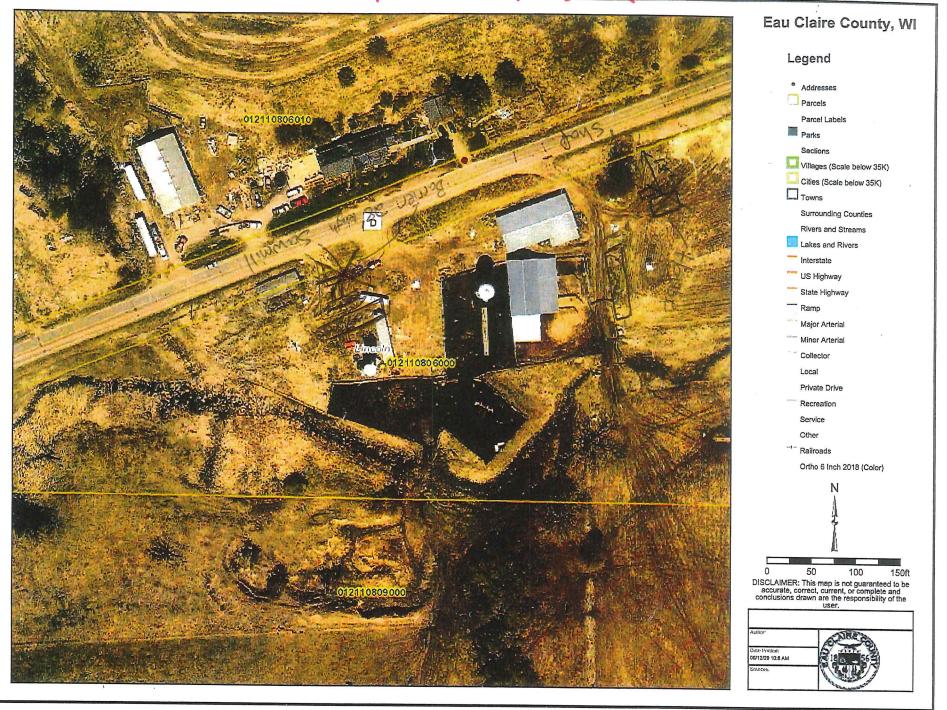


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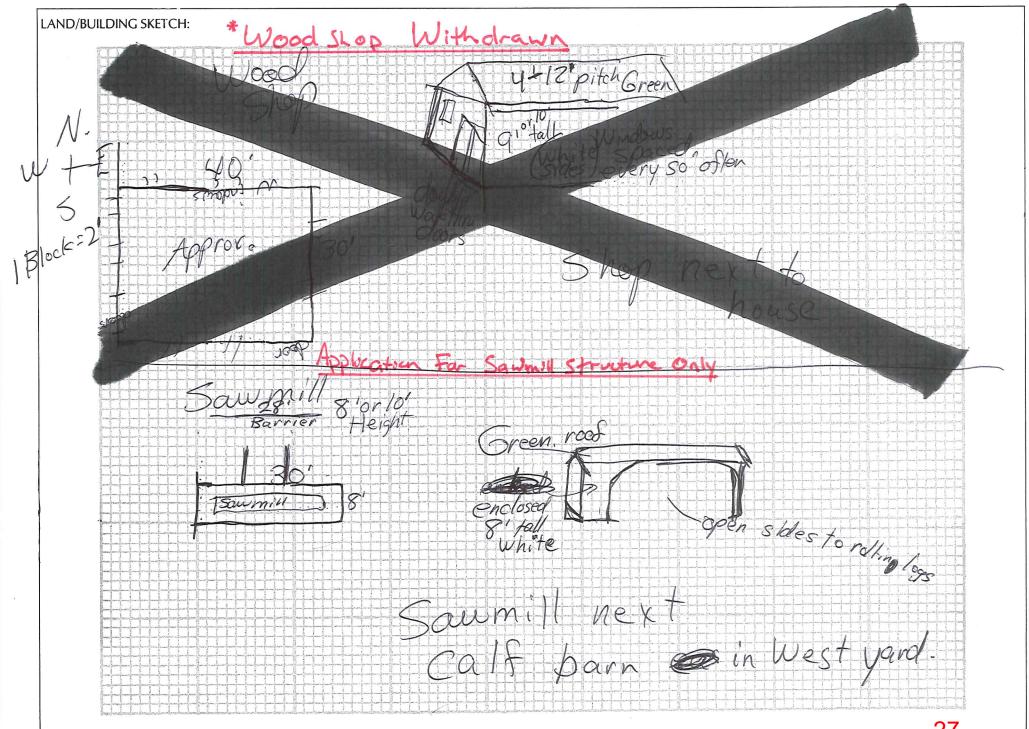
Produced

<u>25</u>

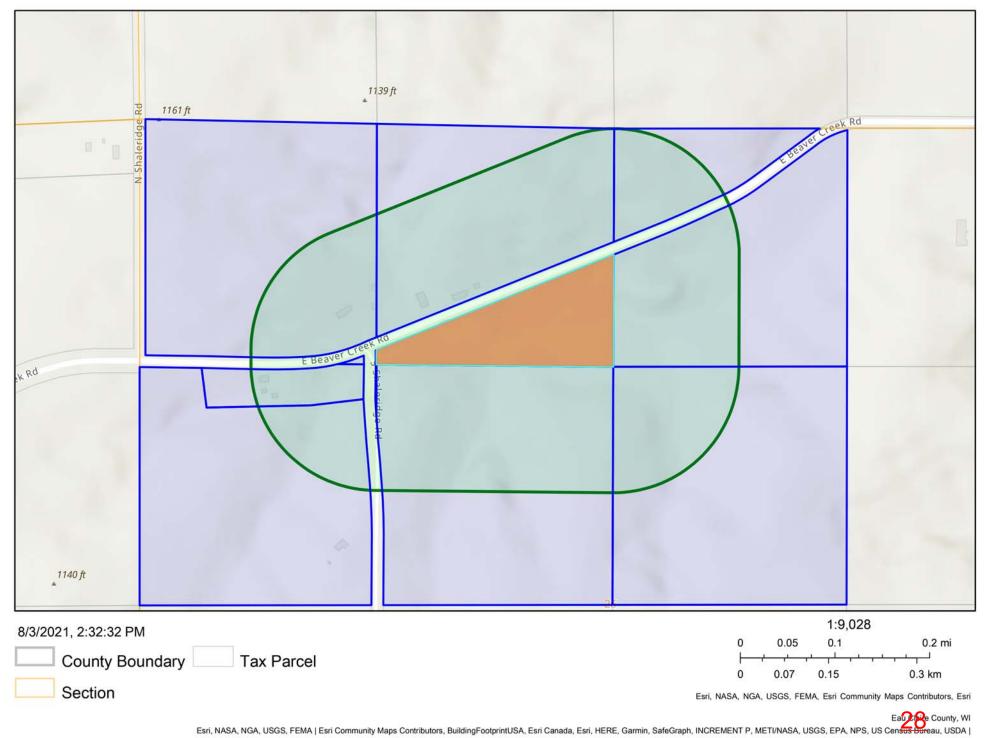
# Barrier and Shop Structure Withdrawn



 $\mathbb{V}_{n+1}^{(n)}$ 



# **Public Notification**



Address	City State Zip
N 2444 BLACKBERRY RD	MELROSE WI 54642
S 8400 COUNTY ROAD K	FALL CREEK WI 54742-4103
E 11250 COUNTY ROAD D	FALL CREEK WI 54742-4117
S 8710 S SHALE RIDGE RD	FALL CREEK WI 54742-4128
E11171 COUNTY HIGHWAY D	FALL CREEK WI 54742
S9230 S SHALE RIDGE RD	FALL CREEK WI 54742-4121
E 11350 COUNTY ROAD D	FALL CREEK WI 54742-4129
	N 2444 BLACKBERRY RD S 8400 COUNTY ROAD K E 11250 COUNTY ROAD D S 8710 S SHALE RIDGE RD E11171 COUNTY HIGHWAY D S9230 S SHALE RIDGE RD

# Planning and Development July 2021

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

Planning Vendor	Amount	Description	Line Item#
APG Media		Legal Notice	100-15-56920-321-000
Voyager	361.69	•	100-15-56920-330-000
Office Depot		Office Supplies	100-15-56920-310-000
Grease Monkey - PCard		Veh maint	100-15-56920-241-000
WRPLA		CONFERENCE	100-15-56920-340-000
DOA - Pcard		UDC Seals	100-15-56920-390-000
Highway Dept	\$264.93		100-15-56920-330-000
Resurvey	<b>A</b>	Desseintism	Line Herry H
Vendor Menards - Pcard	Amount 47.97	Description Survey Vests	Line Item# 100-15-51740-360-200
		, 	
Emergency Management Vendor	Amount	Description	Line Item#
Amazon - Pcard	854.70	Weather radio's	100-15-52924-390-723
Weathertap - Pcard	71.96	Subscription	100-15-56924-813-000
Recycling			
Vendor	Amount	Description	Line Item#
Earthbound Environmental	2,019.30	June Curbside	211-15-53635-201-000
Boxx Sanitation	45,772.92	June Curbside	211-15-53635-201-000
Waste Management	12,535.56	June Curbside	211-15-53635-201-000
Village of Fairchild	122.40	Site Attendant	211-15-53635-208-000
Town of Wilson	82.08	Site Attendant	211-15-53635-208-000
Express Disposal	864.99	June Curbside	211-15-53635-201-000
Advanced Disposal	37,113.78	June Curbside	211-15-53635-201-000
Land Conservation			
Vendor	Amount	Description	Line Item#
Kwik Trip - Pcard	11.00	Fuel	100-15-56920-330-000
EC Ford - Pcard	55.00	Veh maint	100-15-56920-241-000
SafeFast - Pcard	33.95	Vests	100-15-56920-360-000
WI LandWater - Pcard	60.00	Meeting	100-15-56920-340-000
ProValley -Pcard	261.00	Windshield	100-15-56920-241-000
Markquart - Pcard	100.36	Oil change, Tire	100-15-56920-241-000
In Stu Inc - Pcard		Lithium Battery	100-15-56920-390-000
Division	Totals	-	

Division	Totals
Planning	2,849.92
Resurvey	47.97
Emergency Management	926.66
Recycling	98,511.03
Total	102,335.58

# **MINUTES**

Joint Meeting - Eau Claire County

• PLANNING & DEVELOPMENT COMMITTEE | FINANCE & BUDGET COMMITTEE •

Date: Tuesday, August 10, 2021

Time: 7:00 p.m.

\*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: <u>https://eauclairecounty.webex.com</u> Meeting ID: 145 999 6317 Password: C5hWuk7uT3V

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

Audio conference: 1-415-655-0001 Access Code: 1459996317##

# For those wishing to make public comment, you must e-mail Rod Eslinger at

<u>Rod.Eslinger@co.eau-claire.wi.us</u> at least 30 minutes prior to the start of the meeting. You will be called

# on during the public comment period to make your comments.

## \*Please mute personal devices upon entry

Members Present: Choose an item., Choose an item., Choose an item., Choose an item. Choose an item. Members Absent: Choose an item. Choose an item. Ex officio Present: Staff Present:

1. Call to Order and confirmation of meeting notice

Chairperson Gibson called the meeting to order at 7:00 p.m. and staff confirmed the meeting was properly noticed.

2. Roll Call for Committee on Planning & Development

Chairperson Gibson - Present, Supervisor Leary - Present, Supervisor Coffey - Absent, Supervisor Dunning - Present, Supervisor Zook – Present, Chair Smiar – Present

3. Roll Call for Committee on Finance & Budget

Chairperson Pagonis - Present, Supervisor Leary - Present, Supervisor Wilkie - Present, Supervisor Dunning - Present, Supervisor Chilson – Present, Chair Smiar – Present

4. Public Comment (15 minute maximum)

None

- 5. Presentations of the 2022 Department Budgets
  - a. Register of Deeds / Discussion Action

Tina Pommier, Register of Deeds, presented the 2022 Register of Deeds budget to the committees. Ms. Pommier reported that she seen strong document filings again this year. She stated that she has been cross training her staff on department functions. Tina concluded by answering questions from the committees.

**ACTION:** Motion by Robin Leary to approve the Register of Deeds 2022 Budget as presented. Motion carried on a roll call vote: 5-0-0.

b. Planning & Development / Discussion – Action

Rodney Eslinger, Director of Planning and Development for Eau Claire County presented the 2022 Planning and Development budget report to the committees. Mr. Eslinger stated that development activities and permitting remain strong through the first two quarters of the year. Mr. Eslinger pointed out that in the 2022 budget he's requesting funding for the County Survey I position that was impacted by the bridge plan, EM Program Assistant, and move the two Administrative Specialist II position to FTEs. The 2022 P&D budget as presented revealed a 1% increase over the 2021 budget.

**ACTION:** Motion by James A. Dunning to approve the Planning & Development 2022 Budget as presented. Motion carried on a roll call vote: 5-0-0.

6. Adjourn Committee on Finance & Budget

The joint meeting adjourned at 8:48 pm.

- 7. Public Hearings
  - A conditional use permit request for a Cottage Industry Wood related businesses including woodworking shop and sawmill in the A-P Agricultural Preservation District
     (Town of Lincoln) CUP-0010-21 / \*Postponed from 07/13/2021 & Withdrawn by Applicant\*

Jared Grande, Land Use Manager, gave a brief update to the committee relating to the applicant's request to withdrawal their application.

**ACTION:** Motion by Dane Zook to accept the application withdrawal request by the applicant. Motion carried on a roll call vote: 5-0-0.

8. Review/Approval of July 27, 2021 Meeting Minutes / Discussion – Action

The committee reviewed the July 27, 2021 committee meeting minutes.

**ACTION:** Motion by Robin Leary to approve the July 27, 2021 committee meeting minutes as presented. Motion carried on a voice vote: 5-0-0.

- 9. Proposed Future Agenda Items / Discussion
  - a. Next scheduled meeting August 24, 2021
- 10. Adjourn

ACTION: Meeting adjourned by unanimous consent at 8:53p.m.

Respectfully Submitted,

Rodney Eslinger Clerk, Committee on Planning & Development