

MINUTES OF THE TOWN OF WASHINGTON MONTHLY TOWN BOARD MEETING
May 20, 2021

Members Present: Micheal Peterson, Andrea Kott, Jane Mueller, Robert Solberg, Karen Tomesh

Staff Present: Janelle Henning, Jackie Vold

Members/Staff Absent: None

Admin. Henning made opening remarks regarding the format of a Zoom meeting.

A quorum being present, Chrm. Peterson called to order the monthly Town Board meeting of the Washington Town Board at 5:06 p.m., on Thursday, May 20, 2021, virtual meeting on Zoom.

Minutes:

Supv. Tomesh moved TO APPROVE THE MINUTES OF THE APRIL 15, 2021 TOWN BOARD MEETING. The motion was seconded by Supv. Solberg.

Aye 5 Nye 0

Minutes:

Supv. Mueller moved TO APPROVE THE MINUTES OF THE APRIL 27, 2021 TOWN ANNUAL MEETING. The motion was seconded by Supv. Solberg.

Aye 5 Nye 0

Public Hearing & Board Consideration for Rezone Request to Rezone 215 +/- Acres from A1 Exclusive Agricultural District to RH Rural Homes District. Owner(s) - LaVern Stewart and Applicant – Craig Wurzer:

Matt Michels, Senior Planner for Eau Claire County Planning & Development introduced the application with a PowerPoint presentation. A similar proposal came before the Board in January 2021. The subject property is currently zoned A1 and the Future Land Use Map designates it as Rural Transition. 90% of the nearly half million acres in Eau Claire County are designated as rural lands; this includes the County Forest. Growth areas are along corridors and major highways in proximity of Eau Claire. He reviewed the intent of the Rural Transition area from the Town's Comprehensive Plan. Currently 82% of the existing subdivisions in the Town of Washington are developed and occupied. He also reviewed the City of Eau Claire's sewer service area. Two-thirds of the Town is designated as Rural Lands for the Future Land Use. This area has been designated as residential development since the 1970s. The area does have scattered agricultural uses but is mainly residential neighborhoods. There is consistency between the County, City and Town's Plans. City density is 5x what is being proposed. He summarized the findings in favor indicating that the request substantially consistent with the Rural Transition Future Land Use of the Town's Comprehensive Plan, the density is similar to residential development in the vicinity, greater ground water protection from the community waste water treatment collection as compared to individual septic systems, open space and conservation easements and outlots, publicly assessable trail system, and Transportation Impact Analysis was reviewed and conditionally accepted by the County Highway Department. Finding against: There are other undeveloped parcels within the Rural Residential (RR) planning area that could potentially be developed prior to the subject property, which is within the Rural Transition (RT) planning area. However, most of the undeveloped RR properties lie within the City of Eau Claire Sewer Service Area and will likely be annexed prior to development to connect to city sewer and water as the Intergovernmental Agreement restricts unsewered development to 1 dwelling unit per 10 acres, which is not economically viable. Staff recommends approval as outlined in their Staff Report.

Mark Erickson, Project Engineer reviewed the changes made: Honey Crisp Court does not intersect with Deerfield Road, public pathways added, relocated Lot 116, community waste water treatment system would service all lots in the subdivision with the exception of Lots 83-86, and 116-117. The proposal meets all the traffic requirements with room for growth. He shared the various aspects of the subdivision.

Paul Holzinger, developing partner of Orchard Hills shared some history of the area. Indicated that they use the Future Land Use Maps when identifying lands for potential development. They measure the need based on demand and there is currently a shortage of available housing. The proposed plan of 235 acres with 117 home sites; if it was changed to a 5 acres minimum lot size it would require 585 acres of land for the same amount of homes. It conforms to the County's Plan and is designed by experts.

Michael May, Traffic Engineer reviewed some of the improvements that have been made to intersections and speed limits.

Tony Birrittieri, Wastewater System Designer stated they have worked with the County and the State. The design meets and exceeds the requirements at all levels of government. Community wastewater systems have advanced technology that treats the wastewater in the tanks and clean water is placed back into the aquifer; no potential for drain fields to fail. Three sites as opposed to 112 different sites. This approach is a better way to handle the water, more environmentally friendly, and allows for better management and oversight of the systems with 24 hour management.

Admin. Henning indicated that as of 3:00 p.m. today the office had received 17 letters in opposition which were distributed to the Town Board for their review.

Chrm. Peterson opened the public hearing.

Michael O'Meara, 5115 Mischler Drive – spoke in opposition; concerned about the wastewater system.

LaVerne Stewart, land owner and applicant – shared a brief history of the area and land and spoke in favor of the development.

Brian Binczak, 1815 Susan Drive – spokesman for the neighborhood shared a 15 minute presentation.

Indicated over 300 people have signed a petition opposing the development. Main concerns: safety, incomplete proposal, high density development, and environmental impacts.

10 minute recess

Leslie Foster, 1515 Deerfield Road – spoke in opposition.

Marc Hagel, 1129 Rainetta Drive – spoke in opposition stating water concerns.

Brad Grewe, 1270 Deerfield Road – spoke in opposition; stated most people who signed the petition are not against developing the land but against this development proposal; water and traffic concerns.

Douglas Radke, 1118 Kathryn Drive – spoke in opposition; ground water concerns.

Bridget Coit, 1811 Susan Drive – spoke in opposition; safety and traffic concerns.

Cynthia Hunt, 2125 Andrew Drive – spoke in opposition; plan poorly conceived and too large.

Drew Brandenburg, 5505 Woodcrest Highlands – spoke in opposition; plan has not changed since last public hearing, Chippewa Valley Home Builders is not supporting it.

Leslie Duffy, 5440 Woodcrest Highlands – spoke in opposition; concerns regarding community septic system.

Tina Ball, 5999 Cater Road – spoke in opposition; traffic concerns, size of development.

Brad Flores, 1109 Rainetta Drive – spoke in opposition; concerns with setbacks and buildable area on lots.

Peter Caraher, 6360 Whitetail Drive – spoke in opposition; concerns with density and traffic.

Barbara Page, 5472 Woodcrest Highlands – spoke in opposition; concerns with safety and rural character.

Adam Resnick, 5802 Inwood Drive – spoke in opposition; traffic concerns - school and wetland impact.

Nathan Kent, 2335 Trillium Drive – spoke in opposition; agree with concerns of neighborhood.

Joy Schumacher, 509 Deerfield Road – spoke in opposition; concerns with water quality and traffic.

Matthew O'Meara, 1121 Kathryn Drive – spoke in opposition; safety, water, and septic concerns.

Thomas Hunt, 2125 Andrew Drive – spoke in opposition; wants a fiscal impact analysis done and concerned with policing and fire services.

Glenn Reynolds, 5535 Mischler Road – spoke in opposition; concerned with a development that is not rural in character and traffic.

Kevin Anason, 1128 Rainetta Drive – spoke in opposition; same concerns as other neighbors and wildlife.

Chrm. Peterson closed the public hearing.

Matt Michels noted that the Town Comprehensive Plan was updated in 2018 and the County Plan in 2020.

Janelle Hestekin, Engineer Supervisor with Eau Claire County Highway Department shared that the Highway Department is looking at potential improvements to the roads and site distance in this area at their June 17 meeting.

Michael May, Traffic Engineer indicated the traffic study was done per County's request. 3 hours of morning and 3 hours of evening data is industry standard from the WI Department of Transportation. The traffic counts were increased above the COVID count by a 45% increase and show the infrastructure can handle the traffic. Improvements to Mischler and Deerfield intersection will increase the safety to this intersection. Played a short animated video of traffic analysis for existing and future on Mischler and Deerfield.

Tony Birrittieri spoke of the safety and management of the community wastewater system. They meet and many times exceed standards at the State and Federal level in the design and maintenance of the systems. Over 30 years in Wisconsin with over 40 locations; this is not new technology. With a individual septic system drain fields are what typically fail.

Town Board asked several questions of County Staff, developers and experts.

Mark Erickson spoke regarding buildable area on lots.

Rod Eslinger, Director of Planning & Development indicated this hearing is to rezone the property and whether changing it from Agricultural to Residential is appropriate and if it fits with the Town Plan. The second hearing is for the development itself, preliminary plat, storm water, etc. The rezoning of the property could be approved without approval of the Conditional Use Permit.

Sharon Masek, Hydro geologist indicated majority of the water movement will be down not sideways. There is no connection to the wastewater system and wells going dry. Wells very seldom go dry, huge water users (million gallons a day) located nearby may cause a well to go dry. Private wells will not significantly lower the water tables.

Mark Erickson stated the first phase would incorporate Stewart Farm Drive and a portion of Cortland Way; which would be 41 homes connect to one of the community wastewater systems.

Michael May, Traffic Engineer stated the traffic analysis followed all industry standards; looking at 24 hour data is not typical.

Town Board members spoke regarding analyzing all materials and reviewing all correspondence from residents.

Supv. Solberg moved TO APPROVE REZONING 215 +/- ACRES FROM A1 EXCLUSIVE AGRICULTURAL DISTRICT TO RH RURAL HOMES DISTRICT. OWNER(S) – LAVERNE STEWART AND APPLICANT – CRAIG WURZER. The motion was seconded by Supv. Tomesh.

Aye 4 Nye 1

10 minute recess.

Public Hearing & Board Consideration for a Conditional Use Permit Request for a 125 Lot Planned Unit Development to Create the Plat of Orchard Hills. Owner(s) - LaVern Stewart and Applicant – Craig Wurzer:

Jared Grande, Land Use Manager, Planning & Development introduced the application with a PowerPoint presentation. He reviewed the conditions outlined in the County Code, the County process and the various impacts including traffic, wetlands, setbacks, storm water, trail systems, covenants, etc. A wetland delineation was done by an assured wetland delineator. He reviewed some discrepancies that need to be clarified: timeframe of build out phases, trail systems, storm water outlots, and environmentally sensitive areas. The Town's role is a recommendation that goes forward to the Committee meeting at Planning & Development for the Conditional Use Permit. Staff recommends

approval of the Conditional Use Permit with the conditions outlined in their report.

Town Board members asked several questions of County Staff.

Mark Erickson indicated the trail system would be public and the developers would make all the changes to the conditions outlined in the Staff Report.

Chrm. Peterson opened the public hearing.

Paul Holzinger indicated the setbacks are measured from the right-of-way line which is typically 33 ft. from the center line of the road not from the road edge. Homes would be a minimum of 50 to 52 feet from the road edge.

Tina Ball, 5999 Cater Road – spoke in opposition; the use of property would be injurious to her property. Drew Brandenburg, 5505 Woodcrest Highlands – spoke in opposition; same concerns as expressed previously.

Leslie Duffy, 5440 Woodcrest Highlands – spoke in opposition; questions about trails.

Cynthia Hunt, 2125 Andrew Drive – spoke in opposition; is not a good fit for the Town.

Brad Flores, 1109 Rainetta Drive – spoke in opposition; disagrees with the number of lots.

Matthew O’Meara, 1121 Kathryn Drive – spoke in opposition; land overpriced and impact on schools.

Mariena Kent, 2335 Trillium Drive – spoke in opposition; too many homes.

Thomas Hunt, 2125 Andrew Drive – spoke in opposition; fiscal impact needs to be considered.

Brian Binczak, 1815 Susan Drive – spoke in opposition; same concerns as outlined previously.

Chrm. Peterson closed the public hearing.

Mark Erickson indicated the trail system will not be within the setbacks. The neighborhood wants 5 acre lots which is not consistent with what the requirements allow.

Town Board asked several questions of County Staff and shared concerns about areas that have yet to be answered by the developer.

Admin. Henning indicated that the updated trail system was just provided today by the applicant and has not been evaluated by the Town or County. The storm water system is taken over in 5 years by the Town and it would be prudent to know in advance what that is; these components are significant in nature that need to be reviewed. She outlined additional conditions that need to be amended in the Staff Report.

Town Board discusses whether to table the request or not.

Supv. Tomesh moved TO TABLE THE CONDITIONAL USE PERMIT REQUEST FOR THE ORCHARD HILLS SUBDIVISION UNTIL JUNE 17 DUE TO INSUFFICIENT INFORMATION AND THE NEED FOR THE DEVELOPER TO PROVIDE ADDITIONAL INFORMATION AS OUTLINED IN THE AMENDED CONDITIONS AS IT RELATES TO STORM WATER MANAGEMENT, A PUBLIC TRAIL SYSTEM, THE MAINTENANCE AND MANAGEMENT OF OUTLOTS, AND THE SCHEDULE OF THE THREE PHASES OF THE DEVELOPMENT. The motion was seconded by Supv. Solberg.

Aye 5 Nye 0

Chrm. Peterson made a statement regarding the threatening tone of many of the letters from residents and asked for a more civil discourse.

The April 2021 Financial Statement was reviewed.

Checks:

Supv. Tomesh moved TO APPROVE CHECKS PR0421-01 THROUGH #029214 FOR \$130,502.37. The motion was seconded by Supv. Solberg.

Aye 5 Nye 0

Licenses:

Supv. Mueller moved TO APPROVE THE CHANGE OF AGENT, KATHERINE BITNEY AT KWIK TRIP AND THE BARTENDER LICENSES FOR BRIELLE E. MCKILLIP AND ALEXUS AICHELE. The motion was seconded by Supv. Solberg.

Aye 5 Nye 0

Ordinance 2021-05-20: Continuation of Business:

Deputy Clerk, Jackie Vold indicated this ordinance allows the Town to require a “Class B” liquor license holder to relinquish their license if they lose their premise and allows a new applicant to be in business a minimum amount of hours per day and 3 months within a 12 month period.

Chrm. Peterson moved TO APPROVE ORDINANCE 2021-05-20: CONTINUATION OF BUSINESS. The motion was seconded by Supv. Tomesh.

Aye 5 Nye 0

Ordinance 2021-05-20B: “Class B” Liquor License With Sale for Off Premise Consumption:

Deputy Clerk, Jackie Vold indicated this ordinance allows “Class B” liquor license holders to sell liquor in original package with to go orders for off premise consumption.

Supv. Tomesh moved TO APPROVE ORDINANCE 2021-05-20B: “CLASS B” LIQUOR LICENSE WITH SALE FOR OFF PREMISE CONSUMPTION. The motion was seconded by Supv. Mueller.

Aye 5 Nye 0

Ordinance 2021-05-20C: Requiring Payment of Local Claims as Condition of Obtaining or Renewing Town Issued Licenses:

Deputy Clerk, Jackie Vold indicated this cleans up the language of our existing ordinance.

Supv. Solberg moved TO APPROVE ORDINANCE 2021-05-20C: REQUIRING PAYMENT OF LOCAL CLAIMS AS CONDITION OF OBTAINING OR RENEWING TOWN ISSUED LICENSES: The motion was seconded by Supv. Tomesh.

Aye 5 Nye 0

Administrator’s Report:

The Road Department are prepping roads for chip seal. The Road Crew does have one employee out and Admin. Henning has been assisting on current projects. Prill Road, North Road, and Mayer Road are those being prepped.

Cemetery grounds and maintenance are busy with spring preparations along with the office with lot sales and burials.

Advertised for the Seasonal Roadway Worker for June 1-August 31 in addition to summer help for the cemetery. Applications are being reviewed and interviews will be conducted soon.

Reviewed many documents in regards to the Rezone and CUP applications.

1 letter for driveway installation without permit on Kern.

1 letter for boat in the yard on E. Hamilton.

Chairman’s Report:

Commended the office staff for the work.

Fire Board Update – new dispatcher taking over, fixing up the duplex on Horlacher to be rented.

Supervisor’s Report:

Supv. Tomesh appreciated all the residents taking time to share with the Board; many could have been more civil.

Supv. Mueller believes in public input but as a former Social Studies teacher wished they understood the process better.

Supv. Kott believes the residents did a lot of research and many were upset but rightly so.

Citizens Input:

None

Future Zoning Requests:

None

Items for Next Meeting's Agenda:

None

Adjournment:

Supv. Tomesh moved TO ADJOURN. The meeting adjourned at 10:26 p.m.

THE NEXT TOWN BOARD MEETING WILL BE ON JUNE 17, 2021
AT 5:00 P.M. AT THE TOWN MUNICIPAL BUILDING,
5750 OLD TOWN HALL ROAD, EAU CLAIRE

Jackie Vold

Deputy Clerk/Administrative Assistant

Attendance: Rod Eslinger, Matt Michels, Jared Grande, Ben Bublitz, Liz Fagen, Janelle Hestekin, Elizabeth Paulson, Mark Erickson, Paul Holzinger, Craig Wurzer, LaVerne Stewart, Damian Prince, Grady Wold, Michael May, Tony Birrittieri, Sharon Masek, Keven Olson, Jim Engelhardt, Jeff Stockburger, Brian Binczak, Michael O'Meara, Leslie Foster, Marc Hagel, B. Grewe, Douglas Radke, Bridget Coit, Cynthia Hunt, Drew Brandenburg, Leslie Duffy, Tina Ball, Brad Flores, Peter Caraher, Barbara Page, Adam Resnick, Mariena Kent, Joy Schumacher, Matthew O'Meara, Thomas Hunt, Glenn Reynolds, Kevin Anason, plus 35 others