

MINUTES

Eau Claire County

• PLANNING & DEVELOPMENT COMMITTEE •

Date: Tuesday, August 22, 2023

Time: 7:00 p.m.

Location: Eau Claire County Courthouse, 721 Oxford Ave, Room 1277, Eau Claire, Wisconsin 54703

*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: 2602 992 9974

Password: VkFNrSUM262

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

Audio conference: 1-415-655-0001 Access Code: 26029929974##

For those wishing to make public comment, you must e-mail Rod Eslinger at Rod.Eslinger@eauclairecounty.gov at least 60 minutes prior to the start of the meeting.

**Please mute personal devices upon entry*

A majority of the county board may be in attendance at this meeting, however, only members of the committee may take action on an agenda item.

Members Present: Robin Leary, James Dunning, Dane Zook, Todd Meyer,

Members Absent: Nick Smiar

Ex officio Present:

Staff Present: Rodney Eslinger, Matt Michels, Ben Bublitz

1. Call to Order and confirmation of meeting notice

Chair Leary called the meeting to order at 7 p.m. and confirmed with Director Eslinger the meeting was properly noticed.

2. Roll Call - Members present are noted above. A quorum was present.

3. Public Comment (15 minute maximum) - None

4. Review/Approval of August 8, 2023 Meeting Minutes / Discussion – Action

The committee reviewed the August 8, 2023 meeting minutes.

ACTION: Motion by James Dunning to approve the August 8, 2023 committee meeting minutes as presented. Motion carried on a voice vote: 4-0-0

5. Review/Approval of August 10, 2023 Joint Meeting on Planning & Development and Finance & Budget Committee Minutes / Discussion – Action

The committee reviewed the August 10, 2023 meeting minutes.

ACTION: Motion by Todd Meyer to approve the August 10, 2023 committee meeting minutes as presented. Motion carried on a voice vote: 4-0-0

6. Public Hearings

- a. A conditional use permit for the cumulative area of all accessory structures to exceed 1,200 square feet (2,800 square feet). Owner: Paul & Mary Zachau. Legal: A parcel of land located in the SW ¼ of the SW ¼, Section 1, Township 25 North, Range 9 West, Town of Pleasant Valley, Eau Claire County, Wisconsin. CUP-0009-23

Ben Bublitz, 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 on the applicant's property (2,800 square feet requested). Mr. Bublitz reported that the proposed garage will be used for personal storage. He reviewed the location of the site within the Town of Pleasant Valley. The new garage would meet the setback requirements of the district, comply with the height requirements, the structure's exterior will match the single-family residence. On August 14, 2023, the Town of Pleasant Valley Town Board met and recommended approval of the conditional use request.

Staff concluded that the applicant's request for a conditional use permit for an accessory structure more than 1,200 square feet 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 a conditional use. Mr. Bublitz recommended approval subject to the conditions in the staff report.

Applicant was in attendance but did not address the committee

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

ACTION: Motion by Todd Meyer to approve the conditional use permit CUP-0009-23 request for the cumulative area of all accessory structures to exceed 1,200 square feet. Motion carried on a voice vote: 4-0-0

- b. A conditional use permit for an accessory structure over 1,200 square feet (1,920 square feet). Owner: Dustin Robelia. Legal: Lot 3 of CSM Volume 16 Page 127 (#2861), Section 8, Township 27 North, Range 8 West, Town of Seymour, Eau Claire County, Wisconsin. CUP-0010-23

Ben Bublitz presented the request for the cumulative square footage of all accessory structures to exceed 1,200 square feet on the applicant's property (1,920 square feet requested). He stated the applicant is looking to construct a 40 foot by 48-foot garage to be used for personal storage. He reviewed the location of the site within the Town of Seymour. The new garage would meet the setback requirements of the district, comply with the height requirements, the structure's exterior will match the single-family residence. On August 8, 2023, the Town of Seymour Town Board met and voted to recommend approval of the conditional use request.

Mr. Bublitz recommended approval subject to the conditions in the staff report.

Dustin Robelia didn't have anything further to add beyond the staff report.

Steve Simon, neighbor to Mr. Robelia, stated no objections and indicated the site is well

screened.

ACTION: Motion by Dane Zook to approve the conditional use permit CUP-0010-23 request for and accessory structure over 1,200 square feet. Motion carried on a voice vote: 4-0-0

- c. A conditional use permit for the cumulative area of all accessory structures exceeding 1,200 square feet (2,174 square feet). Owner: Waldemar Hurt III & Tracy Hurt. Legal: Lot 99 Third Addition to St Andrews Park, Section 18, Township 27 North, Range 8 West, Town of Seymour, Eau Claire County, Wisconsin. CUP-0011-23

Ben Bublitz presented the request for the cumulative square footage of all accessory structures to exceed 1,200 square feet on the applicant's property (2,174 square feet requested). Ben informed the committee that he was made aware that the applicant possibly was operating a business selling UTV's from the property. He spoke with the applicant earlier in the day and the applicant indicated he was not able to attend the hearing and was not looking to withdraw nor postpone the application.

Ben reviewed the application materials with the committee along with the location of the property in the St. Andrews Subdivision in the Town of Seymour. The request involves expanding an existing garage to be used for personal storage. The new garage would meet the setback requirements of the district, comply with the height requirements, the structure's exterior will match the single-family residence. On August 8, 2023, the Town of Seymour Town Board met and voted to recommend approval of the conditional use request.

The applicant was not available at the hearing.

Jessica Jansen, Town Chair, Town of Seymour address the committee and stated the board had originally supported the request at the last meeting. She mentioned that the town board was not aware that the property owner was selling UTV's from the property.

Andrew Anderson, neighbor, spoke in opposition to the conditional use request. He stated that it appears that the applicant is running a business selling UTV's from the property.

Fred Hankel, town building inspector, neighbor, and is on the St. Andrews' building architectural committee indicated that he has received numerous calls regarding the applicant selling side by sides from the property. He said the neighbors have complained about the buyers of the UTV's test driving vehicles within the subdivision. There are concerns about small children walking, playing or riding their bikes on the streets.

Garry Keute, 921 McGregor Drive, stated that the applicant is clearly running a business from the property selling UTV's. He's concerned with the safety of the children in the neighborhood, impact that the business could have on property values, and the illegal use of the vehicles on town roads.

ACTION: Motion by Todd Meyer to postpone the conditional use permit CUP-0011-23 to the September 26, 2023 committee to allow the St. Andrews Architectural Committee and the Town of Seymour additional time to consider the new facts around the applicant selling UTV's from the property, and to allow staff to verify whether or not a zoning violation exists. Motion carried on a voice vote: 4-0-0

- d. **Proposed Ordinance: File No. 23-24/028** to rezone 35.33 acres +/- from A-P Agricultural Preservation to A-2 Agriculture-Residential and A-3 Agricultural District. Owner(s): Chris & Ingrid Silewski. Applicant(s): Kris Severtson. Legal: Lot 2 CSM 3265, Vol 18, P 196-197, #1143779 Town of Washington, Eau Claire County, WI. RZN-0004-23

Matt Michels, Senior Planner for Eau Claire County presented the staff report to the committee. He reviewed with the committee the location of the rezoning petition within the town, an aerial map, the zoning and future land use map, and the soils of the property to be rezoned. He explained the request is to add 3 additional acres to the existing CSM. He noted that there are two mapped wetlands onsite that could impact further development of the larger parcel. Mr. Michels said the Town of Washington Town Board reviewed the rezoning petition at their meeting on August 17, 2023, and voted to recommend approval of the petition.

Matt concluded his presentation by recommending that the committee approve the rezoning petition based on the following findings: 1. The proposed rezoning is substantially consistent with the intent and purpose of the Eau Claire County Future Land Use plan. 2. No additional lots would be created, and no new land use changes are proposed with this rezoning. 3. Other similarly zoned lots are found in the vicinity of the subject property.

Kris Severston, agent for the applicants Chris and Ingrid Silewski, spoke in favor of the request. He clarified for the committee that this is a simple add on to increase the size of the CSM lot to 8 acres.

Darryl Winrich, spoke in opposition to the request. His concerns included that the rezoning petition could limit hunting by the neighbors in the vicinity and would be a fire protection burden.

No one else spoke in favor or in oppose to the rezoning petition.

ACTION: Motion by James Dunning to approve the Proposed Ordinance: File No. 23-24/028. Motion carried on a voice vote: 4-0-0

- e. **Proposed Ordinance: File No. 23-24/032** to rezone 48.04. acres +/- from A-P Agricultural Preservation to A-3 Agricultural District. Owner(s)/Applicant(s): Jane Mueller Revocable Living Trust. Legal: Part of the SW-SW and part of the SE-SW, Section 29, Township 26 North, Range 8 West and part of the NW-NW, Section 32, Township 26 North, Range 8 West. Town of Washington, Eau Claire County, Wisconsin. RZN-0006-23

Matt Michels, Senior Planner for Eau Claire County presented the staff report to the committee. He updated the committee as to the location of the rezoning petition within the town showing the site west of Brackett. He reviewed with the committee an aerial map, the zoning and future land use map, and a soil map of the property to be rezoned. The request is to rezone 48 acres from the A-P Agricultural Preservation District to the A-3 Agricultural District. Mr. Michels said the Town of Washington Town Board reviewed the rezoning petition at their meeting on August 17, 2023, and voted to recommend approval of the petition.

Matt concluded his presentation by recommending that the committee approve the rezoning petition based on the following findings: 1. The proposed rezoning is substantially consistent with the intent and purpose of the Eau Claire County Future Land Use plan. 2. No new lots are being proposed since Mueller Road already divides the property. 3. Other similarly zoned lots are found in the vicinity of the subject property.

He also noted that no one provided documentation to support or oppose the rezoning petition as presented.

Jane Mueller, the applicant and property owner, spoke in favor of the request. She briefly shared the history of the Mueller farm with the committee. She has a buyer for a land lying north of the Mueller Road and feels that this petition will not disturb the character of the neighbor.

No one else spoke in favor or in oppose to the rezoning petition.

ACTION: Motion by Dane Zook to approve the Proposed Ordinance: File No. 23-24/032. Motion carried on a voice vote: 4-0-0

7. Committee Review– A request to reduce the contiguous buildable area of lot from 21,780 square feet to 3,489 square feet. Lot located in part of the NW ¼ of the SW ¼, Section 4, Township 26 North, Range 6 West, Town of Bridge Creek, Eau Claire County, Wisconsin. (Kinderman/Gartmann) / Discussion – Action

Ben Bublitz, Land Use Manager, refreshed the committee on this request. He indicated that since the applicant last appeared in front of the committee, he or his agent have secured the following approvals: Highway Department approval of the driveway placement, Highway Department approval for a reduced setback from the right of way, Health Department approval for the POWTS, and land conservation general review.

Pete Gartmann, applicant's agent, spoke in favor of the request. He reviewed with the committee his reasons why hardships exist on the lot. He indicated that there is a buildable area of 3,400 sq. ft. that will protect all the resources onsite. He indicated that only 10 % of the lot will be covered with impervious surface, which is below the allow 15 % on shoreland lots. Mr. Gartmann indicated that no runoff will leave the site.

Brandon Andries, neighbor to the Kinderman's property, asked the committee what is the hardship? He stated that he was an CPA for Baker Tiley and understood tax rates. He questioned why the lot was given the outlot status on the original plat. He told the committee he would have purchased the outlot, if he believed that someday a residence could have been built on lot. He opposed the request.

ACTION: Motion by Todd Meyer to approve the committee review request to reduce the contiguous buildable area subject to the owner submitting an engineered drainage plan prior to the commencement of construction. Motion carried on a voice vote: 4-0-0

8. Recycling and Sustainability Programming Update / Discussion

This was moved to the September 26th committee meeting.

9. After the fact permit fees (Section 18.31.040 A. 3., Section 17.04.110 E., Section 17.05.090 A. 4., and Section 17.05.090 A. 4. of the County Code) / Discussion – Action

Director Eslinger gave a brief background on after-the-fact fees. He stated that there have been several cases recently where contractors/owners have blatantly started construction without obtaining permits from the Department. Mr. Eslinger requested that the county consider increasing the after-the-fact fees as a deterrent from starting construction without a permit.

ACTION: Motion by James Dunning to approve staff researching the matter more and bringing back information for the committee to considered at a future meeting. Motion carried on a voice vote: 4-0-0

10. Review of July bills / Discussion

The committee reviewed the July 2023 bills.

11. Proposed Future Agenda Items / Discussion

- a. Next scheduled meeting September 12, 2023

12. Adjourn

ACTION: Meeting adjourned by unanimous consent at 8:52 p.m.

Respectfully Submitted,



Rodney Eslinger
Clerk, Committee on Planning & Development