

## AGENDA

Eau Claire County Board of Supervisors  
Tuesday, December 15, 2015 / 7 pm

Location:  
Courthouse, County Boardroom (Room 1277)  
721 Oxford Ave. Eau Claire, WI

### Eau Claire County Mission Statement:

"To provide quality, innovative and cost-effective services that safeguard and enhance the well-being of residents and resources"

- (1) Indicates 1<sup>st</sup> Reading
- (2) Indicates 2<sup>nd</sup> Reading

1. Call to Order
2. Honoring of the Flag  
Moment of Reflection: **Supervisor Kevin Stelljes**
3. Call of the Roll
4. Correction of the Journal of Proceedings (December 1, 2015) (pg. 4-5)
5. Unfinished Business
6. **PUBLIC COMMENT PERIOD**
7. **REPORTS OF THE COUNTY BOARD UNDER RULE 32**

#### Oral Reports

County Administrator Update / Kathryn Schauf, County Administrator

- Update on Altoona Dam
- Strategic Plan Process
- Annual Reports

#### Written Reports

- \* Alternate Care Report (for month ending October 2015) (pg. 6)
- \* Adult Mental Health Residential & Institutional Expenses (for month ending October 2015) (pg. 7)
- \* Status of 2015 Contingency Fund (pg. 8)

8. **PRESENTATION OF PETITIONS, CLAIMS AND COMMUNICATIONS**
9. **PRESENTATION OF RESOLUTIONS OR ORDINANCES BY COMMITTEES OR MEMBERS UNDER SUSPENSION OF THE RULES**

#### File No.

15-16/098 (1) Approval of December 2015 Vouchers Over \$10,000 (pg. 9-10)

9. **PRESENTATION OF RESOLUTIONS OR ORDINANCES BY COMMITTEES OR MEMBERS  
UNDER SUSPENSION OF THE RULES** (con't)

**File No.**

15-16/085 (1) Amending The 1982 Official Zoning District Boundary Map for the  
Towns Of Brunswick, Clear Creek, Drammen, Lincoln, Otter Creek,  
Pleasant Valley, Seymour, Union and Washington (pg. 11-14)

15-16/089 (1) Amending the 1982 Official Zoning District Boundary for the Town of  
Washington / Discussion – Action (pg. 15-29)

10. **FIRST READING OF ORDINANCES AND RESOLUTIONS**

**File No.**

15-16/081 (1) To Repeal and Recreate 1.22.045 A.6 of the Code: Journal of  
Proceedings; . . . (pg. 30-31)

15-16/088 (1) To Repeal Section 2.09.010 B. 4 of the County Code: Business Hours  
(pg. 32-35)

15-16/096 (1) To Amend Section 15.01.060 A. 11 of the Code: Permit Fees  
(pg. 36-37)

15-16/099 (1) To Amend Section 2.09.010 A. of the Code: Business Hours  
(pg. 38-39)

15-16/105 (1) Repeal Section 1.22.100 of the Code: Sale of County Code and  
Annual Updates by County Clerk (pg. 40-41)

15-16/108 (1) To Amend Section 2.04.010 A. of the Code: Rule 1--Meetings (pg. 42-43)

11. **REPORTS OF STANDING COMMITTEES AND SECOND READING**

**Committee on Administration**

**File No.**

15-16/061 (1) Moving the Annual Meeting on Budget from November 15, 2016 to  
November 9, 2016 (pg. 44-45)

15-16/073 (1) Authorizing Participation in the Green Tier Legacy Community  
Program (pg. 46-48)

15-16/107 (1) Confirming the Appointments by Chair Gregg Moore of Dr. Blair  
Johnson and Mery Price to the City-County Board of Health; Jim  
Deignan and Kim Johnson to the LE Phillips Senior Center Board of  
Directors and Mark Rasmusson to the Veterans Service Commission  
(pg. 49)

11. **REPORTS OF STANDING COMMITTEES AND SECOND READING** (con't)

**Committee on Judiciary & Law Enforcement**

**File No.**

15-16/084 (1) Authorizing a "Stepping Up" Initiative to Reduce the Number of People with Mental Illnesses in Jails (pg. 50-51)

15-16/106 (1) Opposing LRB-2148/1 Changing the Way Property is Forfeited After Being Seized in Relation to a Crime **(Committee will meet at 6:45 pm prior to the county board meeting to review/discuss)**  
(pg. 52-54)

**Committee on Planning and Development**

**File No.**

15-16/060 (2) To Amend Section 18.77.010 of the Code: Jurisdiction; To Amend Section 18.77.080 of the Code: Land Suitability; . . . (pg. 55-57)

15-16/070 (2) To Amend Section 18.02.020 A. 5., 19., 54., 157. And 197 of the Code: Definitions: to Renumber 6. Through 20. As 7. Through 21. . . .  
(pg. 58-80)

15-16/097 (1) Approving the Final Plat of the Fairchild Cemetery North Addition (Village of Fairchild) (pg. 81-84)

15-16/086 (1) Resolution Supporting Wisconsin Senate Bill 340 and Wisconsin Assembly Bill 515, Relating to Recycling Grants . . .  
(pg. 85-90)

**Committee on Parks & Forest**

**File No.**

15-16/091 (1) Adopting the 2016 Annual Work Plan for the Parks and Forest Department to Comply with the County Forest Administration Grant Program (pg. 91-97)

15-16/092 (1) Authorizing the Parks and Forest Department to Participate in the Wisconsin Department of Natural Resources Municipal Dam Grant Program for the Lake Eau Claire Dam (pg. 98-99)

12. **REPORTS OF SELECT COMMITTEES AND SECOND READING**

13. **REPORTS OF COMMISSIONS AND BOARDS UNDER RULE 16**

14. **APPOINTMENTS, CONFIRMATIONS AND ELECTIONS BY THE BOARD**

PLEASE NOTE: Upon reasonable notice, efforts will be made to accommodate the needs of individuals with disabilities through sign language, interpreters or other auxiliary aids. For additional information or to request the service, contact the County ADA Coordinator at 715-839-4710, (FAX) 715-839-1669 or 715-839-4735, tty: use Relay (711) or by writing to the ADA Coordinator, Human Resources, Eau Claire County Courthouse, 721 Oxford Avenue, Eau Claire, WI 54703.

**OFFICIAL PROCEEDINGS OF THE COUNTY BOARD  
OF SUPERVISORS**

**December 1, 2015**

The County Board of Supervisors of the County of Eau Claire convened at the Courthouse in the City of Eau Claire on Tuesday, December 1, 2015, and was called to order by Chair Gregg Moore at 7:00 p.m.

The Board honored the flag with the pledge of allegiance.

Roll Call: 23 present: Supervisors Gary G. Gibson, Katy Forsythe, Kevin Stelljes, Gordon C. Steinhauer, Ray L. Henning, Colleen A. Bates, Kathleen Clark, Jean D. Schlieve, Nick Smiar, Joel Mikelson, Gregg Moore, James A. Dunning, Gerald L. Wilkie, Bruce Willett, Mark Beckfield, Sue Miller, Robin J. Leary, John F. Manydeeds, Mark Olson, Tami Schraufnagel, Paul A. Lokken, Sr., Stephannie Regenauer, Patrick L. LaVelle  
6 absent: Supervisor Paul Reck, Douglas Kranig, Stella Pagonis, Corey S. Bauch, Steve Chilson, Mike Conlin  
\*Supervisors Conlin, Kranig, and Pagonis arrived shortly after roll call.

**JOURNAL OF PROCEEDINGS November 10 and 11, 2015**

On a motion by Supervisor Miller, seconded by Supervisor Leary, the Journal of Proceedings was approved.

**PUBLIC COMMENT**

No one wished to speak.

There were no objections to moving and acting on Resolution 15-16/087 at this time.

**REPORTS OF STANDING COMMITTEES AND SECOND READING**

**Committee on Judiciary & Law Enforcement**

**Resolution 15-16/087** CONGRATULATING CORRECTIONAL OFFICER JASON BARNET AS THE WISCONSIN FIELD TRAINING OFFICER ASSOCIATION'S FIELD TRAINING OFFICER OF THE YEAR

On a motion by Supervisor Smiar, seconded by Supervisor Henning the resolution was adopted.

**REPORTS OF THE COUNTY BOARD UNDER RULE 32**

Land Conservation Supervisor Kelly Jacobs presented conversation awards to the following:

Land Judging – Cornell High School FFA  
Conservation Farmers – Scott and Angela Graff  
Water Quality Leadership – Steve Maciosek  
Special Recognition – Bears Glass Dairy  
Special Recognition - Dave Carlson

Co-Department Heads of UW – Extension, Erin LaFaive & Sara Donnerbauer presented an oral annual report regarding past accomplishments and future challenges.

**PRESENTATION OF PETITIONS, CLAIMS AND COMMUNICATIONS**

Email correspondence from Representative Kathleen Bernier, 68<sup>th</sup> Assembly District, regarding Eau Claire County Resolution 15-16/071 and Resolution #15-16/067.

A letter was received from Representative Warren Petryk, 93<sup>rd</sup> Assembly District, regarding Eau Claire County Resolution 15-16/071 and Resolution #15-16/067.

Supervisor Patrick L. LaVelle distributed a handout on the 2015 Timber sales and also spoke in regards to the Lake Altoona Dam Project.

**FIRST READING OF ORDINANCES AND RESOLUTIONS**

**Ordinance 15-16/060** TO AMEND SECTION 18.77.010 OF THE CODE: JURISDICTION; TO AMEND SECTION 18.77.080 OF THE CODE: LAND SUITABILITY; TO CREATE SECTION 18.81.035 OF THE CODE: RECONFIGURATIONS

Action on the said ordinance was postponed until the next meeting of the County Board.

**Ordinance 15-16/070** TO AMEND SECTION 18.02.020 A. 5., 19., 54., 157. AND 197 OF THE CODE: DEFINITIONS; TO RENUMBER 6. THROUGH 20. AS 7. THROUGH 21., AND 21. THROUGH 54. AS 23. THROUGH 56. AND 55. THROUGH 119. AS 59. THROUGH 123. AND 120. THROUGH 198. AS 126. THROUGH 232. OF THE CODE: DEFINITIONS; TO CREATE SECTION 18.02.020 A. 6., 22., 57., 58., 124., AND 125. OF THE CODE: DEFINITIONS; TO CREATE CHAPTER 18.32 OF THE CODE: A-P AGRICULTURAL PRESERVATION DISTRICT

Action on the said ordinance was postponed until the next meeting of the County Board.

**REPORTS OF STANDING COMMITTEES AND SECOND READING**

**Committee on Human Resources**

**Resolution 15-16/080** CLOSING THE OXFORD AVENUE EAU CLAIRE COUNTY GOVERNMENT CENTER TO THE PUBLIC ON JANUARY 18, 2016, THE OBSERVANCE OF MARTIN LUTHER KING'S BIRTHDAY; SCHEDULING MANDATORY TRAINING FOR COUNTY EMPLOYEES

Motion by Supervisor Willett, seconded by Supervisor Smiar for adoption.

On a roll call vote, the resolution was adopted as follows:

25 ayes: Supervisors Gibson, Kranig, Forsythe, Stelljes, Steinhauer, Conlin, Henning, Bates, Clark, Schlieve, Smiar, Mikelson, Moore, Dunning, Wilkie, Willett, Beckfield, Miller, Leary, Manydeeds, Olson, Schraufnagel, Lokken, Regenauer, LaVelle

1 noes: Supervisor Pagonis

3 absent: Supervisors Reck, Bauch, Chilson

**REPORTS OF COMMISSIONS AND BOARDS UNDER RULE 16**

**Chippewa Valley Regional Airport Commission**

**Resolution 15-16/095** GRANTING A UTILITY EASEMENT TO AT&T-WISCONSIN AT THE CHIPPEWA VALLEY REGIONAL AIRPORT

Motion by Supervisor Manydeeds, seconded by Supervisor Lokken for adoption.

On a roll call vote, the resolution was adopted as follows:

26 ayes: Supervisors Gibson, Kranig, Pagonis, Forsythe, Stelljes, Steinhauer, Conlin, Henning, Bates, Clark, Schlieve, Smiar, Mikelson, Moore, Dunning, Wilkie, Willett, Beckfield, Miller, Leary, Manydeeds, Olson, Schraufnagel, Lokken, Regenauer, LaVelle

0 noes

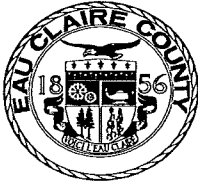
3 absent: Supervisors Reck, Bauch, Chilson

The Board adjourned at 7:45 p.m.

Respectfully submitted,



Janet K. Loomis  
County Clerk



**Eau Claire County**  
**DEPARTMENT OF HUMAN SERVICES**  
 721 Oxford Avenue, PO Box 840  
 Eau Claire WI 54702-0840  
 (715) 831-5700 • Fax (715) 831-5658  
 www.co.eau-claire.wi.us  
 Tom Wirth, Acting Director



**ALTERNATE CARE REPORT**  
**For the Tenth Month Ending October 31st, 2015**  
 Date Prepared 11/23/2015

Level of Care	Number of New Placements	Number of Clients	Number of Days	Number of New Placements	Number of Clients YTD	Number of Days YTD	Average Cost per day
	Oct-15	Oct-15	Oct-15	YTD			
Foster Care	4	80	2,080	70	134	18,697	\$40
Therapeutic Foster Care	2	17	434	18	30	4,134	\$177
Group Home	1	4	97	7	10	1,077	\$187
Residential Care Center	1	11	242	13	24	2,770	\$415
<b>Corrections:</b>							
Corrections-Institution	1	3	67	1	4	631	\$456
Corrective Group Home	0	0	0	0	0	0	
180 Day Program	0	1	31	2	3	581	\$150
Corrections AfterCare	0	1	26	0	1	190	\$0
Corrective Sanctions	0	1	31	1	1	684	\$0
Correction Res. Care Ctr.	0	1	26	1	2	248	\$0
Corrections TFC*	0	0	0	0	0	0	\$0
Corrections SPRITE	0	0	0	0	0	0	\$0
<b>TOTAL</b>	<b>9</b>	<b>119</b>	<b>3,034</b>	<b>113</b>	<b>209</b>	<b>29,012</b>	

\*not adjusted for revenue

Level of Care	Adjusted Budget	YTD Expense	Percent Used	Revenue Budget	YTD Revenue	Percent Collected	Projected Annualized Net Expense
Foster Care	950,951	756,663	79.57%	83,905	59,306	70.68%	\$836,828
Therapeutic Foster Care	1,072,789	731,550	68.19%	57,584	23,059	40.04%	\$850,189
Group Home	126,190	201,533	159.71%	-	7,856		\$232,412
Residential Care Center	1,247,618	1,148,542	92.06%	33,380	43,914	131.56%	\$1,325,554
<b>Corrections:</b>							
Corrections-Institution	\$130,000	287,933					
Corrections AfterCare							
180 Day Program	\$81,000	87,150		\$1,000	\$4,833	483.30%	
Corrective Group Home		-					
Corrective Sanctions		-					
Correction Res. Care Ctr.		-					
Corrections TFC*		\$0					
Corrections SPRITE		\$0					
Corrections Totals:	211,000	375,083	177.76%	1,000	4,833	-	\$444,300
<b>TOTAL</b>	<b>3,608,548</b>	<b>3,213,371</b>	<b>89.05%</b>	<b>175,869</b>	<b>138,968</b>	<b>0.00%</b>	<b>\$3,689,283</b>

Net Budget	Net Estimated 2015 Exp.	Year End Estimate Overspent
\$3,432,679	\$3,689,283	(\$256,604)

At current usage DHS estimated alternate care spending for 2015 to be:

\*TFC = Therapeutic Foster Care

Percentage of Yr. through 10/31/2015      83.33%

**Eau Claire County Department of Human Services  
 Adult Mental Health Residential and Institutional Expenses  
 For the Ten Months Ending October 31, 2015**

Standard Program Categories	Expense Annual Budget	YTD 10/31/2015 Expense Budget	YTD 10/31/2015 Actual Expenses	YTD	Revenue Annual Budget	YTD 10/31/2015 Revenue Budget	YTD 10/31/2015 Actual Revenue	YTD
				10/31/2015 Expense Budget Variance Under (Over)				10/31/2015 Revenue Budget Variance Under (Over)
Adult Family Homes	329,454	274,545	343,914	(69,369)	36,544	30,453	29,611	843
Community Based Care/Treatment Center	835,618	696,348	818,039	(121,691)	98,332	81,943	114,458	(32,515)
Institutions for Mental Disease, aka, Winnebago Health Institution and Trempealeau County Health Care Center ***	431,728	359,773	889,747	(529,973)	1,500	1,250	142,695	(141,445)
Supportive Home Care	107,116	89,263	121,403	(32,140)	-	-	1,554	(1,554)
Totals	1,703,916	1,419,930	2,173,103	(753,173)	136,376	113,647	288,318	(174,671)

\*\*\* Winnebago Health Instit. performs collections activities this report reflects the expense and revenue we do not receive the revenue we are charged the net expense

TO: Honorable Eau Claire County Board of Supervisors  
FROM: Committee on Finance and Budget  
DATE: December 9, 2015  
SUBJ: **2015 Contingency Fund**

Pursuant to Section 2.04.485(C) of the Code of General Ordinances, the following is the status of the 2015 Contingency fund as of noon on December 9, 2015:

<u>January 1, 2015 Contingency / Risk Pool Budget Allocation</u>	\$	100,000
June 16, 2015 Reimbursing Special Deputies / Performance of State DNA Testing	\$	14,300
September 1, 2015 Administrator Search / Retention Process (final)	\$	<u>39,943</u>
Balance Available:	\$	<b>45,757</b>



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56

Enrolled No.

RESOLUTION

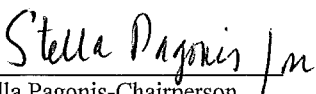
File No. # 15-16/098

-AUTHORIZING PAYMENT OF VOUCHERS OVER \$10,000 ISSUED DURING THE MONTH OF NOVEMBER 2015-

RESOLVED by the Eau Claire County Board of Supervisors that the following accounts are allowed and the County Clerk and County Treasurer are authorized to issue County order checks to the vendors hereinafter and for the amounts set forth thereafter.

<u>VENDOR</u>	<u>PAYMENT FOR:</u>		<u>AMOUNT</u>
WCA Group Health Trust	December 2015 Premiums-Health/Dental	\$	736,780.22
City of Eau Claire Treasurer	Comm Center Adjustment	\$	312,340.69
State of Wisconsin	October Fees	\$	197,592.83
Haas Sons Inc	Hamilton Falls/Whiteridge Project - Parks	\$	156,821.88
Janke General Contractors Inc	Lake Altoona Dam Repairs - Parks	\$	155,709.85
City of Eau Claire Treasurer	November Payment	\$	119,490.00
Senn Blacktop Inc	Hot Mix - Hwy	\$	113,434.84
Eau Claire City County Health Dept	October Payment	\$	91,666.67
Correctional Healthcare Company	Monthly Medical Service - Nov/December	\$	82,479.50
US Bank Natl Assoc	Procard Payment - October	\$	75,029.50
Ewald's Hartford Ford	Vehicle Purchase - Parks	\$	60,725.05
Lutheran Social Services	Assessor/CTC - October Services	\$	45,106.33
Xcel Energy	Courthouse Electric/Gas - October	\$	42,855.73
Advanced Disposal	Recycling - October	\$	41,815.20
Clint Heiman & Christina S Heiman	Highway Land Purchase	\$	38,840.00
The Kraemer Co LLC	Base Course - Hwy	\$	38,751.41
Haas Sons Inc	Base Course - Hwy	\$	37,716.66
Fuel Service DJ's Mart LLC	Diesel Fuel - Hwy	\$	30,394.05
Baker Tilly Virchow Krause LLP	Audit Fees	\$	29,740.70
Monarch Paving Company	Hot Mix - Hwy	\$	28,865.25
Aramark Services Inc	Juvenile/Inmate/Staff Meals - October	\$	28,486.38
AUL Health Benefit Trust	Retiree/Employee Payout (1)	\$	26,890.96
Advanced Concrete & Repairs LLC	Contracted Mud Jacking/Void - Hwy	\$	22,300.00
Boxx Sanitation	Recycling - October	\$	21,432.00
U S Postal Service	Postage	\$	20,000.00
Jerome L Engedal & Joan M Engedal	Highway Land Purchase	\$	18,700.00
City of Eau Claire Treasurer	September 2015 Paratrans	\$	17,420.42
David J Mayer & Patricia Mayer	Highway Land Purchase	\$	17,335.00
Oium Asphalt Paving Inc	Expo Ctr Asphalt Paving - Parks	\$	16,768.00
City of Eau Claire Treasurer	Aerial Photo & Mapping - P&D	\$	16,661.15
Fleming Andre & Assoc Inc	Contracted Engineering - Hwy	\$	16,530.88
Wilbur Trucking Inc	Truck Rental - Hwy	\$	16,311.75
Amy R Alpine	Highway Land Purchase	\$	16,150.00
Waste Management	Recycling - October	\$	15,932.64
Aecom Technical Services Inc	Contracted Engineering - Hwy	\$	15,543.08
Winter Equipment Company Inc	Curb Guards - Hwy	\$	15,071.23
Friends of Beaver Creek Reserve	November Payment	\$	15,000.00
Chippewa Valley Energy	Diesel Fuel - Hwy	\$	14,945.98
Oak Leaf Surgical Hospital LLC	Heimstad - Work Comp	\$	14,721.64
Lincoln Financial Life Insurance Co	December 2015 Disability Premiums	\$	13,069.33
Moody's Investors Service	Bond Rating for Borrowing	\$	13,000.00
Minnesota Life Insurance Co	December 2015 premiums	\$	12,335.51
Mead & Hunt Inc	Professional Services-Airport - 9/01/15 - 9/30/15	\$	12,003.13
Northland Excavating LLC	Nutrient Program - LCD	\$	11,369.53
Try Inc	November Payment	\$	10,801.58
Cedar Corporation	Contracted Engineering - Hwy	\$	10,468.26

57	Allan H Erickson & Jeanne M Erickson	Highway Land Purchase	\$	10,200.00
58	Office Depot	Courthouse Office Supplies	\$	10,128.52
59	Rusty Bit Ranch	Oak Scarifying - Parks	\$	10,000.00
60				
61		<i>subtotal</i>	\$	2,895,733.33
62				
63				
64	County of Barron	<i>IM Consortia Payment</i>	\$	60,086.00
65	County of Burnett	<i>IM Consortia Payment</i>	\$	20,258.00
66	County of Chippewa	<i>IM Consortia Payment</i>	\$	51,049.00
67	County of Douglas	<i>IM Consortia Payment</i>	\$	47,154.00
68	County of Dunn	<i>IM Consortia Payment</i>	\$	39,227.00
69	County of Pierce	<i>IM Consortia Payment</i>	\$	34,362.00
70	County of Polk	<i>IM Consortia Payment</i>	\$	46,131.00
71	County of St Croix	<i>IM Consortia Payment</i>	\$	63,108.00
72	Brotoloc Inc	Contractual Services	\$	46,395.39
73	Career Development Center	Contractual Services	\$	13,341.20
74	Chileda Institute inc	Contractual Services	\$	42,181.08
75	Clinicare Corporation	Contractual Services	\$	32,921.34
76	Cooperative Educational Service	Contractual Services	\$	16,808.22
77	Lutheran Social Services	Contractual Services	\$	111,102.18
78	MCHS Eau Claire Clinic	Contractual Services	\$	12,390.00
79	Mt Washington Operator LLC	Contractual Services	\$	28,464.51
80	New Visions Treatment Home	Contractual Services	\$	30,865.13
81	Northwest Counseling & Guidance	Contractual Services	\$	11,795.28
82	Northwest Passage LTD	Contractual Services	\$	38,309.56
83	Positive Alternatives Inc	Contractual Services	\$	19,872.00
84	REM Wisconsin III Inc	Contractual Services	\$	58,861.53
85	Trempealeau County	Contractual Services	\$	39,678.91
86	Vantage Point Clinic & Assessment	Contractual Services	\$	47,587.01
87				
88				
89		Total	\$	911,948.34
90				
91		Grand Total	\$	3,807,681.67
92				

  
 \_\_\_\_\_  
 Stella Pagonis-Chairperson  
 Committee on Finance and Budget

## FACT SHEET

### TO FILE NO. 15-16/085

The purpose of the proposed amendment to the Official Zoning Map of Section 18.01.040 of the Eau Claire County Code of Ordinances is to reclassify parcels of land from the A-1 Exclusive Agricultural zoning district to the newly created A-P Agricultural Preservation zoning district to comply with Sections 91.30 through 91.40 of the Wisconsin Statutes relating to the Farmland Preservation Program. In recognition of the importance the agricultural industry plays in Eau Claire County's overall economic base, Eau Claire County adopted the *Eau Claire County Farmland Preservation Plan* and certified zoning district (A-1 Exclusive Agricultural) in 1983. Collectively, the plan and ordinance have served as the basis for preserving the county's most productive farmland from fragmentation and development; instilled sound conservation practices to protect our soils from erosion and surface waters from degradation; and allowed eligible landowners to collect nearly \$9 million in tax credits covering approximately 40,000 acres of farmland since the program's inception 30 years ago.

The Working Lands Initiative instituted numerous revisions to the farmland preservation program with its implementation in 2009, including new requirements and provisions for certified farmland preservation zoning ordinances. The certification of the A-1 Exclusive Agricultural zoning ordinance is set to expire on December 31, 2015. The A-P Agricultural Preservation zoning district has been introduced as Ordinance 15-16/070 (Chapter 18.32) and has been certified by the Department of Agriculture, Trade and Consumer Protection as the new official zoning ordinance under the Farmland Preservation Program. This proposed Official Zoning District Boundary Map Amendment reclassifies approximately 153,006 acres of land, from an A-1 Exclusive Agricultural zoning designation to an A-P Agricultural Preservation zoning designation, which have been planned and mapped as "Preservation Areas" within the *Eau Claire County Farmland Preservation Plan* as well as "Rural Lands" within the applicable town and county comprehensive plans where county zoning jurisdiction has been exercised. Lands currently zoned as A-1 which are located outside of "Preservation Areas" will remain zoned as A-1 at this time but will no longer be eligible to voluntarily participate in the Farmland Preservation Program. Text amendments to the uncertified A-1 zoning district may be forthcoming. This Official Zoning Map amendment is intended to fulfill the statutory requirements of the Farmland Preservation Program in accordance with Chapter 91 of the Wisconsin Statutes to allow continued voluntary participation in the program.

**Fiscal Impact:** Although there is no direct fiscal impact to Eau Claire County, adoption and certification of the A-P Agricultural Preservation zoning district will allow eligible landowners to voluntarily claim farmland preservation tax credits on an annual basis. Since the inception of the program in 1983, more than \$9 million in tax relief has been provided to landowners within Eau Claire County.

Respectfully Submitted,

Lance J. Gurney  
Planning and Development Director

LJG/yk  
Ordinance/15-16/070

# EAU CLAIRE COUNTY PLANNING DEPARTMENT STAFF RECOMMENDATIONS

DATE PREPARED: December 2, 2015

PUBLIC HEARING DATE: December 8, 2015

**PETITIONER:** Eau Claire County Committee on Planning and Development

**PETITION:** To amend the Official Zoning Map under Section 18.01.040 of the Eau Claire County Code of Ordinances to reclassify parcels of land from the A-1 Exclusive Agricultural zoning district to the newly created A-P Agricultural Preservation zoning district to comply with Sections 91.30 through 91.40 of the Wisconsin Statutes relating to the Farmland Preservation Program.

## **DETAILS OF REQUEST AND BACKGROUND INFORMATION:**

In conjunction with the creation of Chapter 18.32 of the Eau Claire Code of Ordinance, this proposed Official Zoning District Boundary Map Amendment reclassifies from an A-1 Exclusive Agricultural zoning designation to an A-P Agricultural Preservation zoning designation, approximately 153,006 acres of land which have been planned and mapped as "Preservation Areas" within the *Eau Claire County Farmland Preservation Plan* as well as "Rural Lands" within the applicable town and county comprehensive plans where county zoning jurisdiction has been exercised. By following the requirements and parameters of Chapter 91 of the Wisconsin Statutes, the process to reclassify lands to the A-P Agricultural Preservation District is fundamentally a name change of the certified zoning district and does not substantially alter or change land use rights of the affected properties, although the A-P zoning district may be more permissive in terms of permitted, accessory or conditional uses when compared to the A-1 Exclusive Agriculture zoning ordinance originally adopted in 1983 due to programmatic changes implemented by the Working Lands Initiative in 2009. This Official Zoning Map amendment is intended to fulfill the statutory requirements of the Farmland Preservation Program in accordance with Chapter 91 of the Wisconsin Statutes to allow continued voluntary participation in the program.

Town chairs and clerks were sent a copy of the proposed text and map amendments on October 21, 2015. Staff attended an Eau Claire County Town's Association meeting on October 29<sup>th</sup> to present and answer any questions that the group may have relating to the creation of Ordinance Chapter 18.32 Agricultural Preservation zoning district and corresponding official zoning map amendments. In addition, staff attended numerous town board meetings in early November to answer questions relating to the Farmland Preservation Program or proposed zoning amendments. The map amendments have been reviewed and are ready to be certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP). Corporation Counsel's Office assisted with the development of the ordinance.

When evaluating a petition to amend the regulations in the zoning code *a determination should be made that the amendment is necessary for the public necessity, convenience and general welfare, and that it promotes good building practice. Furthermore the amendment should uphold the purpose of the zoning code.*

Findings can be made that the proposed ordinance text amendments will meet the purpose of the zoning code to protect and conserve the natural resources of the county, including agricultural lands, forest, wetlands, surface and groundwater, by conserving the most appropriate use of land, to prevent the overcrowding of land and undue congestion of population, and to encourage use of land and buildings which are compatible with nearby existing and planned land uses, and to prohibit and control existing land uses deemed incompatible with nearby uses. A finding can also be made that the proposed map amendment will ensure that the public health and general welfare of the citizens of Eau Claire County will be promoted or enhanced by supporting a rural agricultural land base, the production and supply of local food sources, and enhanced economic activity of the agricultural industry throughout Eau Claire County.

**STAFF CONCLUSIONS AND RECOMMENDATION:** Staff recommends that the committee forward a recommendation to the County Board to approve the Official Zoning District Boundary Map amendments as submitted.

1 Enrolled No.

ORDINANCE

File No. 15-16/085

2  
3 - AMENDING THE 1982 OFFICIAL ZONING DISTRICT BOUNDARY MAP FOR THE  
4 TOWNS OF BRUNSWICK, CLEAR CREEK, DRAMMEN, LINCOLN, OTTER CREEK,  
5 PLEASANT VALLEY, SEYMOUR, UNION AND WASHINGTON -  
6

7 The County Board of Supervisors of the County of Eau Claire does ordain as follows:  
8

9 SECTION 1

That the 1982 Official Zoning District Boundary Map for the Towns of  
Brunswick, Clear Creek, Drammen, Lincoln, Otter Creek, Pleasant Valley,  
Seymour, Union and Washington, Eau Claire County described as  
follows:  
12

13  
14 **Parcels of land lying within the Town of Brunswick described as**  
15 **T26N R10W and T27N R10W excluding all lands within the**  
16 **corporate limits of the City of Eau Claire; Town of Clear Creek**  
17 **described as T25N R8W; Town of Drammen described as T25N**  
18 **R10W; Town of Lincoln described as T26N R7W, T26N R8W, T27N**  
19 **R7W, and T27N R8W excluding all lands within the corporate limits**  
20 **of the Village of Fall Creek; Town of Otter Creek described as T25N**  
21 **R7W; Town of Pleasant Valley described as T25N R9W and T26N**  
22 **R9W; Town of Seymour described as T27N R7W, T27N R8W and**  
23 **T27N R9W excluding all lands within the corporate limits of the City**  
24 **of Altoona and City of Eau Claire; Town of Union described as T26N,**  
25 **R10W and T27N R10W excluding all lands within the corporate**  
26 **limits of the City of Eau Claire; and, the Town of Washington**  
27 **described as T26N R8W, T26N R9W, T27N R8W and T27N R9W**  
28 **excluding all lands within the corporate limits of the City of Altoona**  
29 **and City of Eau Claire pursuant to the Official Zoning Map attached**  
30 **and made a part of this ordinance.**  
31

32 Said parcels containing approximately 153,006 acres of land to be  
33 reclassified from the A-1 Exclusive Agricultural District to the A-P  
34 Agricultural Preservation District.  
35

36 SECTION 2

This official zoning action is required to comply with Sections 91.30  
through 91.40 of the Wisconsin Statutes pertaining to the Farmland  
Preservation Program.  
38

39  
40 \_\_\_\_\_  
41 \_\_\_\_\_  
42 \_\_\_\_\_  
43 \_\_\_\_\_  
44 \_\_\_\_\_  
45 \_\_\_\_\_  
46 \_\_\_\_\_

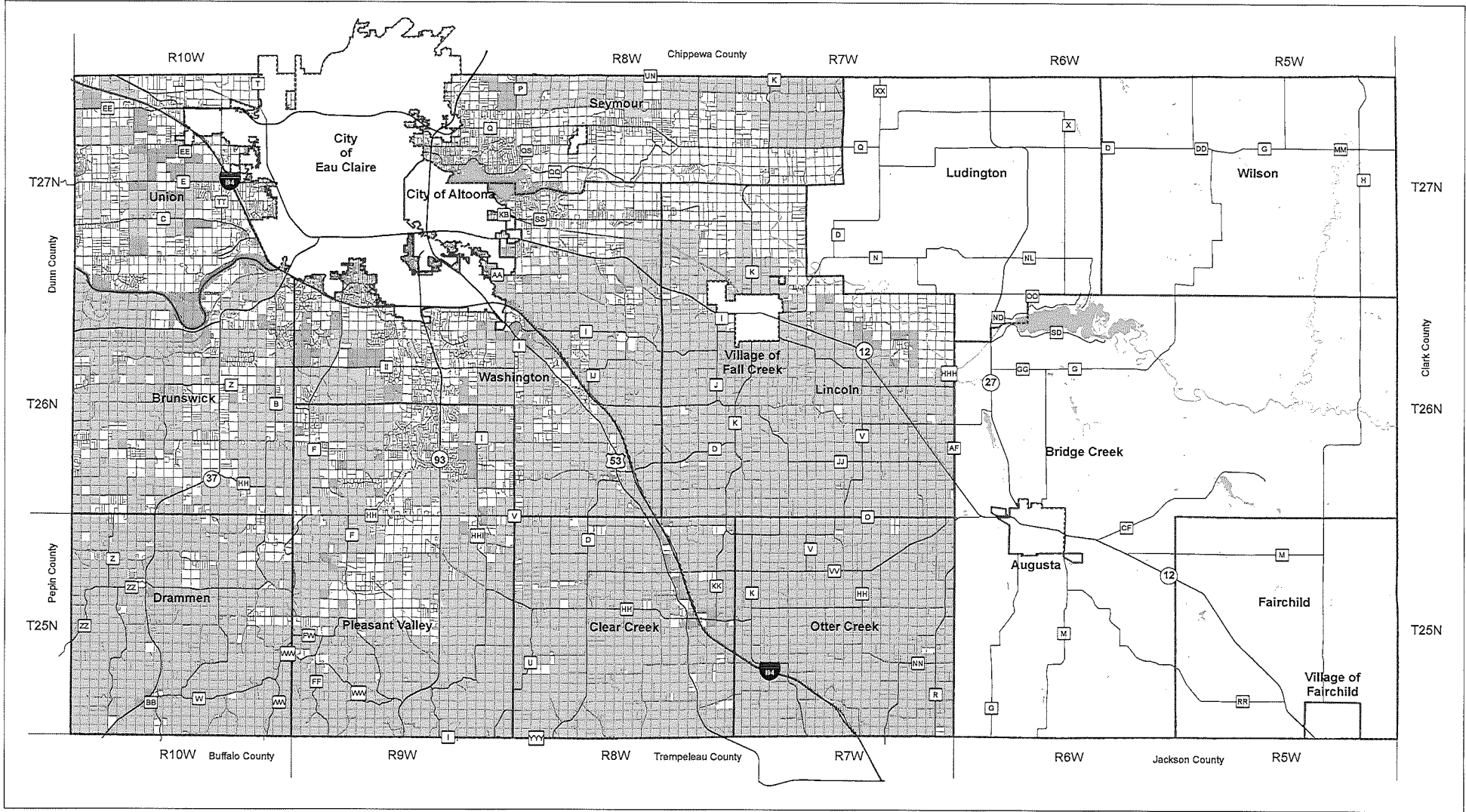
\_\_\_\_\_ Steve Pagen  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ Committee on Planning & Development

APPROVED BY  
CORPORATION COUNSEL  
AS TO FORM

47 LG  
48 Dated this 8<sup>th</sup> day of December, 2015.

ORDINANCE/15-16/085

# A1 and AP Zoning Map Eau Claire County, Wisconsin

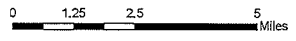


**Map Legend**

<b>Zoning</b>	<b>Roads</b>
AP Agricultural Preservation District	INTERSTATE
A1 Exclusive Agricultural District	US HWY
	STATE ROAD
	PRIVATE DRIVE
	RAMP
<b>Civil Divisions</b>	<b>Water Features</b>
Civil Boundary	Rivers & Streams
Incorporated Area	Lakes & Ponds

EAU CLAIRE COUNTY WISCONSIN  
 The Department of Planning & Development  
 Eau Claire County Courthouse  
 721 Oxford Avenue, Room 1110  
 Eau Claire, WI 54601-0461  
 715-833-4741

Map Producer: Peter Strand  
 Map Date: 11-02-2015



**Parcel Mapping Notes:**  
 The horizontal datum is based on the Eau Claire County Coordinate System (NAD\_1983\_HARNUM\_ACS\_UM\_EauClaire\_Feet).  
 This map is a collection of public record information and was prepared as an ongoing commitment to provide quality and up-to-date information to the public. This map is intended for information use only. Although significant care has been exercised to produce maps that satisfy mapping accuracy standards, these maps are only as accurate as the source data from which they were compiled. These maps are intended to be advisory and are NOT designed or intended to be used as a substitute for an accurate field survey, as performed by a Wisconsin Licensed Land Surveyor, to determine precise property location.  
 Eau Claire County does not warrant, guarantee or make any representations regarding the use of, or results from the use of the data in terms of correctness, accuracy, reliability, completeness, or otherwise, and the user relies on the map and results solely at their own risk.  
 All zoning district designations are subject to confirmation by contacting The Department of Planning and Development.

**FACT SHEET**  
**File No. 15-16/089**

**RE:** Rezoning Petition from Chelsea Lane, LLC, represented by Glen Mills., to rezone a 38.2-acre parcel of land from the A-1 Exclusive Agriculture District to A-2 Agriculture Residential District.

**Legal Description and Location:** Part of the W½ NW¼ of Section 19, T26N, R8W, Town of Washington (complete legal description attached)

**Size of area to be rezoned:** +/-38.2 acres

**ADJACENT ZONING & LAND USES:**

LOCATION	ZONING	LAND USE
Subject	A-1	Woodland and agricultural fields
North	A-1 & A-2	Single family residences & agricultural fields
East	A-1	Agricultural fields
South	A-1	Agricultural fields
West	A-1 & A-2	Single family residences

**LAND USE PLANS:** The Eau Claire County Future Land Use Map includes this property in the Rural Lands (RL) planning area, and the Town of Washington Future Land Use Map includes this property in the Rural Preservation (RP) planning area, which is consistent with this rezone request. Following is a description of the intent of the applicable County and Town comprehensive plan future land use categories:

**Rural Lands (RL)**

**Eau Claire County Intent and Description:** The primary intent of these areas is to, *“preserve productive agricultural lands, protect existing farm & forestry operations from encroachment by incompatible uses, promote further investments in farming, maintain farmer eligibility for incentive programs, and preserve wildlife habitat and open spaces. In other words, to preserve the rural character of these areas.”*

**Rural Preservation (RP)**

**Town of Washington Intent and Description:** The primary intent of this classification is to, *“preserve productive agricultural lands in the long-term, protect existing farm & forestry operations from encroachment by incompatible uses, promote further investments in farming, maintain farmer eligibility for incentive programs, and to preserve wildlife habitat and open spaces. In other words, to preserve the rural character of these areas. However, the term rural preservation is not intended to imply that changes in land use will not occur in these areas.”*

**Staff Conclusions and Recommendation:** Staff finds that the proposed rezoning request is consistent with the Eau Claire County Comprehensive Plan and the Town of Washington Comprehensive Plan. The Eau Claire County Comprehensive Plan recognizes that the proposed A-2 zoning district is consistent and therefore allowed within the mapped Eau Claire County Rural Lands and Town of Washington Rural Preservation future land use designations.

**Town Board Action:** The Town of Washington Town Board met on Thursday, December 3, 2015, to consider the rezoning petition and recommended approval (5-0 vote) of the rezoning.

**Committee Action:** The Eau Claire County Committee on Planning and Development conducted the required public hearing on Tuesday, December 8, 2015 regarding the proposed rezoning.

On a vote of 4 in favor and 0 against, the Committee recommends approval of the rezoning petition to the County Board. The committee considered the applicant’s testimony as well as the Town Board’s and staff’s recommendations in their deliberations.

Respectfully submitted on behalf of the Committee on Planning and Development,

  
 Matt Michels, AICP  
 Senior Planner

2  
3 - AMENDING THE 1982 OFFICIAL ZONING DISTRICT BOUNDARY MAP FOR THE  
4 TOWN OF WASHINGTON -  
5

6 The County Board of Supervisors of the County of Eau Claire does ordain as follows:  
7

8 **SECTION 1** That the 1982 Official Zoning District Boundary Map for the Town of  
9 Washington, Eau Claire County described as follows:  
10

11 **That part of the W 1/2 of the NW 1/4 of Section 19, Township 26 North,**  
12 **Range 8 West, Town of Washington, Eau Claire County, Wisconsin,**  
13 **described as follows:**  
14

15 **Commencing at the NW corner of the NW 1/4 of the NW 1/4; thence**  
16 **South along the West line of the W 1/2 of the NW corner to a point 325**  
17 **feet North of the SW corner of the SW 1/4 of the NW 1/4; thence East to**  
18 **the North-South centerline of the West 1/2 of the NW 1/4; thence North**  
19 **along said centerline to a point 325 feet South of the North line of the**  
20 **NW 1/4 of the NW 1/4; thence East to the East line of the NW 1/4 of the**  
21 **NW 1/4; thence North along said East line to the NE corner of the NW**  
22 **1/4 of the NW 1/4; thence West along the North line of the NW 1/4 of the**  
23 **NW 1/4 to the NW corner and the point of commencement, EXCEPT a**  
24 **parcel described as follows:**  
25

26 **Commencing at the NW corner of said Section 19; thence North**  
27 **89°57'54" East along the North line of the NW 1/4 of said Section 19,**  
28 **1023.73 feet to the point of beginning; thence continuing North**  
29 **89°57'54" East along said North line 290.00 feet to the NE corner of**  
30 **said NW 1/4 of the NW 1/4; thence South 00°44'35" East along the East**  
31 **line of said NW 1/4 of the NW 1/4, 125.53 feet; thence South 89°50'14"**  
32 **West 290.00 feet; thence North 00°44'35" West 126.18 feet to the point**  
33 **of beginning.**  
34

35 **Said parcel containing 38.21 acres to be reclassified from the A-1**  
36 **Exclusive Agricultural District to the A-2 Agriculture-Residential**  
37 **District.**  
38

39 **SECTION 2** Where a certified survey map is required and may alter the  
40 above described property description, the official zoning district map for  
41 the town shall be automatically amended to reflect the property description  
42 of the certified survey map.  
43

44 **ENACTED:** I hereby certify that the foregoing correctly represents the  
45 action taken by the undersigned Committee on  
46 December 8, 2015 by a vote of \_\_\_\_\_ for, \_\_\_\_\_ against.  
47

48 **APPROVED BY**  
49 **CORPORATION COUNSEL**  
50 **AS TO FORM**

  
\_\_\_\_\_  
Planning & Development Committee, Chairperson



Eau Claire County  
 Department of Planning and Development  
 Eau Claire County Courthouse  
 721 Oxford Avenue, Room 3344  
 Eau Claire, Wisconsin 54703  
 (715) 839-4741

#6 Supervisor Forsythe

Application Accepted: 11/16/2015
Accepted By: Matt Michels
Receipt Number: 44932
Town Hearing Date: 12/03/2015
Scheduled Hearing Date: 12/8/2015
Application No: RZN-0012-15
Appl Status: Pending

**Rezoning - County**

Pursuant to the procedure described in Wisconsin Statutes Section 59.69(5), I hereby petition the Eau Claire County Board of Supervisors to amend the Zoning District from:

Existing Zoning District: **A1** Proposed Zoning District(s): **A2** Acres to be Rezoned: **38.21**

Portion Of The W1/2 Of The Nw1/4 Of Section 19, T26N, R8W (Full Legal Description Attached)

Owner/Applicant Name(s): Kim M Haas Address: (ow) 1184 10TH AVE ELK MOUND Telephone: 715-828-9968

**Site Address(es):**

Property Description: Sec 19 Twn 26 Rge 08 Town of Washington Lot Area: 23.512 ACRES  
 14.700 ACRES

Zoning District(s): A1

Overlay District:  Shoreland  Flood Plain  Airport  Wellhead Protection  Non-Metallic Mining  
 Check Applicable

PIN	Alternate No	Parcel No	Legal (partial)
1802422608192200002	024103610010	26.8.19.2-2-B	PRT FRAC NW-NW BEG NE COR TN S 325' TN W TO N-S CENTI
1802422608192300002	024103701010	26.8.19.2-3-B	PRT SW-NW COM NE COR TN W TO N-S CENTER LINE AND PC

I certify by my signature that all the information presented herein is true and correct to the best of my knowledge. I give permission for the staff of the Eau Claire County Department of Planning and Development to enter my property for the purpose of collecting information to be used as part of the public hearing process. I further agree to withdraw this application if substantive false or incorrect information has been included.

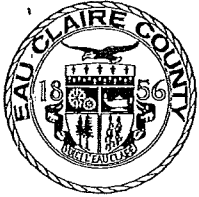
Owner/Agent Signature see attached application Date 11-17-15

Check if DATCAP must be notified \_\_\_\_\_

Check if DNR to Receive Copy \_\_\_\_\_

**RECEIVED**  
 NOV 17 2015  
 COUNTY CLERK

At the public hearing, the applicant may appear in person or through an agent or an attorney of his/her choice. The applicant/agent/attorney may present testimony, evidence and arguments in support of the application. All site plans, pictures, etc. become the property of the Department, and will remain in the file.



Eau Claire County  
 Department of Planning and Development  
 Eau Claire County Courthouse  
 721 Oxford Avenue, Room 3344  
 Eau Claire, Wisconsin 54703  
 (715) 839-4741

Application Accepted:	11/17/15
Accepted By:	MM
Receipt Number:	44932
Town Hearing Date:	12/3/15
Scheduled Hearing Date:	12/8/15

### REZONING APPLICATION

Pursuant to the procedure described in Wisconsin Statutes Section 59.69(5), I hereby petition the Eau Claire County Board of Supervisors to amend the Zoning District from:

Existing Zoning District: <u>A-1</u>	Proposed Zoning District(s):
Acres to be rezoned: <u>38.21</u>	<u>2-parcel #5</u>

Property Owner Name: <u>Kim Haas</u>	Phone# <u>715-828-9968</u>
Mailing Address: <u>1184 10th Ave, Elk Mound, 54739</u>	
Email Address: <u>kimhaas@edinarealty.com</u>	

Agent Name:	Phone#
Mailing Address: <u>"same"</u>	
Email Address:	

#### SITE INFORMATION

Site Address: <u>Hillview Rd + Walnut Rd.</u>	<u>02410360010 + 024103701010</u>
Property Description: <u>1/4</u> <u>1/4</u> Sec. <u>19</u> , T. <u>26</u> N, R. <u>08</u> W, Town of <u>Washington</u>	
Zoning District:	Code Section(s):
Overlay District: Check Applicable	<input type="checkbox"/> Shoreland <input type="checkbox"/> Floodplain <input type="checkbox"/> Airport <input type="checkbox"/> Wellhead Protection <input type="checkbox"/> Non-Metallic Mining
Computer #(s):	<u>024 - 103 - 610 - 010</u> <u>024 - 103 - 701 - 010</u>

#### GENERAL APPLICATION REQUIREMENTS

Applications will not be accepted until the applicant has met with department staff to review the application and determine if all necessary information has been provided. All information from the checklist must be included.

<input type="checkbox"/> Complete attached information sheet	<input type="checkbox"/> Contact the Town to coordinate a recommendation on the application
<input type="checkbox"/> Provide legal description of property to be rezoned	<input type="checkbox"/> Provide \$550.00 application fee (non-refundable), payable to the Eau Claire County Treasurer (\$490.00 application processing fee and \$60.00 mapping surcharge fee)

I certify by my signature that all information presented herein is true and correct to the best of my knowledge. I give permission for the staff of the Eau Claire County Department of Planning and Development to enter my property for the purpose of collecting information to be used as part of the public hearing process. I further agree to withdraw this application if substantive false or incorrect information has been included.

Owner/Agent Signature Kim Haas Date 11-17-15

At the public hearing, the applicant may appear in person or through an agent or an attorney of his/her choice. The applicant/agent/attorney may present testimony, evidence and arguments in support of the application. All site plans, pictures, etc. become the property of the Department, and will remain in the file.

SUPPLEMENTAL INFORMATION FOR A REZONING PETITION

In order to process your application as quickly as possible, please fill in all of the sections below that are applicable to your request, and attach all appropriate maps or plans described below that are relevant to your request.

Describe the reason for your rezoning request:

Landowner is requesting the ability to rezone to A-2 to be able to build on or create 3 separate lots.

When evaluating a rezoning petition, staff from the Eau Claire County Department of Planning and Development consider whether the purpose of the proposed zoning district and the uses allowed in the district are appropriate for the selected location. Staff also considers whether the change in zoning will uphold the purpose of the zoning ordinance, which is to separate incompatible land uses from one another, to maintain public health and safety, to protect and conserve natural resources, to prevent overcrowding, to preserve property values, and to maintain the general welfare of the citizens. Please describe how the proposed zoning district and the uses allowed in that district are appropriate for the selected location, and how the proposed change in zoning will uphold the purpose of the zoning ordinance.

The A-2 district in this area is consistent with many other home sites in the ~~area~~ vicinity.  
The proposed development will not affect the existing ag land.

Rezoning petitions to change the zoning of a parcel from the A-1 Exclusive Agricultural Zoning District to any other District must be based upon findings that consider the following factors:

- 1) Whether the land considered for rezoning is suitable for uses allowed in the proposed zoning district based upon soil types, the site's location, and adjacent land uses
- 2) Whether the uses allowed in the proposed zoning district will be in conflict with remaining agricultural uses
- 3) Whether adequate public facilities and services are available or will be provided for uses allowed in the new zoning district
- 4) Whether the development allowed by the new zoning district will cause undue environmental degradation

If you are petitioning to rezone land from an A-1 District to another district, please describe how the proposed change in zoning will be consistent with the four findings listed here.

- 1.) yes - suitable for residential development
- 2.) no - minimal tillable - majority not farmland
- 3.) yes - electric & phone
- 4.) no - we will follow all city regulations

## Legal Description

That part of the W  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  of Section 19, Township 26 North, Range 8 West, Town of Washington, Eau Claire County, Wisconsin, described as follows:

Commencing at the NW corner of the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$ ; thence South along the West line of the W  $\frac{1}{2}$  of the NW corner to a point 325 feet North of the SW corner of the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$ ; thence East to the North-South centerline of the West  $\frac{1}{2}$  of the NW  $\frac{1}{4}$ ; thence North along said centerline to a point 325 feet South of the North line of the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$ ; thence East to the East line of the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$ ; thence North along said East line to the NE corner of the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$ ; thence West along the North line of the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  to the NW corner and the point of commencement, EXCEPT a parcel described as follows:

Commencing at the NW corner of said Section 19; thence North  $89^{\circ} 57' 54''$  East along the North line of the NW  $\frac{1}{4}$  of said Section 19, 1023.73 feet to the point of beginning; thence continuing North  $89^{\circ} 57' 54''$  East along said North line, 290.00 feet to the NE corner of said NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$ ; thence South  $00^{\circ} 44' 35''$  East along the East line of said NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$ , 125.53 feet; thence South  $89^{\circ} 50' 14''$  West 290.00 feet; thence North  $00^{\circ} 44' 35''$  West 126.18 feet to the point of beginning.

For informational purposes only:

Tax parcel number: 024-1036-10-010 and 024-1037-01-010



## EAU CLAIRE COUNTY PLANNING STAFF RECOMMENDATION

---

**REZONE NUMBER:** RZN-0012-15      **COMPUTER NUMBERS:** 024103610010  
024103701010

**PUBLIC HEARING DATE:** December 8, 2015

---

**STAFF CONTACT:** Matt Michels, AICP, Senior Planner

**OWNER/AGENT:** Kim Haas, 1184 10th Avenue, Elk Mound WI 54739

**REQUEST:** Rezone 38.2 acres +/- from A-1 (Exclusive Agriculture) District to A-2 (Agriculture-Residential) District to divide the property into three (3) single-family residential lots

**LOCATION:** Southeast intersection of Walnut Road and Hillview Road

**LEGAL DESCRIPTION:** Part of the W $\frac{1}{2}$  NW $\frac{1}{4}$  of Section 19, T26N, R8W, Town of Washington (complete legal description attached)

---

### **SUMMARY**

The applicant proposes to rezone 38.2 acres of property from A-1 Exclusive Agriculture District to A-2 Agriculture-Residential to divide the property into three (3) single family residential lots.

---

### **BACKGROUND**

#### SITE CHARACTERISTICS:

- Property is currently undeveloped
- Eastern portion of the southern lot contains agricultural fields (approximately 7.2 acres tilled)
- Northern portion of the property contains wetlands
- Portions of property has steep (30%+) slopes (see attached slope map)
- A ravine runs north-south through the property
- Approximately 19% of the northern lot contains Class II and III soils (see attached Soil Capability Class map)

#### CURRENT ZONING:

A-1 Exclusive Agriculture District. The A-1 exclusive agricultural district is established to "A. Preserve those areas best suited for farming or agricultural use; B. Protect the agricultural economic base of the county; C. Entitle farms to tax credits under the Wisconsin Farmland Preservation Program; D. Minimize urban sprawl and its associated public expense; and E. Minimize land use conflicts between farms and non-farms."

#### REQUESTED ZONING DISTRICT:

The petition is to rezone the property described above from the A-1 Exclusive Agriculture District to the A-2 Agriculture Residential District. The purpose of the A-2 District is to "Provide areas for limited residential and hobby farm development in a rural atmosphere" and to "preserve the county's natural resources and open space."

ZONING/LAND USE CONTEXT:

LOCATION	ZONING	LAND USE
Subject	A-1	Woodland and agricultural fields
North	A-1 & A-2	Single family residences & agricultural fields
East	A-1	Agricultural fields
South	A-1	Agricultural fields
West	A-1 & A-2	Single family residences

COMPREHENSIVE PLANS:

The Eau Claire County Future Land Use Map includes this property in the Rural Lands (RL) planning area, and the Town of Washington Future Land Use Map includes this property in the Rural Preservation (RP) planning area, which is consistent with this rezone request. Following is a description of the intent of the applicable County and Town comprehensive plan future land use category and applicable policies:

**Eau Claire County:**

- Rural Lands Intent and Description: The primary intent of these areas is to, *“preserve productive agricultural lands, protect existing farm & forestry operations from encroachment by incompatible uses, promote further investments in farming, maintain farmer eligibility for incentive programs, and preserve wildlife habitat and open spaces. In other words, to preserve the rural character of these areas.”*
- Applicable Policies:
  1. *Farming and other agriculture uses, agricultural-related businesses, cottage industries, forestry, mineral extraction, open space, and utilities shall be established as the primary land uses within these areas. Other uses may be permitted if found to be compatible with these uses and existing uses adjacent to the property.*
  2. *The preferred housing density is one (1) unit per 20 or more acres; however, local comprehensive plans may be more or less restrictive than this guideline and generally range from one (1) unit per five (5) acres to one (1) unit per 35 acres.*
  3. *For those Towns under County Zoning, the following Eau Claire County Zoning Districts will be considered for approval within RP areas: A-1 Exclusive Agricultural District, A-2 Agricultural-Residential District, A-3 Agricultural District, A-R Floating Agricultural-Residential District, F-2 Forestry District, F-1 Forestry District, and the proposed AC-R District noted below. The following additional policies shall apply to rezoning petitions:*
    - a. *Rezoning land to the A-R Floating Agricultural-Residential District or the proposed AC-R Agricultural Compatible Residential District is preferred over additional non-farm A-2 or A-3 parcels, unless rezoning land to either of these districts will not interfere with, will not disrupt, or will not be incompatible with farming or agricultural use, and will not take land suitable for cultivation or other agricultural use out of production.*

**Town of Washington:**

- Rural Preservation Comprehensive Plan Intent and Description: The primary intent of this classification is to, *“preserve productive agricultural lands in the long-term, protect existing farm & forestry operations from encroachment by incompatible uses, promote further investments in farming, maintain farmer eligibility for incentive programs, and to preserve wildlife habitat and open spaces. In other words, to preserve the rural character of these areas. However, the*

*term rural preservation is not intended to imply that changes in land use will not occur in these areas.”*

- Applicable Policies: The following policies are applicable to this rezoning petition.
  1. *Farming and agricultural uses shall be established as the primary land uses within these areas. Non-farm development shall only be allowed if it will not interfere with, will not disrupt, or will not be incompatible with farming or agricultural use, and will not take significant tracts of land suitable for cultivation or other agricultural use out of production.*
  2. *Policy not applicable*
  3. *Proposals for any new non-farm residential development shall be consistent with the following policies:*
    - a. *Non-farm residential lots shall be a minimum of five (5) acres per unit, except as otherwise provided below for conservation subdivisions.*
    - b. *Any new non-farm residential lot shall have a “Right to Farm” disclosure attached to it acknowledging that the potential non-farm owner has been informed that his lot has been established in an area where farming is the preferred land use, and stating that the owner understands that he must abide by the State of Wisconsin “Right to Farm” statute (WI Stat. 823.08). This language shall be recorded on the deed to the property, transferable to subsequent owners. An example of a “Right to Farm” disclosure acknowledgement is included in Appendix B.*
    - c. *Non-farm residential development shall only occur on land that is marginal for agricultural productivity. At least 80% of any proposed new lot shall not contain Class I, II, or III soils. In addition, it is the preference of the Town of Washington that new non-farm residential lots that are approved in accord with these policies be located adjacent to or near existing non-farm development.*
  4. *The following Eau Claire County zoning districts will be considered for approval within RP areas: A-1 Exclusive Agricultural District, A-2 Agriculture-Residential District, A-3 Agriculture District, A-R Floating Agriculture-Residential District, F-2 Forestry District, and F-1 Forestry District. The following additional policies shall apply to zoning petitions:*
    - a. *Policies for the Rural Preservation area only apply to rezoning, land division, or subdivision petitions. Development that requires none of these is not subject to the requirements of this subsection. This policy is intended to address existing parcels within the RP area that are not zoned according to policy 4 or were vacant at the time of adoption of this Plan.*
    - b. *Rezoning land to the A-2 Agriculture-Residential District or the A-3 Agriculture District is discouraged for new non-farm residential development, unless findings can be made that rezoning land to either of these districts will not interfere with, will not disrupt, or will not be incompatible with farming or agricultural use, and will not take land suitable for cultivation or other agricultural use out of production.*
    - c. *In addition to the criteria listed herein, rezoning land out of A1-EX shall require adherence to Section 18.04.055 of the Eau Claire County Zoning Code and, if part of a farmland preservation agreement, Section 91.77 Wis. State Statutes.*

The application has been found to be consistent with the intent and description and the applicable policies of the Eau Claire County and also appears to be consistent with the Town of Washington Comprehensive Plan.



## ANALYSIS

When rezoning land, a finding should be made that the purpose of the proposed zoning district and the uses that are allowed in that district are appropriate for the location; and that the rezoning will uphold the purpose of the zoning ordinance. A finding should also be made that the rezone is consistent with the County's Comprehensive Plan.

The rezoning petition has been evaluated for consistency with the purpose of A-2 District and the uses allowed in the district. The request is consistent with the purpose of the zoning code based on the following findings:

- The proposed rezoning is consistent with the Future Land Use plans for the County and the Town of Washington
- The property is appropriately situated for the intended A-2 zoning and has frontage on two public roads: Walnut Road and Hillview Road
- Existing uses in the area include a mixture of cropland, woodland, and non-farm housing.

### A-1 Rezoning Standards

In addition, there are four standards for approving a rezoning of land from the A-1 Exclusive Agricultural zoning district to any other district. The following provides an analysis of this rezoning petition based on those standards:

**Standard 1** - *The land considered for rezoning is suitable for uses allowed in the proposed zoning district based upon soil types, the site's location, and adjacent land uses*

- **Soils** – As depicted on the attached Soil Capability Class map, the primary soil types on the property are the Billett sandy loam, 6-12% slopes (BiD) and the Elkmound loam, 20-45% slopes (EmE), which are not considered prime agricultural soils (defined as Soil Capability Class 1, 2, and 3). The bottom of the ravine contains Ettrick silt loam (Er), which is classified as Soil Capability Class 3. This soil type encompasses approximately 18.5% of the northern parcel. There is a small amount (approximately .15% of the parcel) of Northfield silt loam (NtB), 2-6% slopes on the far eastern portion of the northern parcel. NtB is classified as a Class 2 soil. The proposed rezoning conforms to the Town of Washington Comprehensive Plan policy regarding preservation of prime agricultural soils (Policy 3.c) for the Rural Preservation future land use designation.
- **Site Location** – The property is located at the intersection of two public roadways: Walnut Road and Hillview Road.
- **Adjacent Land Uses** – Uses in the area are a mixture of cropland, woodland, and non-farm housing. Zoning in the area is also a mixture of A-1 and A-2 districts in the near vicinity of this property. Agriculture is limited by topography and soil capability.

**Standard 2** - *The uses allowed in the proposed zoning district will be in conflict with remaining agricultural uses* – There is a minor potential for conflicts between non-farm residents and surrounding agricultural uses due to noises, odors, and other conditions or characteristics associated with farming, A “Right to Farm” *acknowledging that the property is located in an area where farming is the preferred land use and that they may encounter impacts related to agriculture This language shall be recorded on the deed to the property, transferable to subsequent owners.*

**Standard 3** - *Whether adequate public facilities and services are available or will be provided for uses allowed in the new zoning district* – Adequate facilities and services are available to serve the proposed lots.

**Standard 4** - *Whether the development allowed by the new zoning district will cause undue environmental degradation* –The proposed development would be subject to all provisions of the Eau Claire County Zoning Ordinance, including regulations related to conservation of wetlands, floodplains, and steep slopes.

Town Board Action: The Washington Town Board will meet on Thursday, December 3<sup>rd</sup>, 2015 to consider the rezoning petition.

## CONCLUSION

The rezone petition has been evaluated for consistency with the following:

- Eau Claire County and Town of Washington Comprehensive Plan future land use designations
- Eau Claire County and Town of Washington Comprehensive Plan goals, objectives and policies
- Eau Claire County Zoning Ordinance, including purpose of the zoning code and allowable uses in A-2 District

In addition, the following factors have also been considered:

- Input of surrounding property owners (within 660 feet). No correspondence has been received to date
- Town of Washington Board action
- Staff finds that the proposed rezoning request is consistent with the Eau Claire County Comprehensive Plan and the Town of Washington Comprehensive Plan.

Other non-farm residences exist in proximity to this property. The only argument against the proposed rezoning is that a rezoning to A-2 would potentially allow up to seven (7) lots to be created on this property. However, any future land division that would result in five (5) or more lots would be subject to the County Subdivision Ordinance, which includes public hearings for the preliminary plat and final plat. In this manner, the Town and County would maintain a degree of control over future land divisions on this property. The topographic and environmental features will likely further limit the further development of this property.

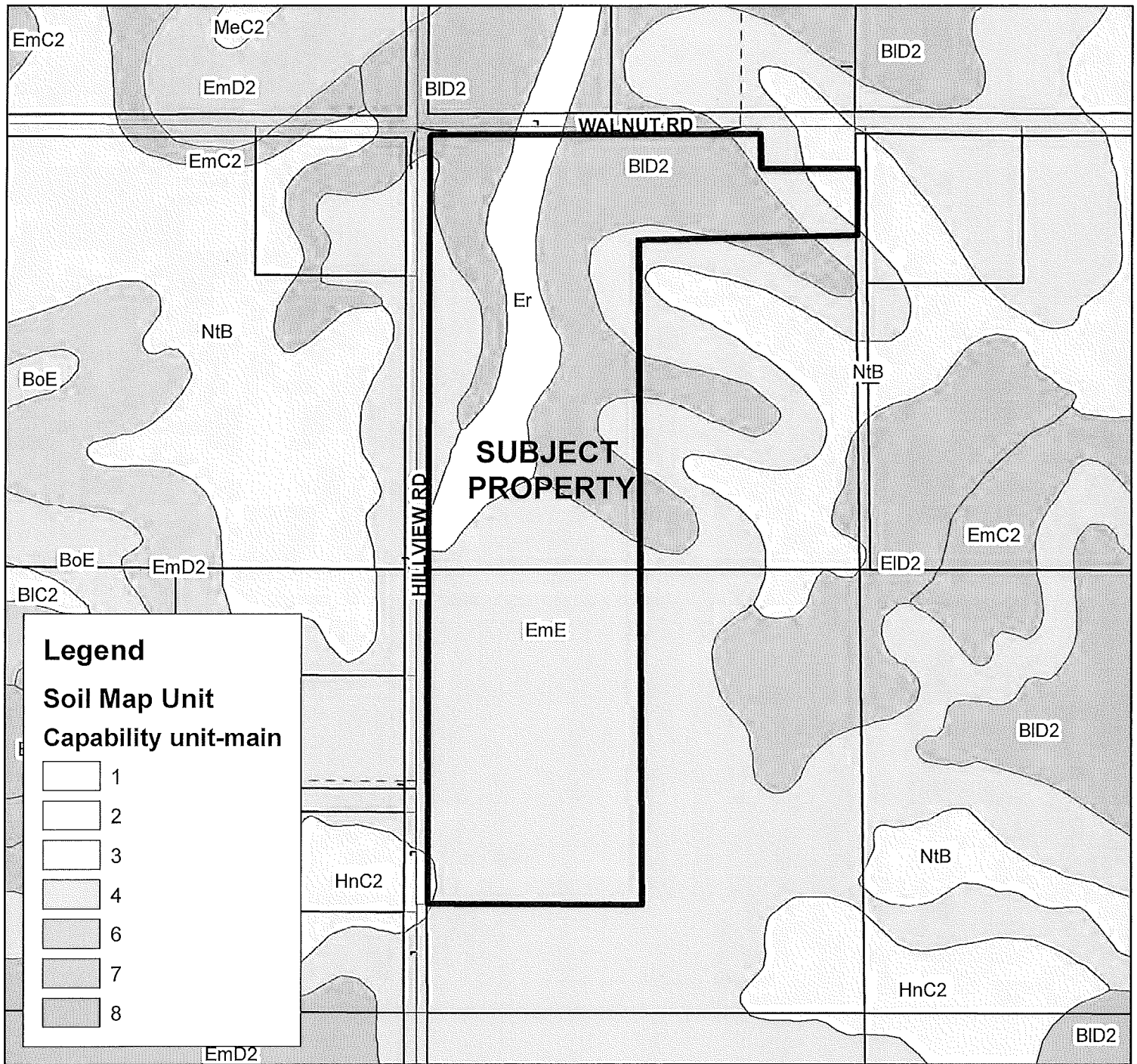
Staff finds that the proposed rezoning request is consistent with the Eau Claire County Comprehensive Plan and the Town of Washington Comprehensive Plan. The Eau Claire County Comprehensive Plan recognizes that the proposed A-2 zoning district is consistent and therefore allowed within the mapped Eau Claire County Rural Lands and Town of Washington Rural Preservation future land use designations.

---

## RECOMMENDATION

Staff recommends that the Planning and Development Committee file a recommendation of approval to the County Board for the rezoning petition to rezone the approximately 38.2-acre property from the A-1 District to the A-2 District as depicted on the attached map and described in the attached legal description.

# HAAS REZONING SOIL CAPABILITY CLASS



### Legend

**Soil Map Unit**  
**Capability unit-main**

- 1
- 2
- 3
- 4
- 6
- 7
- 8

**Parcel Mapping Notes:**

The horizontal datum is based on the Eau Claire County Coordinate System NAD\_1983\_HARN\_Adj\_WI\_EauClaire\_Feet

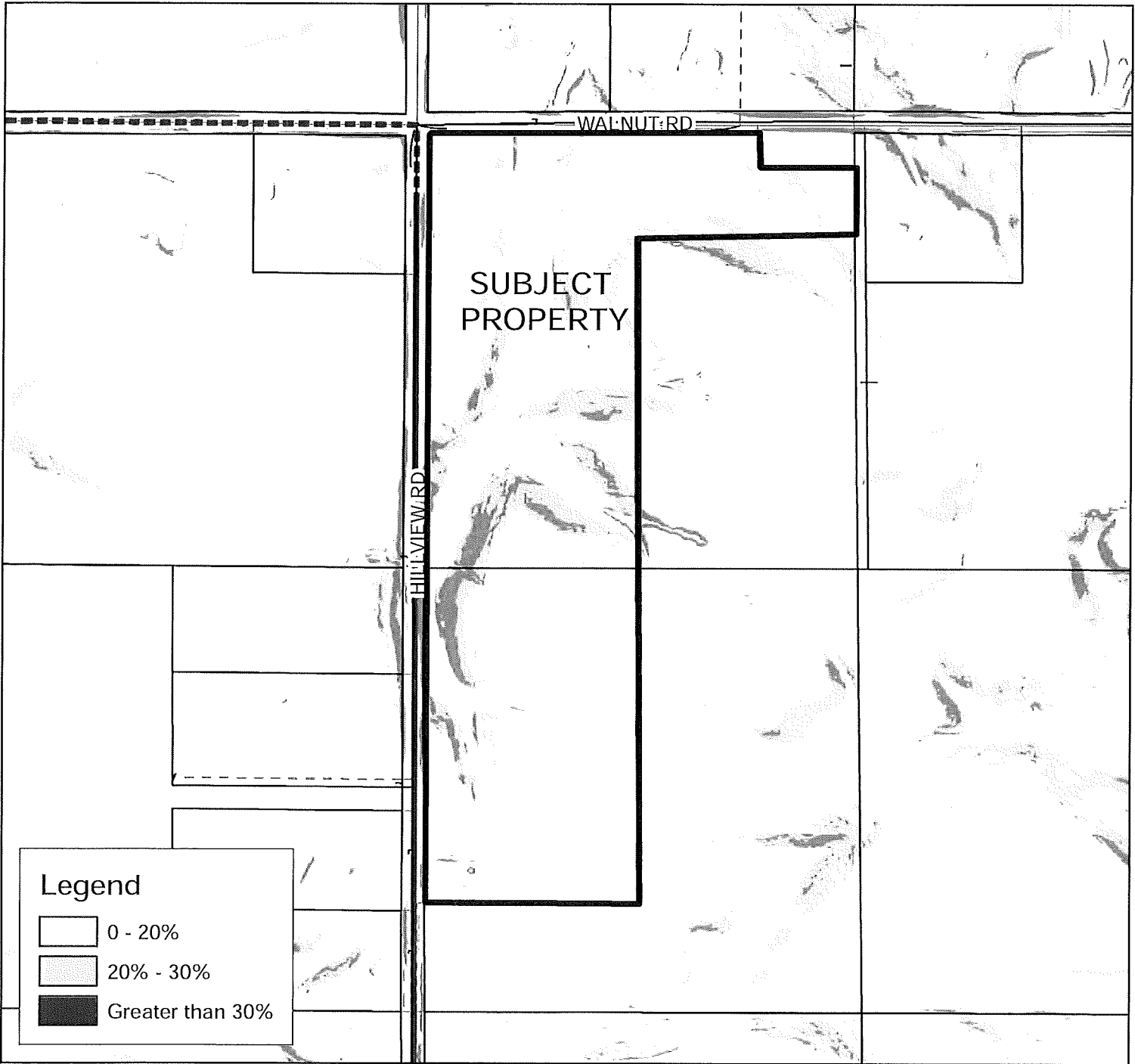
This map is a collection of public record information and was prepared as an ongoing commitment to provide quality and up-to-date information to the public. This map is intended for information use only. Although significant care has been exercised to produce maps that satisfy mapping accuracy standards, these maps are only as accurate as the source data from which they were compiled. These maps are intended to be advisory and are NOT designed or intended to be used as a substitute for an accurate field survey, as performed by a Wisconsin Credentialed Land Surveyor, to determine precise property location.

Eau Claire County does not warrant, guarantee or make any representations regarding the use of, or results from the use of the data in terms of correctness, accuracy, reliability, currentness, or otherwise; and the user relies on the map and results solely at their own risk.



This map was produced on November 17, 2015 by the Eau Claire County Department of Planning and Development and is for reference purposes only. **Not to Scale**

# HAAS REZONING SLOPES



**Parcel Mapping Notes:**

The horizontal datum is based on the Eau Claire County Coordinate System NAD\_1983\_HARN\_Adj\_WI\_EauClaire\_Feet

This map is a collection of public record information and was prepared as an ongoing commitment to provide quality and up-to-date information to the public. This map is intended for information use only. Although significant care has been exercised to produce maps that satisfy mapping accuracy standards, these maps are only as accurate as the source data from which they were compiled. These maps are intended to be advisory and are NOT designed or intended to be used as a substitute for an accurate field survey, as performed by a Wisconsin Credentialed Land Surveyor, to determine precise property location.

Eau Claire County does not warrant, guarantee or make any representations regarding the use of, or results from the use of the data in terms of correctness, accuracy, reliability, currentness, or otherwise; and the user relies on the map and results solely at their own risk.



This map was produced on November 17, 2015 by the Eau Claire County Department of Planning and Development and is for reference purposes only. Not to Scale



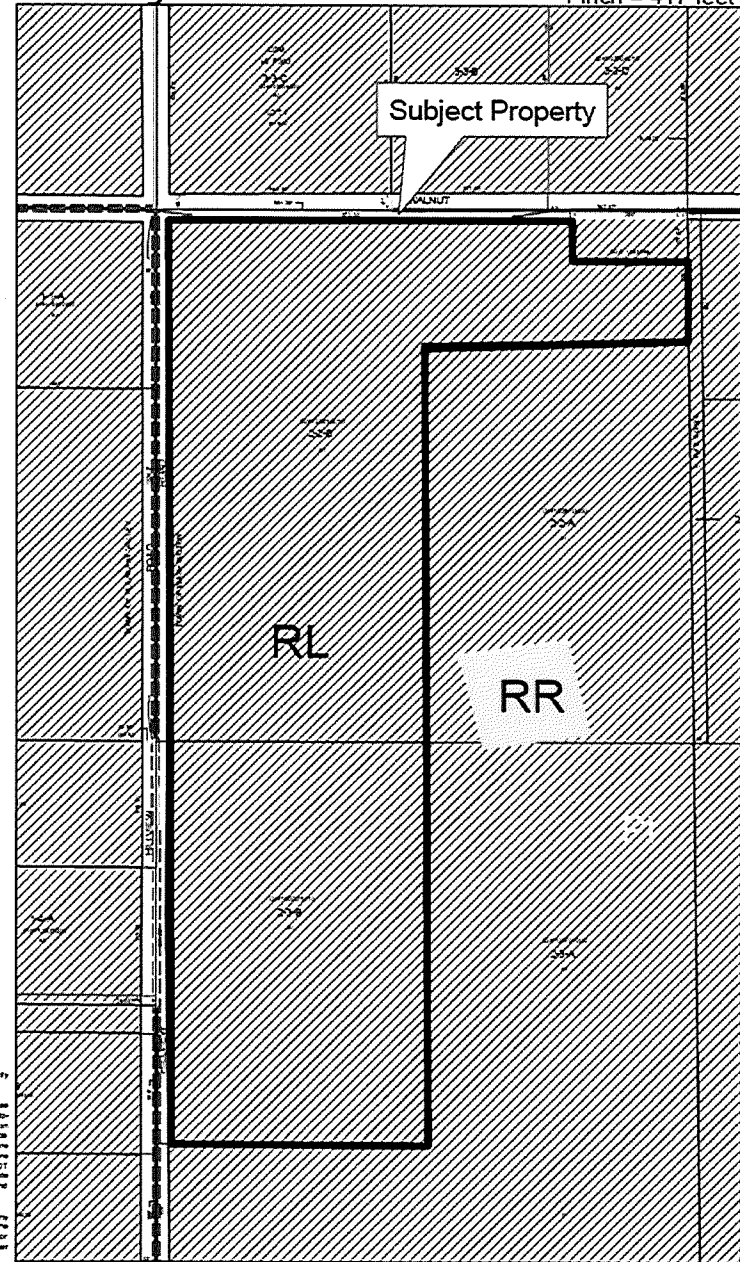
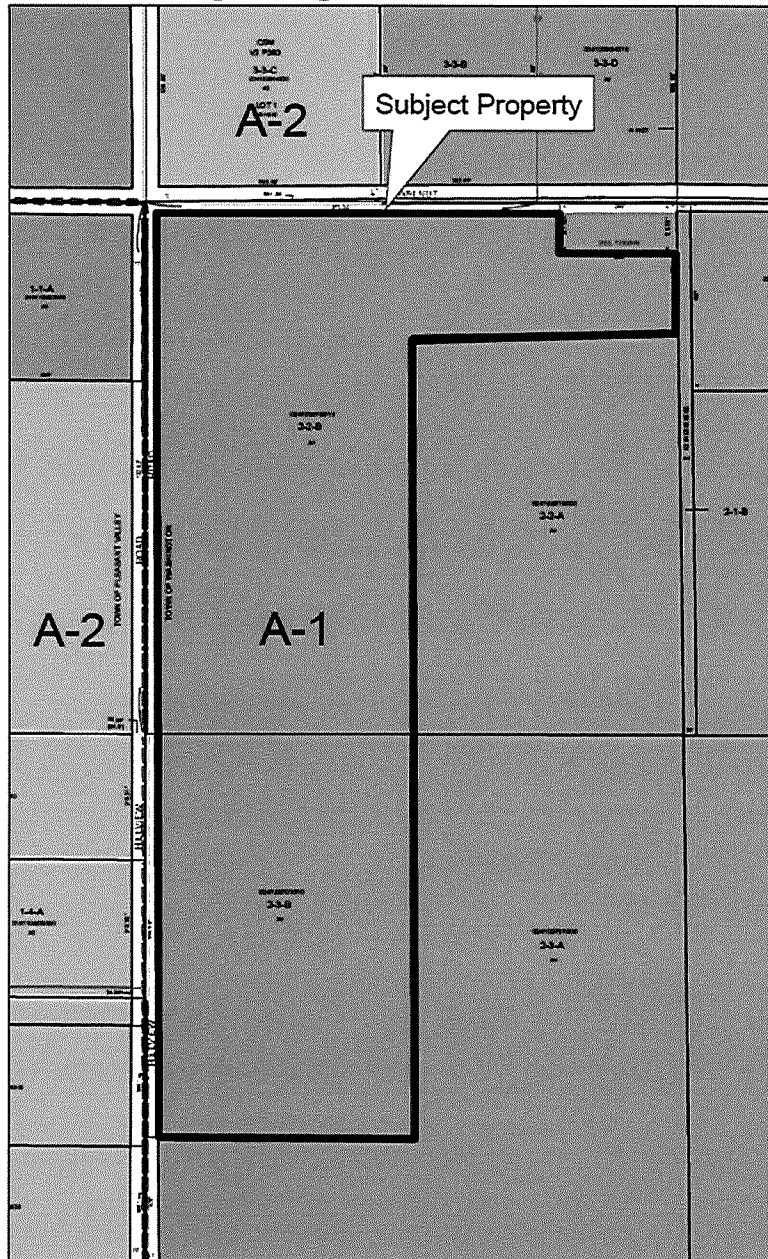
# Kim Haas Rezoning: RZN-0012-15

## Existing Zoning

1 inch = 416.666667 feet

## Existing Future Land Use

1 inch = 417 feet



- Legend**  
**Future Land Use**
- Rural Residential Cluster Development
  - Commercial/Industrial
  - County Forest
  - Natural Resource Protection
  - Park & Recreations
  - Public Institutions
  - Recreational Commercial
  - Rural Commercial
  - Rural Hamlet
  - Rural Industrial
  - Rural Lands
  - Rural Residential
  - Rural Residential Mobile Home
  - Rural Transition
  - Urban Mixed Use



**Parcel Mapping Notes:**  
 The horizontal datum is based on the Eau Claire County Coordinate System NAD\_1983\_MACH\_Ag\_L\_M\_EauClaire\_7eet.  
 This map is a collection of public record information and was prepared as an ongoing commitment to provide quality and accessible information to the public. This map is intended for information use only. Although significant care has been exercised to produce maps that satisfy mapping accuracy standards, these maps are only as accurate as the source data from which they were derived. These maps are intended to be advisory and are NOT designed or intended to be used as a substitute for an accurate field survey, as performed by a Wisconsin Certified Land Surveyor, to determine precise property location.  
 Eau Claire County does not warrant, guarantee or make any representations regarding the use of, or results from the use of, the data in terms of completeness, accuracy, reliability, currentness, or otherwise, and the user relies on the map and holds such at their own risk.

**FACT SHEET**

**TO FILE NO. 15-16/081**

The main purpose of this ordinance is to move from a system where hard copies of the journal of proceedings are produced to a system where the journal of proceedings will be placed on Eau Claire County's website in a searchable form.

Section 1. Deletes obsolete language regarding the county clerk contracting with the official newspaper for camera-ready copy and replaces it with language for the journal of proceedings to be placed on the county website in searchable form.

Section 2. Deletes obsolete language regarding who receives a copy of the journal of proceedings in pamphlet form, the charge for such copies and when those copies may be destroyed by the county clerk.

Section 3. Deletes obsolete references to copies of the journal of proceedings and reduces the total number bound in hard cover from 3 to 2, those copies being kept by the county clerk and the Area Research Center or State Historical Society, and eliminates the hard cover copy in the county board chair's office.

Section 4. Deletes obsolete language regarding the fact that the journal of proceedings would not be microfilmed or transferred to the State Historical Society. A hard cover bound copy has already been provided to the Area Research Center or State Historical Society.

Fiscal Impact: Savings of \$500.

Respectfully Submitted,



Keith R. Zehms  
Corporation Counsel

KRZ/yk

Ordinance/15-16.081 Fact

2  
3 - TO REPEAL AND RECREATE 1.22.045 A. 6. OF THE CODE: JOURNAL OF  
4 PROCEEDINGS; TO REPEAL 1.22.045 B., C. AND G. OF THE CODE: JOURNAL OF  
5 PROCEEDINGS; TO AMEND 1.22.045 E. AND F. OF THE CODE: JOURNAL OF  
6 PROCEEDINGS; TO REPEAL 1.22.047 B. OF THE CODE: TRANSFER AND  
7 DESTRUCTION OF OBSOLETE PROCEEDINGS -  
8

9 The County Board of Supervisors of the County of Eau Claire does ordain as follows:

10  
11 SECTION 1. That paragraph 6. of Subsection A. of Section 1.22.045 of the code be  
12 repealed and recreated to read:

13  
14 6. The journal of proceedings starting with session year 159 will be placed  
15 on Eau Claire County's website in a searchable form within 60 days after the session year ends.  
16

17 SECTION 2. That Subsections B., C., and G. of Section 1.22.045 of the code be repealed.  
18

19 SECTION 3. That Subsections D. and F. of Section 1.22.045 of the code be amended to read:  
20

21 DB. The county clerk shall annex at the front of one copy a certificate that the clerk  
22 has compared the printed and enrolled ordinances, resolutions and reports with the original  
23 documents for the session year, that all proceedings and ordinances contained therein were duly  
24 published, that it appears to be correctly printed, and that it is a true and correct copy of the  
25 official journal of proceedings. The certified copy shall be bound in hard cover, and filed in the  
26 office of the county clerk. ~~All other copies of the journal of proceedings shall contain a printed  
27 copy of such certificate.~~  
28

29 F.C. The county clerk shall cause to be bound in hard cover for preservation ~~three~~ two  
30 pamphlet copies of the journal of proceedings for each year, one of which shall be filed in the  
31 office of the county clerk, ~~one in the county board chair's office,~~ and one with the Area Research  
32 Center or State Historical Society. ~~For pamphlet copies prior to Volume 123, two copies shall be  
33 bound in hard cover and filed in the office of the county clerk and in the county board chair's  
34 office, unless previously bound.~~  
35

36 SECTION 4. That Subsection B. of Section 1.22.047 of the code be repealed.  
37  
38

Reviewed by Finance Dept.  
for Fiscal Impact

APPROVED BY  
CORPORATION COUNSEL  
AS TO FORM

39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
Committee on Administration

KRZ/ylk Dated this 8 day of December, 2015. ORDINANCE/15-16. 081

**FACT SHEET**

**TO FILE NO. 15-16/088**

The standard business hours for county offices are 8 a.m. to 5 p.m. Monday through Friday with the exception of legal holidays. Section 2.09.010 B. of the county code lists business hours for certain county offices. Section 2.09.010 B.4. allowed the Clerk of Court Office to be closed to the public from 4 p.m. to 5 p.m. This ordinance repeals that section for the Clerk of Court Office. Therefore, effective January 1, 2016 the business hours for the Clerk of Court Office will be from 8 a.m. to 5 p.m. and the office will be open to the public during those hours.

Clerk of Circuit Court Susan Schaffer proposed the change so her office could more effectively serve the public. Her request was presented to the Chief Judge of the Tenth Judicial Administrative District, the Honorable Scott R. Needham. On November 18, 2015 he entered an Order modifying the hours as stated above. Attached is a copy of that Order.

Respectfully Submitted,



Keith R. Zehms  
Corporation Counsel

KRZ/yk

Ordinance/15-16.088 Fact



1 Enrolled No.

2 ORDINANCE

3 File No. 15-16/088

4 - TO REPEAL SECTION 2.09.010 B. 4. OF THE COUNTY CODE: BUSINESS  
5 HOURS -

6 The County Board of Supervisors of the County of Eau Claire does ordain as follows:

7 SECTION 1. That paragraph 4. of Subsection B. of Section 2.09.010 of the code  
8 be repealed.

9 SECTION 2. This ordinance will be effective January 1, 2016.

10 ADOPTED:

11  
12  
13  
14  
15  
16  
17 Careen Bates  
18 Kathleen Clark  
19 Gregory E. King  
20 Doreen Decker  
21 John Mumpstead  
22  
23  
24  
25  
26 Committee on Administration  
27  
28 KRZ/yk

16  
17 John Mumpstead  
18 Sue Miller  
19  
20 Jean B. Schewe  
21 Douglas A. Kronig  
22  
23  
24  
25  
26 Committee on Judiciary and Law  
27  
28 12-3-15

29  
30 Dated this 8 day of December, 2015.

31  
32  
33  
34 ORDINANCE/15-16/088

APPROVED BY  
CORPORATION COUNSEL  
AS TO FORM



STATE OF WISCONSIN

TENTH JUDICIAL ADMINISTRATIVE DISTRICT

---

**ORDER MODIFYING EAU CLAIRE COUNTY  
CLERK OF COURT OFFICE HOURS**

---

Pursuant to SCR 70.19(3)(c),

IT IS HEREBY ORDERED:

The Eau Claire County Clerk of Court office shall be open to the public Monday through Friday from 8:00 a.m. until 5:00 p.m., in accordance with Eau Claire County Code 2.09.010.

This order shall become effective January 1, 2016 and shall remain in effect until further notice.

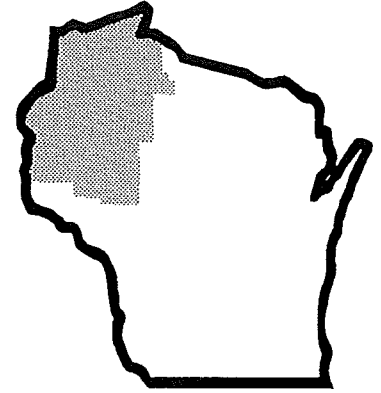
Dated this 18<sup>th</sup> day of November, 2015.

131  
\_\_\_\_\_  
Hon. Scott R. Needham  
Chief Judge  
10<sup>th</sup> Judicial Administrative District

SCOTT R. NEEDHAM  
Chief Judge  
St. Croix County  
Government Center  
1101 Carmichael Road  
Hudson, WI 54016  
Telephone: (715) 386-4611  
Fax: (715) 381-4401

STATE OF WISCONSIN

## TENTH JUDICIAL DISTRICT



MOLLY E. GALEWYRICK  
Deputy Chief Judge  
Polk County Government  
Center, Suite 600  
1005 West Main Street  
Balsam Lake, WI 54810  
Telephone: (715) 485-9293  
Fax: (715) 485-9275

PATRICK G. BRUMMOND  
District Court Administrator  
4410 Golf Terrace, Suite 150  
Eau Claire, WI 54701  
Telephone: (715) 839-4826  
FAX: (715) 839-4891

November 18, 2015

Hon. William M. Gabler, Sr.  
Presiding Judge  
Eau Claire County Courthouse  
721 Oxford Avenue  
Eau Claire, WI 54703

Susan Schaffer ✓  
Clerk of Court  
Eau Claire County Courthouse, Suite 2220  
721 Oxford Avenue  
Eau Claire, WI 54703

Re: Order Modifying Eau Claire County Clerk of Court Office Hours

Dear Judge Gabler and Ms. Schaffer:

Pursuant to your request, enclosed is an Order Modifying Eau Claire County Clerk of Court Office Hours. Please coordinate with County Administrator Schauf to ensure the county code (Code 2.09.010 B.4.) is revised accordingly.

Sincerely,

  
Scott R. Needham  
Chief Judge, 10th Judicial Administrative District

w/encl.

cc: Patrick G. Brummond, District Court Administrator (w/encl.)  
Kathryn Schauf, Eau Claire County Administrator (w/encl.)  
Gregg Moore, Eau Claire County Board Chair (w/encl.)

**FACT SHEET**

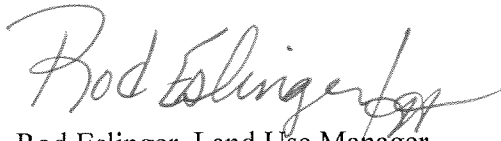
**TO FILE NO. 15-16/096**

The Committee on Planning and Development held a hearing on December 8, 2015 to review ordinance 15-16/096 to amend Section 15.01.060 of the County Code relating refunds for uniform dwelling code (UDC) permits. Refunds are requested from time to time by applicants who decide not to build. Upon request, in those circumstances the planning and development department will refund the UDC fee minus administrative costs associated with the permit review and the cost of the UDC seal fee.

After considering the staff's recommendation, the committee deliberated the matter and voted 4-0 to approve ordinance 15-16/090. No one spoke at the public hearing. Corporation Counsel has reviewed the proposed ordinance.

There are no anticipated fiscal impacts.

Respectfully submitted on behalf of the Committee on Planning and Development:

A handwritten signature in cursive script that reads "Rod Eslinger". The signature is written in black ink and is positioned above the printed name and title.

Rod Eslinger, Land Use Manager  
Land Use Control Division

1 Enrolled No.

ORDINANCE

File No. 15-16/096

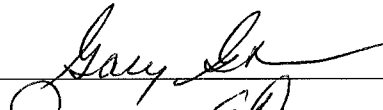


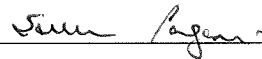
2  
3 - TO AMEND SECTION 15.01.060 A. 11 OF THE CODE: PERMIT FEES -

4  
5 The County Board of Supervisors of the County of Eau Claire does ordain as follows:

6  
7 SECTION 1. That paragraph 11. of Subsection A. of Section 15.01.060 of the  
8 code be amended to read:

9  
10 11. Refunds: Refunds for projects not started shall be based on the fee  
11 paid minus UDC seal fee of ~~\$3039~~, ~~\$75100~~ plan review fee when plans are required and  
12 erosion control fee of ~~\$6070~~.

13  
14 ADOPTED:

15  
16   
17 \_\_\_\_\_  
18   
19 \_\_\_\_\_  
20   
21 \_\_\_\_\_  
22   
23 \_\_\_\_\_

24  
25 Committee on Planning & Development

26 KRZ/yk

27  
28 Dated this 8<sup>th</sup> day of December, 2015.

29  
30  
31  
32 ORDINANCE/15-16.096

APPROVED BY  
CORPORATION COUNSEL  
AS TO FORM

Reviewed by Finance Dept.  
for Fiscal Impact

**FACT SHEET**

**TO FILE NO. 15-16/099**

This ordinance codifies the long-standing practice of closing the Eau Claire County Government Center on Martin Luther King Day for employee training. There is a productivity gain due to decreased work day interruptions throughout the year. There is no fiscal impact.

Respectfully Submitted,

A handwritten signature in black ink that reads "Keith R. Zehms". The signature is written in a cursive style with a large initial 'K'.

Keith R. Zehms  
Corporation Counsel

KRZ/yk

Ordinance/15-16.099 Fact

4 - TO AMEND SECTION 2.09.010 A. OF THE CODE: BUSINESS HOURS-

5 The County Board of Supervisors of the County of Eau Claire does ordain as follows:

6 SECTION 1. That Subsection A. of Section 2.09.010 of the code be amended to read:

7  
8  
9 A. All county offices, inclusive of elective and appointive offices, departments and  
10 agencies, shall be open to the general public during usual business hours, which shall be defined  
11 as being the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday of each week with the  
12 express exception of legal holidays, and the Eau Claire County Government Center for Martin  
13 Luther King Day for employee training. Said hours shall be computed in accord with Wis. Stat.  
14 §§ 175.09 and 175.095.  
15  
16  
17  
18

19 ADOPTED:

20  
21 *Quellen Bates*  
22 \_\_\_\_\_  
23 *Donald H. Hulke*  
24 \_\_\_\_\_  
25 *Kathleen Cook*  
26 \_\_\_\_\_  
27 *Gregory Brown*  
28 \_\_\_\_\_  
29 \_\_\_\_\_  
30 Committee on Administration

31 KRZ/yk

32  
33 Dated this 8 day of December, 2015.  
34  
35  
36  
37

ORDINANCE/15-16.099

APPROVED BY  
CORPORATION COUNSEL  
AS TO FORM

**FACT SHEET**

**TO FILE NO. 15-16/105**

Currently the county clerk provides the county code books to county supervisors who request them, county departments, town villages and cities in Eau Claire County and then charges \$150 per code book plus \$35 for updating the code. The county code is updated after each meeting of the county board where an ordinance is adopted.

This ordinance repeals this provision of the code since the county code is available on the Eau Claire County website.

Currently no county board supervisors have requested a hard of the county code, only five municipalities are interested in still receiving a hard copy, a number of county departments, the LE Phillips Public Library and three local law firms have a hard copy.

If this ordinance is adopted the county clerk would notify all those currently receiving county code books that after the current session year is concluded with the April 6<sup>th</sup> county board meeting all future updates of the county code will be available on the county website.

Fiscal Impact: Savings of \$600

Respectfully Submitted,



Keith R. Zehms  
Corporation Counsel

KRZ/yk

Ordinance/15-16.105 Fact Draft 1



1 Enrolled No.

ORDINANCE

File No. 15-16/105

2  
3 - REPEAL SECTION 1.22.100 OF THE CODE: SALE OF COUNTY CODE AND  
4 ANNUAL UPDATES BY COUNTY CLERK-

5  
6 The County Board of Supervisors of the County of Eau Claire does ordain as follows:

7  
8 SECTION 1. That Section 1.22.100 of the code be repealed.

9  
10 SECTION 2. That this ordinance will take effect after the current county board  
11 session year concludes with the April 6<sup>th</sup> county board meeting.

12  
13 ADOPTED:

14  
15  
16 *Gregg Shaw*  
17 \_\_\_\_\_  
18 *James Patz*  
19 \_\_\_\_\_  
20 *John Thompson*  
21 \_\_\_\_\_  
22 *David Decker*  
23 \_\_\_\_\_  
24 *Kathleen Clark*  
25 \_\_\_\_\_  
Committee on Administration

26 KRZ/yk

27  
28 Dated this 8 day of December, 2015.

29  
30  
31 ORDINANCE/15-16 105  
32

APPROVED BY  
CORPORATION COUNSEL  
AS TO FORM

Reviewed by Finance Dept.  
for Fiscal Impact

**FACT SHEET**

**TO FILE NO. 15-16/108**

This ordinance eliminates the first county board meeting in February. Historically there have been only a limited number of legislative items on the agenda for the first meeting in February. The WCA legislative exchange also conflicts with this meeting. Supervisors will now be free to participate in the WCA legislative exchange.

Fiscal Impact: 2016-Savings of \$725; 2017-Savings of \$870

Respectfully Submitted,



Keith R. Zehms  
Corporation Counsel

KRZ/yk

Ordinance/15-16.108 Fact

1 Enrolled No.

2 ORDINANCE

3 File No. 15-16/108

4 - TO AMEND SECTION 2.04.010 A. OF THE CODE: RULE 1—MEETINGS -


5 The County Board of Supervisors of the County of Eau Claire does ordain as follows:

6 SECTION 1. That Subsection A. of Section 2.04.010 of the code be amended to read:

7 2.04.010 Rule 1--Meetings.

8  
9 A. Regular meetings of the board for the purpose of transacting general business  
10 shall be held on the 1st and 3rd Tuesday of each month, except for the months of January,  
11 February, June, July, August, and September, when there shall be one meeting held on the 3rd  
12 Tuesday of the month, commencing at 7:00 p.m., unless otherwise ordered by the board and  
13 subject to recesses and adjournments to a date and time certain.  
14

15  
16  
17 I certify that the foregoing correctly represents the  
18 action taken by the undersigned committee on  
19 December 8, 2015 by a vote of 5 for, 0 against.  
20

21  
22   
23 \_\_\_\_\_  
24 Gregg Moore, Chair  
25 Committee on Administration  
26

26 KRZ/yk

27  
28 Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2015.  
29

30  
31 ORDINANCE/15-16.108  
32

APPROVED BY  
CORPORATION COUNSEL  
AS TO FORM

Reviewed by Finance Dept.  
for Fiscal Impact

**FACT SHEET**

**TO FILE NO. 15-16/061**

This Resolution is self-explanatory. The reason the 2016 budget meeting is being moved to November 9, 2016 to accommodate the necessity of filing the Wisconsin Department of Revenue form PC-400, which is due November 15, 2016. November 8<sup>th</sup> is not available since that is the date of the presidential and general election.

Respectfully Submitted,



Keith R. Zehms  
Corporation Counsel

KRZ/yk

Ordinance/15-16.061 Fact

1 Enrolled No.

RESOLUTION

File No. 15-16/061

2  
3 - MOVING THE 2016 ANNUAL MEETING ON BUDGET FROM NOVEMBER 15, 2016 TO  
4 NOVEMBER 9, 2016 -  
5

6 WHEREAS, section 2.04.010 B. of the county code requires the annual meeting to adopt the  
7 county budget to take place on a Tuesday after the 2<sup>nd</sup> Monday of November in each year; and  
8

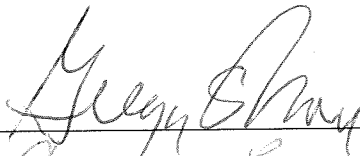

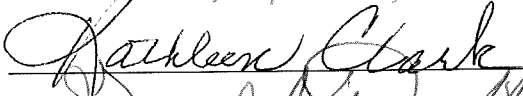

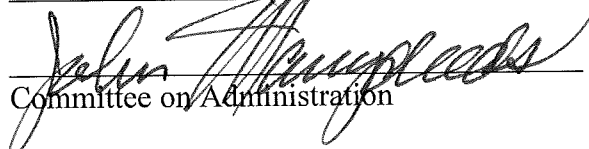
9 WHEREAS, in 2016 this would mean that the budget meeting would begin on November 15,  
10 2016; and  
11

12 WHEREAS, the Wisconsin Department of Revenue requires that "Certification of the  
13 Apportionment of State and County Property Taxes and Charges" form PC-400 is due November 15,  
14 2016; and  
15

16 WHEREAS, the form PC-400 cannot be completed until after the county board adopts the  
17 county budget for the 2017.  
18

19 NOW THEREFORE BE IT RESOLVED that the Eau Claire County Board of Supervisors  
20 hereby moves the 2016 annual meeting and budget adoption from Tuesday, November 15, 2016 to  
21 Wednesday, November 9, 2016.  
22

23  
24 ADOPTED:

25  
26   
27 \_\_\_\_\_  
28   
29 \_\_\_\_\_  
30   
31 \_\_\_\_\_  
32   
33 \_\_\_\_\_  
34   
35 \_\_\_\_\_  
36 Committee on Administration

36 KRZ/yk

37 Dated this 8 day of December, 2015.  
38

ORDINANC/15-16/061

APPROVED BY  
CORPORATION COUNSEL  
AS TO FORM

## FACT SHEET

File No. 15-16/073

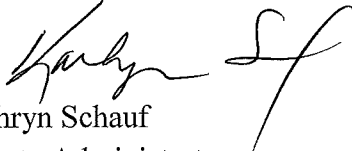
The Wisconsin Green Tier Legacy Communities Charter (hereafter “Charter”) became effective in December 2010. The purpose of the Charter is to encourage and promote a community’s efforts to implement sustainability practices. All participating municipalities will work to lessen their impact on the environment by following suggested practices. Areas of emphasis include reductions in: energy use, waste streams, and air emissions. Communities may also focus on green transportation infrastructure as well as addressing storm-water run-off, surface water quality, lakes planning, and aquatic invasive species.

The Charter is a legally binding agreement that requires signatories to identify a baseline, develop a plan, commit to systematically improving the sustainability of their community over time, and document progress made to the DNR in an annual report.

To support participating communities, the WDNR provides a number of incentives to Green Tier participants, including: a single point of contact within the agency, public recognition for being a participant, use of the Green Tier logo, and others.

Eau Claire County has instituted a number of methodologies and best practices to enhance sustainability of county operations as well as within the community. Joining the charter enhances what the county has already undertaken, and provides a peer network and forum for further discussion and action.

Respectfully submitted,



Kathryn Schauf  
County Administrator

4 - AUTHORIZING PARTICIPATION IN THE GREEN TIER LEGACY COMMUNITY  
5 PROGRAM -

6 WHEREAS, the Wisconsin Department of Natural Resources in partnership with the League  
7 of Wisconsin Municipalities, 1,000 Friends of Wisconsin, Wisconsin Energy Conservation Corp,  
8 Municipal Environmental Group, Center on Wisconsin Strategy, and the cities of Appleton, Bayfield,  
9 Fitchburg, and Middleton and the Village of Weston have created a Green Tier Charter for Legacy  
10 Communities to assist municipalities in achieving superior environmental performance in one or  
11 both of the following two areas: (1) water resources management; (2) sustainability practices; and  
12 goals relating to economic development, public health and social equity; and to recognize their  
13 efforts and progress; and

14  
15 WHEREAS, Eau Claire County would subscribe to the sustainability component of this  
16 Charter to develop a Sustainability Implementation and Monitoring Plan which may include one or  
17 all of the following elements:

- 18 1. 'Build and Buy Green' strategies and programs.
- 19 2. Strategies to promote environmental stewardship in the private sector.
- 20 3. Transportation policies and actions that increase pedestrians, bicyclists, transit passengers  
21 as a primary mode of transportation, and that are designed to reduce public per-capita  
22 vehicle miles traveled and greenhouse gas emissions.
- 23 4. Land use policies and actions that seek to identify, cleanup and redevelop brownfield  
24 sites, promote street connectivity and mixed-use development, and protect natural  
25 resources.
- 26 5. Environmental stewardship, energy efficiency, waste and materials management policies  
27 and the use of renewable fuels to reduce total energy consumption throughout the  
28 community
- 29 6. Local government practices that encourage county employees to conserve energy,  
30 preserve the environment, and decrease greenhouse gas emissions from county facilities,  
31 services, and vehicle fleets.
- 32 7. Encourage residents and businesses to adopt sustainable practices; and

33  
34 WHEREAS, Eau Claire County has been invited by the Wisconsin Counties Association to  
35 join in this voluntary program and believes participation will further enhance the County's current  
36 commitment to sustainability; and

37  
38 WHEREAS, Eau Claire County will benefit from such a partnership with the Green Tier  
39 Legacy Communities Program by receiving positive recognition, gaining access to a DNR staff  
40 liaison and DNR resource team, receiving prioritization in applying for certain grants and  
41 streamlining of certain DNR permitting processes; and

42  
43 WHEREAS, by adopting this resolution Eau Claire County agrees to sign and comply with  
44 the Green Tier Charter for Legacy Communities. Eau Claire County staff will participate in quarterly  
45 meetings, network and share information with the public and the communities in the program, and  
46 provide an annual report noting the progress in meeting goals, baselines and sustainability plans.  
47  
48

1           **NOW THEREFORE BE IT RESOLVED** by the Eau Claire County Board that it declares  
2 itself a signatory to the Green Tier Charter for Legacy Communities and authorizes the County  
3 Administrator to take all actions necessary for Eau Claire county to participate in the Green Tier  
4 Legacy Program.  
5

6           **BE IT FURTHER RESOLVED**, that County staff are directed to assist with meeting the  
7 Charter goals and to submit an annual report to the Organizational Signatories; and  
8

9           **BE IT FURTHER RESOLVED**, that upon adoption, the County Clerk is hereby directed to  
10 send a copy of this resolution to the Wisconsin DNR and the Legacy Communities Green Tier  
11 Steering Committee.  
12

13  
14           ADOPTED:

15  
16           *Kathleen Clark*  
17  
18           *Deanna Bates*  
19  
20           *Gregory Brown*  
21  
22           *John Mansueti*  
23  
24           *J. Donald Wilkie*  
25           Committee on Administration

26           KRZ/yk

27  
28           Dated this 8 day of December, 2015.

ORDINANC/15-16/073

APPROVED BY  
CORPORATION COUNSEL  
AS TO FORM



4 - CONFIRMING THE APPOINTMENTS BY CHAIR GREGG MOORE OF DR. BLAIR  
5 JOHNSON AND MEREY PRICE TO THE CITY-COUNTY BOARD OF HEALTH;  
6 JIM DEIGNAN AND KIM JOHNSON TO THE LE PHILLIPS SENIOR CENTER  
7 BOARD OF DIRECTORS AND MARK RASMUSSEN TO THE VETERANS  
8 SERVICE COMMISSION -  
9

10 RESOLVED by the Eau Claire County Board of Supervisors that the following appointments  
11 are hereby confirmed for the terms hereinafter indicated:  
12

13  
14 CITY-COUNTY BOARD OF HEALTH

TERM EXPIRES

15 Dr. Blair Johnson to succeed himself

December 2020

16 Merey Price to succeed herself

December 2020

17  
18 LE PHILLIPS SENIOR CENTER BOARD OF DIRECTORS

TERM EXPIRES

19 Jim Deignan to succeed himself

December 2018

20 Kim Johnson to succeed herself

December 2018

21  
22 VETERANS SERVICE COMMISSION

TERM EXPIRES

23 Mark Rasmusson to succeed himself

December 2018

24  
25  
26 ADOPTED:  
27

28 I hereby certify that the foregoing correctly represents  
29 the action taken by the undersigned Committee on  
30 December 8, 2015 by a vote of 5 for, 0 against.

31  
32 Gregg Moore /m  
33 Gregg Moore, Chair  
34 Committee on Administration  
35

36 /sr  
37

APPROVED BY  
CORPORATION COUNSEL  
AS TO FORM

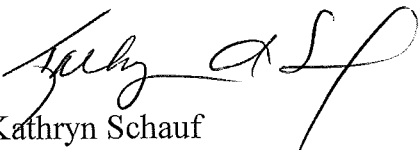
**FACT SHEET**

**TO FILE NO. 15-16/084**

Municipalities throughout the nation struggle how to best address the needs of the growing number of people with mental illnesses in our communities and jails and how to do so effectively with limited budgets. This initiative will draw on the expertise and experience of state and local policymakers, criminal justice and behavioral health professionals and individuals with mental illness and their families.

NACo and its partners are developing comprehensive resources to guide counties through their initiatives and providing opportunities for all to learn from each other's successes and build on proven practices implemented across the country.

Respectfully submitted,



Kathryn Schauf  
County Administrator

2 - Authorizing a "Stepping Up" Initiative to Reduce the Number of People with Mental  
3 Illnesses in Jails -

4 **WHEREAS**, counties routinely provide treatment services to the estimated 2 million people  
5 with serious mental illnesses booked into jail each year; and

6 **WHEREAS**, prevalence rates of serious mental illnesses in jails are three to six times higher  
7 than for the general population; and

8 **WHEREAS**, almost three-quarters of adults with serious mental illnesses in jails have co-  
9 occurring substance use disorders; and

10 **WHEREAS**, adults with mental illnesses tend to stay longer in jail and upon release are at a  
11 higher risk of recidivism than people without these disorders; and

12 **WHEREAS**, county jails spend two to three times more on adults with mental illnesses that  
13 require interventions compared to those without these treatment needs; and

14 **WHEREAS**, without the appropriate treatment and services, people with mental illnesses  
15 continue to cycle through the criminal justice system, often resulting in tragic outcomes for these  
16 individuals and their families; and

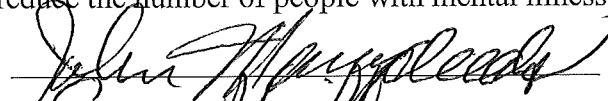
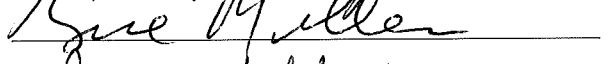

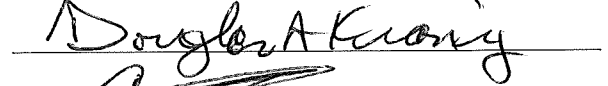
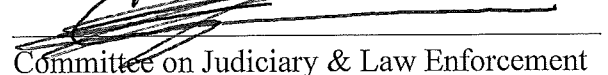
17 **WHEREAS**, Eau Claire County and all counties take pride in their responsibility to protect  
18 and enhance the health, welfare and safety of its residents in efficient and cost-effective ways;  
19 and

20 **WHEREAS**, Eau Claire County has developed a Mental Health Court and other treatment  
21 courts which help people stay out of jail by offering mental health and substance use disorder  
22 treatment; and

23 **WHEREAS**, through *Stepping Up*, the National Association of Counties, the Council of  
24 State Governments Justice Center and the American Psychiatric Association Foundation are  
25 encouraging public, private and nonprofit partners to reduce the number of people with mental  
26 illnesses in jails.

27 **NOW, THEREFORE, BE IT RESOLVED**, that Eau Claire County authorize and  
28 participate in a national initiative to reduce the number of people with mental illnesses in jails.

29 Adopted:

30   
31   
32   
33   
34   
Committee on Judiciary & Law Enforcement

APPROVED BY  
CORPORATION COUNSEL  
AS TO FORM

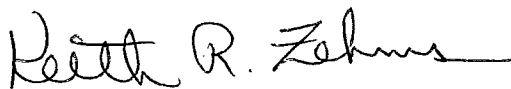
35 Dated this 3<sup>RD</sup> day of December, 2015.

**FACT SHEET**

**TO FILE NO. 15-16/106**

Currently the West Central Drug Task Force operates on annually forfeited funds of approximately \$80,000. The drug task force spends approximately \$30,000 a year to purchase illegal drugs off the street. This would severely limit the amount of funding available for the West Central Drug Unit and all other drug units who operate within the state unless those amounts would be made up by increasing the tax levy.

Respectfully Submitted,

A handwritten signature in black ink that reads "Keith R. Zehms". The signature is written in a cursive style with a long horizontal flourish at the end.

Keith R. Zehms  
Corporation Counsel

KRZ/yk

Ordinance/15-16.106 Fact

2  
3 - OPPOSING LRB-2148/1 CHANGING THE WAY PROPERTY IS FORFEITED AFTER  
4 BEING SEIZED IN RELATION TO A CRIME-  
5

6 WHEREAS, the current forfeiture law applies to all property directly or indirectly derived  
7 from the commission of a crime; and  
8

9 WHEREAS, current law allows an agency to keep certain property for its own use, to transfer  
10 the property to another agency or to sell property; and  
11

12 WHEREAS, under current law the agency that seized the property may retain a set percentage  
13 of the proceeds of selling the property to cover administrative and other costs with the remainder  
14 going to the state school fund; and  
15

16 WHEREAS, under current law a law enforcement agency may enter in agreements with  
17 federal authorities to turn over property seized under federal law and then share proceeds of the sale  
18 of the property seized; and  
19

20 WHEREAS, this bill would allow property to be forfeited only if a person is convicted of a  
21 crime related to the action for forfeiture and only if the court finds that the property seized is  
22 proportional to the crime committed; and  
23

24 WHEREAS, this bill requires all proceeds of the sale of property to be turned into the state  
25 school fund; and  
26

27 WHEREAS, this bill prohibits local law enforcement agencies from transferring property to  
28 federal agencies unless the value of the property exceeds \$50,000, and the property was seized in  
29 relation to an interstate crime, or the property may only be forfeited under federal law; and  
30

31 WHEREAS, this bill would severely curtail the ability of the West Central Drug Task Force  
32 to function effectively without a substantial increase in county tax levy funding; and  
33

34 WHEREAS, this bill would require law enforcement agencies to return seized illegal money  
35 and property until after conviction and then the agencies would then attempt to locate the assets  
36 which had been seized.  
37

38 NOW THEREFORE BE IT RESOLVED that the Eau Claire County Board of Supervisors  
39 opposes LRB-2148/1 changing the way property is forfeited after being seized in relation to a crime.  
40

41 BE IT FURTHER RESOLVED that the Eau Claire County Board of Supervisors directs the  
42 county clerk to forward this resolution to the governor, assembly members and senators representing  
43 Eau Claire County and the Wisconsin Counties Association.  
44  
45  
46  
47  
48  
49

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16

---

---

---

---

---

---

---

Committee on Judiciary and Law Enforcement

KRZ/yk

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

ORDINANC/15-16/106

Reviewed by Finance Dept.  
for Fiscal Impact

---

## FACT SHEET

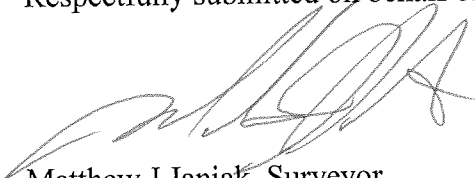
### TO FILE NO. 15-16/060

The Committee on Planning and Development held a public hearing on November 24, 2015 to review ordinance 15-16/060 to amend Section 18.77.010 of the County Code: Jurisdiction; to amend Section 18.77.080 of the County Code: Land Suitability; and to create Section 18.81.035 of the County Code: Reconfigurations

The proposed ordinance amends the County Code to require prior review in the unincorporated areas of the county for the sale or exchange of land between adjoining landowners in order to determine whether the transaction would comply with minimum lot requirements, ownership and related assessing issues. The ordinance change will not only allow the county's Land Use Controls Division staff to determine whether the land exchange would comply with the minimum lot requirements but it will also aid the Land Information Division real property listing services. The real property lister will no longer have to create multiple parcels for assessing and taxes purposes. Thereby omitting the need for the local assessor to have to appraise and value possibly very small tracts of land. Future land transactions of the lands will have brief and concise legal descriptions for document preparation. Land owners will normally only receive one tax statement. Currently multiple assessing and tax statements are created and maintained.

After considering the staff's recommendation, the committee deliberated the matter and voted 4-0 to approve ordinance 15-16/060. No one spoke at the public hearing. Corporation Counsel has reviewed the proposed ordinance.

Respectfully submitted on behalf of the Committee on Planning and Development:



Matthew J Janiak, Surveyor  
Land Information Division

2  
3 - TO AMEND SECTION 18.77.010 OF THE CODE: JURISDICTION; TO AMEND  
4 SECTION 18.77.080 OF THE CODE: LAND SUITABILITY; TO CREATE SECTION  
5 18.81.035 OF THE CODE: RECONFIGURATIONS -  
6

7 The County Board of Supervisors of the County of Eau Claire does ordain as follows:  
8

9 **SECTION 1.** That Section 18.77.010 of the code be amended to read:  
10

11 18.77.010 Jurisdiction. These regulations shall apply to all land and water located in the  
12 unincorporated areas of the county. The provisions of this subtitle apply to all divisions of tracts of  
13 land, including divisions under land contract, transfer of interest in land by will or court order, and  
14 sale or exchange of parcels of land between adjoining property owners, into parcels any of  
15 which is less than a government protracted quarter-quarter section, and condominium  
16 developments. ~~However, these regulations shall not apply to:~~

- 17 ~~A. Transfers of interest in land by will or pursuant to court order;~~
- 18 ~~B. Leases for a term not to exceed 10 years, mortgages, or easements;~~
- 19 ~~C. Sale or exchange of parcels of land between adjoining property owners if additional lots~~  
20 ~~are not thereby created and the lots resulting are not reduced below the minimum sizes~~  
21 ~~required by the zoning code or other applicable laws and ordinances.~~

22  
23 **SECTION 2.** That Section 18.77.080 of the code be amended to read:  
24

25 18.77.080 Land suitability.

26 A. All lots greater than one acre and greater in size shall have a minimum contiguous  
27 buildable area of at least one-half (1/2) ~~three-quarter (3/4)~~ of an acre; lots smaller than one acre  
28 shall have contiguous buildable area equal to the minimum lot size required by the zoning code.  
29 Floodplain elevations shall be determined by studies and maps prepared by the U.S. Department of  
30 Homeland Security or the Federal Insurance Administration. If no such data is available, the  
31 committee may require the subdivider to conduct those hydrologic studies necessary to determine  
32 floodplain elevations.  
33

34 **SECTION 3.** That Section 18.81.035 of the code be created to read:  
35

36 18.81.035 Reconfigurations.

- 37 A. Existing parcels may be reconfigured in accordance with Wis. Stat. § 236.34. A  
38 CSM may be used to reconfigure no more than four (4) lots or outlots within a recorded  
39 subdivision, assessor's plat, or CSM, provided that the reconfiguration:
  - 40 1. Does not result in a subdivision as defined by Wis. Stat. § 236.03(12);
  - 41 2. Creates parcels that comply with local ordinances, Wis. Stat. Ch. 236  
42 minimum layout requirements, and, if served with private sewerage facilities, Wis. Admin. Code  
43 SPS 383 & 385;
  - 44 3. Does not change areas previously dedicated to the public; or
  - 45 4. Does not change a restriction or easement placed on the platted land.
- 46 B. All reconfigurations shall be detailed on a Certified Survey Map. Reconfigurations  
47 are subject to review by the Eau Claire County Department of Planning and Development.  
48  
49  
50  
51



1           **SECTION 4.** That Section 18.77.070 of the code be amended to read:


2  
3           18.77.070 Variances.

4           A.       Where, in the judgement of the committee, it would be inappropriate to apply literally  
5 the provisions of Chapters 18.82, 18.83 and 18.84 because exceptional or undue hardship would result,  
6 the committee may waive or modify any requirement to the extent deemed just and proper. When such  
7 relief is granted, it shall be without detriment to the public good, without impairment to the intent and  
8 purpose of this subtitle. The committee shall cause to be recorded in its minutes such action and the  
9 reasons therefor.

10          B.       Where, in the judgement of the Planning and Development Department, that it would be  
11 inappropriate to apply literally the provisions of Chapters 18.82, 18.83 and 18.84 to 18.77.010 Land  
12 Suitability for transfer of interest in land by will or court order, and sale or exchange of parcels of  
13 land between adjoining property owners and to 18.81.035 Reconfigurations because exceptional or  
14 undue hardship would result, the Department may waive or modify any requirement to the extent  
15 deemed just and proper. When such relief is granted, it shall be without detriment to the public good,  
16 without impairment to the intent and purpose of this subtitle. The Department shall cause to be recorded  
17 in its files such action and the reasons therefor and a fee shall be charged for the variance.  
18

19  
20 ENACTED:

I hereby certify that the foregoing correctly represents the  
action taken by the undersigned Committee on Planning &  
Development by a vote of 4 for, 0 against.

21  
22  
23  
24   
25 \_\_\_\_\_  
26 Gary Gibson  
27 Planning & Development Committee, Chairperson

28 MJ:yk

Dated this 24th day of November, 2015.

ORDINANCE/15-16/060

APPROVED BY  
CORPORATION COUNSEL  
AS TO FORM

Reviewed by Finance Dept.  
for Fiscal Impact

## FACT SHEET

TO FILE NO. 15-16/070

The purpose of the proposed amendments to Title 18 of the Eau Claire County Code of Ordinances is to incorporate text amendments consistent with the “Eau Claire County Farmland Preservation Plan 2015” and in compliance with Chapter 91 of the Wisconsin Statutes relating to the Farmland Preservation Program. In recognition of the importance the agricultural industry plays in its overall economic base, Eau Claire County adopted the Eau Claire County Farmland Preservation Plan and certified zoning district (A-1 Exclusive Agricultural) in 1983.

Collectively, the plan and ordinance have served as the basis for preserving the county’s most productive farmland from fragmentation and development; instilled sound conservation practices to protect our soils from erosion and surface waters from degradation; and allowed eligible landowners to collect nearly \$9 million in tax credits covering approximately 50,000 acres of farmland since the program’s inception 30 years ago.

The “Working Lands Initiative” was approved by the legislature and signed into law as Act 28 in 2009 in response to changes throughout the agricultural industry and to better address the increased conversion rate of productive agricultural lands for development purposes. The Working Lands Initiative instituted numerous revisions to the farmland preservation program, including new requirements and provisions for certified farmland preservation zoning ordinances. The currently certified A-1 Exclusive Agricultural zoning ordinance is set to expire on December 31, 2015. This ordinance update is intended to fulfill the new statutory requirements of the Farmland Preservation Program in accordance with Chapter 91 of the Wisconsin Statutes to allow continued participation in the program.

The proposed code amendment consists of two actions. The first is to amend and add definitions to Chapter 18.02 of Title 18. The second action is to create Chapter 18.32 of the zoning code (the A-P Agricultural Preservation zoning district) which is specifically required under s. 91.30 of the Wisconsin Statutes.

Fiscal Impact: Although there is no direct fiscal impact to Eau Claire County, adoption and certification of the A-P Agricultural Preservation zoning district will allow eligible landowners to claim farmland preservation tax credits on an annual basis. Since the inception of the program in 1983, nearly \$9 million in tax relief has been provided to landowners within Eau Claire County.

Respectfully Submitted,



Lance J. Gurney  
Planning and Development Director

LJG/yk

Ordinance/15-16/070

2  
 3 - TO AMEND SECTION 18.02.020 A. 5., 19., 54., 157. AND 197 OF THE CODE:  
 4 DEFINITIONS; TO RENUMBER 6. THROUGH 20. AS 7. THROUGH 21., AND  
 5 21. THROUGH 54. AS 23. THROUGH 56. AND 55. THROUGH 119. AS 59.  
 6 THROUGH 123. AND 120. THROUGH 198. AS 126. THROUGH 232. OF THE  
 7 CODE: DEFINITIONS; TO CREATE SECTION 18.02.020 A. 6., 22., 57., 58., 124.,  
 8 AND 125. OF THE CODE: DEFINITIONS; TO CREATE CHAPTER 18.32 OF  
 9 THE CODE: A-P AGRICULTURAL PRESERVATION DISTRICT.

10  
 11 The County Board of Supervisors of the County of Eau Claire does ordain as follows:

12  
 13 SECTION 1. That paragraphs 5., 19., 54., 157. and 197. of Subsection A. of Section  
 14 18.02.020 of the code be amended to read:

15  
 16 5. ~~"Agricultural-related business" means a business which is operated from a~~  
 17 ~~property located in an agricultural district which services the local farm community through the~~  
 18 ~~repair or servicing of farm machinery or equipment or the sale of products that are grown on the~~  
 19 ~~property. The term agricultural-related business includes a micro winery. "Agricultural-related~~  
 20 ~~business" means a business or activity that is consistent with or secondary to the primary~~  
 21 ~~agricultural use of the property or that is an integral support service of agriculture as provided in~~  
 22 Wis. Stat. ch. 91.

23  
 24 19. ~~"Brew Pub" means a tavern, cocktail lounge, restaurant, grocery store,~~  
 25 ~~liquor store, or other similar retail business that includes a facility for production of 60,000~~  
 26 ~~gallons or less per year of fermented malt beverages, as defined in Chapter 125 of the Wisconsin~~  
 27 ~~Statutes, that are sold for consumption on premises, or that are sold directly to the consumer as~~  
 28 ~~carry-out items. "Brew Pub" means a facility for the production of 31,000 gallons or less per year~~  
 29 ~~of fermented malt beverages in accordance with Wis. Stat. § 125.295 in which a license to~~  
 30 ~~operate a restaurant has also been issued under Wis. Stat. § 97.30 on the same premises.~~

31  
 32 54. ~~"Farm" means a tract of land producing \$6,000 or more of agricultural~~  
 33 ~~products which are sold or would normally be sold during a year. "Farm" means all contiguous~~  
 34 ~~land under common ownership that is primarily devoted to agricultural use.~~

35  
 36 157. ~~"Restaurant" means a business establishment consisting of a kitchen and~~  
 37 ~~dining room, whose primary purpose is to prepare and serve food to be consumed on the~~  
 38 ~~premises. "Restaurant" means any building, room or place at which the predominant activity is~~  
 39 ~~the preparation, service, or sale of meals to transients or the general public as defined in Wis.~~  
 40 ~~Stat. § 97.01(14g).~~

41  
 42 197. ~~"Winery" means a facility for the production of wine, as defined in~~  
 43 ~~Chapter 125 of the Wisconsin Statutes, that are sold wholesale and/or off premises directly to~~  
 44 ~~retailers as authorized by statute. "Winery" means a facility for the production of fermented malt~~  
 45 ~~beverages that may be bottled, packaged, possessed, stored, sold, sampled, shipped, transported,~~  
delivered and/or consumed on premise in accordance with the provisions of Wis. Stat. § 125.53.



1	18.32.001	Purpose.
2	18.32.010	Permitted principal uses.
3	18.32.015	Permitted principal structures.
4	18.32.020	Permitted accessory uses.
5	18.32.025	Permitted accessory structures.
6	18.32.030	Conditional uses.
7	18.32.035	Structures allowed under conditional use permits.
8	18.32.320	Standards for approval of conditional uses.
9	18.32.325	Notification of conditional uses.
10	18.32.050	Lot, height and yard requirements.
11	18.32.055	Standards for rezoning.
12	18.32.060	Notification of rezoning.

13  
14       18.32.001 Purpose. The A-P Agricultural Preservation District is established to:

15       A.     Preserve and protect those areas best suited for agricultural, forestry or open-  
16 space uses by minimizing fragmentation of contiguous agricultural or forest lands for the benefit  
17 and use of current and future generations;

18       B.     Provide for a wide range of agricultural uses typically associated with the  
19 continued production of food and fiber while recognizing that such uses may involve noise, dust,  
20 odor, or operation of heavy equipment for long periods of time;

21       C.     Strengthen and diversify a predominately agricultural and forestry-based economy  
22 by providing for a range of economic opportunities for property owners which are generally  
23 compatible with and supportive of agriculture or forestry operations as either permitted or  
24 conditional uses;

25       D.     Comply with standards contained in Wis. Stat. ch. 91 to permit eligible  
26 landowners to receive tax credits under Wis. Stat. § 71.09, in conjunction with their agricultural  
27 operations;

28       E.     Preserve rural character and promote the efficient use of public infrastructure and  
29 utilities by minimizing the adverse effects of urban sprawl along with its associated expense;

30       F.     Promote environmental quality through the use of conservation practices designed  
31 to minimize erosion of productive soils and deter the delivery of sediment and nutrients to the  
32 waters of our state;

33       G.     Minimize land use conflicts which occur when agricultural and non-agricultural  
34 uses are intermixed or not adequately separated; and

35       H.     Provide for carefully regulated extraction of nonmetallic mineral resources  
36 through Eau Claire County's permitting processes to ensure compatibility with adjacent land  
37 uses, minimize impacts to natural resources, and to restore lands to productive agricultural use  
38 consistent with locally approved reclamation plans.

39  
40       18.32.010 Permitted principal uses. The following principal uses are permitted in the A-P  
41 district:

42       A.     Agricultural use for the purpose of earning an income or livelihood such as: crop  
43 or forage production; keeping livestock; beekeeping; nursery or Christmas tree production; sod  
44 production; floriculture; silviculture; horticulture; orchards; paddocks; stabling and equestrian  
45 operations; aquaculture; viticulture; and enrolling land in a federal agricultural commodity  
46 payment program or federal or state agricultural land conservation payment program;

47       B.     Farm residences and single family housing which existed prior to January 1,  
48 2014;

49       C.     Livestock Facility:

- 1 1. Not closer than 1,000 feet from a residential district;
- 2 2. The facility has an approved nutrient management plan;
- 3 3. Fencing or screening; and
- 4 4. No structure shall be placed within 100 feet of any lot line, except when
- 5 adjacent to A-P; the structure may then be placed 50 feet from a lot line.

6 D. Undeveloped open space land uses which may include environmentally sensitive  
7 areas; and

8 E. Agriculture-related businesses which are consistent with or secondary to the  
9 primary agricultural use of the property or that are an integral support service of agriculture, such  
10 as: agricultural service and repair including welders and machinists; veterinarian services  
11 primarily serving agricultural operations; livestock groomers or breeding services; direct sales of  
12 agricultural-related products such as feed, seed, fertilizer, herbicides and pesticides; agri-tourism;  
13 community-supported agricultural operations; direct marketing operations; u-pick operations;  
14 livestock and commodity trucking services; and manure handling services.

15  
16 18.32.015 Permitted principal structures. The following principal structures are permitted  
17 in the A-P district:

18 A. Farm residences and non-farm single family dwellings which existed prior to  
19 January 1, 2014; and

20 B. A building, structure, or improvement that is an integral part of, or incidental to,  
21 an agricultural or agriculture-related use such as: barns, sheds, shops, parlors, silos, grain bins,  
22 greenhouses, and stables.

23  
24 18.32.020 Permitted accessory uses. The following accessory uses are permitted in the A-  
25 P district provided the use complies with Wis. Stat. § 91.01(1):

26 A. Storage of recreational or motor vehicles and agriculture equipment in accessory  
27 structures that were in existence as of January 1, 2014 as specified under 18.23.035 B.;

28 B. Home occupations and home businesses, as provided in Chapter 18.23;

29 C. Seasonal sales of agricultural products primarily produced upon the premises;

30 D. A second housing unit for a parent or child of the owner or operator of the farm,  
31 or persons earning more than 50% of his or her gross income on the farm;

32 E. Family day care homes;

33 F. The sale of crafts or related products which are incidental to the agricultural use  
34 of the property;

35 G. The rental of principal or secondary residences in existence on a farm as of  
36 January 1, 2014 and no longer utilized in the operation of a farm; and

37 H. Non-commercial alternative energy facilities such as solar, wind energy, biofuels  
38 and methane digesters.

39  
40 18.32.025 Permitted accessory structures. The following accessory structures are  
41 permitted in the A-P district:

42 A. Private garages, greenhouses and other similar accessory structures;

43 B. Private recreational structures, as allowed in Chapter 18.30;

44 C. Single family or two family dwellings that are either farm residences or non-farm  
45 single family dwellings which existed prior to January 1, 2014;

46 D. Produce stands;

47 E. Seasonal structures which meet the criteria under 18.17.035 C.; and

1 F. One (1) on premise sign shall be allowed stating the name of the business, the  
2 owner/operator and the product being sold or service offered. The sign shall not exceed 24 sq.  
3 feet in area, shall be non-illuminated, and shall not be placed within a vision triangle.

4  
5 18.32.030 Conditional uses. The following uses are conditional uses in the A-P district,  
6 and subject to the provisions of Chapter 18.21:

7 A. Temporary housing for seasonal farm help;

8 B. Sawmill operations;

9 C. Game farms and the commercial raising of fur-bearing animals for the purpose of  
10 earning an income or livelihood or which comply with Wis. Stat. § 91.01(1), provided the  
11 following criteria are met:

12 1. Not closer than 1,000 feet from a residential district;

13 2. Animal waste handling plan;

14 3. Fencing or screening; and

15 4. No structure shall be placed within 100 feet of any lot line.

16 D. Governmental, institutional, religious or nonprofit community uses;

17 E. Transportation, communications, pipeline, electric transmission, utility, or  
18 drainage uses not covered by Chapter 18.30;

19 F. Agriculture-related businesses that may entail some level of processing or that  
20 are retail-oriented in nature, such as: nano-wineries or nano-breweries in which a significant  
21 portion of the agricultural inputs are produced on-site, slaughtering or meat processing for  
22 commercial purposes, agricultural equipment dealership, agriculturally-related supplies other  
23 than those listed in 18.32.010 D., sale of equestrian tack or related supplies, facilities for off-site  
24 storing or processing of agricultural products such as granaries or creameries, processing of  
25 agricultural wastes, and incidental use of agricultural structures or facilities for special events in  
26 accordance with 18.30.270;

27 G. Cottage industries in accordance with 18.23.030, bed and breakfast operations in  
28 accordance with 18.30.150, or tourist rooming houses or retreats in accordance with 18.30.290,  
29 all of which are accessory to an agricultural use or conducted by the owner or operator of a farm  
30 consistent with Wis. Stat. § 91.01(1);

31 H. Housing for more than two units when the person or family to be housed earns  
32 more than 50% of his or her gross income on the farm operation;

33 I. Temporary asphalt and concrete batching or ready mix operations or concrete  
34 crushing provided they meet the following criteria:

35 1. The operation is used solely for a specific Wisconsin Department of  
36 Transportation project;

37 2. A restoration plan for the site is provided which describes or illustrates  
38 measures taken to restore the site to its original land use. The restoration plan will describe  
39 methods for establishing vegetative cover on all exposed soil;

40 3. The temporary concrete or asphalt batch plants shall be removed from the  
41 premises within 60 days of completion of project;

42 4. A storm water and erosion control plan in compliance with Chapters 17.05  
43 and 17.06 shall be submitted to and approved by the land conservation division; and

44 5. The maximum area devoted for facility operations shall not be larger than  
45 5 acres, including, but not limited to, the stockpiling of materials, equipment and vehicle storage,  
46 associated buildings, access roads, batch plants, storm water facilities and crushers.

47 J. Nonmetallic mineral extraction in accordance with Wis. Stat. § 91.46(6) provided  
48 it complies with the following criteria:

1           1.       The operation complies with Wis. Stat. ch. 295, subch. I and rules  
2 promulgated under that subchapter, with applicable provisions of the local ordinance under Wis.  
3 Stat. § 295.13 or 295.14, and with any applicable requirements of the Department of  
4 Transportation concerning the restoration of nonmetallic mining sites;

5           2.       The operation and its location in this zoning district are consistent with the  
6 purposes of the A-P Agricultural Preservation zoning district;

7           3.       The operation and its location in the farmland preservation zoning district  
8 are reasonable and appropriate, considering alternative locations outside the farmland  
9 preservation zoning district, or are specifically approved under state or federal law;

10          4.       The operation is reasonably designed to minimize the conversion of land  
11 around the extraction site from agricultural use or open space use;

12          5.       The operation does not significantly impair or limit the current or future  
13 agricultural use of surrounding parcels of land that are zoned for or legally restricted to  
14 agricultural use; and

15          6.       The farmland preservation zoning ordinance requires the owner to restore  
16 the land to agricultural use, consistent with any required locally approve reclamation plan, when  
17 extraction is completed.

18  
19           18.32.035 Structures allowed under conditional use permits. In the A-P district, the  
20 following structures may be allowed under conditional use permits, issued pursuant to the  
21 provisions of Chapter 18.21:

22           A.       Temporary structures for the purpose of housing for seasonal farm help;

23           B.       Sawmills;

24           C.       Governmental structures for administration, police, fire and highway purposes;  
25 landfill site improvements; schools; parks and playgrounds;

26           D.       Structures used for institutional, community nonprofit, or religious purposes;

27           E.       Utility structures;

28           F.       Single family or two family dwellings that are either farm residences or non-farm  
29 single family dwellings which existed prior to January 1, 2014;

30           G.       Structures associated with temporary asphalt, concrete batch, ready mix  
31 operations, or concrete crushing operations;

32           H.       A building, structure, or improvement that is an integral part of, or incidental to,  
33 an agricultural-related business such as: barns, machinery sheds, shops, silos, grain bins,  
34 greenhouses, and residential structures; and

35           I.       Structures associated with nonmetallic mining operations permitted in conjunction  
36 with Chapters 18.28 and 18.34.

37  
38           18.32.040 Standards for approval of conditional uses. When reviewing conditional use  
39 permit requests for the A-P district, the committee shall consider the following factors:

40           A.       The use and its location in the farmland preservation zoning district are consistent  
41 with the purposes of the A-P Agricultural Preservation zoning district;

42           B.       The use and its location in the A-P Agricultural Preservation zoning district are  
43 reasonable and appropriate, considering alternative locations, or are specifically approved under  
44 state or federal law;

45           C.       The use is reasonably designed to minimize conversion of land, at and around the  
46 site of the use, from agricultural use or open space use;

47           D.       The use does not substantially impair or limit current or future agricultural use of  
48 surrounding parcels of land that are zoned for or legally restricted to agricultural use;



1 E. Construction damage to land remaining in agricultural use is minimized and  
2 repaired, to the greatest extent feasible;

3 F. The availability of local units of government to provide services without  
4 unreasonable burden; and

5 G. The effect of the proposed use on water and air pollution, soil erosion,  
6 sedimentation and other possible environmental damage.

7  
8 18.32.050 Lot, height and yard requirements. The following lot, height and yard  
9 requirements are established for the A-P district:

10 A. Lot Size.

- 11 1. The minimum lot size is 35 acres;
- 12 2. The lot size for a farm residence or structure, which existed prior to the  
13 adoption of the ordinance codified in this subtitle, or which is situated upon a parcel or lot  
14 separated and distinct from a principal parcel acquired through farm consolidation or acquisition,  
15 shall be a minimum of one acre with a maximum lot size of 5 acres; and
- 16 3. The minimum lot width shall be 150 feet.

17 B. Height.

- 18 1. The maximum height of a residential structure shall be 35 feet;
- 19 2. The maximum height of accessory structures shall be 25 feet; and
- 20 3. Agricultural structures are exempt from the height requirements under

21 18.30.020 E.

22 C. Setbacks.

- 23 1. The minimum highway setback shall be regulated under Chapter 18.22;
- 24 2. The minimum side-yard setback for residential structures and private  
25 garages shall be 20 feet, and for all other structures shall be 50 feet;
- 26 3. The minimum rear-yard setbacks for all structures shall be 50 feet; and
- 27 4. No accessory structures shall be located within the required front yard.

28 D. Lot, Height and Yard Requirements for Conditional Uses. Lot, height and yard  
29 requirements shall be established at the time of conditional use permit approval, but in no case  
30 shall the minimum lot size be less than one acre.

31  
32 18.32.055 Standards for rezoning. Rezoning from the A-P district shall be based on  
33 findings which consider the following factors:

34 A. The land is better suited for a use not allowed in the A-P Agricultural Preservation  
35 zoning district based on a review of soil types, historical productivity, location, and adjacent land  
36 uses;

37 B. The rezoning is consistent with any applicable comprehensive plans;

38 C. The rezoning is substantially consistent with the certified Eau Claire County  
39 Farmland Preservation Plan; and

40 D. The rezoning will not substantially impair or limit current or future agricultural  
41 use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

42  
43 18.32.060 Notification of rezoning. Eau Claire County shall by March 1 of each year  
44 provide a report to the Department of Agriculture, Trade and Consumer Protection indicating the  
45 number of acres that were rezoned out of a farmland preservation zoning district during the  
46 previous calendar year and a map that clearly shows the location of those acres.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19

ADOPTED:

Gay Gul  
James Adkinson  
Robert Allen  
Sara Pagan

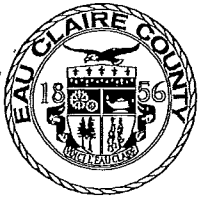
Committee on Planning & Development

LG/yk

Dated this 24<sup>th</sup> day of November, 2015.

ORDINANCE/15-16.070

APPROVED BY  
CORPORATION COUNSEL  
AS TO FORM



**Eau Claire County**  
**DEPARTMENT OF PLANNING**  
**AND DEVELOPMENT**  
Eau Claire County Courthouse, Rm. 3344  
721 Oxford Avenue  
Eau Claire, Wisconsin 54703-5212  
(715) 839-4741

Housing Authority  
839-6240

Emergency Management  
839-4736

Land Information  
839-4742

Land Use Controls  
839-4743

Building Inspection  
839-2944

Land Conservation  
839-6226

Planning  
839-5055

To: Town Board Members  
From: Lance J. Gurney, Director  
CC: Town Clerks  
Date: 10/29/2015  
Re: Farmland Preservation Ordinance Amendment - **UPDATE**

---

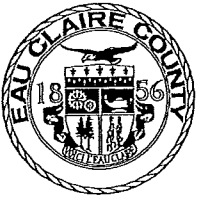
**Backdrop**

This correspondence is being provided as a follow up to the October 21<sup>st</sup> memo and draft ordinance that was forwarded to you last week. As you may recall, the memo discussed (or outlined) the need to redraft and certify the A-1 Exclusive Agricultural zoning district in conjunction with the Farmland Preservation Plan update adopted in May of this year, which allows landowners to voluntarily participate in the program. The draft ordinance envisioned a repeal and recreate of the A-1 Exclusive Agricultural zoning district in accord with the current DATCP rules for the Farmland Preservation Program. However, that draft ordinance and communication may have been a little premature for several reasons discussed below.

**Conflicts/Issues**

During review of the draft earlier this week, staff from DATCP staff highlighted the difficulty in complying with Sec 91.38(1)(g) of the Wisconsin Statutes if it is Eau Claire County's intent to recertify the A-1 Exclusive Agricultural zoning district. Section 91.38(1)(g) provides that any area currently zoned as A-1 that has not been planned as a Preservation Area within the Eau Claire County Farmland Preservation Plan would either need to be rezoned out of the A-1 zoning district or would require an amendment to the recently certified and approved Farmland Preservation Plan and comprehensive plan maps (a copy of Chapter 91 is provided for your reference.) This could be especially problematic in areas that are identified as either "Transition" or "Excluded" within the Farmland Preservation Plan (consistent with areas identified as Rural Residential or Rural Commercial within comp plans).

To put this in context, it is estimated that approximately 1,826 acres of land within the Town of Washington (located within excluded areas) would need to be rezoned in order to comply with this statutory provision or would require both comprehensive plan and farmland preservation plan amendments so that the properties would be classified as Rural Lands (synonymous with Preservation Area with the FPP) within respective comprehensive plans. This may also necessitate the need to either amend the Intergovernmental Agreement between the Town and City of Eau Claire, or at a minimum require concurrence by the City's Plan Commission. In either case, it would be fairly challenging to communicate effectively with all parties in a very condensed period of time (by the end of this calendar year). Taking into account the remaining eight towns with county zoning, we estimate this acreage total could be as much as 6,500 acres of land, much of which is actively farmed today.



### Modified Approach

As an alternative to the repeal and recreation of the existing A-1 district, County staff discussed the possibility of submitting an entirely new zoning district (the A-P Agricultural Preservation District) for certification to DATCP that would only be applied to properties that are currently zoned as A-1 and that are mapped as Preservation Areas (Rural Lands in comprehensive plans) within the Eau Claire County Farmland Preservation Plan. DATCP has verified that this approach complies with Sec. 91.38(1)(g) and therefore would be simpler certification process. Lands currently zoned A-1 and located within the "Excluded" or "Transition" areas would remain zoned A-1 and therefore would not conflict with Sec. 91.38(1)(g). After fully discussing this concept with DATCP, several key points were identified in support of this approach, including:

- **Clean Break between Ordinances:** The proposed zoning amendment provides a clean and concise break between the current certified farmland preservation ordinance and the new A-P Agricultural Preservation District. The current A1 Exclusive Agricultural District has been administered since 1983. The "clean Break" achieved by creating a new certified farmland preservation district (A-P) may help avoid confusion that could come with a rewrite of the A-1 ordinance.
- **Participation and Tax Relief:** Approximately 200 Eau Claire County property owner's participant in the Farmland Preservation Program. Annually, those participants receive roughly \$300,000 in Wisconsin Income tax relief. Farmers reinvest these dollars back into our local businesses to support their agricultural endeavors.
- **Consistency:** The A-P Agricultural Preservation District as proposed mirrors lands depicted as Preservation Areas in the County's Farmland Preservation Plan (FPP). The FPP was certified by DATCP and approved by the County Board earlier this year. This consistency will provide predictably with the administration of the A-P District moving forward by making determinations of eligibility for landowners simpler. In short, if a property is zoned as A-P, it is also mapped for preservation and therefore is eligible for participation in the Farmland Preservation Program.
- **Maintain Relationships:** This change will not impact the Intergovernmental Agreement, which is in place between the City of Eau Claire and the Towns of Union, Washington, Seymour, Pleasant Valley & Brunswick.
- **Clean Up:** Staff anticipates working with town officials to amend the A-1 Exclusive Agricultural District to create a district that perhaps better serves community interests. This may include amending minimum lot sizes and allowing additional land uses either as permitted or conditional uses. One idea worthy of discussion is whether the minimum lot area could be reduced to 10 acres, which could be used in conjunction with the City of Eau Claire's ETJ 10-acre minimum lot size provision.
- **Sound & Logical Approach:** Creating the A-P District is a reasonable, common sense approach to this somewhat complex problem with regard to the parcels zoned as A-1 but not mapped for preservation.



### Bigger Picture

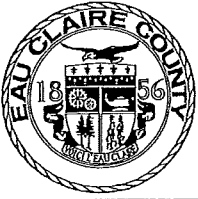
The Farmland Preservation Program is more than just a zoning and planning tool, it is part of a bigger system that promotes stewardship of lands, preserves productive farmland, reduce land use conflicts with non-farm uses, helps drive our economy, provides fresh and nutrient-rich nourishment to our residents, and helps to build the community. Just take a moment to consider these additional points:

Conservation - The compliance portions of the Farmland Preservation Program ensure the nutrient management provisions are being met and that the soil loss is controlled. This has a tremendous impact on our local landscapes in light of the fact that farmers own and manage more than 200,000 acres (roughly 50%) of all lands within Eau Claire County, including cropland, rangeland, pasture, tree farms, and woodlands.

Economic - The Farmland Preservation Program is one of several means to help promote economic vitality and sustainability to more than 1,000 small business owners in our County. With approximately 200 program participants on an annual basis, more than \$9 million in income tax relief has been provided since the inception of the program in 1983. This is important as it allows farmers to reinvest those dollars in their operations and as well as our local economies. According to statistics derived by the UW-Extension, the agricultural industry in Eau Claire County accounts for over 4,600 jobs, 13% of total business sales (\$1.12 billion), and about 8% (\$325 million) of the county's total income each year. Even more, every dollar of sales of agricultural products within Eau Claire County generates an additional \$.35 of business sales in other parts of the County's economy.

Fresh & Local – The local food movement is already strong and continues to grow in Eau Claire County. Farm to School, direct marketing, farmers markets, Community-Supported Agriculture (CSA) operations, community gardens, and niche farming are just some of the many efforts underway to increase the link between the agricultural community and the end consumer. We are all aware of the dairy, grain, meat and forestry products that are the main drivers of our agricultural economy. However, a report published by the UW-Extension entitled “Eau Claire County Agriculture: Value and Economic Impact” in 2011 highlighted the growing role horticulture (which includes Christmas trees, fruits and vegetables, greenhouse, nursery and floriculture products) plays in our local economy, with more than \$3 million in annual sales. According to the report, as consumer awareness of food contents and origin grow, this segment of the industry will continue to see significant increases in both local land use impact and economic activity.

Local support – Finally, as evidence of just how important agricultural is to Eau Claire County, you just have to look at the recent approval of the Agricultural Enterprise Area (AEA), called the Golden Triangle. One-hundred and forty-five landowners comprising more than 21,700 acres of land agreed to work cooperatively together to create this special zone as a way to foster collaboration between adjacent landowners and create a sense of certainty about the future of agriculture in a rapidly changing rural landscape. An AEA is an area where the local community has prioritized preservation of farmland and agricultural development. Designation of an agricultural enterprise area is a tool that the local community can use to help promote



the future viability of existing agricultural and agriculture-related land use. Once an area is officially designated as an AEA, eligible farmers owning land within the area may enter into a farmland preservation agreement with the state. This enables the landowners to receive tax credits in exchange for agreeing to keep their farm in agricultural use for at least 15 years.

**Text and Official Zoning Map Amendments**

In consideration of these key points, Eau Claire County is proposing to create a new zoning district, A-P Agricultural Preservation District, under Chapter 18.32. In addition, an amendment to the official zoning map converting lands currently zoned as A-1 that are mapped as Preservation Areas within the Eau Claire County Farmland Preservation Plan to the new A-P zoning district will be considered simultaneously. This draft is being provided to you in advance of a Public Hearing scheduled before the Planning and Development Committee as follows:

**Tuesday, November 24<sup>th</sup>  
6:00 p.m. in the  
County Board Room,  
721 Oxford Avenue,  
Eau Claire, WI 54703**

Please note, this is a change of both date and time as approved by the Planning and Development Committee from the previous schedule. Should the matter be recommended for approval to the County Board, the ordinance would be considered for first reading on December 1<sup>st</sup> with second (final) reading scheduled for December 15<sup>th</sup>. Should you have any questions or concerns, please feel free to contact me (Lance Gurney) either by email or phone. Again, thank you for your time and consideration of these proposed ordinance amendments.

Lance J. Gurney, Director  
Department of Planning and Development  
721 Oxford Avenue, Suite 3344  
Eau Claire, WI 54703-5481  
Voice: 715-839-1657  
FAX 715-831-5802  
E-mail: lance.gurney@co.eau-claire.wi.us

CHAPTER 91

FARMLAND PRESERVATION

	SUBCHAPTER I		
	DEFINITIONS AND GENERAL PROVISIONS		
91.01	Definitions.	91.42	Land use in farmland preservation zoning districts; general.
91.02	Rule making.	91.44	Permitted uses.
91.03	Intergovernmental cooperation.	91.46	Conditional uses.
91.04	Department to report.	91.48	Rezoning of land out of a farmland preservation zoning district.
	SUBCHAPTER II	91.50	Exemption from special assessments.
	FARMLAND PRESERVATION PLANNING		SUBCHAPTER IV
91.10	County plan required; planning grants.		FARMLAND PRESERVATION AGREEMENTS
91.12	Certified plan.	91.60	Farmland preservation agreements; general.
91.14	Expiration of plan certification.	91.62	Farmland preservation agreements; requirements.
91.16	Certification of plan by the department.	91.64	Applying for a farmland preservation agreement.
91.18	Requirements for certification of plan.	91.66	Terminating a farmland preservation agreement.
91.20	Applying for certification of plan.	91.68	Violations of farmland preservation agreements.
	SUBCHAPTER III	91.70	Farmland preservation agreements; exemption from special assessments.
	FARMLAND PRESERVATION ZONING		SUBCHAPTER V
91.30	Authority to adopt.		SOIL AND WATER CONSERVATION
91.32	Certified ordinance.	91.80	Soil and water conservation by persons claiming tax credits.
91.34	Expiration of zoning certification.	91.82	Compliance monitoring.
91.36	Certification of zoning ordinance by the department.		SUBCHAPTER VI
91.38	Requirements for certification of ordinance.		AGRICULTURAL ENTERPRISE AREAS
91.40	Applying for certification of ordinance.	91.84	Agricultural enterprise areas; general.
		91.86	Agricultural enterprise area; petition.

SUBCHAPTER I

DEFINITIONS AND GENERAL PROVISIONS

91.01 Definitions. In this chapter:

(1) "Accessory use" means any of the following land uses on a farm:

(a) A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use.

(b) An activity or business operation that is an integral part of, or incidental to, an agricultural use.

(c) A farm residence.

(d) A business, activity, or enterprise, whether or not associated with an agricultural use, that is conducted by the owner or operator of a farm, that requires no buildings, structures, or improvements other than those described in par. (a) or (c), that employs no more than 4 full-time employees annually, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.

(e) Any other use that the department, by rule, identifies as an accessory use.

(1m) "Agricultural enterprise area" means an area designated in accordance with s. 91.84.

(2) "Agricultural use" means any of the following:

(a) Any of the following activities conducted for the purpose of producing an income or livelihood:

1. Crop or forage production.
2. Keeping livestock.
3. Beekeeping.
4. Nursery, sod, or Christmas tree production.
- 4m. Floriculture.
5. Aquaculture.
6. Fur farming.
7. Forest management.
8. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.

(b) Any other use that the department, by rule, identifies as an agricultural use.

(3) "Agriculture-related use" means any of the following:

(a) An agricultural equipment dealership, facility providing agricultural supplies, facility for storing or processing agricultural products, or facility for processing agricultural wastes.

(b) Any other use that the department, by rule, identifies as an agriculture-related use.

(5) "Base farm tract" means one of the following:

(a) All land, whether one parcel or 2 or more contiguous parcels, that is in a farmland preservation zoning district and that is part of a single farm on the date that the department under s. 91.36 (1) first certifies the farmland preservation zoning ordinance covering the land or on an earlier date specified in the farmland preservation zoning ordinance, regardless of any subsequent changes in the size of the farm.

(b) Any other tract that the department by rule defines as a base farm tract.

(6) "Certified farmland preservation plan" means a farmland preservation plan that is certified as determined under s. 91.12.

(7) "Certified farmland preservation zoning ordinance" means a zoning ordinance that is certified as determined under s. 91.32.

(8) "Chief elected official" means the mayor of a city or, if the city is organized under subch. I of ch. 64, the president of the council of that city, the village president of a village, the town board chairperson of a town, or the county executive of a county, or, if the county does not have a county executive, the chairperson of the county board of supervisors.

(9) "Comprehensive plan" has the meaning given in s. 66.1001 (1) (a).

(10) "Conditional use" means a use allowed under a conditional use permit, special exception, or other special zoning permission issued by a political subdivision.

(11) "County land conservation committee" means a committee created under s. 92.06 (1).

(12) "Department" means the department of agriculture, trade and consumer protection.

(13) "Farm" means all land under common ownership that is primarily devoted to agricultural use.

(14) "Farm acreage" means size of a farm in acres.

(15) "Farmland preservation agreement" means any of the following agreements between an owner of land and the department under which the owner agrees to restrict the use of land in return for tax credits:

(a) A farmland preservation agreement or transition area agreement entered into under s. 91.13, 2007 stats., or s. 91.14, 2007 stats.

(b) An agreement entered into under s. 91.60 (1).

(16) "Farmland preservation area" means an area that is planned primarily for agricultural use or agriculture-related use, or both, and that is one of the following:

(a) Identified as an agricultural preservation area or transition area in a farmland preservation plan described in s. 91.12 (1).

(b) Identified under s. 91.10 (1) (d) in a farmland preservation plan described in s. 91.12 (2).

(17) "Farmland preservation plan" means a plan for the preservation of farmland in a county, including an agricultural preservation plan under subch. IV of ch. 91, 2007 stats.

(18) "Farmland preservation zoning district" means any of the following:

(a) An area zoned for exclusive agricultural use under an ordinance described in s. 91.32 (1).

(b) A farmland preservation zoning district designated under s. 91.38 (1) (c) in an ordinance described in s. 91.32 (2).

(19) "Farm residence" means any of the following structures that is located on a farm:

(a) A single-family or duplex residence that is the only residential structure on the farm or is occupied by any of the following:

1. An owner or operator of the farm.
2. A parent or child of an owner or operator of the farm.
3. An individual who earns more than 50 percent of his or her gross income from the farm.

(b) A migrant labor camp that is certified under s. 103.92.

(20) "Gross farm revenues" has the meaning given in s. 71.613 (1) (g).

(20m) "Livestock" means bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish.

(21) "Nonfarm residence" means a single-family or multi-family residence other than a farm residence.

(22) "Nonfarm residential acreage" means the total number of acres of all parcels on which nonfarm residences are located.

(22m) "Overlay district" means a zoning district that is superimposed on one or more other zoning districts and imposes additional restrictions on the underlying districts.

(23) "Owner" means a person who has an ownership interest in land.

(23m) "Permitted use" means a use that is allowed without a conditional use permit, special exception, or other special zoning permission.

(24) "Political subdivision" means a city, village, town, or county.

(25) "Prime farmland" means any of the following:

(a) An area with a class I or class II land capability classification as identified by the natural resources conservation service of the federal department of agriculture.

(b) Land, other than land described in par. (a), that is identified as prime farmland in a certified farmland preservation plan.

(26) "Prior nonconforming use" means a land use that does not conform with a farmland preservation zoning ordinance, but that existed lawfully before the farmland preservation zoning ordinance was enacted.

(27) "Protected farmland" means land that is located in a farmland preservation zoning district, is covered by a farmland

preservation agreement, or is otherwise legally protected from nonagricultural development.

(28) "Taxable year" has the meaning given in s. 71.01 (12).

History: 2009 a. 28.

Wisconsin's Working Lands: Securing Our Future. Matson. Wis. Law. Dec. 2009.

**91.02 Rule making.** (1) The department shall promulgate rules that set forth technical specifications for farmland preservation zoning maps under s. 91.38 (1) (d).

(2) The department may promulgate rules for the administration of this chapter, including rules that do any of the following:

(a) Identify accessory uses under s. 91.01 (1) (e).

(b) Identify agricultural uses under s. 91.01 (2) (b).

(c) Identify agriculture-related uses under s. 91.01 (3) (b).

(d) Identify base farm tracts under s. 91.01 (5) (b).

(e) Specify requirements for certification under s. 91.18 (1) (b).

(f) Require information in an application for certification of a farmland preservation plan or amendment under s. 91.20 (4).

(g) Specify types of ordinance amendments for which certification is required under s. 91.36 (8) (b) 3.

(h) Specify exceptions to the requirement that land in a farmland preservation zoning district be included in a farmland preservation area under s. 91.38 (1) (g).

(i) Specify requirements for certification of a farmland preservation zoning ordinance under s. 91.38 (1) (i).

(j) Require information in an application for certification of a farmland preservation zoning ordinance or amendment under s. 91.40 (5).

(k) Authorize additional uses in a farmland preservation zoning district under s. 91.42 (4).

(L) Authorize additional uses as permitted uses in a farmland preservation zoning district under s. 91.44 (1) (g).

(m) Authorize additional uses as conditional uses in a farmland preservation zoning district under s. 91.46 (1) (j).

(p) Require information in an application for a farmland preservation agreement under s. 91.64 (2) (h).

(r) Prescribe procedures for compliance monitoring under s. 91.82 (3).

History: 2009 a. 28; 2011 a. 253.

**91.03 Intergovernmental cooperation.** State agencies shall cooperate with the department in the administration of this chapter and in other matters related to the preservation of farmland in this state. State agencies shall, to the extent feasible, cooperate in sharing and standardizing relevant information, identifying and mapping significant agricultural resources, and planning and evaluating the impact of state actions on agriculture.

History: 2009 a. 28.

**91.04 Department to report.** At least once every 2 years, beginning not later than December 31, 2011, the department shall submit a farmland preservation report to the board of agriculture, trade and consumer protection and provide copies of the report to the department of revenue and the department of administration. The department shall prepare the report in cooperation with the department of revenue and shall include all of the following in the report:

(1) A review and analysis of farmland availability, uses, and use trends in this state, including information related to farmland conversion statewide and by county.

(2) A review and analysis of relevant information related to the farmland preservation program under this chapter and associated tax credit claims under subch. IX of ch. 71, including information related to all of the following:

(a) Participation in the program by political subdivisions and landowners.

(b) Tax credit claims by landowners, including the number of claimants, the amount of credits claimed, acreage covered by tax



credit claims, the amount of credits claimed under zoning ordinances and under farmland preservation agreements, and relevant projections and trends.

(c) The number, identity, and location of counties with certified farmland preservation plans.

(d) Trends and developments related to certification of farmland preservation plans.

(e) The number, identity, and location of political subdivisions with certified farmland preservation zoning ordinances.

(f) Trends and developments related to certification of farmland preservation zoning ordinances.

(g) The number, nature, and location of agricultural enterprise areas.

(h) The number and location of farms covered by farmland preservation agreements, including new farmland preservation agreements, and the number and location of farms for which farmland preservation agreements have expired.

(i) Conservation compliance by landowners under s. 91.80 and compliance activities by county land conservation committees under s. 91.82.

(j) Rezoning of land out of farmland preservation zoning districts under s. 91.48.

(k) Program costs, cost trends, and cost projections.

(L) Key issues related to program performance and key recommendations, if any, for enhancing the program.

History: 2009 a. 28; 2011 a. 32.

## SUBCHAPTER II

### FARMLAND PRESERVATION PLANNING

**91.10 County plan required; planning grants.** (1) By January 1, 2016, a county shall adopt a farmland preservation plan that does all of the following:

(a) States the county's policy related to farmland preservation and agricultural development, including the development of enterprises related to agriculture.

(b) Identifies, describes, and documents other development trends, plans, or needs, that may affect farmland preservation and agricultural development in the county, including trends, plans, or needs related to population and economic growth, housing, transportation, utilities, communications, business development, community facilities and services, energy, waste management, municipal expansion, and environmental preservation.

(c) Identifies, describes, and documents all of the following:

1. Agricultural uses of land in the county at the time that the farmland preservation plan is adopted, including key agricultural specialities, if any.

2. Key agricultural resources, including available land, soil, and water resources.

3. Key infrastructure for agriculture, including key processing, storage, transportation, and supply facilities.

4. Significant trends in the county related to agricultural land use, agricultural production, enterprises related to agriculture, and the conversion of agricultural lands to other uses.

5. Anticipated changes in the nature, scope, location, and focus of agricultural production, processing, supply, and distribution.

6. Goals for agricultural development in the county, including goals related to the development of enterprises related to agriculture.

7. Actions that the county will take to preserve farmland and to promote agricultural development.

7m. Policies, goals, strategies, and proposed actions to increase housing density in areas that are not identified under par. (d).

8. Key land use issues related to preserving farmland and to promoting agricultural development and plans for addressing those issues.

(d) Clearly identifies areas that the county plans to preserve for agricultural use and agriculture-related uses, which may include undeveloped natural resource and open space areas but may not include any area that is planned for nonagricultural development within 15 years after the date on which the plan is adopted.

(dm) Describes the rationale used to determine which areas to identify under par. (d).

(e) Includes maps that clearly delineate all areas identified under par. (d), so that a reader can easily determine whether a parcel is within an identified area.

(f) Clearly correlates the maps under par. (e) with text that describes the types of land uses planned for each area on a map.

(g) Identifies programs and other actions that the county and local governmental units within the county may use to preserve the areas identified under par. (d).

(2) If the county has a comprehensive plan, the county shall include the farmland preservation plan in its comprehensive plan and shall ensure that the farmland preservation plan is consistent with the comprehensive plan. The county may incorporate information contained in other parts of the comprehensive plan into the farmland preservation plan by reference.

(3) To adopt a farmland preservation plan under sub. (1), a county shall follow the procedures under s. 66.1001 (4) for the adoption of a comprehensive plan.

(4) The department may provide information and assistance to a county in developing a farmland preservation plan under sub. (1).

(5) A county shall notify the department before the county holds a public hearing on a proposed farmland preservation plan under sub. (1) or on any amendment to a farmland preservation plan. The county shall include a copy of the proposed farmland preservation plan or amendment in the notice. The department may review and comment on the plan or amendment.

(6) (a) From the appropriation under s. 20.115 (7) (dm) or (tn), the department may award a planning grant to a county to provide reimbursement for up to 50 percent of the county's cost of preparing a farmland preservation plan required under sub. (1). In determining priorities for awarding grants under this subsection, the department shall consider the expiration dates for plan certification under s. 91.14.

(b) The department shall enter into a contract with a county to which it awards a planning grant under par. (a) before the department distributes any grant funds to the county. In the contract, the department shall identify the costs that are eligible for reimbursement through the grant.

(c) The department may distribute grant funds under this subsection only after the county shows that it has incurred costs that are eligible for reimbursement under par. (b). The department may not distribute more than 50 percent of the amount of a grant under this subsection for a farmland preservation plan before the county submits the farmland preservation plan for certification under s. 91.16.

History: 2009 a. 28.

**91.12 Certified plan.** The following farmland preservation plans are certified, for the purposes of this chapter and s. 71.613:

(1) An agricultural preservation plan that was certified under s. 91.06, 2007 stats., if the certification has not expired.

(2) A farmland preservation plan that was certified under s. 91.16 if the certification has not expired or been withdrawn.

History: 2009 a. 28.

**91.14 Expiration of plan certification.** (1) Except as provided under sub. (4), the certification of a farmland preservation plan that was certified under s. 91.06, 2007 stats., expires on the

date provided in the certification or, if the certification does not provide an expiration date, on the following date:

(a) December 31, 2011, for a county with an increase in population density of more than 9 persons per square mile.

(b) December 31, 2012, for a county with an increase in population density of more than 3.75 but not more than 9 persons per square mile.

(c) December 31, 2013, for a county with an increase in population density of more than 1.75 but not more than 3.75 persons per square mile.

(d) December 31, 2014, for a county with an increase in population density of more than 0.8 but not more than 1.75 persons per square mile.

(e) December 31, 2015, for a county with an increase in population density of not more than 0.8 person per square mile.

(2) The certification of a farmland preservation plan that the department certifies under s. 91.16 expires on the date specified under s. 91.16 (2).

(3) For the purposes of sub. (1), a county's increase in population density is the number by which the county's population per square mile based on the department of administration's 2007 population estimate under s. 16.96 exceeds the county's population per square mile based on the 2000 federal census.

(4) The secretary of agriculture, trade and consumer protection may delay the date for the expiration of a county's farmland preservation plan for up to 2 years beyond the date under sub. (1) upon a written request from the county demonstrating to the secretary's satisfaction that a delay would allow the county to concurrently develop a farmland preservation plan and a comprehensive plan or an update to a comprehensive plan.

History: 2009 a. 28.

**91.16 Certification of plan by the department.** (1) **GENERAL.** The department may certify a farmland preservation plan or an amendment to a farmland preservation plan as provided in this section.

(2) **CERTIFICATION PERIOD.** (a) The department may certify a farmland preservation plan for a period that does not exceed 10 years. The department shall specify the expiration date of the certification of the farmland preservation plan in the certification.

(b) The certification of an amendment to a certified farmland preservation plan expires on the date that the certification of the farmland preservation plan expires, except that the department may treat a comprehensive revision of a certified farmland preservation plan as a new farmland preservation plan and shall specify an expiration date for the certification of the revised farmland preservation plan as provided in par. (a).

(3) **SCOPE OF DEPARTMENT REVIEW.** (a) The department may certify a county's farmland preservation plan or an amendment to the farmland preservation plan based on the county's certification under s. 91.20 (3), without conducting any additional review or audit.

(b) The department may do any of the following before it certifies a county's farmland preservation plan or amendment:

1. Review the farmland preservation plan or amendment for compliance with s. 91.18.

2. Review and independently verify the application for certification, including the statement under s. 91.20 (3).

(4) **DENIAL OF CERTIFICATION.** The department shall deny a county's application for certification of a farmland preservation plan or amendment if the department finds any of the following:

(a) That the farmland preservation plan or amendment does not comply with the requirements in s. 91.18.

(b) That the application for certification does not comply with s. 91.20.

(5) **WRITTEN DECISION; DEADLINE.** The department shall grant or deny an application for certification under this section no more

than 90 days after the day on which the county submits a complete application, unless the county agrees to an extension. The department shall issue its decision in the form required by s. 227.47 (1).

(6) **CONDITIONAL CERTIFICATION.** The department may grant an application for certification under this section subject to conditions specified by the department in its decision under sub. (5). The department may certify a farmland preservation plan or amendment contingent upon the county board adopting the farmland preservation plan or amendment as certified.

(7) **EFFECTIVE DATE OF CERTIFICATION.** A certification under this section takes effect on the day on which the department issues its decision, except that if the department specifies conditions under sub. (6), the certification takes effect on the day on which the department determines that the county has met the conditions.

(8) **EFFECTIVENESS OF PLAN AMENDMENTS.** For purposes of this chapter and s. 71.613, a certified farmland preservation plan does not include an amendment adopted after July 1, 2009, unless the department certifies the amendment.

(9) **WITHDRAWAL OF CERTIFICATION.** The department may withdraw a certification that it granted under sub. (3) (a) if the department finds that the farmland preservation plan materially violates the requirements under s. 91.18.

History: 2009 a. 28.

**91.18 Requirements for certification of plan.** (1) A farmland preservation plan qualifies for certification under s. 91.16 if it complies with all of the following:

(a) The requirements in s. 91.10 (1) and (2).

(b) Any other requirements that the department specifies by rule.

(2) An amendment to a farmland preservation plan qualifies for certification under s. 91.16 if it complies with all of the requirements in sub. (1) that are relevant to the amendment and it does not cause the farmland preservation plan to violate any of the requirements in sub. (1).

History: 2009 a. 28.

**91.20 Applying for certification of plan.** A county seeking certification of a farmland preservation plan or amendment to a farmland preservation plan shall submit all of the following to the department in writing, along with any other relevant information that the county chooses to provide:

(1) The proposed farmland preservation plan or amendment.

(2) All of the following background information:

(a) A concise summary of the farmland preservation plan or amendment, including key changes from any previously certified farmland preservation plan.

(b) A concise summary of the process by which the farmland preservation plan or amendment was developed, including public hearings, notice to and involvement of other governmental units within the county, approval by the county, and identification of any key unresolved issues between the county and other governmental units within the county related to the farmland preservation plan or amendment.

(c) The relationship of the farmland preservation plan or amendment to any county comprehensive plan.

(3) A statement, signed by the county corporation counsel and the county planning director or chief elected official, certifying that the farmland preservation plan or amendment complies with all of the requirements in s. 91.18.

(4) Other relevant information that the department requires by rule.

History: 2009 a. 28.

### SUBCHAPTER III

#### FARMLAND PRESERVATION ZONING

**91.30 Authority to adopt.** A political subdivision may adopt and administer a farmland preservation zoning ordinance in accordance with s. 59.69, 60.61, 60.62, or 62.23.

History: 2009 a. 28.

**91.32 Certified ordinance.** The following zoning ordinances are certified, for the purposes of this chapter and s. 71.613:

(1) An exclusive agricultural use zoning ordinance that was certified under s. 91.06, 2007 stats., if the certification has not expired or been withdrawn.

(2) A farmland preservation zoning ordinance that was certified under s. 91.36 if the certification has not expired or been withdrawn.

History: 2009 a. 28.

**91.34 Expiration of zoning certification.** (1) Except as provided under sub. (4), the certification of a farmland preservation zoning ordinance that was certified under s. 91.06, 2007 stats., expires on the date provided in the certification or, if the certification does not provide an expiration date, on the following date:

(a) December 31, 2012, for a county with an increase in population density of more than 9 persons per square mile or a city, village, or town in such a county.

(b) December 31, 2013, for a county with an increase in population density of more than 3.75 but not more than 9 persons per square mile or a city, village, or town in such a county.

(c) December 31, 2014, for a county with an increase in population density of more than 1.75 but not more than 3.75 persons per square mile or a city, village, or town in such a county.

(d) December 31, 2015, for a county with an increase in population density of more than 0.8 but not more than 1.75 persons per square mile or a city, village, or town in such a county.

(e) December 31, 2016, for a county with an increase in population density of not more than 0.8 person per square mile or a city, village, or town in such a county.

(2) The certification of a farmland preservation zoning ordinance that the department certifies under s. 91.36 expires on the date specified under s. 91.36 (2).

(3) For the purposes of sub. (1), a county's increase in population density is the number by which the county's population per square mile based on the department of administration's 2007 population estimate under s. 16.96 exceeds the county's population per square mile based on the 2000 federal census.

(4) The secretary of agriculture, trade and consumer protection may delay the date for the expiration of a political subdivision's farmland preservation zoning ordinance for up to 2 years beyond the date, under sub. (1) upon a written request from the political subdivision demonstrating to the secretary's satisfaction that a delay would allow the political subdivision to concurrently develop a farmland preservation zoning ordinance and a comprehensive plan or an update to a comprehensive plan.

History: 2009 a. 28.

**91.36 Certification of zoning ordinance by the department.** (1) **GENERAL.** The department may certify a farmland preservation zoning ordinance or an amendment to a farmland preservation zoning ordinance as provided in this section.

(2) **CERTIFICATION PERIOD.** (a) The department may certify a farmland preservation zoning ordinance for a period that does not exceed 10 years. The department shall specify the expiration date of the certification of the farmland preservation zoning ordinance in the certification.

(b) The certification of an amendment to a certified farmland preservation zoning ordinance expires on the date that the certification of the farmland preservation zoning ordinance expires, except that the department may treat a comprehensive revision of a certified farmland preservation zoning ordinance as a new farmland preservation zoning ordinance and specify an expiration date

for the certification of the revised farmland preservation zoning ordinance as provided in par. (a).

(3) **SCOPE OF DEPARTMENT REVIEW.** (a) The department may certify a farmland preservation zoning ordinance or amendment to a farmland preservation zoning ordinance based on statements submitted under s. 91.40 (3) and (4), without conducting any additional review or audit.

(b) The department may do any of the following before it certifies a farmland preservation zoning ordinance or amendment:

1. Review the farmland preservation zoning ordinance or amendment for compliance with the requirements under s. 91.38.

2. Review and independently verify the application for certification, including the statements under s. 91.40 (3) and (4).

(4) **DENIAL OF CERTIFICATION.** The department shall deny an application for certification of a farmland preservation zoning ordinance or amendment if the department finds any of the following:

(a) That the farmland preservation zoning ordinance or amendment does not comply with the requirements in s. 91.38.

(b) That the application for certification does not comply with s. 91.40.

(5) **WRITTEN DECISION; DEADLINE.** The department shall grant or deny an application for certification under this section no more than 90 days after the day on which the political subdivision submits a complete application, unless the political subdivision agrees to an extension. The department shall issue its decision in the form required by s. 227.47 (1).

(6) **CONDITIONAL CERTIFICATION.** The department may grant an application for certification under this section subject to conditions specified by the department in its decision under sub. (5). The department may certify a farmland preservation zoning ordinance or amendment contingent upon the political subdivision adopting the farmland preservation zoning ordinance or amendment as certified.

(7) **EFFECTIVE DATE OF CERTIFICATION.** A certification under this section takes effect on the day on which the department issues the certification, except that if the department specifies conditions under sub. (6), the certification takes effect on the day on which the department determines that the political subdivision has met the conditions.

(8) **AMENDMENTS TO ORDINANCES; CERTIFICATION.** (a) Except as provided in par. (b), an amendment to a certified farmland preservation zoning ordinance is automatically considered to be certified as part of the certified farmland preservation zoning ordinance.

(b) An amendment to a certified farmland preservation zoning ordinance that is one of the following and that is adopted after July 1, 2009, is not automatically considered to be certified:

1. An amendment that is a comprehensive revision of a certified farmland preservation zoning ordinance.

2. An amendment that extends coverage of a certified farmland preservation zoning ordinance to a town that was not previously covered.

3. An amendment of a type specified by the department by rule that may materially affect compliance of the certified farmland preservation zoning ordinance with the requirements under s. 91.38.

(c) The department may withdraw certification of a farmland preservation zoning ordinance if, as a result of an amendment adopted after July 1, 2009, the amended farmland preservation zoning ordinance fails to comply with the requirements under s. 91.38. This paragraph applies regardless of whether the farmland preservation zoning ordinance was originally certified under s. 91.06, 2007 stats., or under this section.

(d) A political subdivision shall notify the department in writing whenever the political subdivision adopts an amendment that is described in par. (b) 1. to 3. to a certified farmland preservation zoning ordinance. The political subdivision shall include a copy

of the amendment in the notice. This paragraph does not apply to an amendment that rezones land out of a farmland preservation zoning district.

History: 2009 a. 28.

#### 91.38 Requirements for certification of ordinance.

(1) A farmland preservation zoning ordinance does not qualify for certification under s. 91.36 unless all of the following apply:

(a) The farmland preservation zoning ordinance includes jurisdictional, organizational, and enforcement provisions that are necessary for proper administration.

(c) The farmland preservation zoning ordinance clearly designates farmland preservation zoning districts in which land uses are limited in compliance with s. 91.42.

(d) The farmland preservation zoning ordinance includes maps that clearly delineate each farmland preservation zoning district, so that a reader can easily determine whether a parcel is within a farmland preservation zoning district; that are correlated to the text under par. (e); and that comply with technical specifications that the department establishes by rule.

(e) The text of the farmland preservation zoning ordinance clearly describes the types of land uses authorized in each farmland preservation zoning district.

(f) The farmland preservation zoning ordinance is substantially consistent with a certified farmland preservation plan.

(g) Except as provided by the department by rule, land is not included in a farmland preservation zoning district unless the land is included in a farmland preservation area identified in the county certified farmland preservation plan.

(h) If an overlay district, such as an environmental corridor, is superimposed on a farmland preservation zoning district, all of the following apply:

1. The farmland preservation zoning ordinance clearly identifies the overlay district as such.

2. The overlay district is shown on the maps under par. (d) in a way that allows a reader to easily identify the underlying farmland preservation zoning district and its boundaries.

3. The overlay district does not remove land use restrictions from the underlying farmland preservation zoning district.

(i) The farmland preservation zoning ordinance complies with any other requirements that the department specifies by rule.

(2) An amendment to a farmland preservation zoning ordinance qualifies for certification under s. 91.36 if it complies with all of the requirements in sub. (1) that are relevant to the amendment and it does not cause the farmland preservation zoning ordinance to violate any of the requirements in sub. (1).

(3) The limits on land uses in farmland preservation districts under s. 91.42 are minimum standards for certification of a farmland preservation zoning ordinance under s. 91.36.

History: 2009 a. 28.

**91.40 Applying for certification of ordinance.** A political subdivision seeking certification of a farmland preservation zoning ordinance or amendment to a farmland preservation zoning ordinance shall submit all of the following to the department in writing, along with any other relevant information that the political subdivision chooses to provide:

(1) The complete farmland preservation zoning ordinance or amendment proposed for certification.

(2) All of the following background information:

(a) A concise summary of the farmland preservation zoning ordinance or amendment, including key changes from any previously certified farmland preservation zoning ordinance.

(b) A concise summary of the process by which the farmland preservation zoning ordinance or amendment was developed, including public hearings, notice to and involvement of other governmental units, approval by the political subdivision, and identification of any key unresolved issues with other governmental

units related to the farmland preservation zoning ordinance or amendment.

(c) A description of the relationship of the farmland preservation zoning ordinance or amendment to the county certified farmland preservation plan, including any material inconsistencies between the farmland preservation zoning ordinance or amendment and the county certified farmland preservation plan.

(3) A statement, signed by the county planning director or the chief elected official, certifying that the farmland preservation zoning ordinance or amendment complies with s. 91.38 (1) (f) and (g).

(4) A statement, signed by the applicant's attorney or chief elected official, certifying that the farmland preservation zoning ordinance or amendment complies with all applicable requirements in s. 91.38.

(5) Other relevant information that the department requires by rule.

History: 2009 a. 28; 2011 a. 258.

**91.42 Land use in farmland preservation zoning districts; general.** A farmland preservation zoning ordinance does not qualify for certification under s. 91.36, if the farmland preservation zoning ordinance allows a land use in a farmland preservation zoning district other than the following land uses:

(1) Uses identified as permitted uses in s. 91.44.

(2) Uses identified as conditional uses in s. 91.46.

(3) Prior nonconforming uses, subject to s. 59.69 (10), 60.61 (5), or 62.23 (7) (h).

(4) Other uses allowed by the department by rule.

History: 2009 a. 28.

**91.44 Permitted uses.** (1) Except as provided in s. 84.01 (34), a farmland preservation zoning ordinance does not comply with s. 91.42 if the farmland preservation zoning ordinance allows as a permitted use in a farmland preservation zoning district a land use other than the following land uses:

(a) Agricultural uses.

(b) Accessory uses.

(c) Agriculture-related uses.

(d) Nonfarm residences constructed in a rural residential cluster in accordance with an approval of the cluster as a conditional use under s. 91.46 (1) (e).

(e) Undeveloped natural resource and open space areas.

(f) A transportation, utility, communication, or other use that is required under state or federal law to be located in a specific place or that is authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for that use.

(g) Other uses identified by the department by rule.

(2) The department may promulgate rules imposing additional limits on the permitted uses that may be allowed in a farmland preservation zoning district in order for a farmland preservation zoning ordinance to comply with s. 91.42.

History: 2009 a. 28.

**91.46 Conditional uses.** (1) GENERAL. Except as provided in s. 84.01 (34), a farmland preservation zoning ordinance does not comply with s. 91.42 if the farmland preservation zoning ordinance allows as a conditional use in a farmland preservation zoning district a land use other than the following land uses:

(a) Agricultural uses.

(b) Accessory uses.

(c) Agriculture-related uses.

(d) Nonfarm residences that qualify under sub. (2) or that meet more restrictive standards in the farmland preservation zoning ordinance.

(e) Nonfarm residential clusters that qualify under sub. (3) or that meet more restrictive standards in the farmland preservation zoning ordinance.

(f) Transportation, communications, pipeline, electric transmission, utility, or drainage uses that qualify under sub. (4).

(g) Governmental, institutional, religious, or nonprofit community uses, other than uses covered by par. (f), that qualify under sub. (5).

(h) Nonmetallic mineral extraction that qualifies under sub. (6).

(i) Oil and gas exploration or production that is licensed by the department of natural resources under subch. II of ch. 295.

(j) Other uses allowed by the department by rule.

(1m) **ADDITIONAL LIMITATIONS.** The department may promulgate rules imposing additional limits on the conditional uses that may be allowed in a farmland preservation zoning district in order for a farmland preservation zoning ordinance to comply with s. 91.42.

(2) **NONFARM RESIDENCES.** A proposed new nonfarm residence or a proposal to convert a farm residence to a nonfarm residence through a change in occupancy qualifies for the purposes of sub. (1) (d) if the political subdivision determines that all of the following apply:

(a) The ratio of nonfarm residential acreage to farm acreage on the base farm tract on which the residence is or will be located will not be greater than 1 to 20 after the residence is constructed or converted to a nonfarm residence.

(b) There will not be more than 4 dwelling units in nonfarm residences, nor, for a new nonfarm residence, more than 5 dwelling units in residences of any kind, on the base farm tract after the residence is constructed or converted to a nonfarm residence.

(c) The location and size of the proposed nonfarm residential parcel, and, for a new nonfarm residence, the location of the nonfarm residence on that nonfarm residential parcel, will not do any of the following:

1. Convert prime farmland from agricultural use or convert land previously used as cropland, other than a woodlot, from agricultural use if on the farm there is a reasonable alternative location or size for a nonfarm residential parcel or nonfarm residence.

2. Significantly impair or limit the current or future agricultural use of other protected farmland.

(3) **NONFARM RESIDENTIAL CLUSTER.** A political subdivision may issue one conditional use permit that covers more than one nonfarm residence in a qualifying nonfarm residential cluster. A nonfarm residential cluster qualifies for the purposes of sub. (1) (e) if all of the following apply:

(a) The parcels on which the nonfarm residences would be located are contiguous.

(b) The political subdivision imposes legal restrictions on the construction of the nonfarm residences so that if all of the nonfarm residences were constructed, each would satisfy the requirements under sub. (2).

(4) **TRANSPORTATION, COMMUNICATIONS, PIPELINE, ELECTRIC TRANSMISSION, UTILITY, OR DRAINAGE USE.** A transportation, communications, pipeline, electric transmission, utility, or drainage use qualifies for the purposes of sub. (1) (f) if the political subdivision determines that all of the following apply:

(a) The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.

(b) The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.

(c) The use is reasonably designed to minimize conversion of land, at and around the site of the use, from agricultural use or open space use.

(d) The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

(e) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

(5) **GOVERNMENTAL, INSTITUTIONAL, RELIGIOUS, OR NONPROFIT COMMUNITY USE.** A governmental, institutional, religious, or nonprofit community use qualifies for the purposes of sub. (1) (g) if the political subdivision determines that all of the following apply:

(a) The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.

(b) The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.

(c) The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.

(d) The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

(e) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

(6) **NONMETALLIC MINERAL EXTRACTION.** Nonmetallic mineral extraction qualifies for the purposes of sub. (1) (h) if the political subdivision determines that all of the following apply:

(a) The operation complies with subch. I of ch. 295 and rules promulgated under that subchapter, with applicable provisions of the local ordinance under s. 295.13 or 295.14, and with any applicable requirements of the department of transportation concerning the restoration of nonmetallic mining sites.

(b) The operation and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.

(c) The operation and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations outside the farmland preservation zoning district, or are specifically approved under state or federal law.

(d) The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use.

(e) The operation does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

(f) The farmland preservation zoning ordinance requires the owner to restore the land to agricultural use, consistent with any required locally approved reclamation plan, when extraction is completed.

History: 2009 a. 28.

**91.48 Rezoning of land out of a farmland preservation zoning district.** (1) A political subdivision with a certified farmland preservation zoning ordinance may rezone land out of a farmland preservation zoning district without having the rezoning certified under s. 91.36, if the political subdivision finds all of the following, after public hearing:

(a) The land is better suited for a use not allowed in the farmland preservation zoning district.

(b) The rezoning is consistent with any applicable comprehensive plan.

(c) The rezoning is substantially consistent with the county certified farmland preservation plan.

(d) The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

(2) A political subdivision shall by March 1 of each year provide to the department a report of the number of acres that the political subdivision has rezoned out of a farmland preservation

zoning district under sub. (1) during the previous year and a map that clearly shows the location of those acres.

(3) A political subdivision that is not a county shall by March 1 of each year submit a copy of the information that it reports to the department under sub. (2) to the county in which the political subdivision is located.

(4) If a political subdivision fails to comply with sub. (2), the department may withdraw the certification granted under s. 91.06, 2007 stats., or under s. 91.36 for the political subdivision's farmland preservation zoning ordinance.

History: 2009 a. 28; 2011 a. 32; 2011 a. 257 s. 56.

#### 91.50 Exemption from special assessments.

(1) Except as provided in sub. (3), no political subdivision, special purpose district, or other local governmental entity may levy a special assessment for sanitary sewers or water against land in agricultural use, if the land is located in a farmland preservation zoning district.

(2) A political subdivision, special purpose district, or other local governmental entity may deny the use of improvements for which the special assessment is levied to land that is exempt from the assessment under sub. (1).

(3) The exemption under sub. (1) does not apply to an assessment that an owner voluntarily pays, after the assessing authority provides notice of the exemption under sub. (1).

History: 2009 a. 28.

### SUBCHAPTER IV

#### FARMLAND PRESERVATION AGREEMENTS

#### 91.60 Farmland preservation agreements; general.

(1) **AGREEMENTS AUTHORIZED.** The department may enter into a farmland preservation agreement that complies with s. 91.62 with the owner of land that is eligible under sub. (2).

(2) **ELIGIBLE LAND.** Land is eligible if all of the following apply:

(a) The land is operated as part of a farm that produced at least \$6,000 in gross farm revenues during the taxable year preceding the year in which the owner applies for a farmland preservation agreement or a total of at least \$18,000 in gross farm revenues during the last 3 taxable years preceding the year in which the owner applies for a farmland preservation agreement.

(b) The land is located in a farmland preservation area identified in a certified farmland preservation plan.

(c) The land is in an agricultural enterprise area designated under s. 91.84.

(3) **PRIOR AGREEMENTS.** (a) Except as provided in par. (c) or s. 91.66, a farmland preservation agreement entered into before July 1, 2009, remains in effect for the term specified in the agreement and under the terms that were agreed upon when the agreement was last created, extended, or renewed.

(b) The department may not extend or renew a farmland preservation agreement entered into before July 1, 2009.

(c) The department and an owner of land who entered into a farmland preservation agreement before July 1, 2009, may agree to modify the farmland preservation agreement in order to allow the owner to claim the tax credit under s. 71.613 rather than the tax credit for which the owner would otherwise be eligible.

History: 2009 a. 28.

91.62 Farmland preservation agreements; requirements. (1) **CONTENTS.** The department may not enter into a farmland preservation agreement unless the agreement does all of the following:

(a) Specifies a term of at least 15 years.

(b) Includes a correct legal description of the tract of land covered by the farmland preservation agreement.

(c) Includes provisions that restrict the tract of land to the following uses:

1. Agricultural uses and accessory uses.

2. Undeveloped natural resource and open space uses.

(2) **FORM.** The department shall specify a form for farmland preservation agreements that complies with s. 59.43 (2m).

(3) **EFFECTIVENESS.** A farmland preservation agreement takes effect when it is signed by all owners of the land covered by the farmland preservation agreement and by the department.

(4) **RECORDING.** The department shall provide a copy of a signed farmland preservation agreement to a person designated by the signing owners and shall promptly present the signed agreement to the register of deeds for the county in which the land is located for recording.

(5) **CHANGE OF OWNERSHIP.** A farmland preservation agreement is binding on a person who purchases land during the term of a farmland preservation agreement that covers the land.

History: 2009 a. 28.

#### 91.64 Applying for a farmland preservation agreement.

(1) **SUBMITTING AN APPLICATION.** An owner who wishes to enter into a farmland preservation agreement shall submit an application signed by the owner and each person required to be identified under sub. (2) (f), on a form provided by the department, to the county clerk of the county in which the land is located.

(2) **CONTENTS OF APPLICATION.** A person submitting an application under sub. (1) shall include all of the following in the application:

(a) The name and address of each person who has an ownership interest in the land proposed for coverage by the agreement.

(b) The location of the land proposed for coverage, indicated by street address, global positioning system coordinates, or township, range, and section.

(c) The legal description of the land proposed for coverage.

(d) A map or aerial photograph of the land proposed for coverage, showing parcel boundaries, residences and other structures, and significant natural features.

(e) Information showing that the land proposed for coverage is eligible under s. 91.60 (2).

(f) A description of every existing mortgage, easement, and lien, other than liens on growing crops, on land proposed for coverage, including the name and address of the person holding the lien, mortgage, or easement.

(h) Any other information required by the department by rule.

(i) Any fee under sub. (2m).

(2m) **COUNTY PROCESSING FEE.** A county may charge a reasonable fee for processing an application for a farmland preservation agreement.

(3) **COUNTY REVIEW.** (a) A county shall review an application under sub. (2) to determine whether the land proposed for coverage meets the requirements under s. 91.60 (2) (b) and (c). The county shall provide its findings to the applicant in writing within 60 days after the day on which the county clerk receives a complete application.

(b) If the county finds under par. (a) that the land proposed for coverage meets the requirements under s. 91.60 (2) (b) and (c), the county shall promptly send all of the following to the department, along with any other comments that the county chooses to provide:

1. The original application, including all of the information provided with the application.

2. A copy of the county's findings.

(4) **DEPARTMENT ACTION ON APPLICATION.** (a) The department may prepare a farmland preservation agreement that complies with s. 91.62 and enter into the farmland preservation agreement under s. 91.60 (1) based on a complete application and on county findings under sub. (3) (b).

(b) The department may decline to enter into a farmland preservation agreement for any of the following reasons:

1. The application is incomplete.
2. The land is not eligible land under s. 91.60 (2).

History: 2009 a. 28; 2013 a. 20.

**91.66 Terminating a farmland preservation agreement.** (1) The department may terminate a farmland preservation agreement or release land from a farmland preservation agreement at any time if all of the following apply:

(a) All of the owners of land covered by the farmland preservation agreement consent to the termination or release, in writing.

(b) The department finds that the termination or release will not impair or limit agricultural use of other protected farmland.

(c) The owners of the land pay to the department, for each acre or portion thereof released from the farmland preservation agreement, a conversion fee equal to 3 times the per acre value, for the year in which the farmland preservation agreement is terminated or the land is released, of the highest value category of tillable cropland in the city, village, or town in which the land is located, as specified by the department of revenue under s. 73.03 (2a).

(1m) All conversion fees received under sub. (1) (c) shall be deposited in the working lands fund.

(2) The department shall provide a copy of its decision to terminate a farmland preservation agreement or release land from a farmland preservation agreement to a person designated by the owners of the land and shall present a copy of the decision to the register of deeds for the county in which the land is located for recording.

History: 2009 a. 28.

**91.68 Violations of farmland preservation agreements.** (1) The department may bring an action in circuit court to do any of the following:

(a) Enforce a farmland preservation agreement.

(b) Restrain, by temporary or permanent injunction, a change in land use that violates a farmland preservation agreement.

(c) Seek a civil forfeiture for a change in land use that violates a farmland preservation agreement.

(2) A forfeiture under sub. (1) (c) may not exceed twice the fair market value of the land covered by the agreement at the time of the violation.

History: 2009 a. 28.

**91.70 Farmland preservation agreements; exemption from special assessments.** (1) Except as provided in sub. (3), no political subdivision, special purpose district, or other local governmental entity may levy a special assessment for sanitary sewers or water against land in agricultural use, if the land is covered by a farmland preservation agreement.

(2) A political subdivision, special purpose district or other local governmental entity may deny the use of improvements for which the special assessment is levied to land that is exempt from the assessment under sub. (1).

(3) The exemption under sub. (1) does not apply to an assessment that an owner voluntarily pays, after the assessing authority provides notice of the exemption under sub. (1).

History: 2009 a. 28.

#### SUBCHAPTER V

#### SOIL AND WATER CONSERVATION

**91.80 Soil and water conservation by persons claiming tax credits.** An owner claiming farmland preservation tax credits under s. 71.613 shall comply with applicable land and water conservation standards promulgated by the department

under ss. 92.05 (3) (c) and (k), 92.14 (8), and 281.16 (3) (b) and (c).

History: 2009 a. 28.

**91.82 Compliance monitoring.** (1) **COUNTY RESPONSIBILITY.** (a) A county land conservation committee shall monitor compliance with s. 91.80.

(b) For the purpose of par. (a), a county land conservation committee shall inspect each farm for which the owner claims farmland preservation tax credits under subch. IX of ch. 71 at least once every 4 years.

(c) For the purpose of par. (a), a county land conservation committee may do any of the following:

1. Inspect land that is covered by a farmland preservation agreement or farmland preservation zoning and that is in agricultural use.

2. Require an owner to certify, not more than annually, that the owner complies with s. 91.80.

(d) At least once every 4 years, the department shall review each county land conservation committee's compliance with par. (b).

(2) **NOTICE OF NONCOMPLIANCE.** (a) A county land conservation committee shall issue a written notice of noncompliance to an owner if the committee finds that the owner has done any of the following:

1. Failed to comply with s. 91.80.

2. Failed to permit a reasonable inspection under sub. (1) (c)

3. Failed to certify compliance as required under sub. (1) (c)

2. (b) A county land conservation committee shall provide to the department of revenue a copy of each notice of noncompliance issued under par. (a).

(c) If a county land conservation committee determines that an owner has corrected the failure described in a notice of noncompliance under par. (a), it shall withdraw the notice of noncompliance and notify the owner and the department of revenue of the withdrawal.

(3) **PROCEDURE.** The department may promulgate rules prescribing procedures for the administration of this section by land conservation committees.

History: 2009 a. 28.

#### SUBCHAPTER VI

#### AGRICULTURAL ENTERPRISE AREAS

**91.84 Agricultural enterprise areas; general.** (1) **DESIGNATION.** (a) 1. The department may by order designate agricultural enterprise areas targeted for agricultural preservation and development.

2. The department may by order modify or terminate the designation of an agricultural enterprise area.

(b) The department may designate agricultural enterprise areas with a combined area of not more than 2,000,000 acres of land.

(c) The department may not designate an area as an agricultural enterprise area unless all of the following apply:

1. The department receives a petition requesting the designation and the petition complies with s. 91.86.

3. The parcels in the area are contiguous. Parcels that are only separated by a lake, stream, or transportation or utility right-of-way are contiguous for the purposes of this subdivision.

4. The area is located entirely in a farmland preservation area identified in a certified farmland preservation plan.

5. The land in the area is primarily in agricultural use.

(f) In designating agricultural areas under this subsection, the department shall give preference to areas that include at least 1,000 acres of land.

(1m) **PUBLICATION OF ORDER.** The department shall publish a notice of an order designating, modifying, or terminating an agricultural enterprise area, including a general description of the towns affected by the order, in the official state newspaper.

(2m) **EFFECTIVENESS OF PRIOR DESIGNATIONS.** A rule designating an agricultural enterprise area under s. 91.84 (2), 2009 stats., remains in effect until December 31, 2012.

(3) **EFFECT OF DESIGNATION.** The designation of an area under sub. (1) allows owners of eligible land within the area to enter into farmland preservation agreements with the department. If the department modifies or terminates the designation of an area under sub. (1) and that modification or termination results in land covered by a farmland preservation agreement no longer being located in a designated area, the farmland preservation agreement remains in effect for the remainder of its term, but the department may not extend or renew the farmland preservation agreement.

(4) **MAP.** In an order designating an agricultural enterprise area, the department shall include a map that clearly shows the boundaries of the proposed agricultural enterprise area so that a reader can easily determine whether a parcel of land is located within the agricultural enterprise area. The department shall make the map available on its Internet site.

(5) **EFFECTIVE DATE OF ORDERS.** The designation of an agricultural enterprise area takes effect on January 1 of the calendar year following the year in which the order designating the area is published, unless the order specifies a later effective date. An order modifying or terminating the designation of an agricultural enterprise area takes effect upon publication under sub. (1m).

History: 2009 a. 28; 2011 a. 253; 2013 a. 352.

**91.86 Agricultural enterprise area; petition.** (1) **DEFINITION.** In this section, “eligible farm” means a farm that produced at least \$6,000 in gross farm revenues during the taxable year preceding the year in which a petition is filed requesting the department to designate an area in which the farm is located as an agricultural enterprise area or a total of at least \$18,000 in gross farm revenues during the 3 taxable years preceding the year in which a petition is filed.

(2) **PETITIONERS.** (a) The department may consider a petition requesting that it designate an area as an agricultural enterprise area if all of the following jointly file the petition:

1. Each political subdivision in which any part of the proposed agricultural enterprise area is located.

2. Owners of at least 5 eligible farms located in the area.

(b) Each petitioner under par. (a) who is an individual shall sign the petition. For a petitioner that is not an individual, an authorized officer or representative shall sign the petition.

(3) **CONTENTS OF PETITION.** (a) The department may not approve a petition requesting that it designate an area as an agricultural enterprise area unless the petition contains all of the following:

1. The correct legal name and principal address of each petitioner.

2. A summary of the petition that includes the purpose and rationale for the petition.

3. A map that clearly shows the boundaries of the proposed agricultural enterprise area so that a reader can easily determine whether a parcel of land is located within the proposed area.

4. Information showing that the proposed agricultural enterprise area meets the requirements under s. 91.84 (1) (e).

5. A clear description of current land uses in the proposed agricultural enterprise area, including current agricultural uses, agriculture-related uses, transportation, utility, energy, and communication uses, and undeveloped natural resource and open space uses.

6. A clear description of the agricultural land use and development goals for the proposed agricultural enterprise area, including proposed agricultural uses, agriculture-related uses, and relevant transportation, utility, energy, and communication uses.

7. A plan for achieving the goals under subd. 6., including any planned investments, grants, development incentives, cooperative agreements, land or easement purchases, land donations, and promotion and public outreach activities.

8. A description of any current or proposed land use controls in the proposed agricultural enterprise area, including farmland preservation agreements.

(b) Petitioners under sub. (2) may include in the petition the names and addresses of other persons who propose to cooperate in achieving the goals under par. (a) 6.

History: 2009 a. 28, 276.



**FACT SHEET**

**TO FILE NO. 15-16-/097**

**Resolution to approve the final plat of "Fairchild Cemetery North Addition"**

The Committee on Planning and Development met on December 8, 2015 to review the submitted cemetery plat, "Fairchild Cemetery North Addition" prior to approval and signature of the county board as required in Chapter 157.07, Wis. Stats.

Provisions within the following Wisconsin Statute clarify this requirement:

Wis Stats. 157.07 (4) The cemetery authority shall cause the plat or map to be recorded within 30 days of the date of its approval, together with the evidence of the town and county board's or common council's approval, which shall be a copy of the resolution adopted by the county board and by the town board, or by the common council, certified by the county clerk and the town clerk, respectively, or city clerk, and affixed to the map or plat. For failure to do so, the plat shall be void.

Staff recommended approval of this cemetery plat based on the plat meeting the following conditions:

- 1) That the surveyor sign, seal and date this cemetery plat.
- 2) That the President and Treasurer of the Fairchild Cemetery Association sign and notarize this cemetery plat.
- 3) That the Town of Fairchild approves and signs this cemetery plat.
- 4) That the plat be printed on durable white media or any other media acceptable to the Register of Deeds, 22 inches wide by 30 inches long.

After considering the staff recommendation, the committee voted 4-0 to approve the final plat of "Fairchild Cemetery North Addition", and forward said plat to the County Board for approval and signing. There are no fiscal impacts anticipated.

Respectfully submitted on behalf of the Committee on Planning and Development:

Dean Roth  
Assistant Surveyor



1 Enrolled No.

RESOLUTION

File No. 15-16/097

2  
3 - APPROVING THE FINAL PLAT OF THE FAIRCHILD CEMETERY NORTH ADDITION -

4  
5 WHEREAS, the Eau Claire County Board of Supervisors must approve all plats for new  
6 cemeteries or additions to existing cemeteries in the unincorporated lands of Eau Claire County;  
7 and

8  
9 WHEREAS, the Fairchild Cemetery Association has proposed an addition to the existing  
10 Fairchild Cemetery located in the SW ¼ of the SE ¼ of Section 35, Town 25 North, Range 5  
11 West, Village of Fairchild, Eau Claire County, Wisconsin as shown on the accompanying plat;  
12 and

13  
14 WHEREAS, the plat has been reviewed and found to be in conformance with statutory  
15 requirements.

16  
17 NOW THEREFORE BE IT RESOLVED that the Eau Claire County Board of  
18 Supervisors approves the final plat of the Fairchild Cemetery North Addition.

19  
20 \_\_\_\_\_  
21 *Gary Gil*  
22 \_\_\_\_\_  
23 *James Ahernomy*  
24 \_\_\_\_\_  
25 *[Signature]*  
26 \_\_\_\_\_  
27 *Steve Pagan*  
28 \_\_\_\_\_

29  
30 Committee on Planning & Development

31 DR/yk

32 Dated this 8<sup>th</sup> day of December, 2015.

33 ORDINANC/15-16/097

APPROVED BY  
CORPORATION COUNSEL  
AS TO FORM

Reviewed by Finance Dept.  
for Fiscal Impact

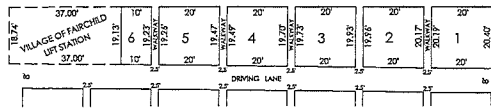
# FAIRCHILD CEMETERY NORTH ADDITION

BEING PART OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 35, T.25N., R.5W., VILLAGE OF FAIRCHILD, EAU CLAIRE COUNTY, WISCONSIN.

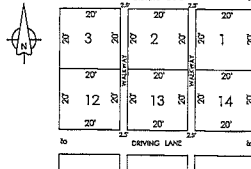


SCALE 1" = 20'

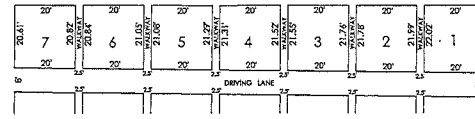
DETAIL OF BLOCK 47



DETAIL OF TYPICAL LOTS  
BLOCKS 43 - 45, AND BLOCKS 48 - 50  
SCALE 1" = 20'

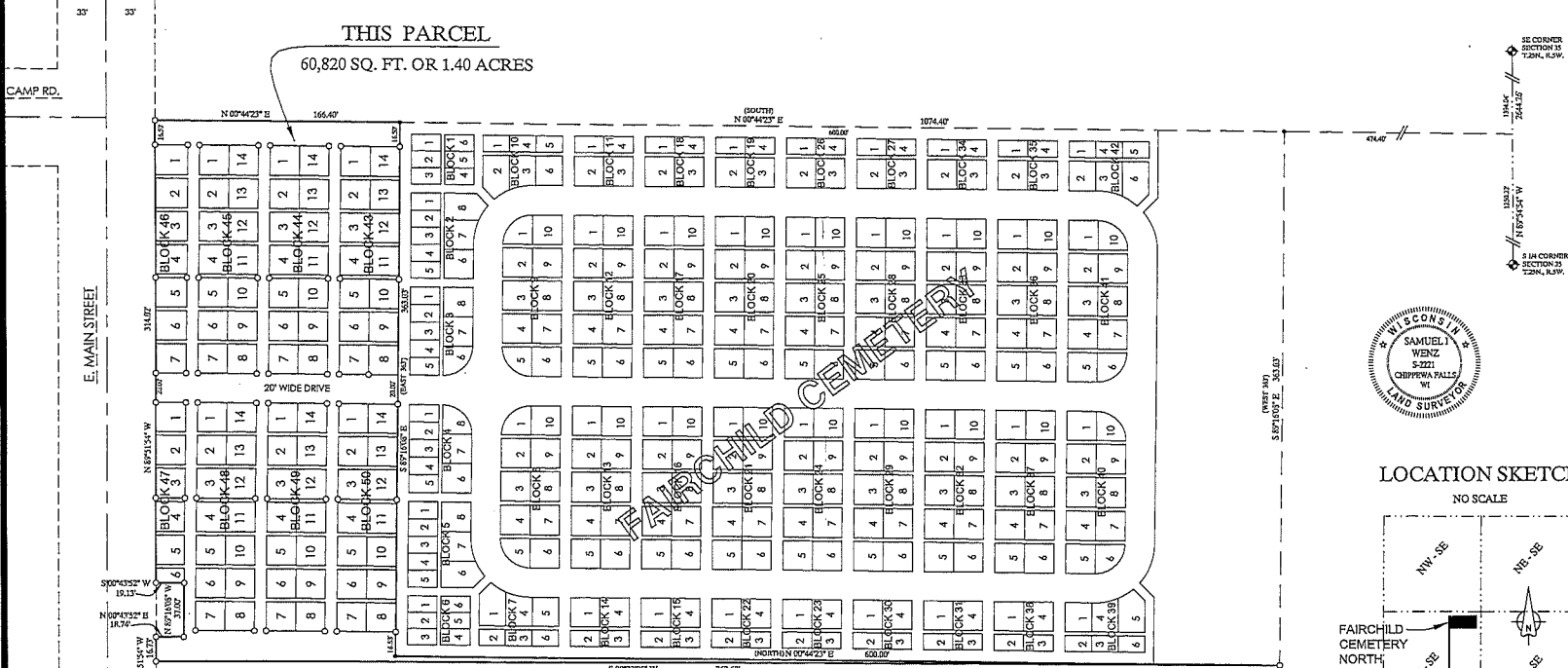


DETAIL OF BLOCK 46

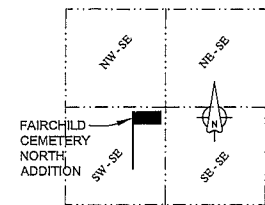


SCALE 1" = 20'

THIS PARCEL  
60,820 SQ. FT. OR 1.40 ACRES

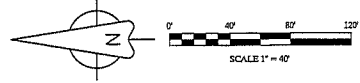


LOCATION SKETCH  
NO SCALE



SE 1/4, SEC. 35, T.25N., R.5W.

BEARINGS ARE REFERENCED TO THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 35, T.25N., R.5W., WHICH IS ASSUMED TO BEAR N89°54'54\"W.



LEGEND

- ◆ FOUND 3\" O.D. ALUMINUM MONUMENT
- FOUND 1\" SOLID ROUND IRON BAR
- 3/4\" DIA. 2\" HIGH IRON BAR WITH 1\" SLOTTED FL.
- (X) (X) (X) - PREVIOUSLY RECORDED AS

SHEET 1 OF 2 SHEETS

**FAIRCHILD CEMETERY NORTH ADDITION**

BEING PART OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 35, T.25N., R.5W., VILLAGE OF FAIRCHILD, EAU CLAIRE COUNTY, WISCONSIN.

OWNER'S CERTIFICATE:

Fairchild Cemetery Association, as owners, does hereby certify that they caused the land described on this plat to be surveyed, divided, and mapped as represented on the plat. They also certify that this plat is required by S.157 to be submitted to the following for approval or objection.

—The Town of Fairchild  
—Eau Claire County Board

In witness whereof the said Fairchild Cemetery Association has caused these presents to be signed by Larry Sobyak, President and counter signed by Rosalie Nelson, Treasurer of said association at \_\_\_\_\_, Wisconsin on this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Larry Sobyak, President      Rosalie Nelson, Treasurer

STATE OF WISCONSIN      SS  
COUNTY OF \_\_\_\_\_

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2015. The above named Larry Sobyak, President and Rosalie Nelson, Treasurer of the above named association, to me known to be the persons who executed the foregoing instrument and to me known to be such President and Treasurer of said association, and acknowledged that they executed the foregoing instrument as such officers as the deed of said association, by its authority.

\_\_\_\_\_  
Notary Public  
My commission expires \_\_\_\_\_

TOWN BOARD RESOLUTION:

Resolved that Fairchild Cemetery North Addition, located in the Village of Fairchild, Eau Claire County, Wisconsin, is hereby approved by the Town of Fairchild.

Approved: \_\_\_\_\_  
Date

Signed: \_\_\_\_\_  
Duane Merritt, Town Chairman

I hereby certify that the foregoing is a copy of a resolution adopted by the Town of Fairchild

\_\_\_\_\_  
Rozanne Traczek, Town Clerk

SURVEYOR'S CERTIFICATE:

I, Samuel I. Wenz, Professional Land Surveyor in the State of Wisconsin, do hereby certify:

That I have surveyed, divided, and mapped Fairchild Cemetery North Addition, being part of the Southwest 1/4 of the Southeast 1/4 of Section 35, Township 25 North, Range 5 West, Village of Fairchild, Eau Claire County, Wisconsin. The parcel is more particularly described as follows:

COMMENCING at the Southeast Corner of said Section 35; thence, N.89°54'54"W. along the South line of the Southeast 1/4, 1394.04 feet; thence, N.00°44'23"E., 1074.40 feet to the POINT OF BEGINNING; thence, continuing N.00°44'23"E., 166.40 feet; thence, N.89°51'54"W. along the Southerly right-of-way line of E. Main Street, 314.02 feet; thence, S.00°43'52"W., 19.13 feet; thence, N.89°16'08"W., 37.00 feet; thence, N.00°43'52"E., 18.74 feet; thence, N.89°51'54"W. along the Southerly right-of-way line of E. Main Street, 16.73 feet; thence, S.00°23'05"W. along the West Line of the Southwest 1/4 of the Southeast 1/4, 821.04 feet; thence, N.00°44'23"E. along the West Line of the Fairchild Cemetery, 600.00 feet; thence, S.89°16'08"E. along the North Line of the Fairchild Cemetery, 363.03 feet to the POINT OF BEGINNING.

Said parcel contains 60,820 square feet or 1.40 total acres, more or less. The bearings are referenced to the South line of the Southeast 1/4 of said Section 35, which is assumed to bear N.89°54'54"W.

That I have made this cemetery plat by the direction of the Fairchild Cemetery Association. That I have fully complied with the provisions of Chapter 157 of the Wisconsin Statutes and the subdivision regulations of Eau Claire County. I further certify to the best of my knowledge and belief that the accompanying map is a true and correct representation of the exterior boundaries of the land surveyed and the division thereof made.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Samuel I. Wenz, Professional Land Surveyor, S-2221



COUNTY BOARD CERTIFICATE:

Resolved that the plat of Fairchild Cemetery North Addition in the Village of Fairchild, is hereby approved by the County Board of Eau Claire County, Wisconsin.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_  
Chairman

I hereby certify that the foregoing is a copy of a resolution adopted by the County Board of Eau Claire County, Wisconsin.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_  
Clerk

**FACT SHEET**  
**File No. 15-16/086**

**RE:** Resolution supporting Wisconsin Senate Bill 340 and Assembly Bill 515, relating to recycling grants for local governments and making an appropriation to restore a portion of Department of Natural Resources recycling grants for fiscal year 2015-2016

The current 2015-2017 Biennial Budget Bill, known as 2015 Wisconsin Act 55, reduces Department of Natural Resources (DNR) grant funding to responsible units of local government for certain eligible recycling expenses by \$4,000,000 for fiscal year 2015-2016 as compared to previous years. This reduction equates to approximately \$110,000, or 22%, of the DNR grant funding for Eau Claire County in 2016.

Senate Bill 340 and its companion bill, Assembly Bill 515 (text of bills attached) increases the appropriation to the Department of Natural Resources for providing grants to responsible units of local government for certain eligible recycling expenses by \$2,300,000 for fiscal year 2015-16. This represents a restoration of 57.5% of the \$4,000,000 reduction, which would equate to an increased grant appropriation of approximately \$63,000 for Eau Claire County. It is important to note that, even with this proposed funding increase, the County Recycling Program would still anticipate a \$47,000 reduction in DNR grant funding in 2016.

Senate Bill 340 has been referred to the Committee on Natural Resources and Energy which will hold a public hearing on December 2, 2015 to consider the bill. Assembly Bill 515 has been referred to the Committee on Urban and Local Affairs which has not yet scheduled a public hearing.

According to the Wisconsin Government Accountability Board, Senate Bill 340 is supported by the Wisconsin Counties Association, Waste Management, the League of Wisconsin Municipalities, the National Waste and Recycling Association, and other municipalities and organizations. Assembly Bill 515 is supported by the, Wisconsin Towns Association, the Wisconsin League of Conservative Voters, and others.

The County supports the proposed restoration of funding to the recycling program in order to provide required and desirable recycling services that divert recyclable, reusable, and hazardous materials from the waste stream and help protect our natural resources and maintain a healthy and sustainable environment. The proposed partial restoration of funding would partially alleviate the hardship resulting to local governments by reducing needed funding. If approved, the additional funding would help the Recycling Program provide basic recycling services and will help the county maintain the high level of service that residents require and expect.

The Planning and Development Committee considered this resolution on December 8, 2015, and approved the resolution by a vote of 4 in favor and none opposed.

The Committee on Planning and Development requests the Eau Claire County Board of Supervisors to direct the county clerk to forward this resolution members of the State's Committee on Natural Resources and Energy, and to the Governor of the State of Wisconsin, State Senators and Representatives serving Eau Claire County and the Wisconsin Counties Association.

Respectfully submitted on behalf of the Committee on Planning and Development,



Matt Michels, AICP  
Senior Planner

Resolution Supporting Wisconsin Senate Bill 340 and Wisconsin Assembly Bill 515, Relating to Recycling Grants for Local Governments and Making an Appropriation

WHEREAS, the current 2015-2017 Biennial Budget Bill, 2015 Wisconsin Act 55, reduces Department of Natural Resources grant funding to responsible units of local government for certain eligible recycling expenses by \$4,000,000 for fiscal year 2015-2016 as compared to previous years, which equates to a reduction of approximately \$110,000 for Eau Claire County in 2016; and

WHEREAS, Senate Bill 340 and its companion bill, Assembly Bill 515, would increase the appropriation to the Department of Natural Resources for providing grants to responsible units of local government for certain eligible recycling expenses by \$2,300,000 for fiscal year 2015-16; and

WHEREAS, Eau Claire County supports the proposed restoration of funding to the recycling program in order to provide required and desirable recycling services that divert recyclable, reusable, and hazardous materials from the waste stream and help protect our natural resources and maintain a healthy and sustainable environment.

NOW, THEREFORE BE IT RESOLVED, by the Eau Claire County Board of Supervisors that it hereby requests that the State of Wisconsin support and approve Senate Bill 340 and Assembly Bill 515 in order to restore Department of Natural Resources grant funding to responsible units of local government to help maintain required and desirable recycling services.

BE IT FURTHER RESOLVED that the Eau Claire County Board of Supervisors directs the county clerk to forward this resolution members of the State's Committee on Natural Resources and Energy and Committee on Urban and Local Affairs, and to the Governor of the State of Wisconsin, State Senators and Representatives serving Eau Claire County and the Wisconsin Counties Association.

ADOPTED:

APPROVED BY  
CORPORATION COUNSEL  
AS TO FORM

*Gay Gut*  
*James Blumming*  
*John*  
*Sam Pagen*

Committee on Planning & Development

MM

Dated this 8<sup>th</sup> day of December, 2015

Reviewed by \_\_\_\_\_  
for Fiscal Impact



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-3246/1  
MCP:kjf

## 2015 SENATE BILL 340

October 15, 2015 – Introduced by Senators COWLES, PETROWSKI, OLSEN, CARPENTER, MILLER, BEWLEY, VINEHOUT, RINGHAND, RISSER and WIRCH, cosponsored by Representatives TITTL, KRUG, QUINN, SPIROS, MASON, MILROY, GOYKE, SARGENT, SINICKI, KOLSTE, SPREITZER, SUBECK, BILLINGS, HINTZ, POPE, C. TAYLOR and BERCEAU. Referred to Committee on Natural Resources and Energy.

1     **AN ACT relating to:** recycling grants for local governments and making an  
2             appropriation.

---

*Analysis by the Legislative Reference Bureau*

This bill increases the appropriation to the Department of Natural Resources for providing grants to responsible units of local government for certain eligible recycling expenses by \$2,300,000 for fiscal year 2015–16. The budget bill, 2015 Wisconsin Act 55, decreased this appropriation by \$4,000,000 for fiscal year 2015–16 as compared to previous fiscal years.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

---

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

3             **SECTION 1. Fiscal changes.**

4             (1) In the schedule under section 20.005 (3) of the statutes for the appropriation  
5             to the department of natural resources under section 20.370 (6) (bu) of the statutes,  
6             as affected by the acts of 2015, the dollar amount for fiscal year 2015–16 is increased

**SENATE BILL 340**

**SECTION 1**

1 by \$2,300,000 for providing grants to responsible units under section 287.23 of the  
2 statutes.

3 (END)





State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-3610/1  
MCP:kjf

## 2015 ASSEMBLY BILL 515

November 13, 2015 - Introduced by Representatives TITTL, BALLWEG, BERCEAU, BILLINGS, CONSIDINE, GENRICH, GOYKE, HINTZ, KNODL, KOLSTE, KRUG, MASON, MILROY, MURSAU, NOVAK, A. OTT, POPE, QUINN, RODRIGUEZ, ROHRKASTE, SARGENT, SINICKI, SPIROS, SPREITZER, STUCK, SUBECK and C. TAYLOR, cosponsored by Senators COWLES, BEWLEY, CARPENTER, GUDEx, C. LARSON, MILLER, OLSEN, PETROWSKI, RINGHAND, RISSER, VINEHOUT and WIRCH. Referred to Committee on Urban and Local Affairs.

1     **AN ACT relating to:** recycling grants for local governments and making an  
2     appropriation.

---

*Analysis by the Legislative Reference Bureau*

This bill increases the appropriation to the Department of Natural Resources for providing grants to responsible units of local government for certain eligible recycling expenses by \$2,300,000 for fiscal year 2015-16. The budget bill, 2015 Wisconsin Act 55, decreased this appropriation by \$4,000,000 for fiscal year 2015-16 as compared to previous fiscal years.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

---

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

3     **SECTION 1. Fiscal changes.**

4     (1) In the schedule under section 20.005 (3) of the statutes for the appropriation  
5     to the department of natural resources under section 20.370 (6) (bu) of the statutes,  
6     as affected by the acts of 2015, the dollar amount for fiscal year 2015-16 is increased

**ASSEMBLY BILL 515**

**SECTION 1**

1 by \$2,300,000 for providing grants to responsible units under section 287.23 of the  
2 statutes.

3 (END)

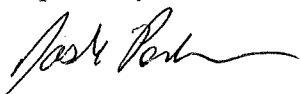
**FACT SHEET**

**TO FILE NO 15-16/091**

As stated in the resolution, County Board approval is required to comply with the requirements of the Forest Administration Grant. The Finance Department assists in the grant process by providing the details of the Parks & Forest Director's wages and fringe benefits to the state to determine the grant amount.

The Forest Administration grant will be approximately \$51,000 in positive fiscal impact.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Josh Pedersen", with a long horizontal flourish extending to the right.

Josh Pedersen  
Parks & Forest Director

1 Enrolled No.

RESOLUTION

File No. 15-16/091

2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50

-ADOPTING THE 2016 ANNUAL WORK PLAN FOR THE PARKS AND FOREST DEPARTMENT TO COMPLY WITH THE COUNTY FOREST ADMINISTRATION GRANT PROGRAM-

WHEREAS, each year the county is eligible to receive 50% of the actual salary and up to 50% of the fringe benefit costs of a county-employed professional forester in the position of county forest administrator or assistant county forest administrator, except that the fringe benefits may not exceed 40% of the position's annual salary; and

WHEREAS, the parks and forest director, in his position, qualifies for this funding; and

WHEREAS, per Wisconsin Statutes 28.11 (5) (b) and Chapter NR 47.75 of the Wisconsin Administrative Rules for the county forest administration grant program, the county board must approve an annual county forest work plan which must also be approved by the department of natural resources to comply; and

WHEREAS, the 2016 Annual Work Plan implements projects included in the adopted 2016 budget and other projects involving only staff time with no other budget expenditures; and

WHEREAS, a copy of the approved 2016 Annual Work Plan and a copy of this adopted resolution must be received by the department of natural resources prior to January 31, 2016.

NOW, THEREFORE, BE IT RESOLVED that the Eau Claire County Board of Supervisors hereby adopts the attached 2016 Annual Work Plan for the parks and forest department.

ADOPTED:

*Robert G. Valle*  
*Gay Gul*  
*Thomas Willett*  
*Paul A. Loken*

APPROVED BY  
CORPORATION COUNSEL  
AS TO FORM

Committee on Parks and Forest

Dated this 8 day of December, 2015.

Reviewed by Finance Dept.  
for Fiscal Impact

ORDINANC/15-16/091

# 2016 EAU CLAIRE COUNTY PARKS AND FOREST DEPARTMENT WORK PLAN

## I. ADMINISTRATIVE OBJECTIVES

(Accomplished primarily by director, supervisor, and administrative specialist)

### A. ITEMS:

- Bid out dam repair work for Lake Eau Claire Dam
- Continue implementation of reforestation plan for the county forest
- Continue department Facebook page for interacting with the public
- Prepare county board resolution approving annual; amendments to 15 year plan, if necessary
- Establish date, advertise, and coordinate free ski day at Tower Ridge Recreation Area with Ski Striders
- Coordinate June 4 "Open House" free access, National Trails Day in parks (first Saturday in June annually)
- Maintenance agreement with Ski Striders for Tower Ridge Recreation Area chalet
- Contact Boy Scouts or other group to consider involvement with camping development/Adopt-A-Park agreement for L.L. Phillips Park
- Utilize UWEC and CVTC student interns/Service Learning students on various projects (including park surveys, tallying, etc.)
- Coordinate volunteer efforts including Adopt-A-Park projects: Coon Fork and Harstad with Augusta Area Schools students; Lowes Creek Park with area scouting groups and Lowes Creek trails with CORBA; Big Falls Park with UW-EC student organizations; Lake Altoona Park with Ski Sprites; Tower Ridge with Ski Striders, Chippewa Valley Disc Golf Organization and Chippewa Valley Trailriders; secure adopt-a-park group for Lake Eau Claire Park; Guettinger Woods & Wildlife Area with The Adventurers 4-H Club; and the Augusta ATV Club for ATV trails, including litter pick up and minor maintenance.
- Promote use of Guettinger Woods hiking/snowshoe trails through The Adventurers 4-H Club
- Attend WPRA and WCFA meetings as necessary
- By January 31 forward 2016 work plan and director's wages and fringe benefit costs to DNR to be eligible for forest administration grant
- By April 15 make annual application to DNR for ATV and snowmobile trails maintenance and development
- By May 1 apply to DNR for cost sharing any qualifying park development projects (Stewardship funds)
- By October 1 apply to DNR for County Conservation Aids
- Review county code for annual updating
- Monitor and report to committee on sixth year for free skiing at Tower Ridge on Monday nights in January and February 2016 for continuation
- Spot check CVDGO disc golf tournaments at Tower Ridge to assure all vendors are paying fees to county
- Assess/initiate opportunities for energy conservation and reducing costs relating to electricity use, vehicle use, heating, cooling, and other energy uses at all locations and operations
- Review old files and put them in compliance with County Code regarding record retention
- Continue cooperating with West Wisconsin Land Trust on determining feasibility of lease of Fitz Property
- Develop and facilitate Coon Gut/Pinter Pines management plan

### B. ONGOING ADMINISTRATIVE TASKS (for Director and Administrative Specialist positions):

Administration of recreation area entrance fees including sales, receipting revenues, compliance checks, issuance and handling of violation notices, notice to Sheriff's Dept. for suspension of vehicle registration for unpaid fines; purchase equipment/supplies per budget (writing specifications, pricing, bidding); drafting and sending of news releases; spring and fall timber sales and fall firewood brochures and advertisements; contracted service bids/quotes for garbage pickup, campground firewood, septic pumping, ice vending; timber stand improvement work; recruit for seasonal positions; encourage park attendants to get hepatitis B shots from Health Department; timber sales record keeping, extensions, marketing, supervision; schedule and conduct quarterly staff meetings; coordination of staff training opportunities; apply for and process reimbursement claims for state/federal funding including park development, snowmobile trails maintenance (#S-4418/\$45,125), ATV trails maintenance (#ATV-3265-summer/\$14,227; #ATV-3307-winter/\$2,380; UTV-16008/\$1,970; ATV Channey Trail Rehab(#ATV-3361 -\$52,951); and County Conservation Aids (#CCW-8234/\$2,247); Tower Ridge Maintenance Recreation Trails (RTA-668-14/\$23,013); new snowmobile bridges (#S-4472/\$37,500, #S-4478-\$33,600 and #MS-1604/\$48,480); Snowmobile maintenance (#S4418/\$45,125); municipal dam grant

for Lake Altoona (#MD-00012-15 - \$417,095); conduct summer park user surveys at Coon Fork, Lake Altoona, and Lake Eau Claire parks; develop 2017 budget and work plan; recruit for Advisory Committee members (April); tally camping statistics and park user surveys (November); land acquisition contacts and negotiations as directed by Committee on Parks & Forest; consider alternative ATV route in Fairchild to try to get out from payment to Union Pacific Railroad for ATV trail lease (November); coordinate random drug testing for employees; update ski and snowmobile trail conditions on phone message, Facebook and Travel Wisconsin website regularly; train staff regarding locations of survey markers near county forest roads to ensure monuments are not disturbed when doing road maintenance or other projects on the forest.

C. CONTRACTUAL ITEMS TO BE PURCHASED/BID/NEGOTIATED/AGREED WITH OTHER PARTIES:

- Firewood from processor for resale at campgrounds\
- Construction of new shed at Lake Eau Claire maintenance headquarters
- Blacktop sweeping/bridge inspections/snow plowing by Highway Department (as needed)
- Refuse and recyclable collection at parks
- Rental of portable toilet at Lake Altoona Park (April 1 - May 15 and October 15 - November 15)
- Ice vending machine at Coon Fork
- Pumping of vault/pit toilets and septic tanks
- Fire extinguisher checks
- Asphalt sealing for various parking lots
- Nature Programs at Coon Fork Park by Beaver Creek Reserve staff and volunteers
- Plant seedlings in prepared sites
- Timber stand improvement tracts
- Gravel overlays for forest roads
- Parks and Forest equipment and vehicles

II. FIELD STAFF WORK PLAN

(Skilled laborers, forester, park rangers, seasonal laborers, and park attendants)

A. ONGOING TASKS:

Remove hazard trees in all parks and intensive recreation areas and grind or pull stumps as needed; vehicle/equipment/building maintenance and repair; timber sales establishment, compliance checks, monitoring, scaling of forest products, forest reconnaissance updating; brush and maintain signs; forest regeneration planning/implementation; park supervision & maintenance; groom ski trails; maintenance of all recreation trails; culvert installations; grading and snowplowing 18 miles of forest roads, winter recreation parking areas including Guettinger Woods and Wildlife Area, Coon Fork, Tower Ridge, Evergreen, and Lowes Creek.

B. Parks General:

- Refurbish picnic tables and upright grills
- Install replacement shop door
- Maintain deposit boxes as needed
- Survey for Karner Blue Butterflies in planned park development
- Treat park and other intensive use areas for poison ivy including canoe landings
- Grass seed bare spots
- Grind stumps as needed
- Seasonally open/close building water lines
- Repair and maintain ATV and snowmobile trail signs including ATV junctions
- Replace sign posts as needed
- Fertilize turf areas
- Seasonally install/remove swim buoys and boat docks
- Replace seals and gaskets on hand pumps as needed
- Cut and haul logs for sign material as needed
- Utilize Huber Program and Community Service Program as much as possible on maintenance projects
- Repaint park entrance and other signs as needed; re-establish/sign park boundaries
- Add wood chips as needed to playground areas
- Maintenance at all boat landings, including sweeping sand and gravel from ramps, putting rubber bumper guards around docks, and filling in pot holes with gravel or blacktop and parking lot striping.

- C. Big Falls Park
- Pruning along north and south entrance trails as needed
- D. Coon Fork Park/Dam:
- Add base course and level campsite pads as needed
  - Printing of reservation forms, handouts, revenue records, rental agreements, etc.
  - Special attention to maintaining Judge Peplau memorial plantings
  - Raise fire rings in campsites to avoid "flooding of fire rings" as needed
  - Prune branches along campground roads
  - Develop canoe access below dam and develop take out and access off NE spur of Shepherd's Crook, check to see if outside State Natural Area
  - Plant trees in D Loop
  - Provide direct access to rental watercraft by opening up shoreline
  - Repaint Loop B Shower Building
  - Add rock rip-rap and concrete work to rehabilitate the walk bridge area
- E. Harstad Park:
- Recruit for campground host
  - Replace traffic signs as needed
  - Repair main access road
  - Level and repair campsite pads with base course as necessary
  - Develop Group camp
- F. Lake Altoona Park/Dam:
- Replace 2 picnic grills
  - Repair beach parking lot potholes as needed
  - Concrete ADA picnic areas, sidewalks as needed
  - Replace timbers around playground areas as needed
  - Lime beach to reduce bacteria levels as needed
  - Replenish beach sand as needed
  - Test the Emergency Action Plan for Lake Altoona Dam
  - Plan for beach parking lot replacement
  - Repaint change house
- G. Lake Eau Claire Park/Dam:
- Replace turf, trees, topsoil, under oak wilt areas
  - Repair boat landings with Highway excavator/or rent other for department use
  - Swing sets improvements and replacement items as needed
  - Repaint interior/exterior of two toilets
  - Repaint clubhouse
  - Install new dock at North Boat Landing
  - Develop horse hitching post near park entrance
  - Brush canoe portage
  - Test the Emergency Action Plan for Lake Eau Claire Dam
  - Removal of oak wilt trees and landscaping stump holes as needed.
  - Sidewalk repairs
  - Install WIMAX connection at dam
- H. L.L. Phillips Park:
- Replace boards for repair of picnic shelter, bridges and evaluate overall stability and condition of shelter for replacement
- I. Lowes Creek Park:
- Mow trails for WORS "Firecracker" bike race within two weeks prior to race
  - Repair/replace signs, posts, picnic tables, and shelter boards as needed
  - Treat invasive species with a herbicide

J. County Forest Area:

- GIS recon updates, primarily done by SFG project forester
- Purchase and install culverts as needed
- Pick up dump sites on county forest as discovered/reported
- Survey for Karner Blue Butterflies prior to any development in county forest areas
- Maintain the forest access plan, reberm and repair gates as needed, install control measures immediately after completion of timber sales on new timber access trails
- Spray poison ivy areas as needed
- Brush around information signs on the forest
- Relocation of canoe landing further downstream on Eau Claire River at Eisberner Memorial; add chips for access downbank
- Install signs at Coon Fork and Southfork Barrens (if signage is approved by DNR)
- Maintain rock ford crossing on ATV and forest access trails
- 20 hours assistance from DNR dozer
- Oak scarification of sites where appropriate
- Assistance from DNR Wildlife management on various projects as time allows
- Annual updates to the 15-year plan to provide needed revisions to stay current with the management of the forest. If the county determines WisFIRS reports will be useful. DNR will provide them
- Review for sale approximately 1,250 acres of timber (annual allowable cut) in the following timber types:

2016 Schedule of Harvest Treatments		
Forest Cover Type Offered For Sale	Total Acreage on The County Forest	Establishment Acres
Aspen	9029	233
Red Maple	1,862	62
Oak	16,828	544
Red Pine	3,948	82
Jack Pine	4,968	215
White Pine	4,286	114
Non-Forested/Not scheduled for management	11,813	
<b>Total Eau Claire County Forest Land</b>	<b>52,734</b>	<b>1,250</b>

- Develop a kiosk at horseback trailhead on CTH "G"
- Brush and mow Pea Creek Flowage dike
- Finalize long range plan for Coon Gut/Pinter Pines buildings

K. Guettinger Woods and Wildlife Area:

- Coordinate with educational institutions for inventorying of various biological species and soil types
- Work with Adventurers 4-H Club on adoption of area

L. Shop Area:

- Refurbish county forest and park signs
- Construct educational signs on forest management practices

M. County Forest Roads (18 miles):

- Monitor improvement needs and document grading and repairs to the county forest roads per certification requirements
- Grade and sand/salt to qualify for state aid
- Construct small parking areas along county forest roads
- Gravel roads and replace culverts
- Replace signs as needed



---

N. Wildlife Projects:

- Mow all/part of 36 acres of wildlife trails and openings with 4x4 tractor/disc & drag
- Seed and gate/berm closed logging access trails and fertilize seeded areas
- Karner Blue Butterfly inventory and monitoring
- Beaver control in problem areas
- Install deer fencing/exclosures

O. Tower Ridge Recreation Area:

- Install "glass prohibited" signs at Trailheads
- Install water line for horses in main parking lot
- Create new horse hitching area south of main parking lot
- Install erosion control measures on hills
- Sign for no disc golf tournaments allowed without prior county approval, include county contact information
- Maintain maintenance agreement with Ski Striders Cross-Country Ski Club
- Plant seedlings along recreation rails with donated funds and volunteers
- Begin to remove the trail edge stumps east of the lighted trail

P. Public Outlots:

- Acquired through Federal Floodplain buyout – designate county boundaries, especially on Porterville Road and sign county land to prohibit vehicles and dumping
- Work with Rock Falls Sportsman's Club for club to do maintenance of Porterville Road Chippewa River Access

## FACT SHEET

### TO FILE NO. 15-16/092

As a result of a dam safety inspection from August 2012, concrete repair work is required to address the deficiencies and improve the safety and structural integrity of the Lake Eau Claire Dam. The required repairs have a due date of December 1, 2016.

The county is eligible to apply for Municipal Dam Grant Program grant funding, which could reimburse the county 50% of the proposed costs for this project. The anticipated budget for the required repairs on the Lake Eau Claire Dam is \$110,000. The county matching funds have been budgeted for in the 2016 Parks and Forest Department capital requests. The total grant amount being requested from the Municipal Dam Grant Program funding is \$55,000.

Respectfully submitted,



Josh Pedersen  
Parks and Forest Director

4 -- AUTHORIZING THE PARKS AND FOREST DEPARTMENT TO PARTICIPATE IN  
5 THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES MUNICIPAL DAM  
6 GRANT PROGRAM FOR THE LAKE EAU CLAIRE DAM --

7 WHEREAS, Eau Claire County owns the Lake Eau Claire Dam and requests financial  
8 assistance under Wis. Stats. §§ 31.385 and 227.11, and Wis. Adm. Code § NR 335, for the  
9 purpose of Lake Eau Claire Dam repair; and

10 WHEREAS, the state share for such a project may not exceed 50% of the first  
11 \$400,000.00 of total eligible project costs, nor 25% of the next \$800,000.00 of total eligible  
12 project costs; and

13 WHEREAS, the cost estimate for the Lake Eau Claire Dam project is \$110,000 with 50%  
14 of the amount coming from the Municipal Dam Grant (\$55,000); and

15 WHEREAS, the funding for this project is in the 2016 budget for the parks and forest  
16 department capital projects account.



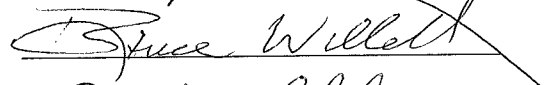
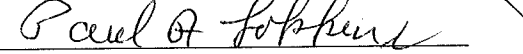
17 NOW, THEREFORE, BE IT RESOLVED, that Eau Claire County hereby authorizes the  
18 parks & forest director to

- 19 • submit an application to the DNR for financial aid under Wis. Adm. Code § NR 335;
- 20 • sign grant agreement documents;
- 21 • take all necessary action to complete the project associated with any grant agreement; and
- 22 • submit reimbursement claims along with necessary supporting documentation.

23 BE IT FURTHER RESOLVED that Eau Claire County agrees to pay a share of the  
24 eligible costs which is equal to the total project cost minus the state share.

25 ADOPTED:

26 APPROVED BY  
27 CORPORATION COUNSEL  
28 AS TO FORM

29   
 30   
 31   
 32 

33 Committee on Parks & Forest

34 Dated this 3 day of December 2015.

35 Reviewed by Finance Dept.  
36 for Fiscal Impact