

CITY OF WASHBURN
119 Washington Avenue
P.O. Box 638
Washburn, WI 54891



715-373-6160
715-373-6161
FAX 715-373-6148

This meeting may have members participating via tele or web conferencing. Public participants can listen to the proceedings by utilizing a computer or smart phone and using the link <https://us02web.zoom.us/j/84568106501?pwd=aGg0ejN6UXIYbHhvdkZXOGtKamhTUT09> or by calling 1 (877) 853-5247 (Toll Free) and entering Webinar ID: **845 6810 6501** and entering passcode: **532526** as opposed to being present for the meeting.

NOTICE OF PLAN COMMISSION MEETING

DATE: Thursday, March 21, 2024
TIME: 5:30 PM
PLACE: Washburn City Hall – 119 Washington Ave

AGENDA:

- Call to Order/Roll Call
- Approval of Minutes of December 21, 2023
- Public Hearing
 - Discussion & Recommendation on Zoning Code Amendment; Amending the City's Zoning Code (Title 13), to Revise the Rear-yard Setback for Buildings in the C-2 District, and Amending the Buffer Requirement for Heavy Vehicle Sales and Service Uses.
 - Discussion & Recommendation on Zoning Code Amendment, Amending the City's Zoning Code (Title 13), to Update the Regulation of Multi-Family Buildings of 3 or More Units Eliminating the Conditional Use Requirement in Some Districts.
- Discussion & Action on Special Exception Request to Place Garage in Front Yard, 1461 County Hwy C – Tim and Anne McClaran, Petitioner.
- Adjourn

December 21, 2023

CITY OF WASHBURN PLAN COMMISSION MEETING

5:30PM Washburn City Hall

COMMISSION MEMBERS: David Anderson, Felix Kalinowski, Leo Ketchum- Fish, Mary Motiff, Nicholas Suminski

ABSENT: Michael Malcheski, Matt Simoneau

MUNICIPAL PERSONNEL: Scott Kluver-City Administrator, Tammy DeMars-Treasurer

Meeting called to order at 5:30 pm by Motiff, attendance as recorded above.

Approval of Minutes – November 16, 2023 Minutes – Motion by Anderson to approve the minutes of November 16, 2023, second by Suminski. Motion carried 5-0.

Public Hearing, Discussion & Recommendation on Zoning Map Amendment Request to Change the Zoning of Tax ID 32756 From R-2 Single Family Residential to R-6 Mixed Residential – Irene Blakely, 803 Third Avenue East, Petitioner Motion by Ketchum-Fish to open floor for public hearing, second by Anderson. Motion carried 5-0. No public comment. Motion by Ketchum-Fish to close the public hearing, second by Anderson. Motion carried 5-0. Discussion: this change is a very small portion, which would allow her entire property to be in the same zoning and allow her to better develop the property. Review of 7-5 (b) basis of decision; 1) Whether the amendment is consistent with the City's Comprehensive plan, including future land use maps or similar maps. *Yes, it's consistent with the Comprehensive Plan.* 2) whether the amendment is consistent with other planning documents adopted by the Common Council. *Not aware of any other planning documents.* 3) The extent to which the amendment will or will likely increase or decrease the number of nonconforming uses and structures. *Will not create any nonconforming structures and will allow future conforming development.* 4) Any other factor not specifically or generally listed but deemed appropriate by the Plan Commission or Common Council given this circumstance. *None.* Motion by Ketchum-Fish to recommend approval of Zoning Map Amendment to Change the Zoning of Tax ID to 32756 From R-2 Single Family Residential to R-6 Mixed Residential, seconded Suminski. Motion carried 5-0.

Discussion & Recommendation on Request to Vacate the Unopened Triton Avenue Between Grandview Blvd and Sunrise Ave.- Darren & Tera Miller 1404 Grandview Blvd, Petitioners – City Council has referred this to Plan Commission and asked the Commission to pay special attention of the Linear Park issue when reviewing this request. Kluver gives a brief history of what we know of the proposed Linear Park, in short, we are not sure when the idea of this purpose park came about but it was many years ago, possibly in the early 80's. It is noted on the current and past comprehensive plans, but to the knowledge of the current staff for whatever reason there has never been any discussion or push to implement those plans. Kluver also pointed out that there would be two other possibilities the commission could consider that were discussed at City Council, if you decide to vacate you could require a recreational easement or move the trail. Darren Miller states he would like the road vacated so that he may put up a large garage and be able to meet setbacks. Neither he nor the neighbors he spoke with knew anything about Linear Park. People are currently using Highland Park Road for walking and biking; the road is already open and is ideal. Commission members discussed the fact that many of the streets in that area are vacated and this request is consistent with others. Anderson moves to recommend the vacation of Triton Avenue between Grandview Blvd and Sunrise Avenue adjacent to Lots 14 through 23 of Block 3 and Lots 1 through 10 of Block 6 of the DuPont Park Addition, second by Suminski. Discussion on utility easements and recommendations for Linear Park. Anderson amends motion to include that no utility easements need to be retained and the Linear Park should be re-routed to Highland Rd, Suminski 2nd amendment. Motion carried 5 to 0.

Suminski moves to recommend the Park Committee, look at recommendation to relocate Linear Park to Highland Road and have them update plan as they see fit, second by Ketchum-Fish. Motion carried 5 to 0.

Discussion & Action on Plan of Operation for A Dog Store and Site Plan Review for Work/Live Dwelling Unit, 30 E. Bayfield St. – David Sneed and Pamela Dahlheimer, Petitioner – Plan of Operation Review; The proposed project is to operate a general retail store, selling dog related items, as well as items for the dog owners such as clothing and gifts at 30 E. Bayfield Street. They would also like to have a Live/Work Dwelling Unit which is allowable use but does require site Plan Review. The Commission first reviewed the Plan of Operation using the guide lines outlined in 7-115 of the Zoning Code Basis of Decision: The Plan Commission must determine whether the project complies with all applicable standards as follows: 1) The nature of the land use with regard to the number of employees, nature, and extent of truck shipments to and from the site, hours of operation, use of hazardous substances, and other operational characteristics – *The Plan Commission determines that there are no known issues. There are no known hazardous substances or other uncommon operational characteristics.* 2) The nature and extent of anticipated positive and negative effects on properties in the area – *No known negative effects. Positive effect is additional business in town.* 3) Actions the applicant will undertake to mitigate the negative effects, if any, of the proposed land use – *No known negative effects.* 4) Any other factor that relates to the purposes of this chapter set forth in s. 1-5 or as allowed by state law – *None.* List of Conditions Imposed: *None.* Ketchum-Fish moves to approve the Plan of Operation for a Dog Store at 30 E. Bayfield, Street, second by Anderson. Motion carried 5 to 0. The Commission then reviewed the site plan for the Live/Work Dwelling Unit as outlined in section 7-75 of the zoning code Basis of Decision: Site Plan Standards: Effects of the project on traffic safety and efficiency and pedestrian circulation, both on-site and off-site - *Entrance is off Bayfield Street with on and off-street parking available.* 2) Effects of the project on the natural environment – *No known detrimental effects.* 3) Effects

of the project on surrounding properties – *There is nothing out of the ordinary. Previously there were two businesses operating from this location, so traffic would not increase.* 4) Compliance with the site design principles enumerated in s. 8-163 – *No exterior modifications being made so project does not appear to be in conflict.* 5) Compliance with the design principles for parking lots enumerated in s. 17-3 – *This is in the Downtown Parking District, so there are no parking requirements, but the property does have off street parking and parking spaces in front of the building.* 6) Compliance with other applicable requirements contained in this chapter – *Dwelling unit door is separate from business entrance.* 7) Any other factor that relates to the purposes of this chapter set forth in s. 1-5 or as allowed by state law – *No other known factors.* 8) List of Conditions Imposed: Deed restrictions required to be filed. Moved by Suminski to approve the Site Plan for a Live/Work Dwelling Unit at 30 E. Bayfield St. with the condition a deed restriction must be filed, second by Anderson. Motion carried 5 to 0.

Discussion on Conceptual Ordinance to Modify Special Standards for Heavy Vehicle Sales and Service Use – At the October meeting, it was requested that a review of Zoning Ordinance 8-311 occur related to the 50 feet provision from a residential zoned property. As outlined in Kluver memo currently, the Heavy Vehicles Sales and Service use is allowed as a conditional use in the C-1, C-2, and I-1 districts. Nearly all the commercially zoned properties in the City are adjacent to residentially zoned properties. The rear yard setbacks for principal structures in the C-1, C-2, and C-3 districts are 10 feet, 25 feet and 8 feet respectively. Why the C-2, the middle commercial district, has a higher rear yard setback doesn't seem logical. The Commission could recommend that the provision in 8-311 be reduced or eliminated. Motion by Anderson to change the C-2 Rear Yard Setback from 25' to 10' and amend section 8-311 requirement of a 50' setback from a property in residential zoning district or a planned development district that allows residential uses to 30'. Motion carried 5 to 0.

Motiff adjourned the meeting at 6:42pm.

Respectfully Submitted,
Tammy L. DeMars
Treasurer

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715-373-6160
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To: Plan Commission Members
From: Scott J. Kluver, Administrator
Re: Proposed Zoning Ordinances Amendments
Date: March 6, 2024

Enclosed you will find two proposed zoning ordinances that are scheduled for a public hearing and then you can make a recommendation. Know that I will not be in attendance at the meeting, so if you have questions, please let Tammy know in advance so there is time to get the answers.

Ordinance for Rear-Yard Setback in C-2 and Buffer Requirement for Heavy Vehicle Sales and Service Uses – This ordinance is drafted per your request as previously discussed. The C-2 rear yard setback currently does not have a logical distance based on what is required for the C-1 and C-3 districts. The buffer requirements are at your request. Per the criteria for the basis of decision, which is also included, the proposed ordinance is consistent with the Comprehensive Plan, the amendment makes the ordinance more internally consistent, and there would be no non-conforming structures created.

Ordinance to Change Multi-Family Housing from Conditional to Permitted in Certain Districts – This ordinance is at the request of Cinnaire, who is working to do the proposed affordable housing development near Superior Avenue and STH 13, as well as Bayfield County. The reason for this is the State has come out with funding possibilities that Cinnaire could apply for if this ordinance is approved. Information on that is enclosed. I recommended this change as it would be a logical one since conditional use permits, because of previous legislative action, are really outdated and an unnecessary bureaucratic process at this point. In order to deny a project based on a Conditional Use process is really a high threshold that practically can not be met in advance of a project. In the draft ordinance, I only changed some of the districts. If you care to make this change to all the districts, that is your choice.

For the basis of decision, this change is consistent with the comprehensive plan and other planning documents, it is internally consistent, and it will not create any new non-conforming structures or uses. It also makes it easier for the City to comply with state law.

the regional office of the Wisconsin Department of Natural Resources within 10 calendar days of the date of decision.

- (20) **Preparation of new zoning map.** If the proposed amendment is approved and modifies the zoning map, the zoning administrator shall cause a new zoning map to be prepared consistent with Division 2 of Article 8.

7-4 Effective date of adopted ordinance

(a) **Generally.** Unless otherwise specified, an adopted ordinance shall take effect upon publication.

(b) **Exceptions.** An amendment involving floodplain regulations shall not become effective until it is reviewed and approved by the regional office of the Wisconsin Department of Natural Resources. An amendment that modifies official floodplain zoning maps, floodway lines, or water surface profiles shall not become effective until it is reviewed and approved by the Federal Emergency Management Agency.

7-5 Basis of decision

(a) **Text amendment.** If a proposed amendment would revise the text of this chapter, the Plan Commission in making its recommendation and the Common Council in making its decision shall consider the following factors:

- (1) whether the amendment is consistent with the City's comprehensive plan;
- (2) whether the amendment is consistent with other planning documents adopted by the Common Council;
- (3) whether this chapter with the amendment is internally consistent;
- (4) whether the amendment is the least restrictive approach to address issues of public health, safety, and welfare;
- (5) the extent to which the text amendment will likely create new nonconforming uses and structures;
- (6) if the proposed amendment relates to floodplain regulations, whether the chapter as amended complies with ss. 62.23 and 87.30, Wis. Stats., ch. NR 116, Wis. Admin. Code, and other state laws;
- (7) if the proposed amendment relates to shoreland-wetland regulations, whether the chapter as amended complies with s. 62.231, Wis. Stats.; ch. NR 117, Wis. Admin. Code; and other state laws;
- (8) whether the proposed amendment is needed to comply with a new or revised state or federal law; and
- (9) any other factor not specifically or generally listed, but deemed appropriate by the Plan Commission or Common Council given the particular circumstances.

(b) **Zoning map amendment.** If a proposed amendment would revise the zoning map, the Plan Commission in making its recommendation and the Common Council in making its decision shall consider the following factors:

- (1) whether the amendment is consistent with the City's comprehensive plan, including future land use maps or similar maps;
- (2) whether the amendment is consistent with other planning documents adopted by the Common Council;
- (3) the extent to which the amendment will or will likely increase or decrease the number of nonconforming uses and structures; and
- (4) any other factor not specifically or generally listed, but deemed appropriate by the Plan Commission or Common Council given the particular circumstances.

(c) **Special review criteria for amendments to the shoreland-wetland overlay district boundary.** To ensure this chapter remains consistent with the shoreland protection objectives of s. 144.26, Wis. Stats., the Common Council shall not rezone a wetland in a shoreland-wetland zoning district, or any portion thereof, where the proposed rezoning may result in a significant adverse impact upon any of the following wetland functions:

- (1) storm and flood water storage capacity;
- (2) maintenance of dry season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area or the flow of groundwater through a wetland;

**CITY OF WASHBURN
NOTICE OF PUBLIC HEARING
ZONING ORDINANCE AMENDMENT**

Public Hearing will be held at the Plan Commission Meeting, Thursday, March 21, 2024, at 5:30 P.M., at City Hall, 119 Washington Avenue, for public comment on the following issue:

Zoning Code Amendment:

For the purpose of amending the City's Zoning Code (Title 13), to revise the rear-yard setback for buildings in the C-2 District, and amending the buffer requirement for heavy vehicle sales and service uses.

Further details on the proposed amendment may be obtained by visiting City Hall during open office hours, by calling 715-373-6160 ext. 4, or e-mailing administrator@cityofwashburnwi.gov.

Scott J. Kluver
Zoning Administrator

Block Ad February 23 and March 1, 2024 – Daily Press

CITY OF WASHBURN
Ordinance No. 24-002

An ordinance adopted by the Common Council for the City of Washburn at its regular meeting of April 8, 2024, for the purpose of amending the City’s Zoning Code to revise the rear-yard setback for buildings in the C-2 District, and amending the buffer requirement for heavy vehicle sales and service. Additions are in *red italics*, deletions are in ~~strikeout~~.

1. Amend Chapter 13, Appendix B as follows:

Appendix B:

Zoning District	***	Minimum rear-yard setback
General	***	Principal: 25 ft. <i>10 ft.</i>
Commercial (C-2)		Detached accessory: 3 ft without alley; 8 ft. with alley

2. Amend Chapter 13, Article 8, Section 8-311 as follows:

8-311 Heavy vehicle sales and service

Outdoor display areas and other activity areas shall be located at least ~~50~~ *30* feet from a property in a residential zoning district or a planned development district that allows residential uses and 25 feet from a property in a commercial or mixed-use zoning district.

3. Effective Date of Ordinance. This ordinance shall take effect upon passage and publication.

Attest:

Mary D. Motiff
Mayor

Scott J. Kluver
City Clerk

Adopted: _____

Published: _____

**CITY OF WASHBURN
NOTICE OF PUBLIC HEARING
ZONING ORDINANCE AMENDMENT**

Public Hearing will be held at the Plan Commission Meeting, Thursday, March 21, 2024, at 5:30 P.M., at City Hall, 119 Washington Avenue, for public comment on the following issue:

Zoning Code Amendment:

For the purpose of amending the City's Zoning Code (Title 13), to update the regulation of Multi-Family buildings of 3 or more units eliminating the Conditional Use Requirement in some districts.

Further details on the proposed amendment may be obtained by visiting City Hall during open office hours, by calling 715-373-6160 ext. 4, or e-mailing administrator@cityofwashburnwi.gov .

Scott J. Kluver
Zoning Administrator

Block Ad March 1 and March 8, 2024 – Daily Press

CITY OF WASHBURN
Ordinance No. 24-003

An ordinance adopted by the Common Council for the City of Washburn at its regular meeting of April 8, 2024, for the purpose of amending the City’s Zoning Code to update the City’s regulation of Multi-Family buildings of 3 or more units. Additions are in red, deletions are in ~~strikeout~~.

1. Amend Chapter 13, Articles 8 as follows:

Article 8, Exhibit 8-1 Land Use Matrix:

	Special Standards	Secondary Review	R-1	R-2	R-6	R-7	C-1	C-2	C-3	I-1	L-1	M	MUW
3.03	Multi-family, 3 or more units	8-253	AR, SP, ZP	-	-	€ P	C	€ P	€ P	-	-	-	C

2. Effective Date of Ordinance. This ordinance shall take effect upon passage and publication.

Attest:

 Mary D. Motiff
 Mayor

 Scott J. Kluver
 City Clerk

Adopted: _____

Published: _____



DATE: March 6, 2024
TO: Scott Kluver, City of Washburn
FROM: Nicole Solheim, Cinnaire Solutions

RE: Washburn Housing Development – Zoning / new WHEDA Program Funding

Introduction

Cinnaire Solutions was selected via a competitive RFP process to develop an approximately 9-acre site in the City of Washburn that is currently owned by Bayfield County. The development will feature a variety of rental housing options for both seniors and families ranging from one to three bedrooms and income levels from 30%-80% County Median Income. The proposal includes five buildings in total; four 10-unit townhouse-style residential buildings and a clubhouse with community room, management office, and fitness room. The development is located in close proximity to nearby amenities in downtown Washburn.

Cinnaire Solutions was unsuccessful in the first attempt in 2023 to secure competitive WHEDA tax credits to finance the development; the team re-applied in January 2024 and the application is currently pending with WHEDA. Announcements are expected in May 2024.

WHEDA Funding – Infrastructure Access Program

As part of the Housing Legislation package passed by the State in June 2023, WHEDA is unveiling a new Infrastructure Access Loan Program that would support infrastructure costs related to affordable and senior housing via a low-interest loan to the development. Eligible infrastructure costs include water and sewer systems, roads, curb/gutter/sidewalk, and utility lines. The loan would be made directly to the developer, for up to 20% of the total cost of the project. The Washburn Housing development is projected to cost just over \$13 million and therefore could be eligible for up to \$2.7 million of loan proceeds, subject to WHEDA review and guidelines. This program is brand new and there are still many outstanding questions, but the first application round will be due at the end of April.

Zoning/Ordinance Implications

To be eligible for this loan program and the other programs associated with the legislation (Restore Main Street, Vacancy to Vitality), the local municipality must have made changes to ordinances or regulations that will decrease costs and/or permitting timelines for workforce/senior housing. This may include things like fee waivers, allowing multifamily housing as a permitted use instead of conditional use, etc.

Washburn Housing Development – Timeline:

- January 26, 2024: WHEDA Application Submitted
- April 2024: Infrastructure Loan Application Due
- May 2024: WHEDA Award Announcements; if awarded:
- June – Dec 2024: Finalize plans, secure remain funding sources
- Dec – Jan 2025: Construction bidding
- April 2025: Close and start construction
- Summer 2026: Completion and lease up



INFRASTRUCTURE ACCESS

WHEDA Infrastructure Access Loan Program

Program Overview

In June 2023, the Legislature passed a package of bills intended to support new housing development across Wisconsin. The bipartisan package included an historic investment of \$525M in four revolving loan funds administered by WHEDA, including the Infrastructure Access Loan program.

To be eligible for this program, the development project must be located in a jurisdiction where the local unit of government has:

- Updated the housing element of their comprehensive plan within the last 5 years.
- Made changes to ordinances or regulations to decrease the costs and permitting timelines for new workforce housing developments since January 1, 2023.

This competitive loan program allows a residential housing developer to apply for a **low-interest loan to cover the costs of installing, replacing, upgrading, or improving public infrastructure related to workforce housing or senior housing**. Loan amounts to developers may be up to 20% of the total cost of the project and related infrastructure, as long as the development provides affordable rental rates for at least 10 years.

Local units of government may also borrow up to 10% of the total project cost for related public infrastructure improvements.

What does this mean for the Washburn housing development project?

If the City of Washburn makes the required changes to meet the eligibility threshold, Cinnaire Solutions will be able to apply for the first-available round of Infrastructure Access Loan funding in April 2024.

Cinnaire Solutions estimates that they could apply for an Infrastructure Access Loan of up to **\$2.7M, which would support all utility, road, and sidewalk infrastructure serving the new 40-unit development** and cover a significant portion of the overall project cost.

State of Wisconsin



2023 Assembly Bill 264

Date of enactment: **June 22, 2023**

Date of publication*: **June 23, 2023**

2023 WISCONSIN ACT 14

AN ACT to create 234.66 of the statutes; relating to: residential housing infrastructure revolving loan fund and revolving loan program.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 234.66 of the statutes is created to read:
234.66 Residential housing infrastructure revolving loan fund and program. (1) **DEFINITIONS.** In this section:

(a) "Area median income" means the area median family income in the county in which the housing is located, adjusted for family size, as published annually by the federal department of housing and urban development.

(b) "Developer" means a person other than a governmental unit that constructs or creates residential housing.

(c) "Eligible governmental unit" means the governmental unit having jurisdiction of an eligible project, as determined by the authority.

(d) "Eligible project" means a project for housing infrastructure for workforce housing or senior housing.

(dd) "Governmental unit" means a city, village, town, or county or federally recognized American Indian tribe or band in this state.

(e) "Housing infrastructure" means that portion of the installation, replacement, upgrade, or improvement of public infrastructure, or private infrastructure in rural areas if transferred to public use, as determined by the authority, that relates to an eligible project.

(f) "Public infrastructure" means any of the following that is or will be owned, maintained, or provided to or by a governmental unit:

1. A water distribution system.
2. A water treatment plant.
3. A wastewater treatment plant.
4. A sanitary sewer system.
5. A storm sewer system.
6. A stormwater retention pond.
7. A lift or pump station.
8. A street, road, alley, or bridge.
9. A curb, gutter, or sidewalk.
10. A traffic device.
11. A street light.
12. An electric or gas distribution line.

(g) "Residential housing" means new single-family or multifamily housing for rent or sale that satisfies all of the following:

1. Is subject to taxation under ch. 70.
2. Has not been the subject of a claim for a state or federal historic rehabilitation tax credit, as determined by the authority.
3. Has not received financial assistance from tax increments generated by an active tax incremental district.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

(h) “Senior housing” means residential housing that satisfies par. (i) 1. to 4. and that is intended and operated primarily for occupancy by at least one person 55 years of age or older per dwelling unit, as determined by the authority.

(i) “Workforce housing” means residential housing that satisfies all of the following, as determined by the authority:

1. For housing intended to be rented, the estimated annual housing costs, as defined under s. 16.301 (3), do not exceed, or are not expected to exceed, 30 percent of 100 percent of the area median income, with family size determined using the federal imputed income limitation, as defined in 26 USC 42 (g) (2) (C), and the utility-related costs if not included in the rent equal the utility allowance determined by the federal department of housing and urban development.

2. For housing intended to be occupied by the owner, the estimated annual housing costs, as defined under s. 16.301 (3), do not exceed, or are not expected to exceed, 30 percent of 140 percent of the area median income, with family size determined using the federal imputed income limitation, as defined in 26 USC 42 (g) (2) (C).

3. For housing intended to be rented, the housing is for occupancy by individuals whose annual household income does not exceed 100 percent of the area median income.

4. For housing intended to be occupied by the owner, the housing is for purchase by individuals whose annual household income is not more than 140 percent of the area median income.

(2) ESTABLISHMENT OF FUND. (a) There is established under the jurisdiction and control of the authority a residential housing infrastructure revolving loan fund, for the purpose of providing loans under sub. (3). The authority may use moneys in the fund to cover actual and necessary expenses incurred to accomplish the purposes of this section, including marketing expenses under sub. (6), and administer the fund. The fund shall consist of all of the following:

1. All moneys appropriated to the authority for the fund.

2. All moneys received from the repayment of loans under sub. (3).

(am) In its discretion, the authority may invest fund moneys that are not required for immediate use or disbursement in all of the following to the extent lawful for fiduciaries in this state:

1. An obligation of the United States or one of its agencies or instrumentalities, or an obligation the principal and interest of which are guaranteed by the United States or one of its agencies or instrumentalities.

2. An obligation of any state, or of any county, city, or other political subdivision of a state, having long-term ratings in the AA category or higher.

3. A certificate of deposit.

4. The state investment fund.

5. A money market mutual fund restricted to one or more investments as provided in subd. 1., 2., 3., or 4.

(an) All investments under par. (am) shall be the exclusive property of the fund. All earnings on or income from such investments shall be credited to the fund.

(b) Of the amounts deposited in the fund under par. (a) 1. in the 2023–25 fiscal biennium, the authority shall return to the secretary of administration for deposit in the general fund all such amounts not encumbered or expended for an eligible project as of the first day of the 8th year beginning after the effective date of this paragraph ... [LRB inserts date].

(c) No moneys in the fund may be invested under s. 234.03 (18).

(3) ESTABLISHMENT OF REVOLVING LOAN PROGRAM. The authority shall establish and administer a residential housing infrastructure revolving loan program for the purpose of awarding loans under this section.

(4) LOANS TO RESIDENTIAL HOUSING DEVELOPERS. (a) From the residential housing infrastructure revolving loan fund, the authority may award loans to developers to cover housing infrastructure costs for an eligible project. Any developer may apply to the authority for a loan under this subsection in accordance with the application process established by the authority under par. (b), but the authority may not award the loan unless the developer and the eligible governmental unit demonstrate to the satisfaction of the authority in one or more forms prescribed by the authority that all of the following apply:

1. The developer has secured the necessary financial resources for the total cost of development of the residential housing supported by the eligible project.

2. The developer has secured all applicable federal, state, and local government permits or other approvals for the eligible project and the residential housing supported by the eligible project.

4. Any applicable sewer or water service area plan has been amended if necessary.

5. The eligible governmental unit has reduced the cost of residential housing in connection with the eligible project by voluntarily revising zoning ordinances, subdivision regulations, or other land development regulations to increase development density, expedite approvals, reduce impact, water connection, and inspection fees, or reduce parking, building, or other development costs with respect to the development of residential housing supported by the project. For purposes of this subdivision, the governmental unit in cooperation with the developer shall submit to the authority a cost reduction analysis in a form prescribed by the authority and signed by the developer and the head of the governmental unit’s governing body that shows the cost reduction measures, including time saving measures, undertaken by the governmental unit on or after January 1, 2023, that have reduced the cost of residential housing in connection with

the eligible project. The signed analysis shall clearly show for each time saving or cost reduction measure the estimated time or dollar amount saved by the developer and the estimated percentage reduction in housing costs.

6. The eligible governmental unit is in compliance with the requirements under ss. 66.1001, 66.10013, and 66.10014, to the extent those requirements apply to the governmental unit.

7. If applicable, the eligible governmental unit has updated the housing element of its comprehensive plan under s. 66.1001 (2) (b) within the 5 years immediately preceding the date of the loan application.

(b) The authority shall establish and provide a semi-annual application process, including underwriting guidelines, for the award of loans under this subsection. If in any application cycle there are insufficient moneys available in the residential housing infrastructure revolving loan fund to fund all applications that meet the requirements under par. (a) and are otherwise acceptable to the authority, the authority shall prioritize funding loans for eligible projects in eligible governmental units that have reduced the cost of residential housing as described in par. (a) 5. but with respect to the governmental unit as a whole.

(c) 1. The authority may establish an interest rate for any loan awarded under this subsection at or below the market interest rate or may charge no interest.

2. No loan awarded under this subsection may exceed 20 percent of the total cost of development, including land purchase, of the residential housing supported by the eligible project.

(d) The authority shall set aside 25 percent of all moneys deposited in the fund under sub. (2) (a) 1. in the 2023–25 fiscal biennium for a period of not less than 4 years following the effective date of this paragraph [LRB inserts date], for loans awarded under this subsection and sub. (5) for eligible projects supporting senior housing. For purposes of this paragraph, if a loan supports both workforce housing and senior housing, the amount of such loan supporting senior housing shall be calculated by prorating the loan amount between the 2 uses based on the number of residential housing units supported by the loan.

(e) The authority shall set aside 30 percent of all moneys deposited in the fund under sub. (2) (a) 1. in the 2023–25 fiscal biennium, including 30 percent of all moneys set aside under par. (d), for a period of not less than 4 years following the effective date of this paragraph [LRB inserts date], for loans awarded under this subsection and sub. (5) for eligible projects in cities, villages, and towns with a population of 10,000 or less. For purposes of this paragraph, if a single loan supports eligible projects for more than one city, village, or town, the amount of such loan attributable to any one city, village, or town shall be calculated by prorating the loan amount

between the cities, villages, and towns based on the number of residential housing units supported by the loan.

(f) The authority shall divide the state into regions based on the service jurisdiction as of the effective date of this paragraph [LRB inserts date], of each regional planning commission constituted under s. 66.0309, with the counties not served by a regional planning commission as of that date constituting collectively one region. Of all moneys deposited in the fund under sub. (2) (a) 1. in the 2023–25 fiscal biennium, no region may receive more than 25 percent in loans awarded under this subsection and sub. (5) in any given application cycle.

(g) 1. The authority and each developer receiving a loan under this subsection shall enter into an agreement establishing the term and other conditions of the loan. The agreement shall include, and give the authority the power to enforce, all of the following requirements:

a. That the full amount of the loan shall become due upon the developer's sale or transfer of all residential housing constructed in connection with the loan.

b. That all residential housing constructed in connection with the loan shall remain workforce housing or senior housing, as applicable, for a period commencing on the date of the loan and concluding 10 years following initial occupancy of the residential housing constructed in connection with the loan. This restriction shall be recorded against the residential property with the applicable register of deeds and shall run with the land.

c. With respect to each loan under this subsection for workforce housing or senior housing intended for rent, that the owner of the rental housing, for a period commencing on the date of the loan and concluding 10 years following initial occupancy of all of the rental units constructed in connection with the loan, shall annually submit to the authority a certified rent roll for the housing that sets forth for each rental unit the monthly rent required under the lease, the actual monthly rent received for the preceding year, and an identification of the utilities and their amounts included in the rent. This restriction shall be recorded against the residential property with the applicable register of deeds and shall run with the land. The authority shall use the information provided under this subd. 1. c. to confirm that the rental housing continues to meet the housing costs limitation for purposes of sub. (1) (h) and (i) 1. The authority shall calculate the applicable monthly limitation on housing costs for each year by dividing the area median income for the year by 12, with family size determined using the federal imputed income limitation, as defined in 26 USC 42 (g) (2) (C). If in any year the area median income has decreased compared to the prior year, the applicable housing cost limitation shall be calculated based on the most recent area median income information prior to such decrease. The authority shall keep confidential all

information an owner of rental housing submits to the authority under this subd. 1. c.

d. With respect to each loan under this subsection for workforce housing or senior housing intended to be owner-occupied, that for the 10-year period commencing immediately after the developer closes on the sale of the housing to the initial owner-occupier, the housing shall remain owner-occupied and may not be sold for a price that exceeds the price charged by the developer to the initial owner-occupier, adjusted annually by the average compounded annual percentage increase in the sale price of all residential housing in the county in which the housing is located, as determined by the authority. These restrictions shall be recorded against the residential property with the applicable register of deeds and shall run with the land. For the 10-year period, the authority shall publish on its website the acceptable sales price range for the residential property.

2. Any restriction recorded against the property under subd. 1. shall terminate on the date the property is acquired by foreclosure, or by an instrument in lieu of foreclosure, unless the authority determines that the acquisition is part of an arrangement a purpose of which is to terminate the restriction.

(h) In addition to other criteria explicitly provided for under this subsection, in awarding each loan under this subsection, the authority shall take into account only the following in descending order of priority:

1. Credit risk, collateral, and the need for a loan guarantee.
2. The estimated reduction in housing costs.
3. The need for workforce housing or senior housing in the area.

(5) **LOANS TO GOVERNMENTAL UNITS.** (a) If the authority awards a loan to a developer for an eligible project under sub. (4), the authority may award a loan from the residential housing infrastructure revolving loan fund to the eligible governmental unit having jurisdiction of the eligible project. The authority and each governmental unit receiving a loan under this subsection shall enter into an agreement establishing the term and other conditions of the loan. The eligible governmental unit may use proceeds of a loan awarded under this subsection to cover public infrastructure costs incurred by the governmental unit in connection with the eligible project that are not directly related to the eligible project itself.

(b) The authority may establish an interest rate for any loan awarded under this subsection at or below the market interest rate or may charge no interest.

(c) No loan awarded under this subsection may exceed 10 percent of the amount of the total cost of development of the residential housing supported by the eligible project.

(5m) **POLICIES AND PROCEDURES.** The authority shall establish policies and procedures to administer the residential housing infrastructure revolving loan fund and program under this section. The policies and procedures shall, to the extent practicable, do all of the following:

(a) Incorporate the authority's policies and procedures for establishing credit underwriting guidelines.

(b) Require that the full amount of each loan awarded under sub. (4) is secured by one or more unlimited personal guarantees, unless the developer provides no personal guarantee on any first mortgage for the eligible project and the developer's total debt associated with the project does not exceed 75 percent of the total collateral value of the project, as determined by the authority.

(c) Establish loan repayment requirements.

(6) **MARKETING.** The authority shall establish and administer a marketing program to advertise the loans available under this section.

(7) **ANNUAL REPORTS.** Beginning in 2024, no later than August 1 of each year, the authority shall submit to the joint committee on finance and under s. 13.172 (3) to the standing committees of the legislature having jurisdiction over matters related to housing a report that includes all of the following:

(a) A statement of the condition and balance of the residential housing infrastructure revolving loan fund.

(b) Information concerning each loan awarded under sub. (4) or (5), including all of the following:

1. The date, amount, amortization period, and current status of the loan.

2. An identification of the loan recipient.

3. A description of the eligible project funded with the loan, including whether the project is for workforce housing or senior housing.

4. An identification of the eligible governmental unit with respect to which the loan was awarded.

(c) The number of dwelling units created to date as a result of the loan program, the locations and sale or rental prices of the dwelling units, and whether the dwelling units constitute workforce housing or senior housing.

CITY OF WASHBURN
119 Washington Avenue
P.O. Box 638
Washburn, WI 54891



715-373-6160
715-373-6161
FAX 715-373-6148

To: Honorable Mayor and Plan Commission Members

From: Tammy DeMars, Deputy Zoning Administrator

Re: Special Exception for Garage Placement

Date: March 14, 2024

Tim and Anne McClaran have applied for a permit to construct a 28' x 42' garage on their property located at 1461 County Hwy C. This property is in the R-1 Zoning District, and currently has a house and two-yard sheds on approximately 40 acres, the proposed placement of the garage would be in the front yard.

Article 8, Section 8-75 outlines the placement of accessory buildings on a lot; reads in part, except as allowed in this section a detached accessory building shall be located behind the most recessed portion of the front of the principal building. It also goes on to say that pursuant to the procedures and requirements in Article 7, the Plan Commission may approve a special exception to allow an accessory building in front of the principal building.

I have attached a draft special exception decision document that outlines the factors in Section 7-154 to base your decision.

All other dimensional standard for the proposed garage has been meet and I would have no objection to approval of this exception.

City of Washburn Plan Commission

SPECIAL EXCEPTION DECISION

McClaran Garage

Filing Date: February 23, 2024

Proper notice of hearing provided: Yes

Hearing Date: March 21, 2024

Applicant Name and Address: Tim & Anne McClaran
1461 CTH C
Washburn, WI 54891
Tax ID 32473

1. **Decision:** The application for Special Exception is **?????**.

2. **Description of the Proposed Project:** The proposed project is to construct a garage in front yard of the property. In accordance with section 8-75, a special exception may be granted for an accessory structure to be placed in front of the principle building.

3. **Reasons for the Decision:** The Plan Commission must consider the following factors:
 - (1) The size of the property in comparison to other properties in the area. **The Plan finds that the property in the R-1 District is of adequate size (40 acres) as to not be a hindrance.**
 - (2) The extent to which the issuance of the special exception permit would be in keeping with the overall intent of this chapter. **The Plan Commission finds that the issuance of this exception is in the keeping of the overall intent of the chapter for properties in the R-1 District with adequate space. The lot is heavily wooded.**
 - (3) Whether there are any unique circumstances and the nature of those circumstances that warrant the issuance of the special exception. **Except for existing seasonal streams, no other unique circumstances.**
 - (4) The nature and extent of anticipated impacts to the natural environment that could potentially occur if the special exception was granted. **The Plan Commission finds that there would be no impacts to the natural environment by granting this exception.**
 - (5) The nature and extent of anticipated positive and negative effects on properties in the area. **The Plan Commission finds that there would be no negative impacts on other properties, and potentially a positive impact by enhancing the value of the existing property.**
 - (6) Actions the applicant will undertake to mitigate the negative effects, if any, of the proposed special exception. **No negative effects anticipated.**
 - (7) A factor specifically listed under a section of this chapter authorizing the issuance of a special exception. **No factors other than listed.**
 - (8) Any other factor that relates to the purposes of this chapter set forth in s. 1-5 or as allowed by state law. **N/A**

City of Washburn Plan Commission

4. List of Conditions Imposed: No conditions were imposed.
5. If one or more conditions of approval are imposed, the property owner must sign this decision document and return it to the Zoning Administrator for his signature and as acceptance of the conditions of this decision.
6. This decision may be appealed to a court of competent jurisdiction within 30 days of receipt of this decision by filing a written statement of appeal stating the grounds for such appeal.
7. Any person aggrieved by this decision may also appeal this decision and any work done by the Applicant as authorized by this approval is done at the applicant's own risk.

Dated: March 21, 2024

By: _____
Scott J. Kluver, Zoning Administrator
On behalf of the City of Washburn Common
Council

If Conditions Are Imposed:

Dated: _____

By: _____
Property Owner

CONSTRUCTION PERMIT APPLICATION

Permit Request: Remodeling Windows Doors Roofing Siding Plumbing/HVAC
 New Construction Deck Flat Work Other

Complete the following with name, address, (house # and mailing address) & telephone

Owner TIM & ANNE McCLARAN E-Mail HOLTMTNC@GMAIL.COM
 Phone 802-375-4242
 Construction Contractor _____ Phone _____
 Address _____ License # _____
 Excavation Contractor _____ Phone: _____
 Address _____ License # _____

Owner is ultimately responsible for all code compliance related to the work for which this permit is issued.

PROJECT INFORMATION

Site Address 1461 COUNTY HWY C Pin # 04-291-2-49-04-31-2
 RE Tax ID # 32473 Zoning District R1 Lot Area 40 ACRES

Description of work 28' x 42' GARAGE, UPPER BAY - FROST WALLS, NO SLAB. LOWER 2 BAYS - FROST WALLS & SLAB. LIVE EDGE TROUGH SAWU SIDING, ASPHALT SHINGLES ON ROOF.
 Estimated Project Cost \$150,000.00

NEW CONSTRUCTION	Area Involved	Water & Sewer:
Building Height <u>26'/22'</u>	Basement _____ sq ft	Water Municipal or Private Well
1-story Other _____	Living Area _____ sq ft	Sewer Municipal or Septic
<u>2-story</u> Basement _____	Garage <u>1176</u> sq ft	Permit Numbers _____
	Total <u>1176</u> sq ft	

Additional permits that may **not be** covered by this application: *Driveways; Sewer; Water, Demolition, Sidewalks*

I agree to comply with all applicable codes, statutes and ordinances and with the conditions of this permit; understand that the issuance of the permit creates no legal liability, express or implied, on the State of Wisconsin or the City of Washburn; and certify that all of the above information is accurate. If I am an owner applying for an erosion control or construction permit, I have read the cautionary statement regarding contractor financial responsibility on the reverse side of this application form.

T. P. Miller Anne McClaran 2/23/24
 Applicant Signature Date

CONDITIONS OF APPROVAL This permit is issued pursuant to the following conditions. Failure to comply with these conditions may result in suspension or revocation of this permit or other penalty.

See Attached Condition Letter

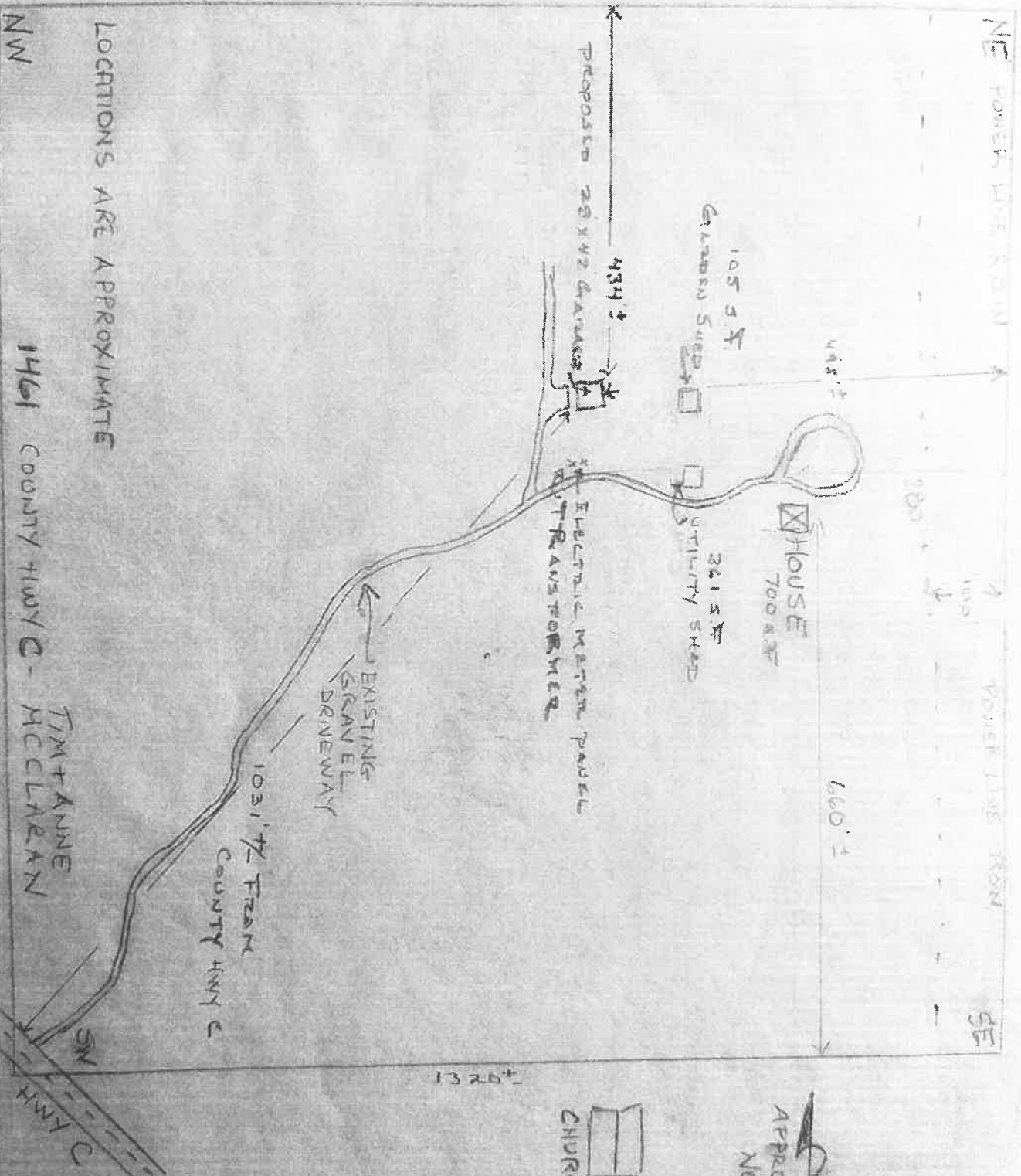
NOTES	FEES (per Title 15 Municipal Code)	PERMIT ISSUED BY:	
	<input type="checkbox"/> Remodeling <input type="checkbox"/> New Construction <input type="checkbox"/> Fence <input type="checkbox"/> Flat Work <input type="checkbox"/> Siding <input type="checkbox"/> Roofing <input type="checkbox"/> Driveway	<input type="checkbox"/> Demolition <input type="checkbox"/> Deck <input type="checkbox"/> Shelter <input type="checkbox"/> _____ <input type="checkbox"/> _____ <input type="checkbox"/> Early Start TOTAL _____	_____ DATE ISSUED _____ PERMIT NO. _____

Feb 23, 2024

Tim & Anne McClaran are applying for a special exception to build a garage at 1461 County Highway C.

We would like to locate the new garage closer to the road than the existing house because putting it behind the house would require extending the existing driveway, would position our cleared area of use closer to the existing power line and would require diverting some existing seasonal stream beds.

Because this proposed garage site puts it in the middle of our 40 acre lot, it will not be visible from County C, nor will it be visible to any of our neighbors, and we feel it will not have any negative effects on any neighboring lots.



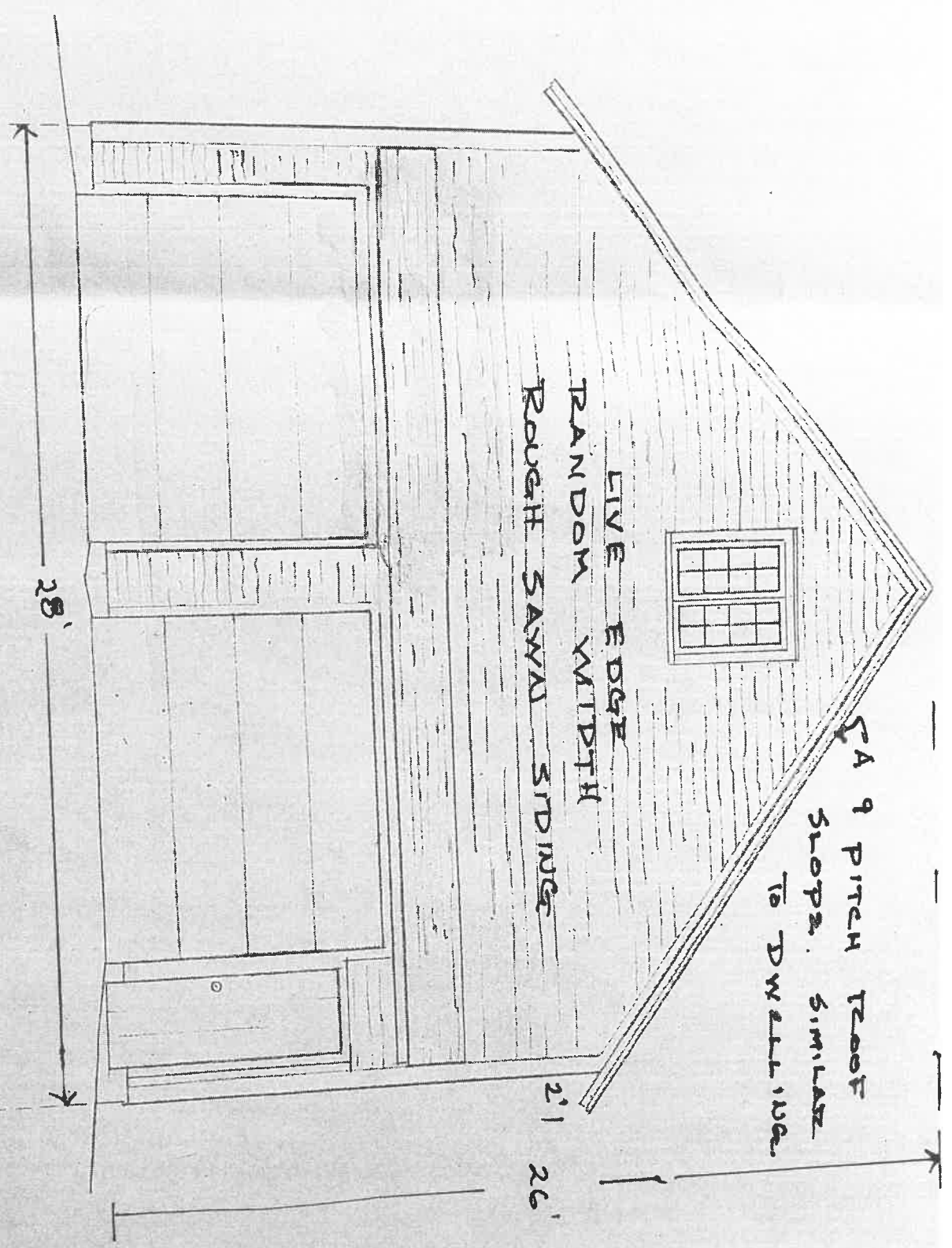
LOCATIONS ARE APPROXIMATE

1461 COUNTY HWY C - TIMTANNE MCCLURE LN

SCALE: APPROX 1" = 165'

FEB 2024

McCLAREN BARN
WEST ELEV
BUDGET AND ASSOC
1/4 = 12" MOB 7/5/23



LIVE EDGE
RANDOM WIDTH
ROUGH SAWY SIDING

5/4 9 PITCH ROOF
SLOPE. SIMILAR
TO DWELLING

28'

21'

26'

M. GARDIN BARN SOUTH ELEV
BADDEL AND ASSOC
K4-110 WBS 7/5/03

42'

ASPHALT SHINGLES

22'

