

Committee on Planning & Development

October 26, 2021

Agenda Packet Addendum – Mertinke Rezone Correspondence

Samuel Simmons

From: Matt Michels
Sent: Wednesday, October 20, 2021 2:49 PM
To: Samuel Simmons; Cheryl Cramer
Subject: FW: Mertinke Trust
Attachments: Mertinke Trust Argument.docx

Please include this email and the attached document in the packet for Mertinke.

Thanks

From: Brandon Dohms <dohmsb@gmail.com>
Sent: Wednesday, October 20, 2021 2:41 PM
To: Matt Michels <Matt.Michels@co.eau-claire.wi.us>
Subject: Fwd: Mertinke Trust

WARNING!! This email originated outside Eau Claire County. Do not click any links or attachments unless you know the sender.

Matt,

Attached is a document outlining a number of concerns and facts about the Meetings Trust Property. I would like to point out I did average the lots within the 700 foot buffer and even after removing out the large undeveloped properties the average lot size is 5.7 acres. The RH designation and rezone does not fit with that average. Also of note is the fact that the property has an active airport and is listed in the comprehensive plan as an Archaeological Site. These are both significant concerns. Please take a look at the document and share with Rod I think you will find that the rezone is not consistent with the comprehensive plan as stated.

Thanks,

Brandon Dohms

----- Forwarded message -----

From: Brandon Dohms <Brandon.Dohms@eauclairewi.gov>
Date: Wed, Oct 20, 2021, 2:37 PM
Subject: Mertinke Trust
To: dohmsb@gmail.com <dohmsb@gmail.com>

Intro

My name is Brandon Dohms and I reside at S9037 Lowes Creek Rd., a few hundred feet to the south of the Mertinke Trust Property. I have a number of items I would like to bring to the attention of the board before a decision is made tonight. First however I would like to point out that I am not suggesting that a development on this property is in and of itself unreasonable but I do believe that a development with 42 homes is. I understand that the point of today's hearing is not to approve or deny a specific plat, however if rezoned it is inevitable that a development of higher density is going to be sought. I ask that the board forego a recommendation of the rezoning of the Mertinke Trust property. The current zoning designation of A2 would allow for the development of the property providing more housing opportunities but providing a compromise between the potential developer and the neighborhood.

Facts

I have spoken with a number of individuals preceding this public hearing in an attempt to garner information and become well informed with factual information to present today. I have been told countless times that this proposed rezoning meets the current comprehensive plan created in 2009 by the town. We as a neighborhood strongly believe that the proposed rezoning and concept submitted by the developer is not in line with the current neighborhood, deteriorates the rural character of the neighborhood, and furthermore is not consistent with the Town Plan Committees own comprehensive plan.

I was also told by many that this rezoning proposal and concept development is consistent with the current area. I disagree. I was provided a list of all properties within 700 feet of the Mertinke Trust property. This is roughly the distance dictated by law for notification purposes. I used this same distance and list of properties to average the lot size. The buffer list created showed on very large agricultural lot so in an effort to be transparent I removed this property when averaging. If I used all the remaining lots within 700 feet the average lot size is 6.82 acres. If I remove out even further a few larger parcels of property which are undeveloped and only use the developed properties the average lot size is 5.71 acres. No matter the way you do the math it is unfair to say that a rezoning to rural home and allowing a density similar to that of the concept at 1.56 acre lots is consistent with the neighborhood.

The vision statement of the Town of Pleasant Valley states in part that "all new developments are planned and sited in order to protect water resources, forests, and farmland, and to reinforce the rural character of the town. The current proposal does none of the previously stated items outlined in the vision statement.

The comprehensive plan outlines several themes that emerged during the creation of the plan. The first, directing new non-farm development to areas of similar use. The second, protecting natural resources. The rezoning and associated development concept is not in line with the aforementioned themes. While our neighborhood recognizes that the rezoning and development are at least partially consistent with properties to the north and east they are not consistent with those to the south and west. With that being said we do not believe that this new non-farm development is being directed to an area of similar use for at least 50% of the neighborhood. The second theme identified during the creation of the comprehensive plan speaks about protecting natural resources. The property described is one of only a handful of properties that border Lowes Creek that remain undeveloped between this area and the City of Eau Claire. The addition of 42 houses within such close proximity to each other and Lowes Creek runs the risk of degrading water quality, fishing, swimming and other activities enjoyed on Lowes Creek. Furthermore, the property largely drains towards Lowes Creek and in fact a portion of the property is in the FEMA flood plain.

As outlined in section 1.2 of the comprehensive plan fourteen goals were established by the committee. Goal #3 states, " Protection of natural areas, including wetlands, wildlife habitats, lakes, woodlands, open spaces and groundwater resources." The Mertinke Trust property encompasses nearly all of those lands described in this goal yet the proposed rezoning and comprehensive plan supports the rezoning and development of this property. The potential rezone is damaging to these areas and does quite the opposite of what the committee set forth with a goal.

Goal #6 states, " Preservation of cultural, historic, and archaeological sites". Later in the same comprehensive plan the Mertinke Airport, located on the Mertinke Trust Property is listed as one of only 17 Pleasant Valley Landmarks in figure 1.3 of the comprehensive plan. The rezoning of this property would almost certainly mean the destruction of Pleasant Valley's only airport and one of only a few landmarks. Later, Section 5.5.3.1 identifies historic resources in Pleasant Valley. Of note both portions of the Mertinke Trust Property are identified on the Archeological Site Inventory for Pleasant Valley. Only 16 properties are identified in the entire township and yet both of these properties are. As previously mentioned between the airport being considered a landmark and the property being listed as an Archeological Site it seems a development, especially this dense, is placing significantly more value in development than preserving history.

Goal #12 states, " Balancing of individual property rights with community interest and goals". The community members here today are expressing their desire to be recognized in the same manner as the developer. The balance between the two is not being met if the property is rezoned as proposed. The current proposal allows for the highest population density on this property which certainly doesn't indicate balance to the community. As previously outlined a rezone to A2 and a density of one unit per 5 acres is not only consistent with community interest but also strikes a balance with individual property rights as the plan outlines.

Section 1.5 of the comprehensive plan outlines and describes assets and liabilities of the town. Assets are defined as, things that you like about the town that you would like to continue, enhance or replicate. Liabilities are defined as things you do not like about the town that should be reduced, changed or avoided. I noted that the following were listed as assets by the plan; Quiet Setting, roads have little traffic/allows for recreational use, abundance of farmland, wildlife, outdoor activities, fishing, hunting, and Lowes Creek, and Distance between neighbors. Without going through each of these individually it is clear that the rezoning of this property for the potential addition of 42 homes does not continue, enhance or replicate any of those assets. Liabilities outlined by the plan are; subdivisions with huge homes, potential for threatened water quality, and a clash between agriculture and urban dwellers. Without being overly simplistic this rezoning proposal

Section 2.1.2 of the comprehensive plan states "Plan for housing types and densities that reinforce the rural character of the town. Within this section 4 policies are outlined that promote clustered developments, encourages the development of existing developments, encourages higher density land use near other similar areas and lower residential densities near environmentally sensitive lands. The currently proposed concept is not a clustered development as promoted by the plan and is on land which certainly appears to be environmentally sensitive especially when compared to other properties absent waterways. Furthermore, as previously mentioned this proposed development is bordered on two sides by larger properties not similar in nature to the concept presented.

Section 2.4, related to natural resources states that water quality was an issue mentioned by many committee members, especially due to increased residential factors such as fertilizers, pesticides, and septic tanks. Specifically mentioned is Lowes Creek and how committee members were concerned over the widening and shallowing of the creek. The addition of 42 homes in such close proximity to Lowes Creek ignores the concerns raised by the committee. Lowes Creek was specifically mentioned for a reason being a main waterway in the township and should not be ignored. Also stated in Section 2.4.2 is that the town will discourage the fragmentation of productive agriculture or forested land and other significant natural areas to protect the continuity of these areas for future use. Given the amount of times that Lowes Creek is mentioned in this comprehensive plan I strongly believe that not only our neighborhood but the committee and this board believe that Lowes Creek is in fact a significant natural area.

Section 2.7.2 speaks largely about creating a balance between individual property rights and the interest of the community. One of the three objectives outlined states, " Provide flexibility in development options/tools to create win-win outcomes between landowner desires and community interest". The current rezoning application and concept does not create a win-win and simply caters to the developers desires. As stated a number of times a win-win is what the community is asking for which is 1 unit per 5 acres. This is very clear balance between the desires of both parties as outlined by the plan and committee.

As mentioned to me many times the Mertinke Trust property has been identified on the future land use map as an area for future development. In Section 3.1 the comprehensive plan states that when considering development of these properties the board should consider the effect on adjacent properties. While we as a neighborhood understand that rural development is necessary we strongly believe that the density allowed by the current rezoning plan and concept is deeply impactful on the adjacent properties. Lowes Creek and Cedar Rd. are both heavily traveled roadways and having two children of young ages I am already concerned about them riding bike on the roadway, the addition of 42 additional houses in a small area will only exacerbate this concern.

Section 4.5 of the comprehensive plan outlines that while the comprehensive plan is a guideline it is impossible to predict future conditions in the town. The amount of rural development within Pleasant Valley was likely not anticipated in 2009 and an additional large highly dense development is a significant decision facing the board. This section furthermore discusses that the town with review the comprehensive plan prior to making any important decisions. Given the previously mentioned inconsistencies between the comprehensive plan and this desired rezoning I certainly hope that the board does in fact review the comprehensive plan and take note that this proposal does not fit with the community interest or with the boards own comprehensive plan.

Section 5.3.1.3 speaks about traffic counts. In talking with numerous neighbors and my own personal observations the additional traffic which would be generated by a large development on the Mertinke Trust Property would prove dangerous. Both Lowes Creek and Cedar Rd are frequented by walkers, bicyclists, dogs, etc. This section states, "it is estimated that one single family home generates 9.5 trips per day." Furthermore the same section states, " on a local road, one new home may not make much of a difference, but 10 new homes on a local road can have quite an impact on safety and ag-vehicle mobility". 42 homes as proposed in the concept would generate 399 additional "trips per day" as estimated in this section. Those 399 trips each day will limit the recreational usage of the road and safety.

Lastly I would like to point out that I was informed by Chairman Hanson that an update to the comprehensive plan is planned for 2022. The plan which was implemented in 2009 was to be updated in 2019 per Wisconsin Statute 66.1001 and is also noted in the comprehensive plan itself. The update is described in the comprehensive plan as a "Major Update". It appears as though the plan itself has been in need of update for 2 years and at this point the board making a decision based on the non-updated plan seems ill informed. (Adopted September 30, 2009 should have been updated September 30, 2019)

Conclusion

It is very clear based on all that has been discussed tonight that the rezoning of the Mertinke Trust Property is not in fact in line with the Comprehensive Plan as had been stated. If the board truly wants to follow the comprehensive plan a development with a density of 1 unit per 5 acres is the only logical decision. Not only does a development of this density strike a balance between the differing neighborhoods surrounding this property but it also will maintain rural character. The proposal to rezone this property is unnecessary to develop this property in a reasonable manner and a recommendation to rezone would certainly indicate that the board is more interested in development than balance. Thank you for your time.

Samuel Simmons

From: Matt Michels
Sent: Thursday, October 21, 2021 8:21 AM
To: Cheryl Cramer; Samuel Simmons
Cc: Rod Eslinger
Subject: FW: letter to cty board - rezone decisions
Attachments: letter to cty board - rezone decisions.pdf

Please send the attached letter regarding the Mertinke rezone (RZN-0019-21) to the P&D Committee.

Thanks,
MM

From: townofpleasantvalley@gmail.com <townofpleasantvalley@gmail.com>
Sent: Thursday, October 21, 2021 7:33 AM
To: Rod Eslinger <Rod.Eslinger@co.eau-claire.wi.us>; Matt Michels <Matt.Michels@co.eau-claire.wi.us>; Jared Grande <Jared.Grande@co.eau-claire.wi.us>
Subject: letter to cty board - rezone decisions

WARNING!! This email originated outside Eau Claire County. Do not click any links or attachments unless you know the sender.

Please see attached letter.

Our board has sent this letter to the county board and would also like your office to have a copy for your reference. If there are any other committee members that are not County Board members, please feel free to include with any correspondence.

Thanks,
Jen

Jennifer Meyer
Clerk/Treasurer
Town of Pleasant Valley
Pop. 3419
Eau Claire County, Wisconsin
www.townofpleasantvalley.com
townofpleasantvalley@gmail.com
715-878-4645



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October 20, 2021

Eau Claire County Board
County Board Chambers
721 Oxford Ave
Eau Claire, WI 54703

Dear Sirs and Madams,

As a Town Board, we take our responsibility very seriously while regulating growth within the Town. Our plan commission worked diligently to create a working Comprehensive Plan for Town Board guidance. This plan contains future land use plans and maps which the board relies on to provide consistent, thoughtful decisions while reviewing all rezone petitions. Anytime a rezone petition is presented to our board, the surrounding residents are notified and a public hearing is conducted. We live in our small community where these difficult decisions are being made and are most able to understand the surrounding area and unique circumstances.

The staff in the Eau Claire County Planning and Development office works tirelessly to ensure all county codes are followed. The Eau Claire County Planning Staff Recommendation is a very thorough report which assists the Town and the various County committees and boards with their decisions. As a town board, we review the staff recommendations as part of our due diligence.

Prior to any rezone petition being presented to your board numerous hours of review, hearings and thoughtful decisions have been made at the Town level as well as the Planning and Development office. We all know public hearings and citizen input can become quite uncomfortable, lack factual evidence and are driven by emotions. Removing the emotions from a pending decision and relying on factual evidence is the most prudent method of governing.

As a Town Board, we respectfully request that you consider substantial evidence, prior recommendations and decisions already made at the various levels of government leading up to your decision to approve or deny any rezone application.

Respectfully,

Dan Hanson, Chairman
Douglas Nelson, Supervisor
Dan Green, Supervisor

Cc: Eau Claire County Planning and Development

Samuel Simmons

From: Matt Michels
Sent: Thursday, October 21, 2021 8:25 AM
To: Cheryl Cramer; Samuel Simmons
Subject: FW: Oct 18 2021
Attachments: Oct 18 2021.pdf

Please forward the attached minutes for the Mertinke rezone to the P&D Committee.

Thanks,
MM

From: townofpleasantvalley@gmail.com <townofpleasantvalley@gmail.com>
Sent: Thursday, October 21, 2021 7:30 AM
To: Rod Eslinger <Rod.Eslinger@co.eau-claire.wi.us>; Matt Michels <Matt.Michels@co.eau-claire.wi.us>
Subject: Oct 18 2021

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Minutes from the Mertinke rezone are attached.

Jen

Jennifer Meyer
Clerk/Treasurer
Town of Pleasant Valley
Pop. 3419
Eau Claire County, Wisconsin
www.townofpleasantvalley.com
townofpleasantvalley@gmail.com
715-878-4645

TOWN OF PLEASANT VALLEY

October 18, 2021

TOWN BOARD MEETING

CALL THE MEETING TO ORDER

Chairman Dan Hanson called a Town Board Meeting of the Town of Pleasant Valley to order on Monday, October 18, 2021 in the Pleasant Valley Town Hall in Cleghorn at 7:00 p.m. The meeting was held in the Community Center.

PLEDGE OF ALLEGIANCE

Chairman Hanson called for the honoring of the flag with the Pledge of Allegiance.

INTRODUCTION OF TOWN OFFICIALS

Board members present: Chairman Dan Hanson, Supervisor Dan Green and Supervisor Doug Nelson. Staff members present: Jen Meyer, Clerk/Treasurer and Hwy Supervisor Wyatt Wathke.

REZONE DISCUSSION – BIRTZER PROPERTY 18018-2-250901-220-0001 and -0003

Connie and Jerry Rindal, representing the Birtzer Trust, presented to the board their intentions to rezone the property which contains the house from A1 to A3 and the vacant land from AP to A1. The board reviewed the current zoning and informed the Rindal's it will fit within our comprehensive plan. The Rindal's will proceed with applying to the county for a rezone.

REZONE – PUBLIC HEARING – MERTINKE PROPERTIES

18018-2-260927-230-0002 AND 18018-2-260927-320-0001

A public hearing was held to discuss the rezone application received from the Mertinke Trust/Peter Gartman (Real Land Surveying). The request is to rezone from A2-RH. The property is not considered prime farmland.

Chairman Hanson opened by discussing the entire process to rezone property and the different levels of approval. The Town has a working Comprehensive plan which the board relies on to regulate growth in areas of the town. The Board reviewed the Comprehensive Plan and determined the rezone request fits in the Future Land Use plan in this area which is already designated for rural housing and a higher population density. Existing surrounding zoning was reviewed and it was determined RH on said property does not create any spot zoning and is compatible with the area. The Town board provides a recommendation to the County.

Doug Mertinke and his sister Connie Mertinke-Kostner shared with the group the history of the property, the intentions of the rezoning and how developing the area was a vision of their parents. Sean Bohan (Advanced Engineering) shared maps showing the surrounding zoning, the Town of PV Future Land Use map and explained to the group how the request fits into Town and County future plans.

Public Input:

Brandon Dohms, S9037 Lowes Creek Rd, shared his reasons why he opposes the rezoning to RH. He cited sections of the Pleasant Valley Comprehensive Plan and why he believes the rezone is conflicting with the Town plan. He encourages a win-win situation and would like to see an A2 zoning with 5 acre lots. – opposed

Frank Best, S8740 Lowes Creek Rd, shared he is opposed to RH. 5 acre lots would be acceptable. Concerns are traffic, bikers and pedestrians. – opposed

David Brunk, S9025 Lowes Creek Rd, shared he is opposed to the rezoning to RH. He encouraged a lower speed limit and lines on the road. – opposed

Marcia Danzinger, S8676 Lowes Creek Rd – opposed but OK with 5-acre parcels. - opposed

Joel and Sandy Roswell, E3405 Cedar Rd, opposed RH citing concerns of adding to the existing heavy traffic on Cedar Rd and that it is already dangerous for pedestrians. – opposed

Lisa Gillette, E3374 Cedar Rd, opposed RH citing concerns regarding adding to the existing heavy traffic on Cedar Rd and that it is already dangerous. – opposed

Zach Anibas, E2535 Cedar Rd which adjoins the said property. He shared concerns of watershed issues and provided documentation to the board. – opposed

Heath Tomchek, S8197 Drinkman Lane, opposed RH, feels 5 acre lots are reasonable. Shared concerns regarding bus stops. – opposed

Ray Hansen, E1415 Balsam Rd asked questions regarding the number of acres and how many lots could potentially be on the property – no opinion expressed.

Jason Ellg, S9040 Stonebrook, asked questions of the board. – no opinion expressed.

Katie Anibas, E2535 Cedar Rd which adjoins the said property. Respectfully requests the board deny the application due to the impact in the area. Concerns are safety, traffic and watershed. -opposed

Bethany Zorn, S8415 Todd Rd, feels RH would be too dense and is supportive of 5 acre lots. -opposed

Brandon Dohms readdressed the group, encouraging a win-win.

John Gyorf, E1747 Drinkman Lane, expressed concerns regarding traffic and safety. He understands the pressure for development and feels 40 houses on 65 acres is a better use of land than the same 40 houses consuming 200 acres. Suggests a 4-way stop at Lowes Creek/Cedar rds and to widen roads. – In favor with the need to address safety.

Denise Shepler, E2900 Cedar Rd, opposed to RH as Cedar Rd is too narrow and we need better roads for safety reasons. - opposed

Sean Bohan readdressed the group. Sean shared the requirements of the engineers prior to any subdivision approvals which include: stormwater plans, infiltration basins, surveys, delineations, road specs, driveway accesses, soil boring, etc. He discussed population density, the trees along Lowes Creek Road will be staying and the road will be internal in the subdivision.

Zach Anibas asked for a show of hands regarding who is opposed.

Adam Ashley, Ashley Construction, shared developers and boards often hear the same oppositions regardless of the location. The developers are working to provide opportunities for families to own homes in an area of high demand.

Chairman Dan Hanson reiterated to the group the process, the existing plans and the need to regulate responsible growth to avoid urban sprawl.

Supervisor Dan Green addressed the group indicating we have a comprehensive plan to assist in responsible decision making.

Supervisor Doug Nelson indicated the board does not take these decisions lightly. Keeping the population density close to Hwy 93 is the best way to regulate growth in the Town.

Two emails were received opposing the rezone which were provided to the board in their packets.

Dan Hanson announced the public hearing is closed at 8:15pm.
-50 people signed the sign-in sheet

REZONE – RECOMMENDATION - MERTINKE PROPERTIES
18018-2-260927-230-0002 AND 18018-2-260927-320-0001

The board was provided all rezone information prior to the meeting including the EC County Staff Recommendation and emails sent by residents.

Motion (Nelson/Green) to recommend approval of said rezone application from A2 to RH. Chairman announced the ayes carry 3-0 and the motion is carried

AGENDA ITEMS G-L and N

Motion (Hanson/Green) to table the following agenda items to October 20, 2021:

-Minutes, Financial Report, Reports, Budget Review, Approve Orders.

Chairman announced the ayes carry 3-0 and the motion is carried.

CITIZEN INPUT

-none

COMPLAINTS

-none

OLD BUSINESS

-none

NEW BUSINESS

2022-2023 Animal Control Contract – Agreement No 21-19-02

The 2022-2023 Animal Control Contract has been received from the Eau Claire County Humane Association. Terms of the contract have not changed from the previous contract and the annual contract price remains \$3000.

Motion (Green/Nelson) to approve Agreement No. 21-19-02 Animal Control Contract.

Chairman announced the ayes carry 3-0 and the motion carries.

EC County Planning and Development – Comprehensive Plan Update – Agreement No. 21-19-03

The Town Board will be conducting an update to the comprehensive plan in 2022. Eau Claire County Planning and Development will assist the Town with the process. A agreement was presented to the board. The agreement contains a price of \$5000 as well as the scope of work to be completed.

Motion (Nelson/Green) to approve Agreement No. 21-19-03

Chairman announced the ayes carry 3-0 and the motion carries.

Establish Wards – Resolution No. 21-16-13

The 2020 census numbers were made available and Eau Claire County needs to redistrict county supervisors and the town needs to re-create wards with a population between 300-1000 residents each. The Town will now have 5 wards and the town will be split between two county supervisors. The census indicates the Town population is 3791. Working with the County, new supervisor and ward lines were drawn. The resolution contains a map and population numbers by census block.

Motion(Green/Nelson) to approve Resolution No 21-16-13.

Chairman announced the ayes carry 3-0 and the motion carries.

Town Loans – Resolution No 21-16-14

Due to the fact interest rates are very low, the town will be re-financing the building loan and the F550 loan. A new loan is also approved for the purchase of a 2022 plow truck. Said loans will be issued by Frandsen Bank and Trust, which is the designated public depository. The building loan payment has the same term (13 years remaining) with a 3.0% interest rate, the F550 loan has the same term (3 years remaining) with 2.65% interest rate and the new plow truck is a 5-year loan with a 2.321% interest rate.

Motion (Nelson/Green) to approve Resolution No 21-16-14 – Town Loans

Chairman announced the ayes carry 3-0 and the motion carries.

Resolution No. 21-16-15 – Budget Amendment

Motion (Green/Nelson) to approve Budget Amendment Resolution No 21-16-15 amending the Town of Pleasant Valley 2021 budget with a sum change of \$59,000.00 per resolution.

Chairman announced the ayes carry 3-0 and the motion carries

ARPA discussions

Jen is working on maps showing broadband coverage in the Town.

ADJOURNMENT

Motion (Hanson/Green) to move this meeting is adjourned at 8:40pm.

Chairman announced the ayes carry 3-0 and the motion is adopted.

Respectfully submitted,
Jen Meyer, Clerk / Treasurer

Posted at town hall 11-4-2021
Placed on Website 11-4-2021