

MINUTES

Eau Claire County

- BOARD OF LAND USE APPEALS •

Date: Monday, November 15, 2021

Time: 5:30 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: **2598 574 9598** Password: **ymVb5Uigp33**

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

Audio conference: 1-415-655-0001 Access Code: **25985749598##**

**Please mute personal devices upon entry*

For those wishing to make public comment, you must e-mail Sam Simmons at Samuel.Simmons@co.eau-claire.wi.us 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: Randall Stutzman, Karen Meier-Tomesh, Patrick Schaffer, Gary Eslinger

Members Absent: None

Staff Present: Rod Eslinger, Jared Grande, Sam Simmons

1. Call to Order and confirmation of meeting notice

Chairman Stutzman called the meeting to order at 5:35 p.m. and confirmed the meeting was properly noticed.

2. Roll Call

Clerk Sam Simmons confirmed a quorum of members was present.

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

None.

4. Public Hearings

- a. A request to appeal the conditional use permit (CUP-0019-21) granted to Christian Borntreger to operate a sawmill in the A-P Agricultural Preservation District. (Town of Lincoln) / Discussion – Action

Chairman Stutzman swore in Jared Grande, Land Use Manager for Eau Claire County Planning & Development, to provide background on the Appeal Application.

At this time, Chairman Stutzman declared the meeting to be a de novo hearing, meaning that this meeting will be considered a new hearing on the Conditional Use Permit request.

Mr. Grande then proceeded to outline the Committee on Planning & Development public hearing process, background on the Conditional Use Permit Application, and reasons the Appeal was made.

After providing background, Mr. Grande introduced "Exhibit F" to the Board. This Exhibit is a letter outlining concerns on water pollution of a navigable waterway received by staff on November 12, 2021 from Jarchow Law, LLC.

Chairman Stutzman swore in Adam Jarchow, of Jarchow Law, LLC. Mr. Jarchow outlined Wisconsin State Statute 59.69 which requires that any Conditional Use Permit requests must have supporting evidence in order to be approved. The Appellants, along with Mr. Jarchow, believe that conditions I, B, & E in the staff report were not able to be met by the Applicant. Mr. Jarchow also discussed concerns regarding water pollution and believes the Applicant is not conforming with zoning.

Chairman Stutzman swore in Terry & Susan Miller, speaking in favor of the Appeal. Mr. & Mrs. Miller's concerns are that neighbors would be dramatically affected by the sawmill.

Chairman Stutzman swore in Ed Acholla, speaking in favor of the Appeal. Mr. Acholla's concern is the nuisance that would potentially be caused by the sawmill.

Chairman Stutzman swore in Shawn Bochman, speaking in favor of the Appeal. Mr. Bochman agrees with the request to repeal the Conditional Use Permit.

Chairman Stutzman swore in Nicholas Krall, speaking in favor of the Appeal. Mr. Krall agrees with the request to repeal the Conditional Use Permit.

Chairman Stutzman swore in Randy Volbrecht, speaking in favor of the Appeal. Mr. Volbrecht agrees with all others speaking in favor and believes the proposed sawmill belongs in a commercial zoning district.

Chairman Stutzman swore in Kurt and Wendy Folkers, speaking in favor of the Appeal. Mr. & Mrs. Folkers were confused by the DNR determination on whether or not a navigable waterway was located on the property.

Nobody else spoke in favor of the Appeal.

None spoke in opposition of the Appeal.

Mr. Grande concluded with the Planning & Development staff recommendations. Staff recommends that the Board uphold the decision by the Committee on Planning & Development to approve the Conditional Use Permit request.

The Board entered deliberations at 6:40 p.m.

The Board exited deliberations at 6:57 p.m.

After deliberations, Christian Borntreger, the applicant for the proposed sawmill, spoke in opposition to the Appeal. Mr. Borntreger outlined reasons the sawmill is being requested and the proposed use for the sawmill.

ACTION: Motion by Randall Stutzman, seconded by Karen Meier-Tomesh, to approve the Appeal based on the determination that the applicant did not provide substantial evidence as required by Wisconsin State Statute 59.69 (5e) to address concerns raised by the Appellants regarding air pollution, water pollution, noise pollution and matters regarding deprivation and enjoyment of property within the vicinity of the proposed sawmill. Motion carried, 3-0-0. Member Gary Eslinger was present, but a vote was not recorded.

5. Review/Approval of June 14, 2021 Meeting Minutes / Discussion – Action

The Board reviewed the June 14, 2021 Meeting Minutes.

ACTION: Motion by Karen Meier-Tomesh, seconded by Patrick Schaffer, to approve the June 14, 2021 Meeting Minutes as presented. Motion carried, 3-0-0. Member Gary Eslinger was present, but a vote was not recorded.

6. Adjourn

ACTION: Motion by Karen Meier-Tomesh, seconded by Patrick Schaffer, to adjourn the meeting. Motion carried, 3-0-0. Member Gary Eslinger was present, but a vote was not recorded. Meeting adjourned at 7:02 p.m.

Respectfully submitted,



Samuel Simmons
Clerk, Board of Land Use Appeals