

## AGENDA

Eau Claire County Board of Supervisors  
**Tuesday, March 1, 2016 / 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 Tami Schraufnagel**
3. Call of the Roll
4. Correction of the Journal of Proceedings (February 17, 2016) **(pg. 3-6)**
5. Unfinished Business
6. **PUBLIC COMMENT PERIOD**
7. **REPORTS TO THE COUNTY BOARD UNDER RULE 32**

**Oral Report:** County Theft Timeline / by: Gregg Moore, County Board Chair

#### **Introduction of Newly Appointed Department Heads:**

- Department of Human Services Director – Diane Cable
- Highway Commissioner – Jon Johnson

8. **PRESENTATION OF PETITIONS, CLAIMS AND COMMUNICATIONS**  
**Memo:** Liaison Reports to the County Board **(pg. 7-8)**
9. **PRESENTATION OF RESOLUTIONS OR ORDINANCES BY COMMITTEES OR MEMBERS UNDER SUSPENSION OF THE RULES**

#### **File No.**

15-16/120 (1) Amending the 1982 Official Zoning District Boundary Map for the Town of Clear Creek (Jeanie A. Brovold) **(pg. 9-24)**

15-16/126 (1) Amending the 1982 Official Zoning District Boundary Map for the Town of Washington (Michael E. & Mary A. Bolle) **(pg. 25-39)**

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

**File No.**

15-16/129 (1) Amending the 1982 Official Zoning District Boundary Map for the Town of Pleasant Valley (James & Carol Dapp Trust) (pg. 40-55)

15-16/130 (1) Amending the 1982 Official Zoning District Boundary Map for the Town of Pleasant Valley (Douglas D. & Kari S. Graff) (pg. 56-71)

15-16/131 (1) Amending the 1982 Official Zoning District Boundary Map for the Town of Pleasant Valley (Estate of Esther E. Gonitzke) (pg. 72-85)

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

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

**Committee on Administration**

**File No.**

15-16/082 (2) To Amend Section 2.04.010; Rule 1 – Meetings; To Amend Section 2.04.030 C., D. and E. of the Code; Rule 3 – Opening of Meeting; . . . (from February 17, 2016 County Board meeting) (pg. 86-92)

**Committee on Human Resources**

**File No.**

15-16/139 (1) To Repeal and Recreate Section 3.20.005 B. Through F. of the Code: Salaries of Elected Officials (from February 17, 2016 County Board meeting) (pg. 93-94)

**Committee on Planning and Development**

**File No.**

15-16/128 (1) Authorizing the Submittal of a Wisconsin Department of Transportation (WisDOT) 2016-2020 Transportation Alternatives Program (TAP Grant Application) (pg. 95-96)

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 839-4710, (FAX) 839-1669 or 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**

**February 17, 2016**

The County Board of Supervisors of the County of Eau Claire convened at the Courthouse in the City of Eau Claire on Wednesday, February 17, 2016, and was called to order by Chair Gregg Moore at 7:00 p.m.

The Board honored the flag with the pledge of allegiance.

Moment of reflection was presented by Supervisor Gary Gibson.

Roll Call: 22 present: Supervisors Gary G. Gibson, Douglas Kranig, Corey S. Bauch, Steve Chilson, Gordon C. Steinhauer, Mike Conlin, Ray L. Henning, Colleen A. Bates, Jean D. Schlieve, Nick Smiar, Joel Mikelson, Gregg Moore, 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  
7 absent: Supervisors Paul Reck, Stella Pagonis, Katy Forsythe, Kevin Stelljes, Kathleen Clark, James A. Dunning, Gerald L. Wilkie

\*Supervisors Pagonis and Dunning arrived later in the meeting.

**JOURNAL OF PROCEEDINGS (January 19, 2016)**

On a motion by Supervisor Conlin, seconded by Supervisor Henning, the Journal of Proceedings was approved.

**PUBLIC COMMENT**

County Treasurer, Glenda Lyons spoke opposing resolution 15-16/125.

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

The following written reports were presented to the Board:

- Alternate Care Report ending December 31, 2015
- 2016 Contingency Fund Report
- 4<sup>th</sup> Quarter of 2015 Overtime and Compensatory Time Reports

Mike Huggins and Vicki Hoehn informed the board of an Innovation Award given to Clear Vision.

\*Supervisor Pagonis arrived at this time.

Brock Geyen of CliftonLarsonAllen presented an oral report on Principal Specializing in Public Sector/Pre-audit Work.

County Administrator, Kathryn Schauf presented an oral report on legislative activity.

**PRESENTATION OF RESOLUTIONS OR ORDINANCES BY COMMITTEES OR  
MEMBERS UNDER SUSPENSION OF THE RULES**

There were no objections to suspending the rules to consider the items under suspension.

**Resolution 15-16/134** AUTHORIZING PAYMENT OF VOUCHERS OVER \$10,000 ISSUED DURING THE MONTH OF JANUARY 2016

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

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

**Ordinance 15-16/104** AMENDING THE 1982 OFFICIAL ZONING DISTRICT BOUNDARY MAP FOR THE TOWN OF BRUNSWICK

On a roll call vote the ordinance was enacted as follows:

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

**Ordinance 15-16/109** AMENDING THE 1982 OFFICIAL ZONING DISTRICT BOUNDARY MAP FOR THE TOWN OF UNION

On a roll call vote the ordinance was enacted as follows:

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

**Ordinance 15-16/114** AMENDING THE 1982 OFFICIAL ZONING DISTRICT BOUNDARY MAP FOR THE TOWN OF CLEAR CREEK

On a roll call vote the ordinance was enacted as follows:

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

**Ordinance 15-16/119** AMENDING THE 1982 OFFICIAL ZONING DISTRICT BOUNDARY MAP FOR THE TOWN OF WASHINGTON

On a roll call vote the ordinance was enacted as follows:

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

### **FIRST READING OF ORDINANCES AND RESOLUTIONS**

**Ordinance 15-16/082** TO AMEND SECTION 2.04.010 C. OF THE CODE: RULE 1 – MEETINGS; TO AMEND SECTION 2.04.030 C., D. AND E. OF THE CODE: RULE 3 – OPENING OF MEETING; TO AMEND SECTION 2.04.040 B. 2. OF THE CODE: RULE 4 – VOTING; TO AMEND SECTION 2.04.040 E. 3. AND 4. OF THE CODE: RULE 4-VOTING; TO AMEND SECTION 2.04.050 B. AND C. OF THE CODE: RULE 5 – SPEAKING AT MEETINGS; TO AMEND SECTION 2.04.080 A. OF THE CODE: RULE 8 – RULES OF CHAMBERS; TO AMEND SECTION 2.04.110 D. OF THE CODE: RULE 11 – CALENDAR OF REGULAR MEETINGS; TO AMEND SECTION 2.04.150 A. OF THE CODE: RULE 15 – SELECT AND SPECIAL COMMITTEES; TO AMEND SECTION 2.04.280 C. OF THE CODE: RULE 28 – RESOLUTIONS, ORDINANCES AND AMENDMENTS; TO AMEND SECTION 2.04.310 B. OF THE CODE: RULE 31 – COMMITTEE MEETINGS; TO AMEND SECTION 2.04.330 OF THE CODE: RULE 33 – REPORTS OF CONVENTION DELEGATES; TO AMEND SECTION 2.04.340 B. OF THE CODE: RULE 34 – CONSIDERATION AND CONFIRMATION OF APPOINTMENTS; TO REPEAL SECTION 2.04.350 OF THE CODE: RULE 35 – REQUEST FOR IMPEACHMENT OR REMOVAL FROM OFFICE; TO AMEND SECTION 2.04.435 B. OF THE CODE: COMMITTEE ON ADMINISTRATION; TO AMEND SECTION 2.05.001 E. OF THE CODE: LEGISLATIVE POLICY AND INTENT

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

**Ordinance 15-16/139** TO REPEAL AND RECREATE SECTION 3.20.005 B. THROUGH F. OF THE CODE: SALARIES OF ELECTED OFFICIALS

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

### **REPORTS OF STANDING COMMITTEES AND SECOND READING**

#### **Committee on Administration**

**Ordinance 15-16/110** TO AMEND SECTION 2.04.435 A. OF THE CODE: COMMITTEE ON ADMINISTRATION; TO AMEND SECTION 2.04.435 A. 14. OF THE CODE: COMMITTEE ON

ADMINISTRATION; TO AMEND SECTION 2.50 OF THE CODE: VETERANS OFFICE; TO AMEND SECTION 2.50.300 C. 3. OF THE CODE: COUNTY VETERANS SERVICE COMMISSION; TO AMEND SECTION 2.50.500 OF THE CODE: VETERANS TRANSPORTATION; TO AMEND SECTION 2.50.550 OF THE CODE: SERVICES LIMITED TO COUNTY RESIDENCE; TO AMEND SECTION 2.90.250 B. OF THE CODE: VETERANS SERVICE OFFICE

Motion by Supervisor Kranig, seconded by Supervisor Henning for enactment.

On a roll call vote, the ordinance was enacted as follows:

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

**Resolution 15-16/125** REQUESTING THE WISCONSIN LEGISLATURE TO START THE PROCESS OF CHANGING THE ELECTED COUNTY TREASURER POSITION TO AN APPOINTED POSITION

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

\*Supervisor Dunning arrived at this time.

On a motion by Supervisor Conlin, seconded by Supervisor Smiar to postpone action on said resolution to the March 15<sup>th</sup> County Board meeting.

On a roll call vote, the action to postpone said resolution was approved as follows:

17 ayes: Supervisors Pagonis, Bauch, Steinhauer, Conlin, Bates, Schlieve, Smiar, Mikelson, Moore, Dunning, Beckfield, Miller, Manydeeds, Schraufnagel, Lokken, Regenauer, LaVelle  
7 noes: Supervisors Gibson, Kranig, Chilson, Henning, Willett, Leary, Olson  
5 absent: Supervisors Reck, Forsythe, Stelljes, Clark, Dunning, Wilkie

#### Committee on Human Resources

**Resolution 15-16/133** TO RATIFY A LABOR AGREEMENT BETWEEN EAU CLAIRE COUNTY AND THE WISCONSIN PROFESSIONAL POLICE ASSOCIATION LAW ENFORCEMENT EMPLOYEE RELATIONS DIVISION FOR THE NON-SUPERVISORY UNIT EFFECTIVE JANUARY 1, 2016 THROUGH DECEMBER 31, 2017: AUTHORIZING THE CHAIR OF THE COUNTY BOARD, CHAIR OF THE COMMITTEE ON HUMAN RESOURCES AND COUNTY ADMINISTRATOR TO EXECUTE SAID CONTRACT ON BEHALF OF EAU CLAIRE COUNTY

Motion by Supervisor Miller, seconded by Supervisor Olson for adoption.

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

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

**Resolution 15-16/141** CONFIRMING THE APPOINTMENT OF JAMIE GOWER AS THE EAU CLAIRE COUNTY HUMAN RESOURCES DIRECTOR EFFECTIVE MARCH 8, 2016

Motion by Supervisor Leary, seconded by Supervisor Conlin for adoption.

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

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

#### Committee on Planning and Development

**Ordinance 15-16/096** TO AMEND SECTION 15.01.060 A. 11. OF THE CODE: PERMIT FEES

Motion by Supervisor LaVelle, seconded by Supervisor Lokken for enactment.

On a roll call vote, the ordinance was enacted as follows:

24 ayes: Supervisors Gibson, Kranig, Pagonis, Bauch, Chilson, Steinhauer, Conlin, Henning, Bates, Schlieve, Smiar, Mikelson, Moore, Dunning, Willett, Beckfield, Miller, Leary, Manydeeds, Olson, Schraufnagel, Lokken, Regenauer, LaVelle

5 absent: Supervisors Reck, Forsythe, Stelljes, Clark, Wilkie

**Committee on Finance and Budget**

**Ordinance 15-16/112 TO AMEND SECTION 4.09.010 A. OF THE CODE: NONLAPSING ACCOUNTS**

Motion by Supervisor Leary, seconded by Supervisor Henning for enactment.

On a roll call vote, the ordinance was enacted as follows:

24 ayes: Supervisors Gibson, Kranig, Pagonis, Bauch, Chilson, Steinhauer, Conlin, Henning, Bates, Schlieve, Smiar, Mikelson, Moore, Dunning, Willett, Beckfield, Miller, Leary, Manydeeds, Olson, Schraufnagel, Lokken, Regenauer, LaVelle

5 absent: Supervisors Reck, Forsythe, Stelljes, Clark, Wilkie

**Resolution 15-16/121 AWARDED BID FOR SALE OF TAX DEED PROPERTY TO ORVIN & PAMELA BYSTOL FOR THE SUM OF \$5,000.00; DIRECTING CORPORATION COUNSEL TO PREPARE QUIT CLAIM DEED ON THE DESCRIBED PROPERTY; DIRECTING THE COUNTY CLERK TO EXECUTE SAID QUIT CLAIM DEED ON BEHALF OF EAU CLAIRE COUNTY**

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

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

24 ayes: Supervisors Gibson, Kranig, Pagonis, Bauch, Chilson, Steinhauer, Conlin, Henning, Bates, Schlieve, Smiar, Mikelson, Moore, Dunning, Willett, Beckfield, Miller, Leary, Manydeeds, Olson, Schraufnagel, Lokken, Regenauer, LaVelle

5 absent: Supervisors Reck, Forsythe, Stelljes, Clark, Wilkie

**Resolution 15-16/122 DISALLOWING THE CLAIM OF STEVEN J. DURHAM FILED ON DECEMBER 29, 2015 AGAINST EAU CLAIRE COUNTY; DIRECTING THE COUNTY CLERK TO NOTIFY THE CLAIMANT OF SAID DISALLOWANCE**

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


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

24 ayes: Supervisors Gibson, Kranig, Pagonis, Bauch, Chilson, Steinhauer, Conlin, Henning, Bates, Schlieve, Smiar, Mikelson, Moore, Dunning, Willett, Beckfield, Miller, Leary, Manydeeds, Olson, Schraufnagel, Lokken, Regenauer, LaVelle

5 absent: Supervisors Reck, Forsythe, Stelljes, Clark, Wilkie

The Board adjourned at 8:14 p.m.

Respectfully submitted,



Janet K. Loomis  
County Clerk



Eau Claire County  
Office of County Administrator  
Eau Claire County Courthouse  
721 Oxford Ave.  
Eau Claire, WI 54703-5481



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**MEMORANDUM**

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**TO:** Eau Claire County Board of Supervisors  
**FROM:** Sharon Rasmusson, County Administrator's office  
**SUBJ:** Reports to the County Board  
**DATE:** February 25, 2016

Liaison reports representing calendar year 2015 activity will be included in the March 15, 2016 county board packet. Legislation adopted in April 2012 revised the way in which these reports are submitted. Please see the following language direct from the county code:

*2.04.320 Rule 32--Reports to the county board.*

*D. Members appointed to represent the board on the governing bodies of independent agencies shall submit to the county administrator written reports of such agency activities or issues as may be of interest to the board by the calendar deadline in 2.04.110 A. annually at the second meeting in March. Copies of such reports shall be sent with the calendar to each board member. Discussion of and directives by the board for action by the appropriate committee on any matters so reported shall be in order.*

A listing of the reports and supervisor(s) responsible in providing the report follows this memo.

The deadline for submitting reports to the County Administrator's office will be Wednesday, March 9, 2016. Please contact me if you have any questions. Phone: 715-839-6143 or email me at [Sharon.Rasmusson@co.eau-claire.wi.us](mailto:Sharon.Rasmusson@co.eau-claire.wi.us) .

Thank you.

**SEMI-ANNUAL LIAISON REPORTS**

The following agencies under Rule 32 are required to prepare a semi-annual liaison report for the County Board on the activity of their respective agency:

**CHIPPEWA VALLEY BUSINESS INNOVATION CENTER**

Ray Henning

**CHIPPEWA VALLEY REGIONAL AIRPORT COMMISSION**

John Manydeeds

**CITY-COUNTY BOARD OF HEALTH**

Gerald Wilkie

**COUNTY HOUSING AUTHORITY**

Mark Beckfield

Robin Leary

**EAU CLAIRE AREA ECONOMIC DEVELOPMENT CORPORATION**

Gregg Moore

**EAU CLAIRE COUNTY INDUSTRIAL DEVELOPMENT AGENCY**

Michael Conlin

Ray Henning

**EMERGENCY MEDICAL SERVICES COUNCIL**

Paul Reck

**LAKE ALTOONA REHABILITATION DISTRICT COMMISSION**

Doug Kranig

Bruce Willett

**LOCAL EMERGENCY PLANNING COMMITTEE (LEPC)**

Patrick LaVelle

Paul Lokken

**METROPOLITAN PLANNING ORGANIZATION**

Jim Dunning

Gordon Steinhauer

**WEST CENTRAL WISCONSIN COUNTIES CONSORTIUM  
BOARD OF COMMISSIONERS**

Colleen Bates

**WEST CENTRAL WISCONSIN REGIONAL PLANNING COMMISSION**

Kathleen Clark

Gordon Steinhauer

**WESTERN DAIRYLAND ECONOMIC OPPORTUNITY COUNCIL**

Jean Schlieve

Nick Smiar



**FACT SHEET**  
**File No. 15-16/120**

**RE:** Rezoning Petition from Jeanie A Brovold to rezone the western 19 acres +/- from A-3 (Agricultural) District to A-2 and the eastern 6.8 acres +/- from A-2 (Agriculture-Residential) District to A-3 (Agricultural-Residential) District to sell the eastern portion of the property and retain the residence, outbuildings and adjacent property on the western portion of the property.

**Legal Description and Location:** Portion of the NW¼ NE¼ and the SW¼ NE¼ of Section 5, T25N, R8W, Town of Clear Creek (complete legal description attached)

**Size of area to be rezoned:** 25.4 acres +/-

**ADJACENT ZONING & LAND USES:**

LOCATION	ZONING	LAND USE
Subject	A-2 & A-3	Single-family residences; Woodlands; Agricultural fields
North	A-P	Agricultural fields
East	A-P	Agricultural fields
South	A-P	Agricultural fields
West	A-P	Agricultural fields, single-family residence to NW

**LAND USE PLANS:** The Eau Claire County Future Land Use Map includes the property in the Rural Lands (RL) planning area and the Town of Clear Creek Future Land Use Map includes the northern portion of the 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 Clear Creek 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. This designation includes farmland, scattered open lands, woodlots, agricultural-related uses, and limited single-family residential development (see Maps B, C, and D). Some limited low-density development is anticipated in the RP areas. These developments shall be located in order to minimize the fragmentation of productive agricultural land and to minimize any disruption to existing farm operations. Requests to change the future land use designation of parcels shall be considered using the criteria listed in the Land Use Policies. The RP represents areas that are vital to the region’s agricultural & forestry economy and are key ingredients of the rural character and image of the Town of Clear Creek.”*

**Staff Conclusions and Recommendation:** Staff finds that the proposed rezoning request is consistent with the Eau Claire County Comprehensive Plan and the Town of Clear Creek Comprehensive Plan. The Eau Claire County Comprehensive Plan recognizes that the proposed A-2 and A-3 zoning districts are consistent and therefore allowed within the mapped Eau Claire County Rural Lands and Town of Clear Creek Rural Preservation future land use designations.

**Town Board Action:** The Town of Clear Creek Town Board met on Thursday, December 14, 2015, to consider the rezoning petition and recommended approval of the rezoning.

**Committee Action:** The Eau Claire County Committee on Planning and Development conducted the required public hearing on Tuesday, February 23, 2016 regarding the proposed rezoning.

On a vote of 3 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 CLEAR CREEK -

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 Clear Creek, Eau Claire County described as follows:

9  
10  
11 **Part of the Fractional NW ¼ of the NE ¼ and the SW ¼ of the NE ¼,**  
12 **Section 5, T25N-R8W Town of Clear Creek, Eau Claire County**  
13 **Wisconsin described as follows:**

14  
15 **Commencing at the North ¼ corner of said Section 5, thence, along**  
16 **the north line thereof, Easterly 400.00 feet to the point of beginning;**  
17 **thence, continuing along said north line 250.00 feet; thence Southerly,**  
18 **parallel with the west line of said Fractional NW ¼ of the NE ¼**  
19 **1000.00 feet; thence Easterly, parallel with the north line of said**  
20 **Section 5, 260.00 feet; thence Southerly, parallel with the west line of**  
21 **said Fractional NW ¼ of the NE ¼ 436 feet, more or less, to an**  
22 **existing fence line described in Doc. No. 924137; thence, along said**  
23 **fence line, S89°14'47"W 431.81 feet; thence N 02°22'18" E 18.35 feet**  
24 **to the south line of said Fractional NW ¼ of the NE ¼; thence**  
25 **N89°26'04"E 479 feet, more or less, to the southwest corner thereof;**  
26 **thence, along the west line thereof, Northerly 893 feet, more or less, to**  
27 **a point 544.50 feet south of the said North ¼ corner; thence Easterly,**  
28 **parallel with the north line of said Section 5, 400 feet; thence**  
29 **Northerly 544.50 feet to the point of beginning.**

30  
31 **Said parcel containing 19 +/- acres to be reclassified from the A-3**  
32 **Agricultural District to the A-2 Agriculture-Residential District.**

33  
34  
35 **SECTION 2**

That the 1982 Official Zoning District Boundary Map for the Town of Clear Creek, Eau Claire County described as follows;

36  
37  
38 **Part of the NW ¼ of the NE ¼ of Section 5, T25N-R8W and the west**  
39 **20 feet of the NE ¼, NE ¼, Section 5, T25N-R8W Town of Clear**  
40 **Creek, consisting of the east 400 feet of the north 700 feet.**

41  
42 **Said parcel containing 6.42 +/- acres to be reclassified from the A-2**  
43 **Agriculture-Residential District to the A-3 Agricultural District.**  
44

1 **SECTION 3**

2 Where a certified survey map is required and may alter the above  
3 described property description, the official zoning district map for the  
4 town shall be automatically amended to reflect the property description of  
5 the certified survey map.

6 ENACTED: I hereby certify that the foregoing correctly represents the  
7 action taken by the undersigned Committee on  
8 February 23, 2016 by a vote of 3 for, 0 against.

9  
10   
11 \_\_\_\_\_  
12 Planning & Development Committee, Chairperson

APPROVED BY  
CORPORATION COUNSEL  
AS TO FORM

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15-16-1120

SUP. DISTRICT 5 - Corey Bauch

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

45191

Application Accepted: 1/4/2016
Accepted By: Matt Michels
Receipt Number: \$500 Cash, \$65 C
Town Hearing Date: 12/14/2015
Scheduled Hearing Date: 2/23/2016
Application No: RZN-0001-16
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: **A3**      Proposed Zoning District(s): **A2**      Acres to be Rezoned: **38.9**  
*A2*      *A3*

Portion Of The Ne1/4 Of Section 5, T25N, R8W (Complete Legal Description Attached)

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**Owner/Applicant Name(s):**      **Address:**      **Telephone:**  
 Jeanie A Brovold      (ow) E 7989 CHICKADEE RD FALL CREEK      715-878-4199(H)

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**Site Address(es):**  
 E 7989 CHICKADEE RD FALL CREEK

**Property Description:**    Sec 05    Twn 25    Rge 08      **Town of Clear Creek**      **Lot Area:**    38.938    ACRES

**Zoning District(s):**    A3      A2

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

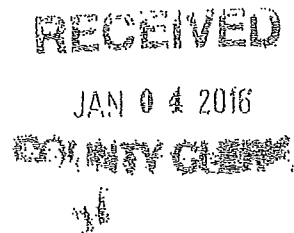
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<b>PIN</b>	<b>Alternate No</b>	<b>Parcel No</b>	<b>Legal (partial)</b>
1800622508051200001	006101104000	SEE LEGAL DE	MAP# 25.8.5.1-2-A, 1-1-C, 1-3-C, 1-4-F    FRAC NE-NE, EX THE I

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 \_\_\_\_\_

Check if DATCAP must be notified \_\_\_\_\_      Check if DNR to Receive Copy \_\_\_\_\_



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:	mm 1/4/16
Accepted By:	mm
Receipt Number:	45191
Town Hearing Date:	12/14/15
Scheduled Hearing Date:	2/23/16

### 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-2 &amp; A-3</u>	Proposed Zoning District(s): <u>A-2 &amp; A-3</u>
Acres to be rezoned: <u>30.9</u>	

Property Owner Name: <u>Jean A. Brovold</u>	Phone# <u>715-878-4199</u>
Mailing Address: <u>E7989 County Rd. V Fall Creek WI 54742</u>	
Email Address: <u>Jeaniebrovold@gmail.com</u>	

Agent Name:	Phone# <b>RECEIVED</b>
Mailing Address:	<b>JAN 04 2016</b>
Email Address:	<b>COUNTY CLERK</b>

#### SITE INFORMATION

Site Address: <u>E7989 County Rd. V Fall Creek WI 54742</u>
Property Description: <u>NW 1/4 NE 1/4 Sec. 5, T 25 N, R 8 W, Town of Clear Creek</u>
Zoning District: _____ Code Section(s): _____
Overlay District: <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>006 - 1011 - 04 - 000</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 Jean A. Brovold Date 1-4-16

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:

Selling to pay back taxes AND Because of Health Reasons

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.

IT WILL continue to be Farmed with CORN and Hay.

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.

NA

NE corner  
Sec. 5, T25N-R8W

**Parcel A**  
**Proposed Zoning: A2**

Part of the Fractional NW 1/4 of the NE 1/4 and the SW 1/4 of the NE 1/4, Section 5, T25N-R8W Town Of Clear Creek, Eau Claire County, Wisconsin described as follows:

Commencing at the North 1/4 corner of said Section 5, thence, along the north line thereof, Easterly 400.00 feet to the point of beginning;  
thence, continuing along said north line 250.00 feet;  
thence Southerly, parallel with the west line of said Fractional NW 1/4 of the NE 1/4 1000.00 feet;  
thence Easterly, parallel with the north line of said Section 5, 260.00 feet;  
thence Southerly, parallel with the west line of said Fractional NW 1/4 of the NE 1/4 436 feet, more or less, to an existing fence line described in Doc. No. 924137;  
thence, along said fence line, S89°14'47"W 431.81 feet;  
thence N 02°22'18" E 18.35 feet to the south line of said Fractional NW 1/4 of the NE 1/4;  
thence N89°26'04"E 479 feet, more or less, to the southwest corner thereof;  
thence, along the west line thereof, Northerly 893 feet, more or less, to a point 544.50 feet south of the said North 1/4 corner;  
thence Easterly, parallel with the north line of said Section 5, 400 feet;  
thence Northerly 544.50 feet to the point of beginning'

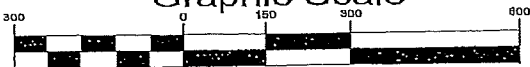
**Parcel B**  
**Proposed Zoning: A3**

Part of the Fractional NW 1/4 of the NE 1/4, the SW 1/4 of the NE 1/4, the Fractional NE 1/4 of the NE 1/4 and the SE 1/4 of the NE 1/4, Section 5, T25N-R8W Town Of Clear Creek, Eau Claire County, Wisconsin described as follows:

Commencing at the North 1/4 corner of said Section 5, thence, along the north line thereof, Easterly 650.00 feet to the point of beginning;  
thence Southerly, parallel with the west line of said Fractional NW 1/4 of the NE 1/4 1000.00 feet;  
thence Easterly, parallel with the north line of said Section 5, 260.00 feet;  
thence Southerly, parallel with the west line of said Fractional NW 1/4 of the NE 1/4 436 feet, more or less, to an existing fence line described in Doc. No. 924137;  
thence, along said fence line, N89°14'47"E 439.51 feet;  
thence N00°00'18"E 15.47 feet to the south line of said Fractional NE 1/4 of the NE 1/4;  
thence, along a line parallel with and 1300.00 feet westerly of the east line thereof, 1433 feet, more or less, to the said north line of said Section 5;  
thence westerly 685.4 feet, more or less, to the point of beginning.

County Road D

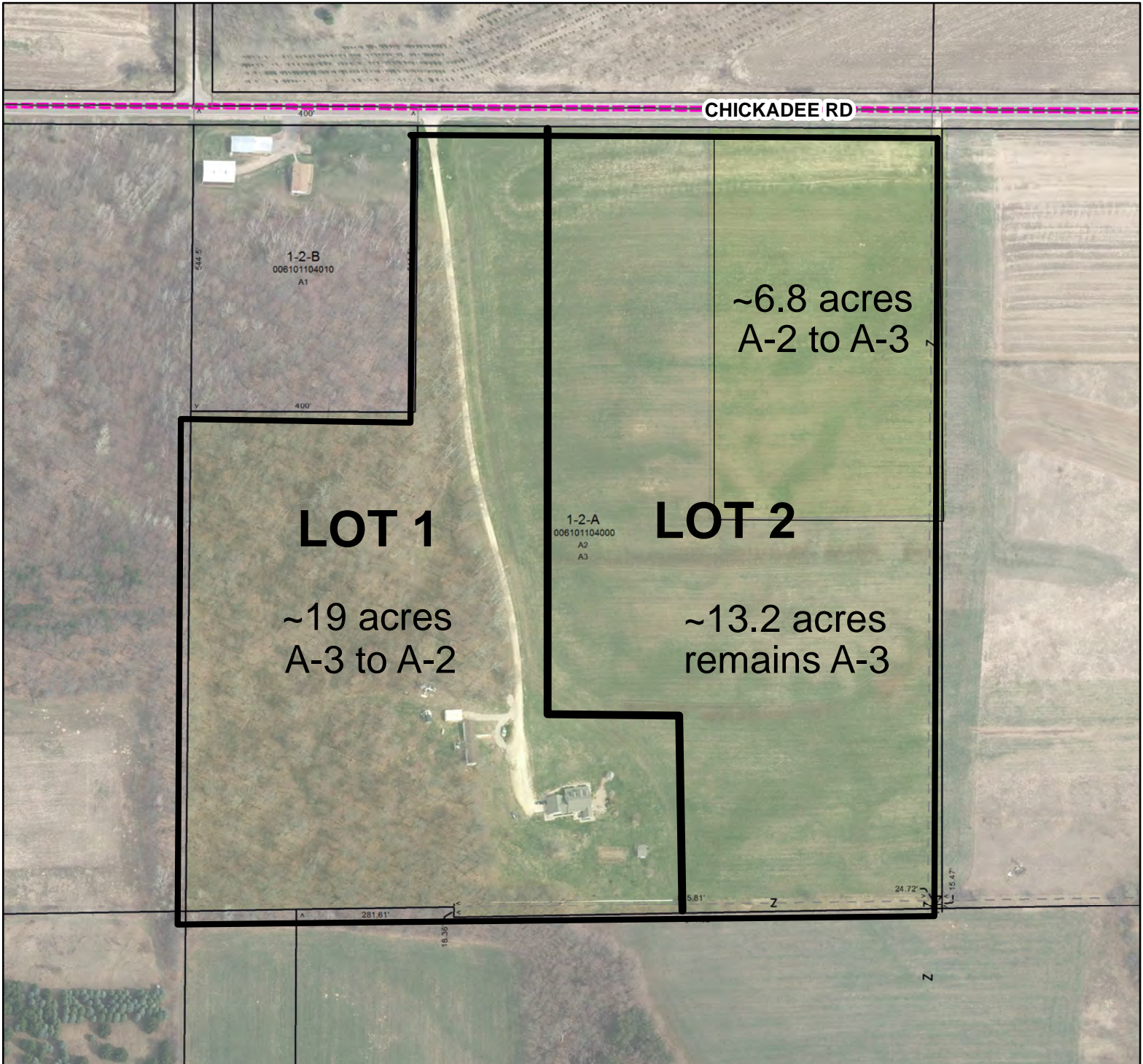
**Graphic Scale**



( In feet )  
1 Inch = 300ft.



# BROVOLD REZONING REZONING EXHIBIT



**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.





## EAU CLAIRE COUNTY PLANNING STAFF RECOMMENDATION

---

REZONE NUMBER: RZN-0001-16                      COMPUTER NUMBERS: 006101104000

PUBLIC HEARING DATE: February 23, 2016

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STAFF CONTACT: Matt Michels, AICP, Senior Planner

OWNER/AGENT: Jeanie A Brovold, E 7989 County Road V, Fall Creek, WI 54742

REQUEST: Rezone A-2 (Agriculture-Residential) District to A-3 (Agricultural-Residential) District to sell the eastern portion of the property and retain the residence, outbuildings and adjacent property on the western portion of the property

LOCATION: E 7989 Chickadee Rd, Fall Creek, WI 54742

LEGAL DESCRIPTION: Portion of the NW $\frac{1}{4}$  NE $\frac{1}{4}$  and the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 5, T25N, R8W, Town of Clear Creek (complete legal description attached)

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### SUMMARY

The applicant proposes to rezone the western 19 acres +/- from A-3 (Agricultural) District to A-2 and the eastern 6.8 acres +/- from A-2 (Agriculture-Residential) District to A-3 (Agricultural-Residential) District to sell the eastern portion of the property and retain the residence, outbuildings and adjacent property on the western portion of the property (see attached Rezoning Exhibit for reference)

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### BACKGROUND

#### SITE CHARACTERISTICS:

- Property has a single-family residence on western side
- Uses on property include a mix of woodlands and agricultural fields

#### CURRENT ZONING:

A-2 Agricultural Residential District. The A-2 agricultural-residential district is established "to allow for limited residential development within the exclusive agricultural district and is not intended to be part of a farming operation."

A-3 Agriculture District. The purpose of the A-3 District is to "(1) protect the agricultural base of the county; (2) preserve the county's natural resources and open space; (3) provide an area for limited residential and hobby farm development in a rural atmosphere; and (4) minimize urban sprawl and its associated public costs."

The property was previously rezoned from A-1 to A-2 and A-3 in 2005 (RZN2005-18). At that time, staff expressed concern that the proposed rezoning was not compatible with adjacent agricultural uses and recommended denial, but the Town of Clear Creek and County Committee on Planning and Development supported the rezoning and it was approved.

REQUESTED ZONING DISTRICTS:

A-2 Agriculture-Residential District. The A-2 District is established 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." Minimum lot size in the A-2 District is five (5) acres.

A-3 Agricultural District. The A-3 District is established to, "(1) protect the agricultural base of the county; (2) preserve the county's natural resources and open space; (3) provide an area for limited residential and hobby farm development in a rural atmosphere; and (4) minimize urban sprawl and its associated public costs."

ZONING/LAND USE CONTEXT:

LOCATION	ZONING	LAND USE
Subject	A-2 & A-3	Single-family residences; Woodlands; Agricultural fields
North	A-P	Agricultural fields
East	A-P	Agricultural fields
South	A-P	Agricultural fields
West	A-P	Agricultural fields, single-family residence to NW

COMPREHENSIVE PLANS:

The Eau Claire County Future Land Use Map includes the property in the Rural Lands (RL) planning area and the Town of Clear Creek Future Land Use Map includes the northern portion of the property in the Rural Preservation (RP) planning area.

Following is a description of the intent of the applicable County and Town of Clear Creek comprehensive plan future land use categories 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 Agriculture-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 Clear Creek:**

- Rural Preservation (RP) Comprehensive Plan Intent and Description: *The primary intent of these areas 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. This designation includes farmland, scattered open lands, woodlots, agricultural-related uses, and limited single-family residential development (see Maps B, C, and D). Some limited low-density development is anticipated in the RP areas. These developments shall be located in order to minimize the fragmentation of productive agricultural land and to minimize any disruption to existing farm operations. Requests to change the future land use designation of parcels shall be considered using the criteria listed in the Land Use Policies. The RP represents areas that are vital to the region's agricultural & forestry economy and are key ingredients of the rural character and image of the Town of Clear Creek.*
  
- Notable Policies:
  1. *Farming and agricultural uses shall be established as the primary land uses within these areas. Uses that are incompatible with farming and agriculture shall be discouraged or prohibited (see policy 3 & 4).*
  2. *Within the RP classification, the gross density for any development shall be one (1) unit per 35 contiguous acres held in single ownership.*
  - ...
  4. *Residential subdivisions shall be prohibited within Rural Preservation areas, and additional non-farm residential development is discouraged. Individual lots may be considered for non-farm residential use, and shall only be authorized if they are consistent with the following policies:*
    - a. *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.*
    - 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 ...*
    - c. *Non-farm residential development shall only occur on land that is marginal for agricultural productivity. At least 80% of any proposed new lot should not contain Class I, II, or III soils. In addition, it is the preference of the Town of Clear Creek that new non-farm residential lots that are approved in accord with these policies be located adjacent to or near existing non-farm development.*
    - d. *Rezoning property to the Floating Agriculture-Residential District shall be required for any lot that is proposed for non-farm residential use. Non-farm residential lots shall be at least one (1) acre in size, but no larger than five (5) acres. A permanent deed restriction or agricultural conservation easement shall be placed on at least 35 acres of land for each non-farm residential lot created.*
  5. *The following Eau Claire County zoning districts will be considered for approval within RP areas: A-1 Exclusive Agricultural District, A-R Floating Agricultural-Residential District, F-2 Forestry District, and F-1 Forestry District.*



FARMLAND PRESERVATION PLAN:

Property is included in the Farmland Preservation Plan Map. However, the existing zoning is not certified to participate in the Farmland Preservation tax credit program.

Comprehensive Plan Summary

The application has been found to be consistent with the intent and description and the applicable policies of the Eau Claire County Rural Lands land use category. Technically, the application does not conform to several policies of the Clear Creek Comprehensive Plan, including Policy #2, 4c, 4d, and 5. However, the property is already zoned A-2 and A-3 and the proposed rezoning does not increase the potential for conflict with adjacent agricultural uses when compared to the existing zoning. As discussed below, the Town of Clear Creek supports the proposed rezoning request.

---

**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 to 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 and A-3 Districts and the uses allowed in the districts. The request is consistent with the purpose of the zoning code based on the following findings:

- The proposed rezoning is consistent with the Eau Claire County Future Land Use plan
- The property is currently zoned A-2 and A-3; the proposed rezoning will simply realign the zoning lines to allow the property to be divided into two lots
- The proposed rezoning will not interfere with or be incompatible with existing agricultural uses in the vicinity
- Existing uses in the area include a mixture of agricultural fields, woodlots, and residences

The rezoning petition has been evaluated for consistency with the purpose of A-2 District and the uses allowed in the district and have been found to be consistent with the purpose of the zoning code based on the aforementioned findings.

Town Board Action: The Clear Creek Town Board held a public hearing regarding this rezoning petition on December 14, 2016 and recommended approval.

**CONCLUSION**

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

- Eau Claire County and Town of Clear Creek Comprehensive Plan future land use designations
- Eau Claire County and Town of Clear Creek Comprehensive Plan goals, objectives and policies
- Eau Claire County Zoning Ordinance, including purpose of the zoning code and allowable uses in A-2 and A-3 Districts

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 Clear Creek Board action

Staff finds that the proposed rezoning request is consistent with the Eau Claire County Comprehensive Plan. The Eau Claire County Comprehensive Plan recognizes that the proposed A-2 and A-3 zoning districts are consistent and therefore allowed within the mapped Eau Claire County Rural Lands land use designation.

#### **RECOMMENDATION**

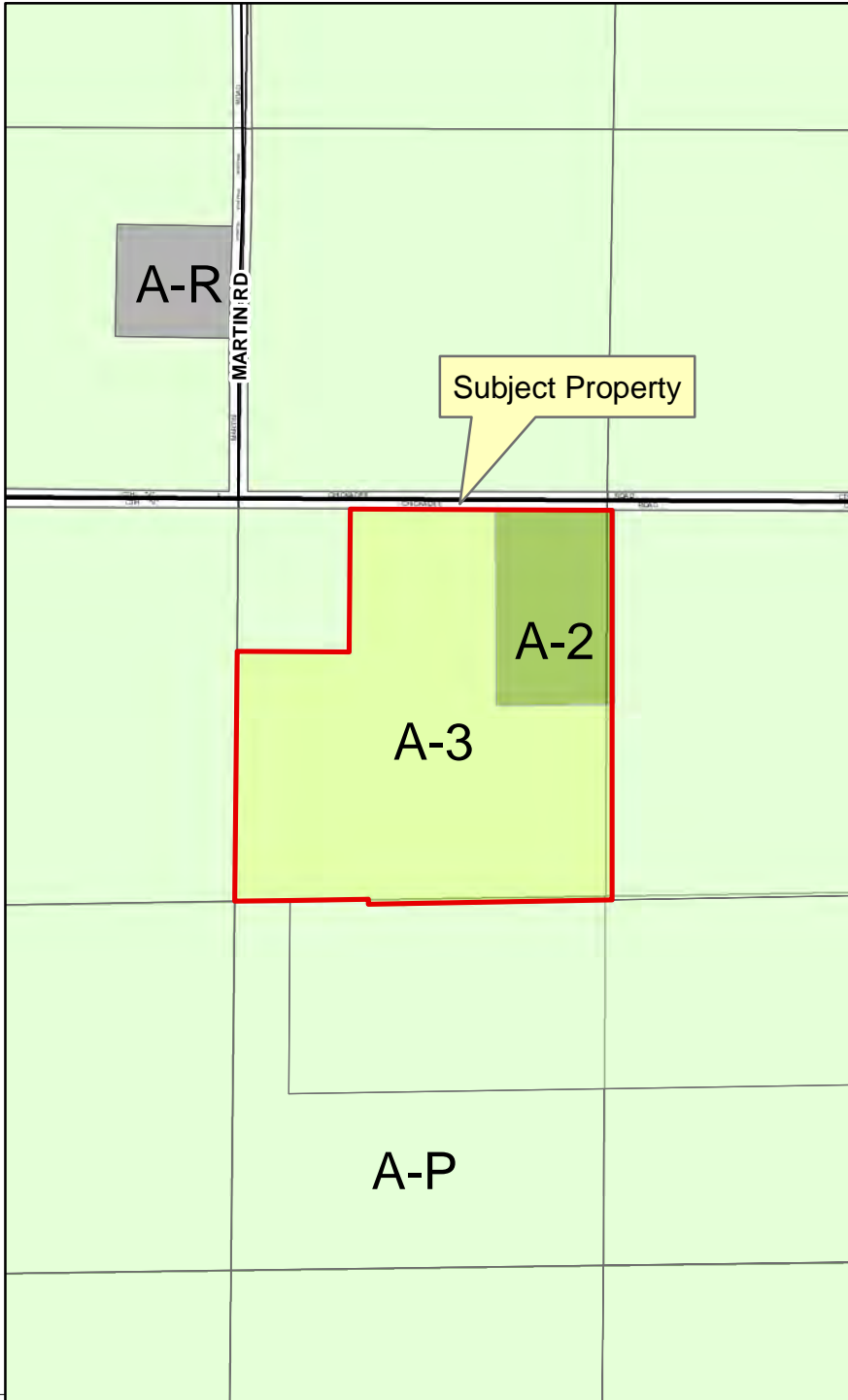
Staff recommends that the Planning and Development Committee file a recommendation of approval to the County Board for the rezoning petition to rezone the western 19 acres +/- from A-3 (Agricultural) District to A-2 and the eastern 6.8 acres +/- from A-2 (Agriculture-Residential) District to A-3 (Agricultural-Residential) District to sell the eastern portion of the property and retain the residence, outbuildings and adjacent property on the western portion of the property.



# Brovold Rezoning: RZN-0001-16

## Existing Zoning

1 inch = 666.666667 feet



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

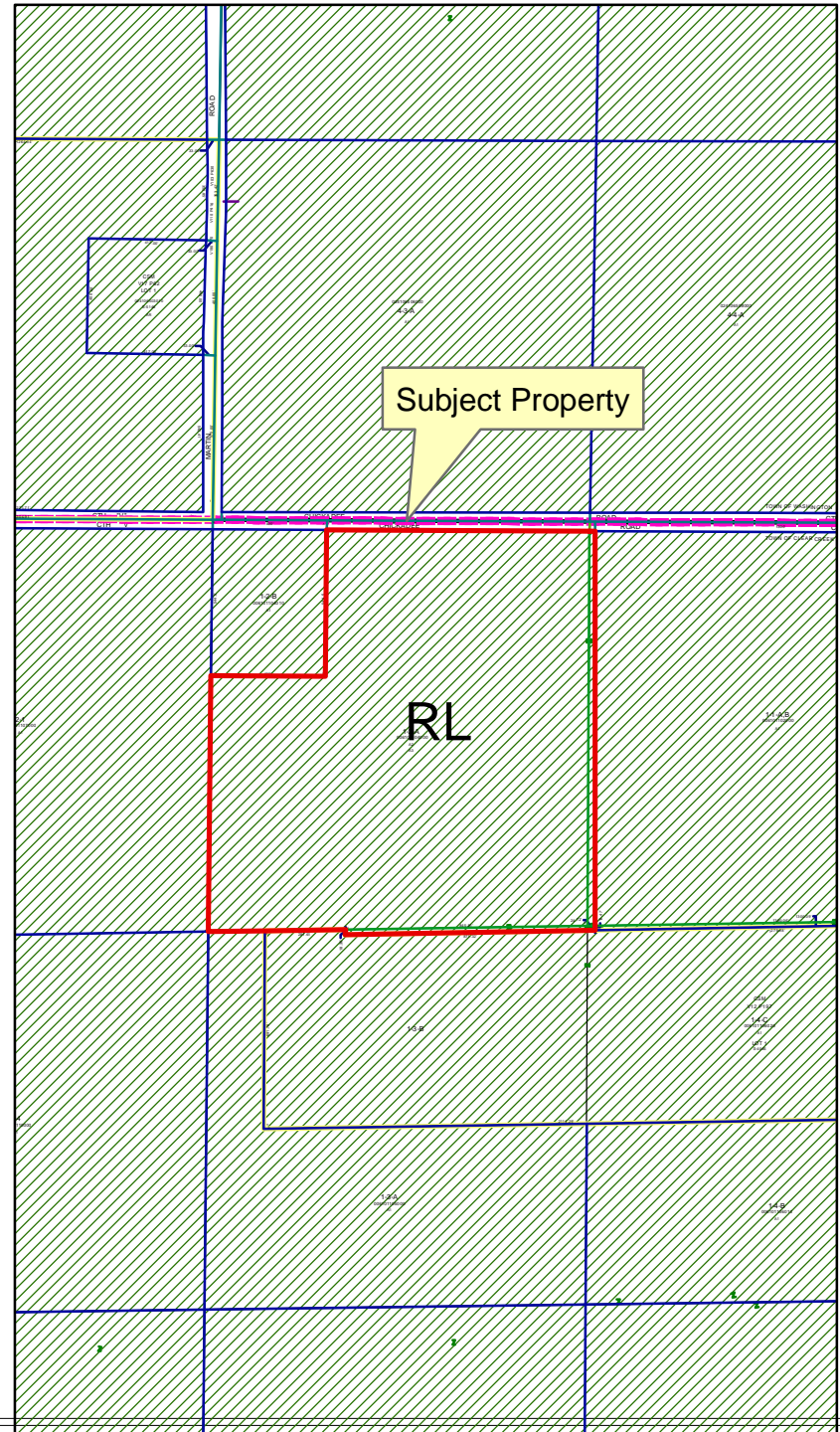


**Parcel Mapping Notes:**  
 The horizontal datum is based on the Eau Claire County Coordinate System NAD\_1983\_HARN\_Adj\_WI\_EauClaire\_Feet. This map is a collection of public record information and was prepared as an ongoing commitment to provide quality and up-to-date information to the public. 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.

## Existing Future Land Use

1 inch = 667 feet



TOWN OF CLEAR CREEK  
EAU CLAIRE COUNTY  
E8135 COUNTY ROAD HH  
STRUM, WISCONSIN 54770

December 15, 2015

To: Eau Claire County Planning & Development

RE: Jerry Brovold Rezoning Request

Jerry Brovold, of the township of Clear Creek, presented a rezoning request at our December 14, 2015 board meeting. Mr. Brovold would like to add his 6.42 acres to his 24.6 acres and rezone this property from A-2 to A-3.

The Town Board voted on this request and voted to APPROVE the request.

Thank you,

*Carmen Dunham*

Carmen Dunham, Town Clerk  
715/878-4220  
Cdunham@riverland.org



**FACT SHEET**  
File No. 15-16/126

**RE:** Rezoning Petition from Michael E and Mary A Bolle to rezone 15.75 acres +/- from A-1 (Exclusive Agriculture) District to A-2 (Agriculture-Residential) to allow the property buyers to construct a single-family residence on the property

**Legal Description and Location:** Portion of the SE¼ SW¼ of Section 6, T26N, R9W, Town of Washington (complete legal description attached)

**Size of area to be rezoned:** 15.75 acres +/-

**ADJACENT ZONING & LAND USES:**

LOCATION	ZONING	LAND USE
Subject	A-1	Agricultural fields; Woodlands
North	A-1 & A-2	Agricultural fields; Single-family residence
East	RH	Single-family residences
South	A-1	Agricultural fields; Woodlands; Single-family residences
West	A-2	Agricultural fields Single-family residences

**LAND USE PLANS:** The Eau Claire County Future Land Use Map includes the property in the Rural Transition (RT) planning area and the Town of Washington Future Land Use Map includes the property in the Rural Residential (RR) 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 Transition (RT)**

**Eau Claire County Intent and Description:** The primary intent of these areas is to, *“identify certain lands in proximity to developed areas, to be preserved in mainly agricultural and open space uses until such time as more intensive development is appropriate. As mapped, this designation includes farmland, scattered open lands, woodlots, agricultural-related uses, cottage industries, mineral extraction operations, and limited low density single-family residential development. The RT areas potentially represent prime candidates for intergovernmental agreements that lay out specific plans for land use, boundary changes, and fiscal arrangements.”*

**Rural Residential (RR)**

**Town of Washington Intent and Description:** The primary intent of this classification is to, *“identify areas suitable for future rural residential neighborhoods. Rural Residential areas include lands with existing residential properties or vacant platted areas. In addition, some undeveloped land has been designated for RR development where subdivision expansion is likely to occur. These additional areas tend to be adjacent to existing rural subdivisions or where local roads and utilities exist to efficiently and economically serve the area.”*

**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 Transition and Town of Washington Rural Residential future land use designations.

**Town Board Action:** The Town of Washington Town Board met on Thursday, January 15, 2016, to consider the rezoning petition and recommended approval of the rezoning.

**Committee Action:** The Eau Claire County Committee on Planning and Development conducted the required public hearing on Tuesday, February 23, 2016 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

1 **Enrolled No.**

**ORDINANCE**

**File No. 15-16/126**

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 **A parcel of land located in the SE ¼ of the SW ¼, Section 6, Township**  
12 **26 North, Range 9 West, Town of Washington, Eau Claire County,**  
13 **Wisconsin described as follows:**

14  
15 **Beginning at the Southeast corner of said SW ¼; thence N01°05'42"E**  
16 **along the East line of said SW ¼ a distance of 1,000.45 feet to the**  
17 **extended south line of Lot 1, Certified Survey Map recorded in**  
18 **Volume 3 of Certified Survey Map, Pages 155-156; thence**  
19 **S88°36'53"W along said South line of Lot 1 a distance of 686.97 feet to**  
20 **the Southwest corner of said Lot 1; thence S01°05'53"W a distance of**  
21 **998.22 feet to the South line of said SW ¼; thence N88°48'04"E along**  
22 **said South line a distance of 686.93 feet to the Point of Beginning.**

23  
24 **Said parcel containing 15.75 acres to be reclassified from the A-1**  
25 **Exclusive Agricultural District to the A-2 Agriculture-Residential**  
26 **District.**

27  
28 **SECTION 2** Where a certified survey map is required and may alter the above  
29 described property description, the official zoning district map for the  
30 town shall be automatically amended to reflect the property description of  
31 the certified survey map.

32  
33 **ENACTED:** I hereby certify that the foregoing correctly represents the  
34 action taken by the undersigned Committee on  
35 February 23, 2016 by a vote of 4 for, 0 against.

36  
37  
38   
39 \_\_\_\_\_  
Planning & Development Committee, Chairperson

**APPROVED BY**  
**CORPORATION COUNSEL**  
**AS TO FORM**

15-16/126

Dist: # 10 Contin

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:	1/12/2016
Accepted By:	Matt Michels
Receipt Number:	45238
Town Hearing Date:	01/21/2016
Scheduled Hearing Date:	2/23/2016
Application No:	RZN-0003-16
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: **15.75**  
Portion Of The Se1/4 Of The Sw1/4, Section 6, T26N, R9W, Town Of Washington, Eau Claire County, Wisconsin

**Owner/Applicant Name(s):** Michael E & Mary A Bolle      **Address:** (ow) 4928 PRIORY RD EAU CLAIRE      **Telephone:** 715-833-1513(H)

**Site Address(es):**

**Property Description:** Sec 06 Twn 26 Rge 09      **Town of Washington**      **Lot Area:** 35.000 ACRES

**Zoning District(s):** A1

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

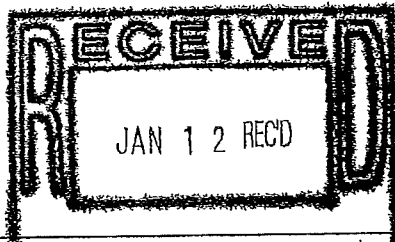
PIN	Alternate No	Parcel No	Legal (partial)
1802422609063400001	024114401000	26.9.6.3-4-A	SE-SW EX THAT PRT OF LOT 1 OF C.S.M. VOL. 3 PG. 155 LYG I

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.

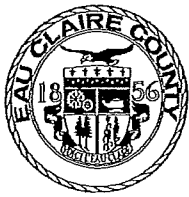
Owner/Agent Signature see attached application      Date \_\_\_\_\_

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

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



At the public hearing, the applicant may appear in person or through an agent or 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:	1/8/16 3:50 pm
Accepted By:	J. Allen
Receipt Number:	45238
Town Hearing Date:	1/21/16 tent.
Scheduled Hearing Date:	2/23/16 Co. P&D

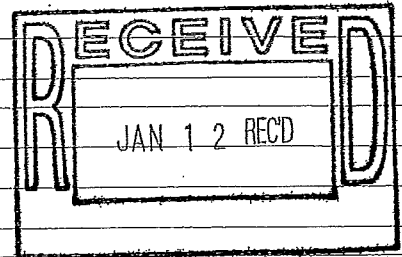
## REZONING APPLICATION

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: A1	Proposed Zoning District(s): A2
Acres to be rezoned: 15	

Property Owner Name: MICHAEL BOLLE	Phone#(715) 828-1000
Mailing Address: 4928 PRIORY RD EAU CLAIRE WI 54701	
Email Address: mbolleauto@charter.net	

Agent Name:	Phone#
Mailing Address:	
Email Address:	



### SITE INFORMATION

Site Address:	
Property Description: SE ¼ SW ¼ Sec. 6, T26 N, R9 W, Town of WASHINGTON	
Zoning District: A1	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):	024 - 1144 - 01 - 000

### 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 checked="" type="checkbox"/> Complete attached information sheet	<input checked="" type="checkbox"/> Contact the Town to coordinate a recommendation on the application
<input checked="" 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 *Michael Bolle* Date 1-7-16

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:

BUYERS (TOM & JENNY) WOULD LIKE TO BUILD A HOME.

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.

REZONING TO A2 IS APPROPRIATE FOR THE AREA, WHICH IS RURAL HOMES.  
EAU CLAIRE COUNTY FUTURE LAND USE MAP SHOWS YELLOW - RURAL RESIDENTIAL

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.

THIS LAND LOCATION IS SUITED FOR RURAL HOMES. THERE ARE NO CURRENT FARMING OPERATIONS NEAR BY. ADDING ADDITIONAL HOUSES WILL BE APPROPRIATE FOR THE AREA.

# RE-ZONE SKETCH

PL# 26.9.6.3-4A  
# 024-1144-01-000

LOT 1, CSM VOL. 3,  
PG 155-156

PRIORY ROAD

S88°36'53"W 686.97'

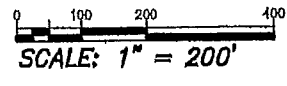
SE — SW

S1°05'53"W 898.22'

N105°42'E 1000.45'

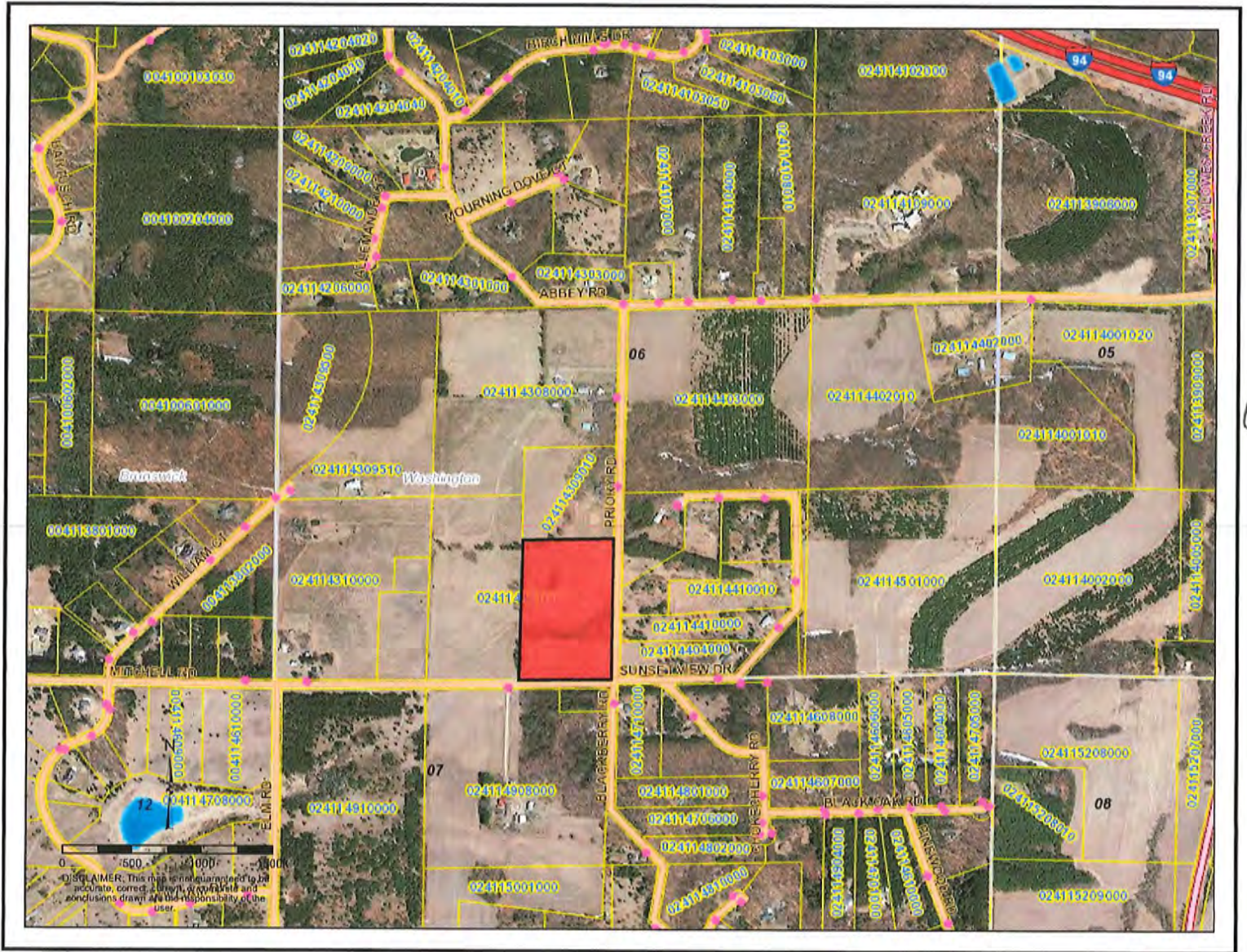
N88°48'04"E 686.93'

PRIORY ROAD





N



E

S





## EAU CLAIRE COUNTY PLANNING STAFF RECOMMENDATION

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REZONE NUMBER: RZN-0003-16                      COMPUTER NUMBER: 024114401000

PUBLIC HEARING DATE: February 23, 2016

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STAFF CONTACT: Matt Michels, AICP, Senior Planner

OWNER/AGENT: Michael E and Mary A Bolle, 4928 Priory Rd, Eau Claire, WI 54701

REQUEST: Rezone 15.75 acres +/- of land from A-1 (Exclusive Agriculture) District to A-2 (Agriculture Residential) District to allow the property buyers to construct a single-family residence

LOCATION: West side of Priory Road and north of Mitchell Road

LEGAL DESCRIPTION: Portion of the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 6, T26N, R9W, Town of Washington (complete legal description attached)

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### SUMMARY

Applicant proposes to rezone 15.75 acres +/- of land from A-1 (Exclusive Agriculture) District to A-2 (Agriculture Residential) District to allow the buyers of the property, located in the southeast portion of the applicants 70-acre property, to construct a single-family residence.

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### BACKGROUND

#### SITE CHARACTERISTICS:

- Property is undeveloped and cultivated for agriculture
- Property slopes generally from northwest to southeast
- Eastern portion of property contains mapped wetlands

#### CURRENT ZONING:

A-1 Exclusive Agriculture District. The A-1 exclusive agricultural district is established to "preserve areas for farming or agricultural use and to minimize land use conflicts between farms and non-farms." Note that as of December 15, 2015 the A-1 zoning district is no longer a certified farmland preservation and is being revised the "de-certified" status. The changed status of the A-1 district should be considered when evaluating rezoning requests in this district.

#### 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." Minimum lot size in the A-2 District is five (5) acres.

ZONING/LAND USE CONTEXT:

LOCATION	ZONING	LAND USE
Subject	A-1	Agricultural fields; Woodlands
North	A-1 & A-2	Agricultural fields; Single-family residence
East	RH	Single-family residences
South	A-1	Agricultural fields; Woodlands; Single-family residences
West	A-2	Agricultural fields Single-family residences

COMPREHENSIVE PLANS:

The Eau Claire County Future Land Use Map includes the property in the Rural Transition (RT) planning area and the Town of Washington Future Land Use Map includes the property in the Rural Residential (RR) planning area.

Following is a description of the intent of the applicable County and Town comprehensive plan future land use categories and applicable policies:

**Eau Claire County:**

- Rural Transition Intent and Description: *“The primary intent of this classification is to identify certain lands in proximity to developed areas, to be preserved in mainly agricultural and open space uses until such time as more intensive development is appropriate. As mapped, this designation includes farmland, scattered open lands, woodlots, agricultural-related uses, cottage industries, mineral extraction operations, and limited low density single-family residential development. The RT areas potentially represent prime candidates for intergovernmental agreements that lay out specific plans for land use, boundary changes, and fiscal arrangements.”*
- Applicable Policies: The following policies are applicable to this rezoning petition.
  1. *Continue to maintain and support farming and other agriculture uses, agricultural-related businesses, cottage industries, forestry, mineral extraction, open space, and utility uses until such time as it has been determined by local plans that these areas are needed for additional non-farm development.*
  2. *For those Towns under County Zoning, density and zoning districts to be considered for new development shall be limited in accordance with all policies applicable to the Rural Lands classification, until such time as it has been determined by local officials in accordance with local plans, and the County Plan, that these areas are needed for additional non-farm development.*

**Town of Washington:**

- Rural Residential (RR) Comprehensive Plan Intent and Description: *The primary intent of this classification is to identify areas suitable for future rural residential neighborhoods. Rural Residential areas include lands with existing residential properties or vacant platted areas. In addition, some undeveloped land has been designated for RR development where subdivision expansion is likely to occur. These additional areas tend to be adjacent to existing rural subdivisions or where local roads and utilities exist to efficiently and economically serve the area.*

- Applicable Policies:
  1. *Within the RR classification, limit new development to a maximum gross density of one residential dwelling unit per two (2) acres held in single ownership.*
  - ...
  4. *The following Eau Claire County zoning districts will be considered for approval within RR areas: RH Rural Homes District and the R-1-L Single Family Residential Large Lot (with approved conservation subdivisions).*

FARMLAND PRESERVATION PLAN:

The property is excluded on the Farmland Preservation Plan Map. The property owners are not eligible to claim farmland preservation tax credits on the property.

Comprehensive Plan Summary

The proposed rezoning to A-2 is technically below the one dwelling unit per two acres density encouraged in the Town of Washington Rural Residential planning area. However, it could be argued that the proposed rezoning would result in sufficiently large lots to allow further subdivision of the property in the future should the owners wish to do so.

This property lies within the City of Eau Claire's Extraterritorial Jurisdiction (ETJ) outside of the Sewer Service Area (SSA). The proposed rezoning appears to conform to the standards of the intergovernmental agreement.

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**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 to 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 intent and purpose of the Future Land Use plans for the County and the Town of Washington
- The property is excluded from the adopted County Farmland Preservation Plan
- The existing A-1 zoning district is no longer a certified farmland preservation district as it has been supplanted by the AP (Agricultural Preservation) district
- Existing uses in the area include a mixture of residences, agricultural fields and woodlands
- The proposed A-2 zoning would potentially allow additional land divisions, given the 5 acre minimum lot size. However, A-2 is the appropriate designation for the proposed 15.75 acre lot as the next larger zoning district, A-3 has a 20 acre minimum lot size.

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. Note that these standards, although still technically a part of the A-1 district standards for the time being, will be modified in the near future to reflect that the A-1 district is no longer a certified farmland preservation zoning district:

**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** – The property does not contain prime soils. Soil types in the rezoning area include Plainfield loamy sand (PfC2), 6-12% slopes, which is a Class 6 soil; Plainfield loamy sand (PfB), 6-12% slopes, which is a Class 4 soil; and Boone-Plainbo Complex (BoE), 12-45% slopes, which is a Class 7 soil. Further, the property is no longer included in the Farmland Preservation Plan
- **Site Location** – The site is located on the west side of Priory Road
- **Adjacent Land Uses** – Uses in the area include a mix of residential, cropland and woodlands. Zoning in the area is a mixture of A-1, A-2, and R-H in the near vicinity of this property.

**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,

**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.

**Standard 4** - *Whether the development allowed by the new zoning district will cause undue environmental degradation* – The proposed rezoning would not result in any undue environmental degradation.

The rezoning petition has been evaluated for consistency with the purpose of A-2 District and the uses allowed in the district and have been found to be consistent with the purpose of the zoning code based on the aforementioned findings.

Town Board Action: The Washington Town Board held a public hearing regarding this rezoning petition on January 21, 2016 and voted to recommend approval (5-0 vote).

## 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

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 Transition and Town of Washington Rural Residential future land use designations.

**RECOMMENDATION**

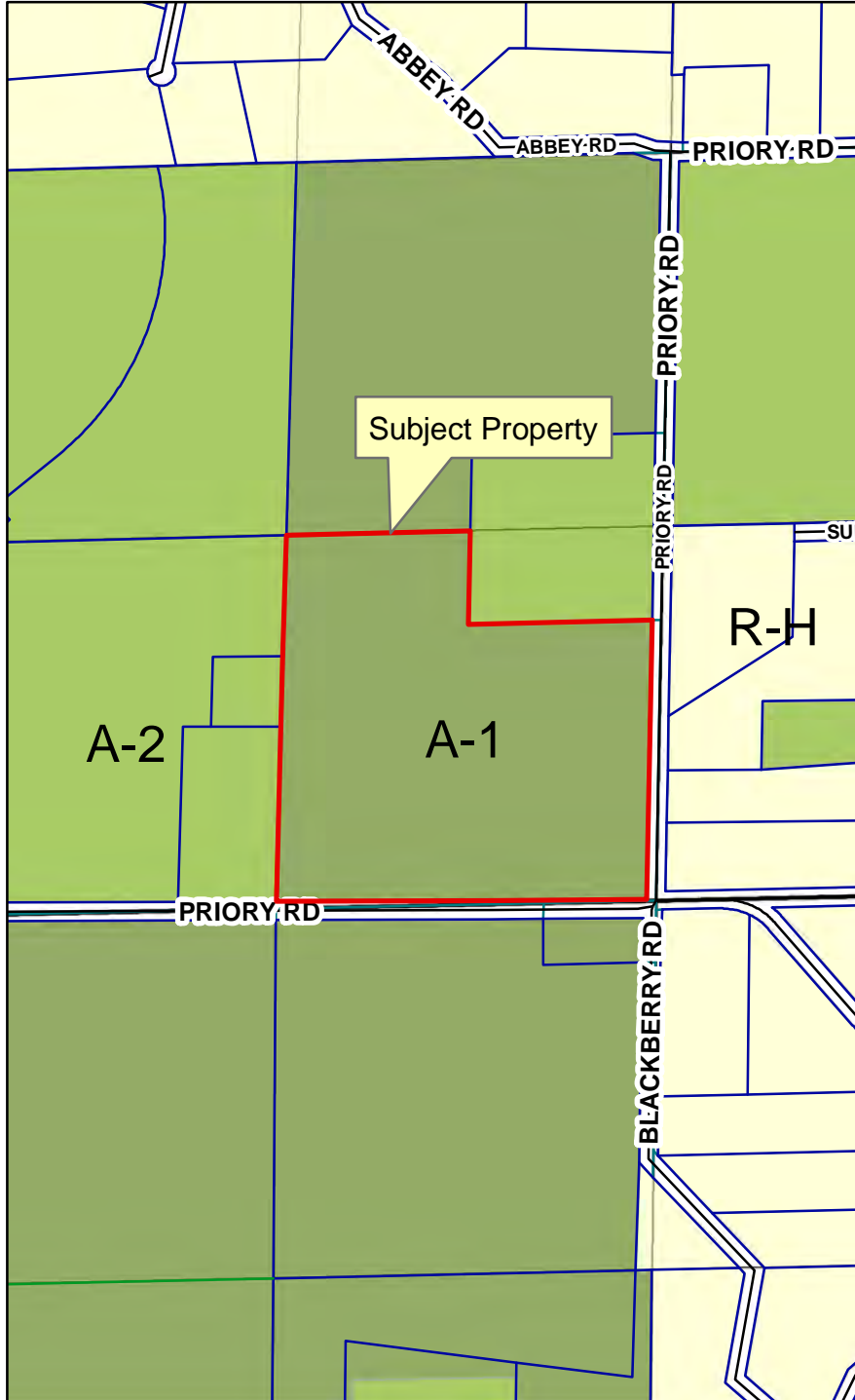
Staff recommends that the Planning and Development Committee file a recommendation of approval to the County Board for the rezoning petition to rezone the approximately 15.75-acre property from the A-1 District to the A-2 District as depicted on the attached map and described in the attached legal description.



# Bolle Rezoning: RZN-0003-16

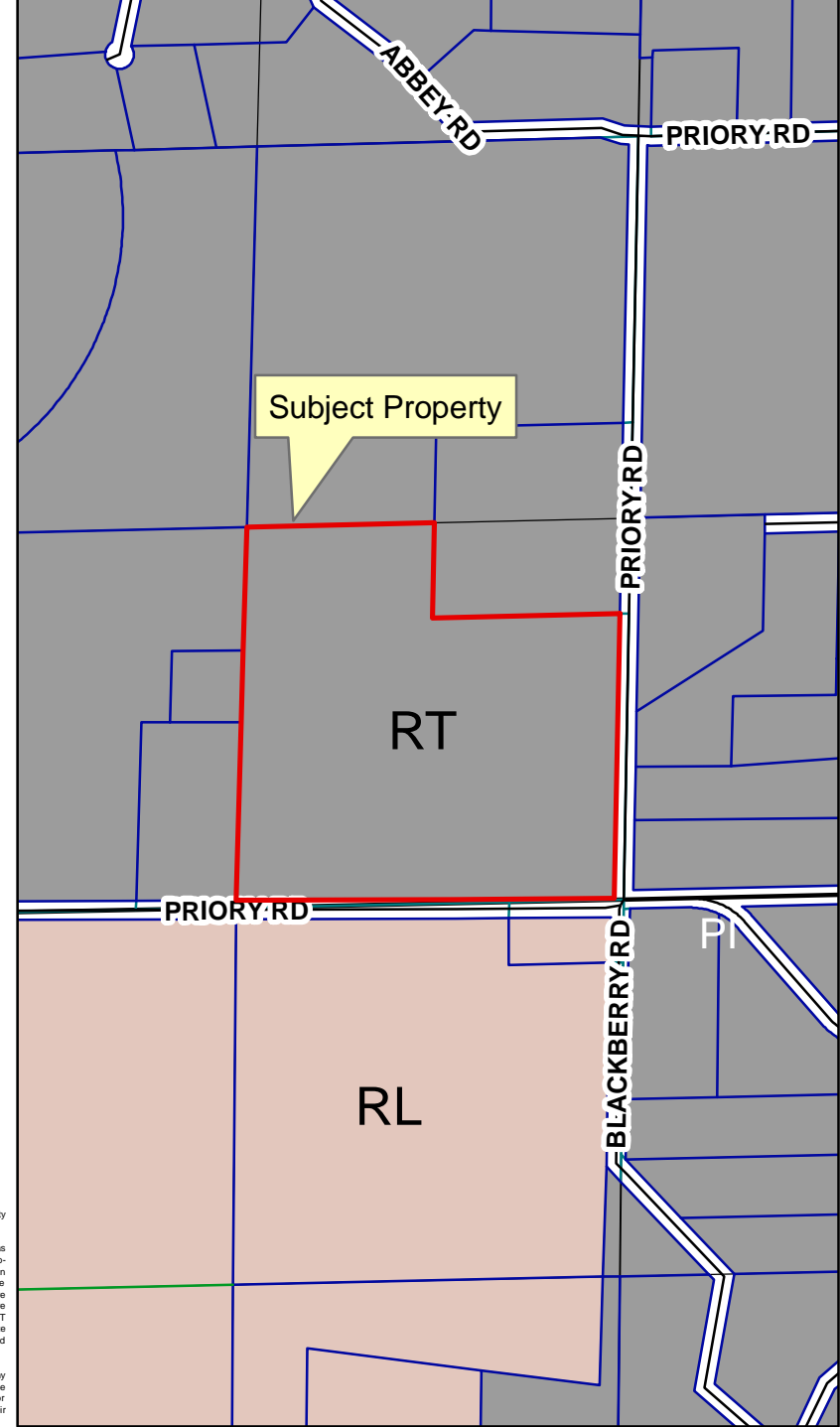
## Existing Zoning

1 inch = 666.66667 feet



## Existing Future Land Use

1 inch = 667 feet



- Legend**
- Future Land Use**
- Rural Residential Cluster Development
  - Commercial/Industrial
  - County Forest
  - Natural Resource Protection
  - Park & Recreational
  - Public Institutional
  - 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\_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.

## RE-ZONE DESCRIPTION

PARCEL OF LAND LOCATED IN THE SE  $\frac{1}{4}$  OF THE SW  $\frac{1}{4}$ , SECTION 6, TOWNSHIP 26 NORTH, RANGE 9 WEST, TOWN OF WASHINGTON, EAU CLAIRE COUNTY, WISCONSIN DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SW  $\frac{1}{4}$ ; THENCE N01°05'42"E ALONG THE EAST LINE OF SAID SW  $\frac{1}{4}$  A DISTANCE OF 1000.45 FEET TO THE EXTENDED SOUTH LINE OF LOT 1, CERTIFIED SURVEY MAP RECORDED IN VOLUME 3 OF CERTIFIED SURVEY MAP, PAGES 155-156;

THENCE S88°36'53"W ALONG SAID SOUTH LINE OF LOT 1 A DISTANCE OF 686.97 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1;

THENCE S01°05'53"W A DISTNACE OF 998.22 FEET TO THE SOUTH LINE OF SAID SW  $\frac{1}{4}$ ;

THENCE N88°48'04"E ALONG SAID SOUTH LINE A DISTANCE OF 686.93 FEET TO THE POINT OF BEGINNING.

CONTAINING 15.75 ACRES MORE OR LESS.

**FACT SHEET**  
**File No. 15-16/129**

**RE:** Rezoning Petition from James and Carol Dapp Trust to rezone 5.0 acres +/- from AP (Agriculture Preservation) District to A-2 (Agriculture-Residential) to allow a family member to construct a single-family residence on the property

**Legal Description and Location:** Portion of the SW¼ NE¼ of Section 29, T26N, R9W, Town of Pleasant Valley (complete legal description attached)

**Size of area to be rezoned:** 5.0 acres +/-

**ADJACENT ZONING & LAND USES:**

LOCATION	ZONING	LAND USE
Subject	AP	Woodlands and agricultural fields
North	A-P	Woodlands and agricultural fields
East	A-P	Agricultural fields
South	A-P	Woodlands and agricultural fields
West	A-2	Single family residences

**LAND USE PLANS:** The Eau Claire County Future Land Use Map includes the property in the Rural Lands (RL) planning area and the Town of Pleasant Valley Future Land Use Map includes the 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 Pleasant Valley 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 Pleasant Valley 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 Pleasant Valley Rural Preservation future land use designations.

**Town Board Action:** The Town of Pleasant Valley Town Board met on Monday, February 8, 2016, to consider the rezoning petition and recommended approval of the rezoning.

**Committee Action:** The Eau Claire County Committee on Planning and Development conducted the required public hearing on Tuesday, February 23, 2016 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 PLEASANT VALLEY -  
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 Pleasant Valley, Eau Claire County described as follows:

9  
10  
11 **A parcel of land being part of the SW ¼ of the NE ¼, Section 29,**  
12 **Township 26 North, Range 9 West, Town of Pleasant Valley, Eau**  
13 **Claire County, Wisconsin being more particularly described as**  
14 **follows:**

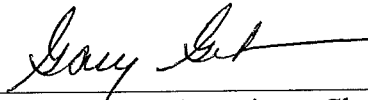
15  
16 **Commencing at the Southwest corner of said SW ¼ of the NE ¼;**  
17 **thence easterly, along the south line of said SW ¼ of the NE ¼, a**  
18 **distance of 231 feet to the point of beginning; thence continuing**  
19 **easterly, a distance of 739 feet; thence north, a distance of 295 feet;**  
20 **thence westerly, a distance of 739 feet; thence south, a distance of 295**  
21 **feet to the point of beginning.**

22  
23 **Said parcel containing 5 acres to be reclassified from the A-P**  
24 **Agricultural Preservation District to the A-2 Agriculture-Residential**  
25 **District.**

26  
27 **SECTION 2**

Where a certified survey map is required and may alter the above described property description, the official zoning district map for the town shall be automatically amended to reflect the property description of the certified survey map.

28  
29  
30  
31  
32 ENACTED: I hereby certify that the foregoing correctly represents the  
33 action taken by the undersigned Committee on  
34 February 23, 2016 by a vote of 4 for, 0 against.

35  
36 

37  
38 \_\_\_\_\_  
Planning & Development Committee, Chairperson

APPROVED BY  
CORPORATION COUNSEL  
AS TO FORM

15-16/129

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: 1/27/2016
Accepted By: Matt Michels
Receipt Number: 45340
Town Hearing Date: 02/08/2016
Scheduled Hearing Date: 2/23/2016
Application No: RZN-0005-16
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: ~~A2~~<sup>AP</sup> Proposed Zoning District(s): **A2** Acres to be Rezoned: **5.0**

Portion Of The Sw1/4 Ne1/4 Of Section 29, T26N, R9W, Town Of Pleasant Valley, Eau Claire County, Wisconsin

<b>Owner/Applicant Name(s):</b> James & Carol Dapp Trust Wade Ostrander	<b>Address:</b> (ow) 943 S WHITAKER CT OCONOMOWOC (appl) S 8610 BALSAM RD EAU CLAIRE	<b>Telephone:</b> 715-563-3970(C) 715-563-4558(H)
---	--	--

**Site Address(es):**

**Property Description:** Sec 29 Twn 26 Rge 09 **Town of Pleasant Valley** Lot Area: 40.000 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)
1801822609291300001	018112305000	26.9.29.1-3	SW-NE

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 \_\_\_\_\_

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

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

**RECEIVED**  
JAN 27 2016  
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.

From: Jamesdapp@centurytel.net  
 Subject: Rezoning Signature  
 Date: Today at 7:17 PM  
 To: wsostrander@hughes.net

Had to save this as a jpeg, shouldn't be a problem for you.

Take care, Debbie

Supervisor Dist. 7:  
 Steve Chilson



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: 1/27/16  
 Accepted By: mm  
 Receipt Number: 045340  
 Town Hearing Date: 2/8/16  
 Scheduled Hearing Date: 2/23/16

**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: AP Proposed Zoning District(s): A2

Acres to be rezoned: 5

Property Owner Name: Jim and Carol Dapp Trust Phone# 262-985-2194  
 Mailing Address: 943 S WHITAKER CT OCONOMOWOC WI 53066-9271  
 Email Address: Carol Dapp <jamesdapp@centurytel.net>

Agent Name: Wade & Sonia Ostrander Phone# 715-663-4658 / 715-663-3970  
 Mailing Address: S 8610 Balsam Rd, Eau Claire, WI 54701  
 Email Address: wsostrander@hughes.net

**RECEIVED**  
 JAN 27 2016

**SITE INFORMATION**

Site Address:

Property Description: SW ¼ NE ¼ Sec. 29 T 26N N, R 09W W, Town of Pleasant Valley

Zoning District: Code Section(s):

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

Computer #(s): 01811 230 50 00

**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.

Complete attached information sheet  Contact the Town to coordinate a recommendation on the application  
 Provide legal description of property to be rezoned  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 Carol Dapp Date 1-26-16

## REZONING APPLICATION CHECKLIST

Applications are due by Tuesday at 5:00 PM three weeks prior to the Committee on Planning and Development meeting. The application must include the items listed below. After a preliminary review, additional information may be needed. A hearing will not be scheduled until the application is deemed complete. Applications are considered complete when all materials and associated fees are received and approved by staff.

### Required Application Items:

- Application must be signed by the property owner(s)
- A legal description of land and address of land to be rezoned
- Complete the attached supplemental rezoning information sheet
  - Describe the reason for the request
  - 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
  - Explain and justify why this particular property is under consideration for rezoning
    - For rezoning requests from A-1 to any zoning district other than the AR district must consider the factors in Section 18.04.055 A-D
    - For rezoning requests from the A-1 to the AR zoning district must consider the factors in Section 18.06.050 A-D
    - For rezoning requests out of the Shoreland-wetland district must consider Section 18.19.100 B

The rezoning procedures and details have been outlined in the rezoning brochure, which is available at the Department of Planning and Development.

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:

Wade & Sonia Ostrander are the primary live in care givers for Virginia Anklam, Mrs. Ostrander's mother due to age and disability. Mrs. Anklam's residence is too small and not structured for assisted care. Mrs. Anklam wants to remain on her legacy family farm ground. Wade and Sonia Ostrander propose building a new house on the described lot with enough square footage to allow Mrs. Anklam and the Ostrander family to live together and provide the daily care Mrs. Anklam needs. The location is a lot to be created from a parcel which was originally part of Mrs. Anklam's farm, and is currently owned by Mrs. Anklam's daughter - so it would depart of the original legacy farm acres.

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 proposed new lot would utilize the portion of the 1/4, 1/4 section with a good portion of land that is not tillable due to existing timber and slopes of 20% or more. The amount of tillable land taken out of agriculture production would be less than 1.5 acres. There is existing A2 property just to the West of the proposed lot to be rezoned.

Existing timber would be left unaltered. Water shed and natural topography of the proposed lot and the remaining lot would be unaltered except for the construction of a single family home.

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

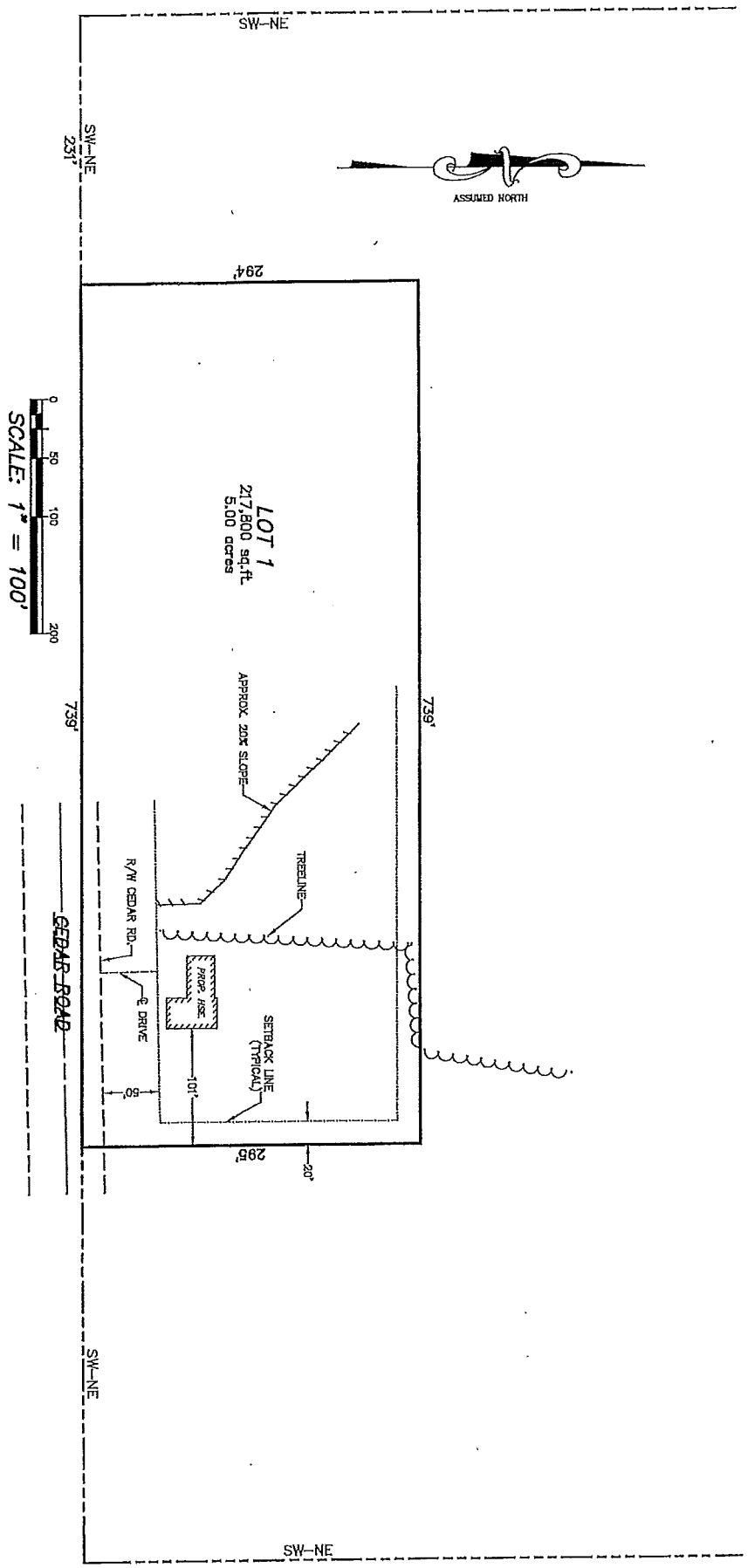
If you are petitioning to rezone land from an A-1 District to another district, please describe how the proposed change in zoning will be consistent with the four findings listed here.

1. The proposed lot's location allows for use of non tillable portion of the lot with exception of a small amount on the east edge. There are existing A2 lots directly to the West on similar sloped areas.
2. The remaining acreage can still used for agriculture purposes without restriction due to the proposed home construction.
3. Underground power lines are existing in the road ditch, and well and septic would be installed per County health department standards and regulations.
4. Environmental integrity can be maintained through the creation of this lot. Drainage, existing timber, and wildlife would be unaffected.

PARCEL REZONING DESCRIPTION

A PARCEL OF LAND BEING PART OF THE SW¼-NE¼, SECTION 29, T26N, R9W, TOWN OF PLEASANT VALLEY, EAU CLAIRE COUNTY WISCONSIN BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SW¼-NE¼;

- THENCE EASTERLY, ALONG THE SOUTH LINE OF SAID SW¼-NE¼, A DISTANCE OF 231 FEET TO THE POINT OF BEGINNING;
- THENCE CONTINUING EASTERLY, A DISTANCE OF 739 FEET;
- THENCE NORTH, A DISTANCE OF 295 FEET;
- THENCE WESTERLY, A DISTANCE OF 739 FEET;
- THENCE SOUTH, A DISTANCE OF 295 FEET TO THE POINT OF BEGINNING.







## EAU CLAIRE COUNTY PLANNING STAFF RECOMMENDATION

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REZONE NUMBER: RZN-0005-16      COMPUTER NUMBER: 018112407000

PUBLIC HEARING DATE: February 23, 2016

---

STAFF CONTACT: Matt Michels, AICP, Senior Planner

OWNER: James & Carol Dapp Trust, 943 S Whitaker Ct, Oconomowoc, WI 53066

AGENT: Wade & Sonia Ostrander, S 8610 Balsam Rd, Eau Claire, WI 54701

REQUEST: Rezone 5.0 acres +/- from A-P (Agricultural Preservation) District to A-2 (Agricultural-Residential) District to develop a single family home on the property

LOCATION: North side of Cedar Road approximately 1/2 mile west of Balsam Road

LEGAL DESCRIPTION: Portion of the SW1/4 NE1/4 of Section 29, T26N, R9W, Town of Pleasant Valley (complete legal description attached)

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### SUMMARY

The applicant proposes to rezone 5.0 acres +/- of property from A-P (Agriculture Preservation) District to A-2 (Agriculture-Residential) District to develop a single-family residence on the property. The remainder of the property will remain zoned A-P, with the eastern portion of the property remaining in cultivation.

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### BACKGROUND

#### SITE CHARACTERISTICS:

- Parent parcel is 40 acres
- Western two-thirds of property is wooded
- Eastern one-third of property contains tilled fields
- Western portion of the property contains steep slopes

#### CURRENT ZONING:

A-P Agricultural Preservation District. The A-P Agricultural Preservation District is established to:

- Preserve and protect those areas best suited for agricultural, forestry or open-space uses by minimizing fragmentation of contiguous agricultural or forest lands for the benefit and use of current and future generations;*
- Provide for a wide range of agricultural uses typically associated with the continued production of food and fiber while recognizing that such uses may involve noise, dust, odor, or operation of heavy equipment for long periods of time;*
- Strengthen and diversify a predominately agricultural and forestry-based economy by providing for a range of economic opportunities for property owners which are generally compatible with and supportive of agriculture or forestry operations as either permitted or conditional uses;*
- Comply with standards contained in Wis. Stat. ch. 91 to permit eligible landowners to receive tax credits under Wis. Stat. § 71.09, in conjunction with their agricultural operations;*

- E. Preserve rural character and promote the efficient use of public infrastructure and utilities by minimizing the adverse effects of urban sprawl along with its associated expense;
- F. Promote environmental quality through the use of conservation practices designed to minimize erosion of productive soils and deter the delivery of sediment and nutrients to the waters of our state;
- G. Minimize land use conflicts which occur when agricultural and non-agricultural uses are intermixed or not adequately separated; and
- H. Provide for carefully regulated extraction of nonmetallic mineral resources through Eau Claire County's permitting processes to ensure compatibility with adjacent land uses, minimize impacts to natural resources, and to restore lands to productive agricultural use consistent with locally approved reclamation plans.

REQUESTED ZONING DISTRICT:

The petition is to rezone the 5-acre property described above from the A-P Agricultural Preservation District to the A-2 Agriculture-Residential District.

A-2 Agriculture-Residential District. The A-2 District is established to "A. Provide an area for limited residential and hobby farm development in a rural atmosphere; and B. Preserve the county's natural resources and open space." Minimum lot size in the A-2 District is five (5) acres.

ZONING/LAND USE CONTEXT:

LOCATION	ZONING	LAND USE
Subject	AP	Woodlands and agricultural fields
North	A-P	Woodlands and agricultural fields
East	A-P	Agricultural fields
South	A-P	Woodlands and agricultural fields
West	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 Pleasant Valley 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 Pleasant Valley:**

- Rural Preservation Comprehensive Plan Intent and Description: *The primary intent of these areas 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. Staff comments, where provided, follow the policy in italics.*
  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.*
  - ...
  3. *Proposals for any new non-farm residential development shall be consistent with the following policies:*
    - a. *The maximum gross density for non-farm residential lots shall be one unit per five (5) acres held in single ownership, except as otherwise provided below for conservation subdivisions. The minimum lot size for non-farm residential lots shall be one (1) acre. The balance of the land not included in the residential lots shall be placed in a permanent conservation easement for agriculture, forestry, and open space use.*
    - 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.*
    - 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 Pleasant Valley 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 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 above. The following additional policies shall apply to zoning petitions:*

- ...
- 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. 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 residential A-2 or A-3 parcels.*

FARMLAND PRESERVATION PLAN:

The property is included in the Farmland Preservation Plan Map, which allows the property owner to claim Farmland Preservation tax credits. Many other properties in the vicinity are excluded from farmland preservation.

Comprehensive Plan Summary

The proposed A-2 zoning is generally consistent with the intent and description and the applicable policies of the Eau Claire County and also appears to be generally consistent with the Town of Pleasant Valley Comprehensive Plan. Further, the Town of Pleasant Valley recommends approval of the proposed rezoning.

**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 to 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 generally consistent with the Future Land Use plans for the County and the Town of Pleasant Valley
- The property is appropriately situated for the intended A-2 zoning with frontage on Cedar Road
- The majority of the property is woodland and steep slopes
- The remaining property will meet the minimum lot size (35 acres) for the A-P District
- Existing uses in the area include a mixture of single-family residences, woodlands, and agricultural fields

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 to be made that the rezone is consistent with the County's Comprehensive Plan.

#### A-P Rezoning Standards

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

**Standard 1** - *The land is better suited for a use not allowed in the A-P Agricultural Preservation zoning district based on a review of soil types, historical productivity, location, and adjacent land uses.*

- **Soil Types** – The primary soil type on the property to be rezoned is Elkmound loam, 20 to 45 percent slopes (EmE), which is classified as Capability Class 7, not a prime agricultural soil, with a small amount of Eleva sandy loam, 2 to 6 percent slopes, which is a Class 2 prime agricultural soil, on the eastern edge of the property to be rezoned.
- **Historical Productivity** – A small portion of the property to be rezoned has been historically cultivated for agriculture.
- **Site Location** – The site is located on the north side of Cedar Road and the proposed lot has sufficient roadway frontage (250 feet) for the A-2 District.
- **Adjacent Land Uses** – Uses in the area are a mixture of single-family residential, cropland, and woodland uses. Zoning in the area is also a mixture of A-1, A-2, A-3 and A-P zoning in the vicinity of this property. Agriculture is limited by topography and soil capability.

**Standard 2** - *The rezoning is consistent with any applicable comprehensive plans.*

The proposed rezoning conforms to the future land use intent, purpose, and policies for the Eau Claire County and Town of Pleasant Valley Comprehensive Plans.

**Standard 3** - *The rezoning is substantially consistent with the certified Eau Claire County Farmland Preservation Plan.*

A residence for the family member could be constructed within the A-P certified farmland preservation district without a rezoning if the property owner constructed the home without a mortgage loan. Banks will not typically lend on properties with farmland and require that the land with the home be divided from the farm. Therefore, the proposed zoning action will not have any greater adverse impacts than if the home were constructed following the A-P district standards.

The rezoning is substantially consistent with the Farmland Preservation Plan and will have minimal impact on productive farmland.

**Standard 4** - *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.*

The proposed rezoning conforms to this standard as the existing residence has is compatible with nearby agricultural operations. A Right-to-Farm Acknowledgement, recorded with the County Register of Deeds, will be required for the proposed lot.

Town Board Action: The Pleasant Valley Town Board considered this rezoning petition on Monday, February 8, 2016 and recommended approval (3-0 vote).

#### **CONCLUSION**

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

- Eau Claire County and Town of Pleasant Valley Comprehensive Plan future land use designations

- Eau Claire County and Town of Pleasant Valley Comprehensive Plan goals, objectives and policies
- Eau Claire County Zoning Ordinance, including purpose of the zoning code and allowable uses in the 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 Pleasant Valley Board action

Staff finds that the proposed rezoning request substantially conforms with the Eau Claire County Comprehensive Plan and the Town of Pleasant Valley 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 Pleasant Valley Rural Preservation future land use designations.

#### **RECOMMENDATION**

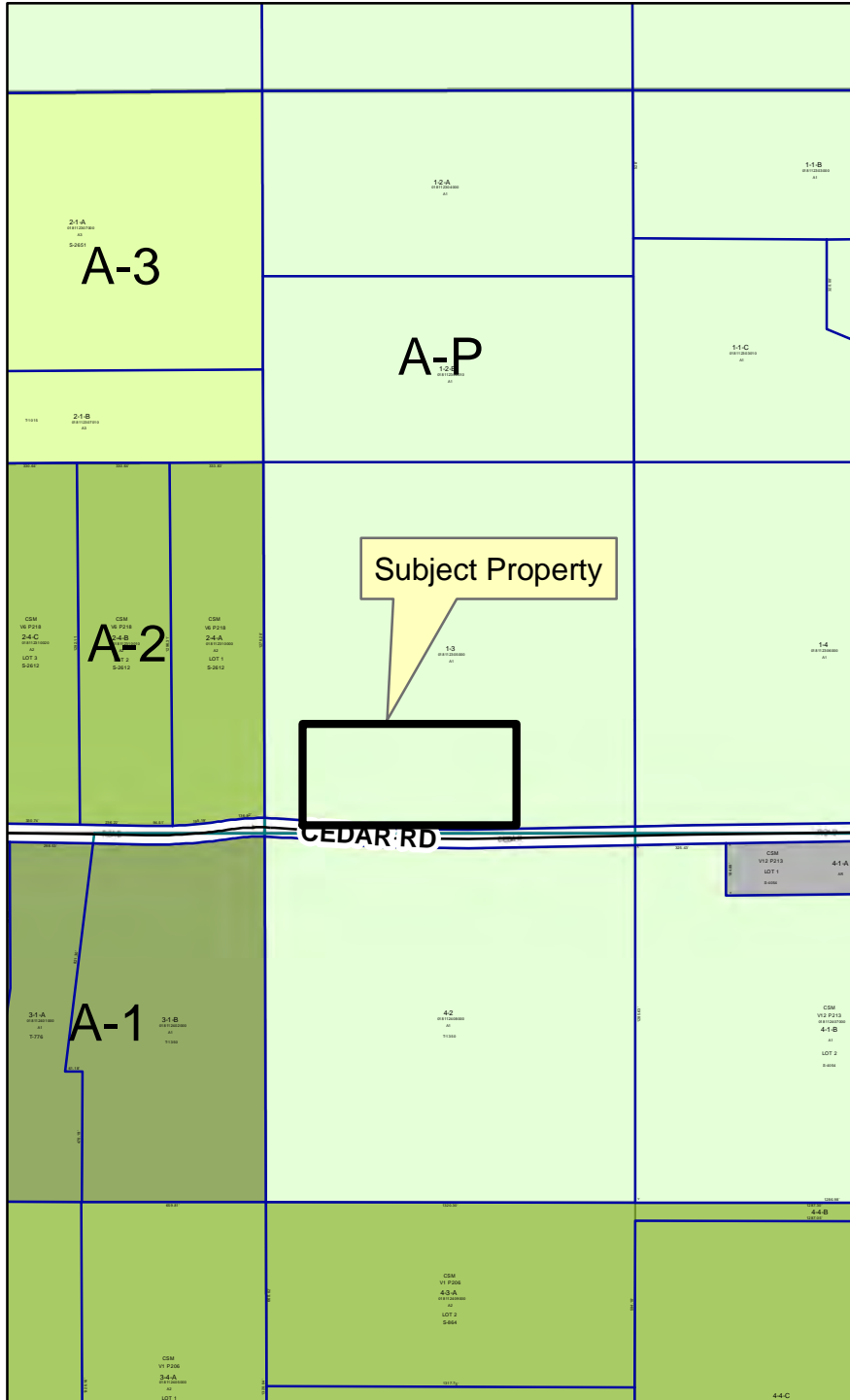
Staff recommends that the Planning and Development Committee file a recommendation of approval to the County Board for the rezoning petition to rezone the 5-acre property from the A-P District to the A-2 District as depicted on the attached map and described in the attached legal description.



# Ostrander Rezoning: RZN-0005-16

## Existing Zoning

1 inch = 666.666667 feet



- all other values-
- A1 - Exclusive Agricultural District
- A2 - Agriculture-Residential District
- A3 - Agricultural District
- AP - Agricultural Preservation
- AR - Floating Agricultural-Residential District
- C1 - Neighborhood Business District
- C2 - General Business District
- C3 - Highway Business District
- F1 - Exclusive Forestry District
- F2 - Forestry District
- I1 - Nonsewered Industrial District
- I2 - Sewered Industrial District
- R1L - Single-Family Residential District, Large Lot
- R1M - Single-Family Residential District
- R2 - Two-Family Residential District
- R3 - Multiple-Family Residential District
- RH - Rural Homes District

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



### Parcel Mapping Notes:

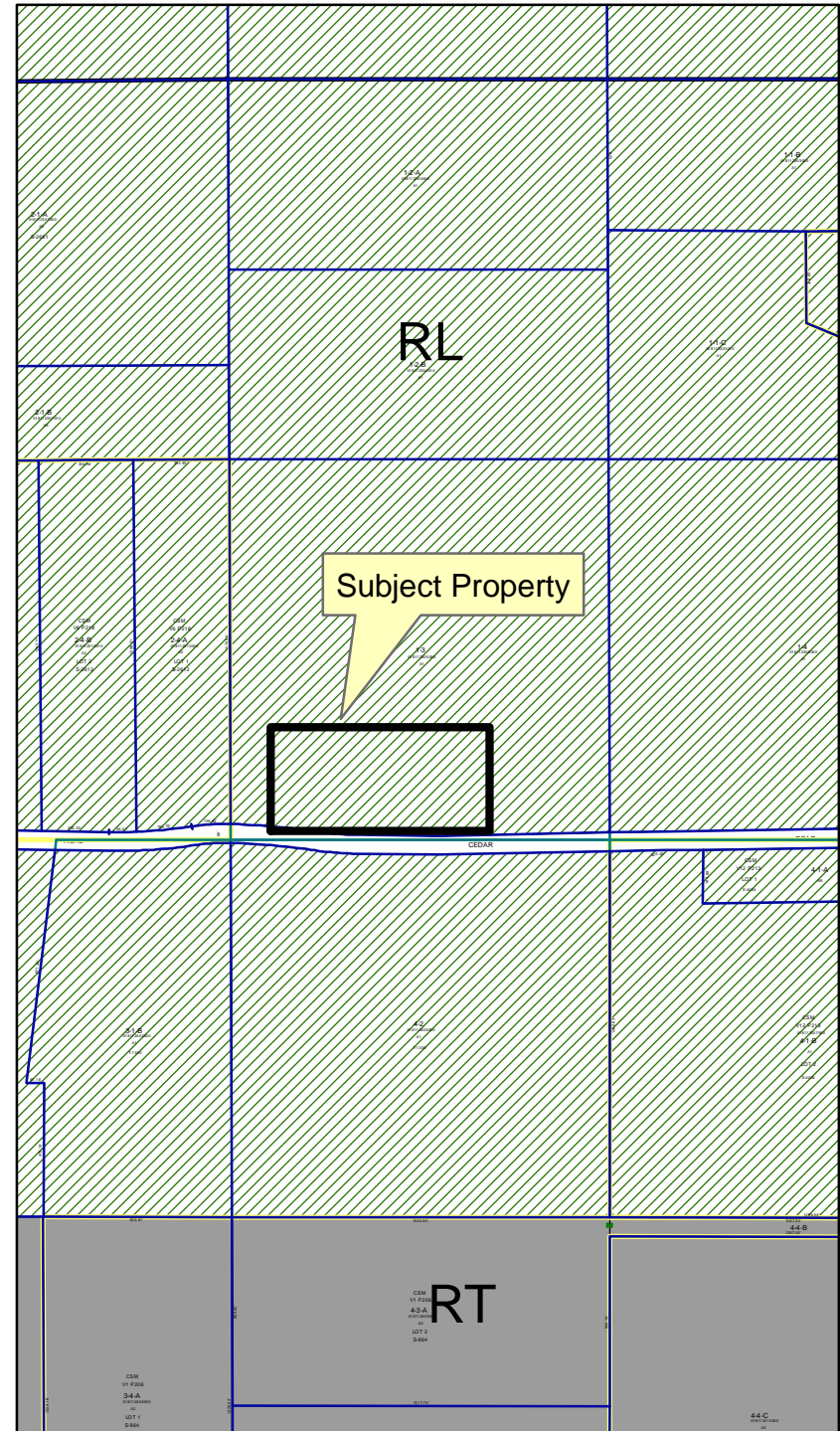
The horizontal datum is based on the Eau Claire County Coordinate System NAD\_1983\_HARN\_Adj\_WI\_EauClaire\_Feet

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.

## Existing Future Land Use

1 inch = 667 feet



**FACT SHEET**  
**File No. 15-16/130**

**RE:** Rezoning Petition from Douglas D & Kari S Graff to rezone 6.14 acres +/- from AP (Agriculture Preservation) District to A-2 (Agriculture-Residential) to allow a family member to construct a single-family residence on the property

**Legal Description and Location:** Portion of the SW¼ NW¼ of Section 12, T26N, R9W, Town of Washington (complete legal description attached)

**Size of area to be rezoned:** 6.14 acres +/-

**ADJACENT ZONING & LAND USES:**

LOCATION	ZONING	LAND USE
Subject	A-P	Agricultural fields
North	A-P	Agricultural fields; Single-family residence
East	A-2	Single-family residences
South	A-2/RH (west of parent parcel)	Agricultural fields; Woodlands; Single-family residences (south of parent parcel)
West	A-P/RH (west of parent parcel)	Agricultural fields; Single-family residences (west of parent parcel)

**LAND USE PLANS:** The Eau Claire County Future Land Use Map includes the property in the Rural Transition (RT) planning area and the Town of Washington Future Land Use Map includes the property in the Rural Residential (RR) 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 Transition (RT)**

**Eau Claire County Intent and Description:** The primary intent of these areas is to, *“identify certain lands in proximity to developed areas, to be preserved in mainly agricultural and open space uses until such time as more intensive development is appropriate. As mapped, this designation includes farmland, scattered open lands, woodlots, agricultural-related uses, cottage industries, mineral extraction operations, and limited low density single-family residential development. The RT areas potentially represent prime candidates for intergovernmental agreements that lay out specific plans for land use, boundary changes, and fiscal arrangements.”*

**Rural Residential (RR)**

**Town of Washington Intent and Description:** The primary intent of this classification is to, *“identify areas suitable for future rural residential neighborhoods. Rural Residential areas include lands with existing residential properties or vacant platted areas. In addition, some undeveloped land has been designated for RR development where subdivision expansion is likely to occur. These additional areas tend to be adjacent to existing rural subdivisions or where local roads and utilities exist to efficiently and economically serve the area.”*

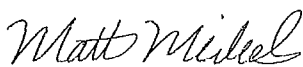
**Staff Conclusions and Recommendation:** Staff finds that the proposed rezoning request is consistent with the Eau Claire County Comprehensive Plan and the Town of Washington Comprehensive Plan. The Eau Claire County Comprehensive Plan recognizes that the proposed A-2 zoning district is consistent and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

**Town Board Action:** The Town of Washington Town Board met on Thursday, February 18, 2016, to consider the rezoning petition and recommended approval of the rezoning.

**Committee Action:** The Eau Claire County Committee on Planning and Development conducted the required public hearing on Tuesday, February 23, 2016 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



1 **Enrolled No.**

**ORDINANCE**

**File No. 15-16/130**

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 **A parcel of land located in the Southwest ¼ of the Northwest ¼,**  
12 **Section 12, Town 26 North, Range 9 West, Town of Washington, Eau**  
13 **Claire County, Wisconsin. This parcel is more particularly described**  
14 **as follows:**

15  
16 **Commencing at the Northwest Corner of Section 12; thence**  
17 **S01°20'43"E along the west line of the Northwest ¼, 1,360.93 feet;**  
18 **thence, S88°43'32"E, 735.17 feet to the Point of Beginning; thence,**  
19 **S88°43'32"E, 578.11 feet; thence, S00°32'03"W along the Centerline**  
20 **of Graff Road, 454.06 feet; thence, N89°55'09"W, 585.46 feet; thence,**  
21 **N01°26'30"E, 466.22 feet to the Point of Beginning.**

22  
23 **Said parcel containing 6.14 acres +/- to be reclassified from the A-P**  
24 **Agricultural Preservation District to the A-2 Agriculture-Residential**  
25 **District.**

26  
27 **SECTION 2** Where a certified survey map is required and may alter the above  
28 described property description, the official zoning district map for the  
29 town shall be automatically amended to reflect the property description of  
30 the certified survey map.

31  
32 **ENACTED:** I hereby certify that the foregoing correctly represents the  
33 action taken by the undersigned Committee on  
34 February 23, 2016 by a vote of ~~4~~ for, 0 against.

35  
36   
37 \_\_\_\_\_  
38 Planning & Development Committee, Chairperson

APPROVED BY  
CORPORATION COUNSEL  
AS TO FORM

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

15-16/130

Application Accepted: 1/27/2016
Accepted By: Matt Michels
Receipt Number: 45329
Town Hearing Date: 02/18/2016
Scheduled Hearing Date: 2/23/2016
Application No: RZN-0004-16
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~~<sup>AP</sup> Proposed Zoning District(s): **A2** Acres to be Rezoned: **5.0**

Portion Of The Sw1/4 Nw1/4 Of Section 12, T26N, R9W, Town Of Washington, Eau Claire County (Complete Legal Description Attached)

<b>Owner/Applicant Name(s):</b> Douglas D & Kari S Graff	<b>Address:</b> (ow) 5386 GRAFF RD EAU CLAIRE	<b>Telephone:</b> 715-839-0290(H)
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<b>Site Address(es):</b>			
<b>Property Description:</b>	Sec 12 Twn 26 Rge 09	<b>Town of Washington</b>	<b>Lot Area:</b> 40.000 ACRES
<b>Zoning District(s):</b> A1			

<b>Overlay District:</b> Check Applicable	<input type="checkbox"/> Shoreland	<input type="checkbox"/> Flood Plain	<input type="checkbox"/> Airport	<input type="checkbox"/> Wellhead Protection	<input type="checkbox"/> Non-Metallic Mining
--	------------------------------------	--------------------------------------	----------------------------------	--	--

<b>PIN</b> 1802422609122300001	<b>Alternate No</b> 024116810000	<b>Parcel No</b> 26.9.12.2-3	<b>Legal (partial)</b> SW-NW
-----------------------------------	-------------------------------------	---------------------------------	---------------------------------

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 \_\_\_\_\_

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

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

**RECEIVED**

JAN 27 2016

**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

Supervisor: Mike Conlin  
 DIST 10

Application Accepted:	1/27/16
Accepted By:	MM
Receipt Number:	45329
Town Hearing Date:	2/18/16
Scheduled Hearing Date:	2/23/16

## 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: AP Proposed Zoning District(s): A2  
 Acres to be rezoned: \_\_\_\_\_

Property Owner Name: Douglas and Kari Graff Phone# 715-839-0290  
 Mailing Address: 5386 Graff Rd, Eau Claire, WI 54701  
 Email Address: dgraftfarm@yahoo.com (A)

Agent Name: \_\_\_\_\_ Phone# \_\_\_\_\_  
 Mailing Address: without Road Right of Way - 5.8 acres  
 Email Address: Including Road Right of Way - 6.15 acres

**RECEIVED**

JAN 27 2016

### STE INFORMATION

COUNTY CLERK

Site Address: 5388 Graff Rd, Eau Claire, WI 54701  
 Property Description: SW 1/4 NW 1/4 Sec. 12, T 26 N, R 09 W, Town of Washington  
 Zoning District: \_\_\_\_\_ Code Section(s): \_\_\_\_\_  
 Overlay District:  Shoreland  Floodplain  Airport  Wellhead Protection  Non-Metallic Mining  
 Check Applicable  
 Computer #(s): 024-1168-10-000

### 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 \$50.00 application fee (non-refundable), payable to the Eau Claire County Treasurer (\$40.00 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 Douglas Graff  
Kari Graff

Date 1-27-16  
1-27-16

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.

## REZONING APPLICATION CHECKLIST

Applications are due by Tuesday at 5:00 PM three weeks prior to the Committee on Planning and Development meeting. The application must include the items listed below. After a preliminary review, additional information may be needed. A hearing will not be scheduled until the application is deemed complete. Applications are considered complete when all materials and associated fees are received and approved by staff.

Required Application Items:

- Application must be signed by the property owner(s)
- A legal description of land and address of land to be rezoned
- Complete the attached supplemental rezoning information sheet
  - Describe the reason for the request
  - 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
  - Explain and justify why this particular property is under consideration for rezoning
    - For rezoning requests from A-1 to any zoning district other than the AR district must consider the factors in Section 18.04.055 A-D
    - For rezoning requests from the A-1 to the AR zoning district must consider the factors in Section 18.06.050 A-D
    - For rezoning requests out of the Shoreland-wetland district must consider Section 18.19.100 B

The rezoning procedures and details have been outlined in the rezoning brochure, which is available at the Department of Planning and Development.

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:

We are seeking a rezoning of a small portion of our farm so that our son and daughter in law can build a home for them and their children. Our son may provide occasional help on the farm if needed. We also tried to minimize the loss of best productive farmland and we will still farm a portion of their property.

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.

18.05.010 - Permitted Principal Uses

A - Agriculture

18.05.015 - Permitted Principal Structures

A - Single Family Dwellings

B - Agricultural Structures - chickens

18.05.025 - Permitted Accessory Structures

A - Private Garages - Lawn Mowers, Snowmobiles

18.05.040 - Lot Requirement

Would meet lot size and setback requirements

I highlighted some of the pertinent A2 zoning Regulations. This rezoning from AP to A2 would be done to allow our son and daughter in law to build a home for themselves and to have the opportunity to have some chickens and possibly some other farm animals that could be 4-H or FFA projects in the future. Also to possibly have a second garage in the future. All of which are consistent to the A2 zoning ordinance. Unused land would be still used for crop production. Other than our farm, all neighboring properties are A2 zoning now.

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:

A-P Ag Preservation

- 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.

### Standard 1

The land chosen for rezoning is the end of a farm field in an area of lighter soil type with less crop production. The tracts across the road are zoned A2.

### Standard 2

The rezoning to A2 is consistent to the comprehensive plan because it will be for a single family home for a family member near many similar A2 properties.

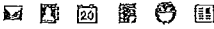
### Standard 3

The rezoning is for a family member to build a single family home and land not needed for the homestead and driveway will most likely still remain in agricultural crop production.

### Standard 4

The rezoning will not impair or limit current or future agricultural use of surrounding land because the surrounding land will remain in production agriculture. Also, the rezoning is so our son and daughter in law can build a home for them and their children. They would like to have the opportunity to farm animals themselves. They welcome living near a production agriculture farm and to have property not needed for their homestead and driveway to remain in crop production.

Q All Search



Compose

Navigation icons: back, forward, delete, move, spam, more

- Inbox
- Drafts
- Sent
- Spam
- Trash (9)
- Smart Views
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  - Starred
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  - Social
  - Shopping
  - Travel
  - Finance
- Folders
- Recent

A-P zoning district rezoning standards

Matt Michels <Matt.Michels@co.eau-claire.wi.us> Today at 11:38 AM  
To dgraffarm@yahoo.com

Hi Doug,

Here are the standards for rezoning property from A-P to another zoning district:

- Standard 1 - *The land is better suited for a use not allowed in the A-P Agricultural Preservation zoning district based on a review of soil types, historical productivity, location, and adjacent land uses.*
- Standard 2 - *The rezoning is consistent with any applicable comprehensive plans.*
- Standard 3 - *The rezoning is substantially consistent with the certified Eau Claire County Farmland Preservation Plan.*
- Standard 4 - *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.*

Please use these standards rather than the ones included in the rezoning application you have. Please let me know if you have any questions.

Thanks,

Matt Michels, AICP  
Senior Planner  
Eau Claire County Planning & Development  
721 Oxford Ave. Ste. 3344  
Eau Claire, WI 54703  
[matt.michels@co.eau-claire.wi.us](mailto:matt.michels@co.eau-claire.wi.us)  
O: (715) 839-5055  
F: (715) 831-5802



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- Sent
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- Trash
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- Recent

### REZONE DESCRIPTION

*A parcel of land located in the Southwest 1/4 of the Northwest 1/4, Section 12, Town 26 North, Range 9 West, Town of Washington, Eau Claire County, Wisconsin. This parcel is more particularly described as follows:*

*COMMENCING at the Northwest Corner of Section 12; thence, S01°20'43"E along the west line of the Northwest 1/4, 1360.93 feet; thence, S88°43'32"E, 735.17 feet to the POINT OF BEGINNING; thence, S88°43'32"E, 578.11 feet; thence, S00°32'03"W along the Centerline of Graff Road, 454.06 feet; thence, N89°55'09"W, 585.46 feet; thence, N01°26'30"E, 466.22 feet to the POINT OF BEGINNING.*

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by steveocvira on flickr







## EAU CLAIRE COUNTY PLANNING STAFF RECOMMENDATION

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REZONE NUMBER: RZN-0004-16                      COMPUTER NUMBER: 024116810000

PUBLIC HEARING DATE: February 23, 2016

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STAFF CONTACT: Matt Michels, AICP, Senior Planner

OWNER/AGENT: Douglas D & Kari S Graff, 5388 Graff Rd, Eau Claire, WI 54701

REQUEST: Rezone 6.14 acres +/- of land from A-P (Agriculture Preservation) District to A-2 (Agriculture Residential) District to allow a family member to construct a single-family residence

LOCATION: West side of Graff Road approximately ¾ mile south of the Washington Town Hall

LEGAL DESCRIPTION: Portion of the SW¼ NW¼ of Section 12, T26N, R9W, Town of Washington (complete legal description attached)

---

### SUMMARY

Applicant proposes to rezone 6.14 acres +/- of land from A-P (Agricultural Preservation) District to A-2 (Agriculture Residential) District to allow a family member to construct a non-farm single-family residence.

---

### BACKGROUND

#### SITE CHARACTERISTICS:

- Parent parcel is approximately 160 acres with existing farmstead
- Property is undeveloped and contains tilled fields
- Property slopes generally from south to north

#### CURRENT ZONING:

A-P Agricultural Preservation District. The A-P Agricultural Preservation District is established to:

- Preserve and protect those areas best suited for agricultural, forestry or open-space uses by minimizing fragmentation of contiguous agricultural or forest lands for the benefit and use of current and future generations;*
- Provide for a wide range of agricultural uses typically associated with the continued production of food and fiber while recognizing that such uses may involve noise, dust, odor, or operation of heavy equipment for long periods of time;*
- Strengthen and diversify a predominately agricultural and forestry-based economy by providing for a range of economic opportunities for property owners which are generally compatible with and supportive of agriculture or forestry operations as either permitted or conditional uses;*
- Comply with standards contained in Wis. Stat. ch. 91 to permit eligible landowners to receive tax credits under Wis. Stat. § 71.09, in conjunction with their agricultural operations;*
- Preserve rural character and promote the efficient use of public infrastructure and utilities by minimizing the adverse effects of urban sprawl along with its associated expense;*

- F. Promote environmental quality through the use of conservation practices designed to minimize erosion of productive soils and deter the delivery of sediment and nutrients to the waters of our state;
- G. Minimize land use conflicts which occur when agricultural and non-agricultural uses are intermixed or not adequately separated; and
- H. Provide for carefully regulated extraction of nonmetallic mineral resources through Eau Claire County's permitting processes to ensure compatibility with adjacent land uses, minimize impacts to natural resources, and to restore lands to productive agricultural use consistent with locally approved reclamation plans.

**REQUESTED ZONING DISTRICT:**

The petition is to rezone the property described above from the A-P Agricultural Preservation 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." Minimum lot size in the A-2 District is five (5) acres.

**ZONING/LAND USE CONTEXT:**

LOCATION	ZONING	LAND USE
Subject	A-P	Agricultural fields
North	A-P	Agricultural fields; Single-family residence
East	A-2	Single-family residences
South	A-2/RH (west of parent parcel)	Agricultural fields; Woodlands; Single-family residences (south of parent parcel)
West	A-P/RH (west of parent parcel)	Agricultural fields; Single-family residences (west of parent parcel)

**COMPREHENSIVE PLANS:**

The Eau Claire County Future Land Use Map includes the property in the Rural Transition (RT) planning area and the Town of Washington Future Land Use Map includes the property in the Rural Residential (RR) planning area.

Following is a description of the intent of the applicable County and Town comprehensive plan future land use categories 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 Transition (RT) Comprehensive Plan Intent and Description: *The primary intent of this classification is to, "identify certain lands in proximity to developed areas, to be preserved in mainly agricultural and open space uses until such time as more intensive development may be appropriate. As mapped, this designation may include farmland, scattered open lands, woodlots, agricultural-related uses, cottage industries, mineral extraction operations, and limited low density single-family residential development. Within the horizon of this Plan, future development in the RT areas is expected to be consistent with the existing pattern of development; however, it is anticipated that over time these lands may be transitioned to more intensive development."*
- Applicable Policies:
  1. *Within the RT classification, new development shall be limited in accordance with all policies applicable to the Rural Preservation classification, until such time when the Town identifies that particular mapped area as appropriate for more intensive development using the following criteria. a. When considering new residential subdivisions within the Rural Transition area, the Town may limit the development until 75% of the lots within all existing improved residential subdivisions are developed, calculated at the time a development request is submitted. Improved lots are those which are ready to be built on, served by public road and electric service is in place. b. When considering Rural Commercial and Industrial uses the Town may limit development to areas where the parcel is adjacent to existing business development, incorporated areas or along collector or arterial roadways. c. Within the planned 2025 Eau Claire Sewer Service Area, development should be arranged for potential re-subdivision into City-sized lots to facilitate the efficient and economical delivery of future municipal utilities.*

FARMLAND PRESERVATION PLAN:

The property is included in the Farmland Preservation Plan Map to allow the property owner to claim Farmland Preservation tax credits. Many other properties in the vicinity are excluded from farmland preservation.

CITY OF EAU CLAIRE EXTRATERRITORIAL JURISDICTION:

This property lies within the City of Eau Claire's Extraterritorial Jurisdiction (ETJ) within the Sewer Service Area (SSA). The City does not oppose the proposed rezoning so long as the 10-acre gross density requirement is maintained over the entire parent parcel, which in this case would equate to 15 or 16 lots overall over the entire 160 acre parent parcel. Note that the density limitation restricts the number of lots that may be created on the entire parent parcel, but does not restrict the creation of lots smaller than 10 acres.

## 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 to 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 with other A-2 zoned parcels adjacent to the east and has required roadway frontage (250 feet) for the A-2 district
- The proposed rezoning will not interfere with or be incompatible with existing agricultural uses in the vicinity
- The remaining A-P zoned property will be approximately 155 acres, which exceeds the 35 acre minimum lot requirement for the district.
- Existing uses in the area include a mixture of agricultural fields, woodlots, and residences

The rezoning petition has been evaluated for consistency with the purpose of A-2 District and the uses allowed in the district and have been found to be consistent with the purpose of the zoning code based on the aforementioned findings.

### A-P Rezoning Standards

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

**Standard 1** - *The land is better suited for a use not allowed in the A-P Agricultural Preservation zoning district based on a review of soil types, historical productivity, location, and adjacent land uses.*

- **Soil Types** – The primary soil type on the property to be rezoned is Meridian loam, 2 to 6 percent slopes, which is classified as Capability Class 2, a prime agricultural soil. However, areas of lower soil capability to the south contain steep slopes that are not suitable for development.
- **Historical Productivity** – the majority of the property to be rezoned has been cultivated for agriculture.
- **Site Location** – The site is located on the west side of Graff Road and the proposed lot has sufficient roadway frontage (250 feet) for the A-2 District.
- **Adjacent Land Uses** – Uses in the area are a mixture of single-family residential, cropland, and woodland uses. Zoning in the area is also a mixture of A-2 and A-P zoning in the vicinity of this property, with RH zoning further to the southwest. Agriculture is limited by topography and soil capability.

**Standard 2** - *The rezoning is consistent with any applicable comprehensive plans.*

The proposed rezoning conforms to the future land use intent, purpose, and policies for the Eau Claire County and Town of Washington Comprehensive Plans.

**Standard 3** - *The rezoning is substantially consistent with the certified Eau Claire County Farmland Preservation Plan.*

Although there will be some impact on highly productive soils, two factors must be considered, including:

1. A residence for the family member could be constructed within the A-P certified farmland preservation district without a rezoning if the property owner constructed the home without a mortgage loan. Banks will not typically lend on properties with farmland and require that the land with the home be divided from the farm. Therefore, the proposed zoning action will not have any greater adverse impacts than if the home were constructed following the A-P district standards.
2. The property is designated as Rural Transition in both the County and Town of Washington Comprehensive Plans. The long-term plan for this property is to transition to non-farm use within the horizon of the plans.

**Standard 4** - *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.*

The proposed rezoning conforms to this standard as the existing residence has is compatible with nearby agricultural operations..A Right-to-Farm Acknowledgement, recorded with the County Register of Deeds, will be required for the proposed lot.

Town Board Action: The Washington Town Board will hold a public hearing regarding this rezoning petition on February 18, 2016.

**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

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 Transition and Town of Washington Rural Transition future land use designations.

**RECOMMENDATION**

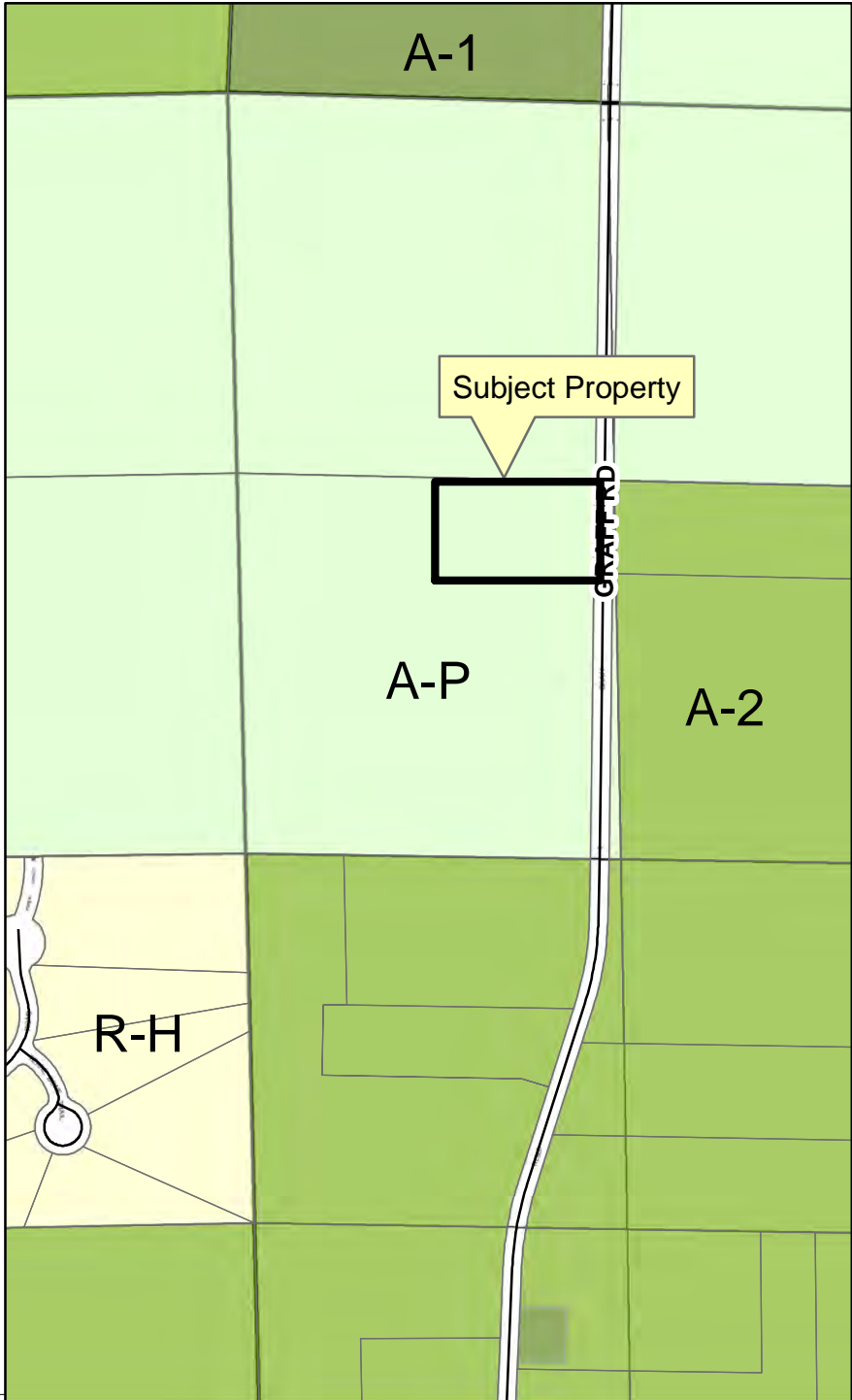
Staff recommends that the Planning and Development Committee file a recommendation of approval to the County Board for the rezoning petition to rezone the 6.14-acre +/- property from the A-P District to the A-2 District as depicted on the attached map and described in the attached legal description.



# Graff Rezoning: RZN-0004-16

## Existing Zoning

1 inch = 666.666667 feet



- █ <all other values>
- █ A1 - Exclusive Agricultural District
- █ A2 - Agriculture-Residential District
- █ A3 - Agricultural District
- █ AP - Agricultural Preservation
- █ AR - Floating Agricultural-Residential District
- █ C1 - Neighborhood Business District
- █ C2 - General Business District
- █ C3 - Highway Business District
- █ F1 - Exclusive Forestry District
- █ F2 - Forestry District
- █ I1 - Nonsewered Industrial District
- █ I2 - Sewered Industrial District
- █ RL - Single-Family Residential District, Large Lot
- █ R1M - Single-Family Residential District
- █ R2 - Two-Family Residential District
- █ R3 - Multiple-Family Residential District
- █ RH - Rural Homes District

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



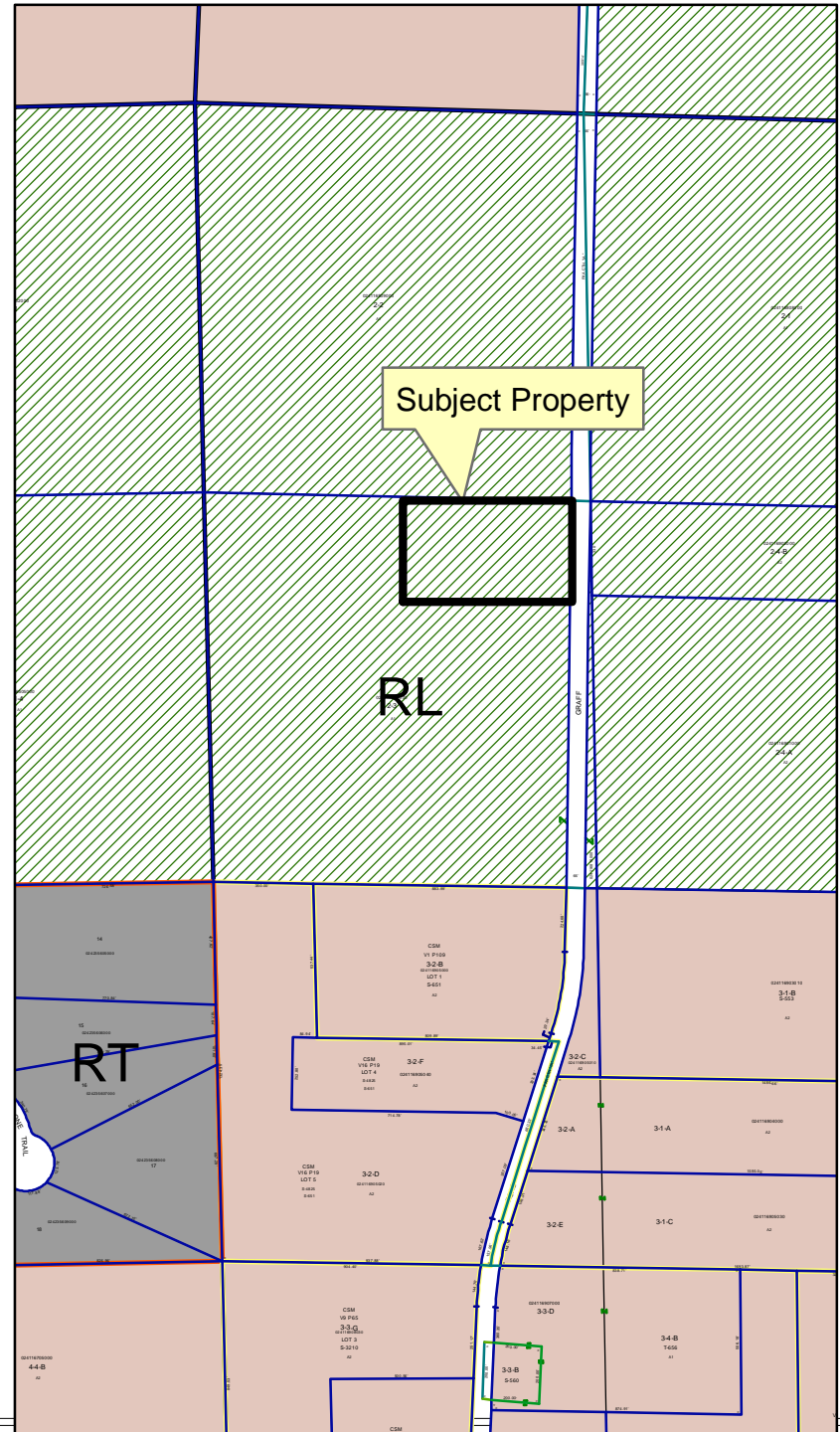
**Parcel Mapping Notes:**  
The horizontal datum is based on the Eau Claire County Coordinate System NAD\_1983\_HARN\_Adj\_WI\_EauClaire\_Feet

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.

## Existing Future Land Use

1 inch = 667 feet





**FACT SHEET**  
**File No. 15-16/131**

**RE:** Rezoning Petition from Esther E Gonitzke Estate to rezone 110 acres +/- from A-1 (Exclusive Agriculture) District to R-H (Rural Homes) to develop a single-family residential subdivision

**Legal Description and Location:** Part of the SW¼ of Section 26, T29N, R9W, Town of Pleasant Valley (complete legal description attached)

**Size of area to be rezoned:** 110 acres +/-

**ADJACENT ZONING & LAND USES:**

LOCATION	ZONING	LAND USE
Subject	A-1	Single family residence & woodland
North	A-1	Agricultural fields
East	RH	Single family residences
South	A-1	Agricultural fields
West	RH	Golf course & single family residences

**LAND USE PLANS:** The Eau Claire County Future Land Use Map includes the property in the Rural Transition (RT) planning area and the Town of Pleasant Valley Future Land Use Map includes the property in the Rural Transition (RT) 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 Transition (RT)**

**Eau Claire County Intent and Description:** The primary intent of these areas is to, *“identify certain lands in proximity to developed areas, to be preserved in mainly agricultural and open space uses until such time as more intensive development is appropriate. As mapped, this designation includes farmland, scattered open lands, woodlots, agricultural-related uses, cottage industries, mineral extraction operations, and limited low density single-family residential development. The RT areas potentially represent prime candidates for intergovernmental agreements that lay out specific plans for land use, boundary changes, and fiscal arrangements.”*

**Rural Transition (RT)**

**Town of Pleasant Valley Intent and Description:** The primary intent of this classification is to, *“identify certain lands in proximity to developed areas, to be preserved in mainly agricultural and open space uses until such time as more intensive development may be appropriate. As mapped, this designation may include farmland, scattered open lands, woodlots, agricultural-related uses, cottage industries, mineral extraction operations, and limited low density single-family residential development. Within the horizon of this Plan, future development in the RT areas is expected to be consistent with the existing pattern of development; however, it is anticipated that over time these lands may be transitioned to more intensive development.”*

**Staff Conclusions and Recommendation:** Staff finds that the proposed rezoning request is consistent with the Eau Claire County Comprehensive Plan and the Town of Pleasant Valley Comprehensive Plan. The Eau Claire County Comprehensive Plan recognizes that the proposed RH zoning district is consistent and therefore allowed within the mapped Eau Claire County Rural Transition and Town of Pleasant Valley Rural Transition future land use designations.

**Town Board Action:** The Town of Pleasant Valley Town Board met on Monday, February 8, 2016, to consider the rezoning petition and recommended approval of the rezoning.

**Committee Action:** The Eau Claire County Committee on Planning and Development conducted the required public hearing on Tuesday, February 23, 2016 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 PLEASANT VALLEY -

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 Pleasant Valley, Eau Claire County described as follows:

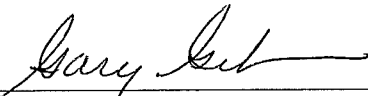
10  
11 **Being all of SW ¼ of the NE ¼, NW ¼ of the NE ¼, and the NE ¼ of**  
12 **the NE ¼, Section 26, Township 26 North, Range 9 West, Town of**  
13 **Pleasant Valley, except Certified Survey Map #3114, Volume 17,**  
14 **Pages 283-284 described as follows:**

15  
16 **Beginning at the NE corner of said NE ¼; thence N89°05'58"W 943.78**  
17 **feet; thence S01°00'24"W 410.00 feet; thence N89°05'58"W 1,052.00**  
18 **feet; thence N01°00'24"E 410.00 feet; thence N89°05'58"W 642.76**  
19 **feet; thence S00°19'27"W 2,664.13 feet; thence S89°20'36"E 1,325.46**  
20 **feet; thence N00°11'23"E 1,329.28 feet; thence S89°13'18"E 1,322.36**  
21 **feet; thence N00°03'17"E 1,326.50 feet to the Point of Beginning.**

22  
23 **Said parcels containing 110 acres to be reclassified from the A-1**  
24 **Exclusive Agricultural District to the RH Rural Homes District.**

25  
26  
27 **SECTION 2** Where a certified survey map is required and may alter the above  
28 described property description, the official zoning district map for the  
29 town shall be automatically amended to reflect the property description of  
30 the certified survey map.

31  
32 ENACTED: I hereby certify that the foregoing correctly represents the  
33 action taken by the undersigned Committee on  
34 February 23, 2016 by a vote of 4 for, 0 against.

35  
36   
37 \_\_\_\_\_  
38 Planning & Development Committee, Chairperson

APPROVED BY  
CORPORATION COUNSEL  
AS TO FORM

15-16/131

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: 1/29/2016
Accepted By: Matt Michels
Receipt Number: 45373
Town Hearing Date: 02/08/2016
Scheduled Hearing Date: 3/22/2016
Application No: RZN-0006-16
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): **RH**      Acres to be Rezoned: **110**

All Of The Sw1/4 Of The Ne1/4, Nw1/4 Of The Ne1/4, And The Ne1/4 Of The Ne1/4, Section 26, T26N, R9W (Complete Legal Description Attached)

<b>Owner/Applicant Name(s):</b> Peter J & Ann K Gartmann Esther E Gonitzke	<b>Address:</b> (appl) 635 FAIRFAX ST ALTOONA (ow) 1090 S WELDON RD ROCKFORD	<b>Telephone:</b> 715-514-4116(H) 815-965-4897(H)
--	--	---

<b>Site Address(es):</b> E 5045 HICKORY RD EAU CLAIRE			
<b>Property Description:</b>	Sec 26 Twn 26 Rge 09	<b>Town of Pleasant Valley</b>	<b>Lot Area:</b> 40.000 ACRES 40.000 ACRES 40.000 ACRES
<b>Zoning District(s):</b>	A1    RH    A1    RH A1		

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

Check Applicable

PIN	Alternate No	Parcel No	Legal (partial)
1801822609261100001	018111402000	26.9.26.1-1	NE-NE
1801822609261200001	018111403000	26.9.26.1-2	NW-NE
1801822609261300001	018111404000	26.9.26.1-3	SW-NE

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 \_\_\_\_\_

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

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

**RECEIVED**

JAN 29 2016

**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.

Sup. dist 7: Steve Chilson



Eau Claire County  
 Department of Planning and Development  
 Eau Claire County Courthouse  
 721 Oxford Avenue, Room 9344  
 Eau Claire, Wisconsin 54703  
 (715) 839-4741

Application Accepted:	1/29/16
Accepted By:	mm
Receipt Number:	45373
Town Hearing Date:	2/8/16
Scheduled Hearing Date:	3/22/16

### 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: A1	Proposed Zoning District(s): RH
Acres to be rezoned: 111 Acres	

Property Owner Name: Esther Gontzke Estate	Phone# (815) 980-3256
Mailing Address: 1090 S. Weldon Rd., Rockford, IL 61102	
Email Address: dgontzke@gmail.com	

Agent Name: Pete Gartmann	Phone# (715) 514-4116
Mailing Address: 635 Fairfax St., Altoona, WI 54720	
Email Address: pgartmann@rls-aec.com	

**RECEIVED**

JAN 29 2016

**SITE INFORMATION**

**COUNTY CLERK**

Site Address: (SW-NE, NW-NE, NE-NE)
Property Description: $\frac{1}{4}$ $\frac{1}{4}$ Sec. 26, T26 N, R 9 W, Town of Pleasant Valley
Zoning District: Exclusive Agriculture Code Section(s): A1
Overlay District: <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): 018 111 404 000 018 111 402 000

**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 checked="" type="checkbox"/> Complete attached information sheet	<input checked="" type="checkbox"/> Contact the Town to coordinate a recommendation on the application
<input checked="" type="checkbox"/> Provide legal description of property to be rezoned	<input checked="" 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: Esther Gontzke (POA for Esther Gontzke) Date: 1-21-2016

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.

Re-zoning 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.

Monterey Meadows, Pleasant Ridge, Evergreen Terrace, Heathrow, & Interlachen Estates are all subdivisions with 1/4 mile of the subject property. These five subdivisions are all zoned RH and possess similar features of the proposed subdivision for the subject property.

- 1) The five aforementioned subdivisions have soils comprised of mostly loamy sands, sandy loams, and loams. The subject property contains soils of comparable physical qualities.
- 2) This parcel is bounded by roads on the north and east side; platted lands to the west and southwest, the southeast corner is buffered by wooded area.
- 3) The parcel has Hickory Road on the North, County Trunk Highway 1 to the East and Cedar Road is Platted to the west for connectivity to Monterey Meadows and adjoining platted areas. The surrounding area has Gas mains, Electric and Telephone lines to serve this property.
- 4) By reviewing the existing adjoining Platted lands we feel that no undue environmental degradation will occur. Eau Claire Land and Water will be reviewing the development plans to ensure the integrity of the ordinance is upheld.

Town of Pleasant Valley Comprehensive Plan has designated this area for high density development.

By Re-zoning this parcel and allowing high density will decrease the development pressure on other agricultural lands within the Town.

SUPPLEMENTAL INFORMATION FOR A REZONING PETITION

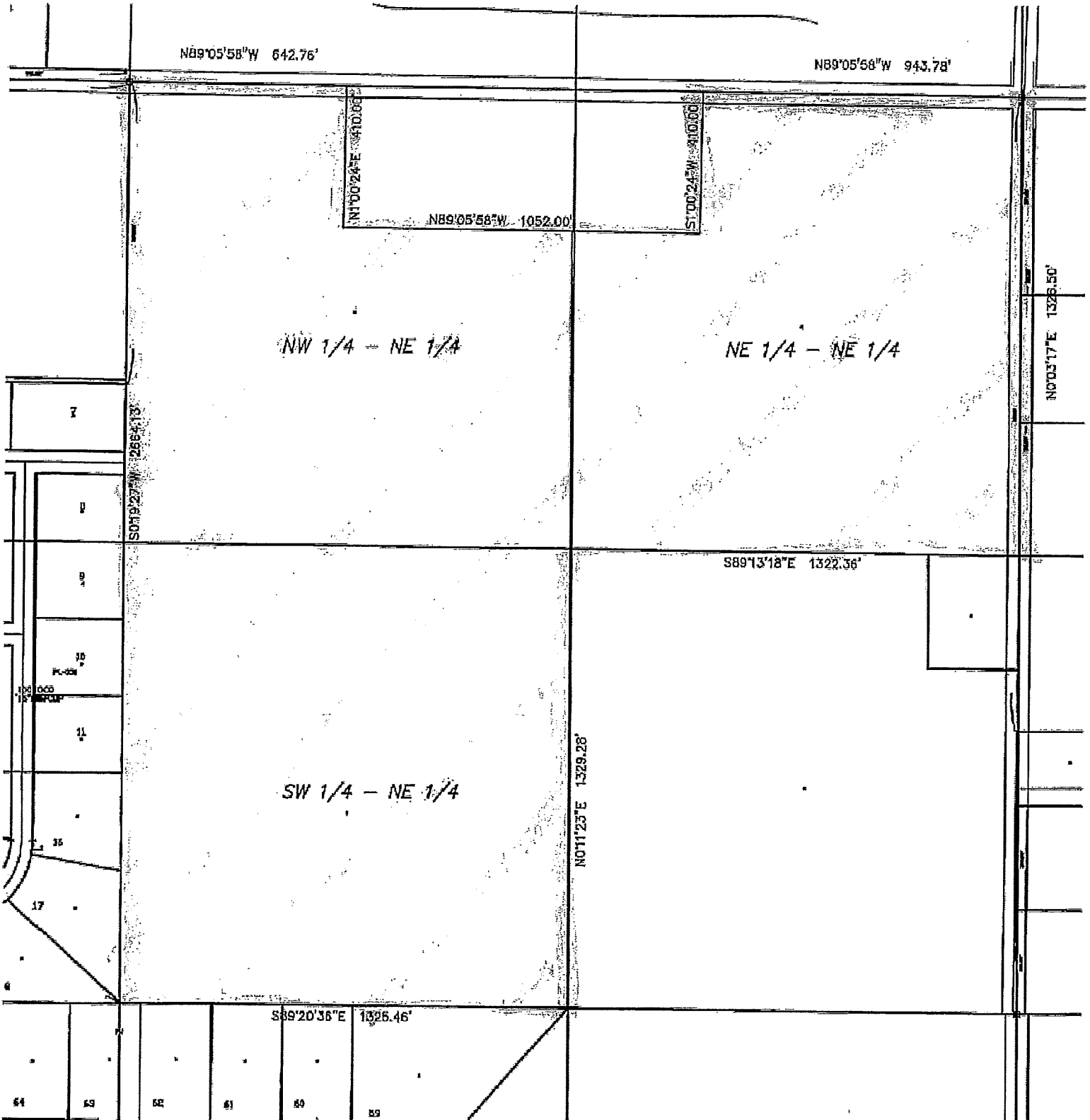
In order to process your application as quickly as possible, please fill in all of the sections below that are applicable to your request, and attach all appropriate maps or plans described below that are relevant to your request.

Describe the reason for your rezoning request:

Having the 111 acres rezoned from A1 to RH would allow a new subdivision to be created.

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.

# RE-ZONE Sketch



Being all of SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  and the NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , Section 26, T26N, R9W, Town of Pleasant Valley, except Certified Survey Map # 3114, Volume 17, Pages 283-284 described as follows.

Beginning at the NE corner of said NE  $\frac{1}{4}$ ; thence N89°05'58"W 948.78 feet;

Thence S01°00'24"W 410.00 feet;

Thence N89°05'58"W 1052.00 feet;

Thence N01°00'24"E 410.00 feet;

Thence N89°05'58"W 642.76 feet;

Thence S00°19'27"W 2664.13 feet;

Thence S89°20'36"E 1325.46 feet;

Thence N00°11'23"E 1329.28 feet;

Thence S89°13'18"E 1322.36 feet;

Thence N00°03'17"E 1326.50 feet to the point of beginning.



## EAU CLAIRE COUNTY PLANNING STAFF RECOMMENDATION

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**REZONE NUMBER:** RZN-0006-16      **COMPUTER NUMBERS:** 018111402000  
018111403000  
018111404000

**PUBLIC HEARING DATE:** February 23, 2016

---

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

**OWNER:** Esther E Gonitzke Estate, 1090 S Weldon Rd, Rockford, IL 61102

**AGENT:** Pete Gartmann, 635 Fairfax St, Altoona, WI 54720

**REQUEST:** Rezone 110 acres +/- from A-1 (Exclusive Agriculture) District to R-H (Rural Homes) District to develop a single-family residential subdivision

**LOCATION:** Southwest of the intersection of Hickory Road and County Highway I

**LEGAL DESCRIPTION:** Part of the SW¼ of Section 26, T29N, R9W, Town of Pleasant Valley (complete legal description attached)

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### SUMMARY

The applicant proposes to rezone 110 acres +/- from A-1 (Exclusive Agriculture) District to R-H (Rural Homes) District to develop a single-family residential subdivision

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### BACKGROUND

#### SITE CHARACTERISTICS:

- Property is currently undeveloped
- Property to the north contains agricultural fields
- Property slopes generally to the south

#### CURRENT ZONING:

A-1 Exclusive Agriculture District. The A-1 exclusive agricultural district is established to *"preserve areas for farming or agricultural use and to minimize land use conflicts between farms and non-farms."* Note that as of December 15, 2015 the A-1 zoning district is no longer a certified farmland preservation and is being revised the "de-certified" status. The changed status of the A-1 district should be considered when evaluating rezoning requests in this district.

#### REQUESTED ZONING DISTRICT:

The petition is to rezone the property described above from the A-1 Exclusive Agriculture District to the RH Rural Homes District. The purpose of the RH District is to *"provide for suburban large-lot development with individual on-site water and sewage disposal facilities."* Minimum lot size in the RH District is one (1) acre.



ZONING/LAND USE CONTEXT:

LOCATION	ZONING	LAND USE
Subject	A-1	Single family residence & woodland
North	A-1	Agricultural fields
East	RH	Single family residences
South	A-1	Agricultural fields
West	RH	Golf course & single family residences

COMPREHENSIVE PLANS:

Both the Eau Claire County and the Town of Pleasant Valley Future Land Use Maps include this property in the Rural Transition (RT) 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 Transition Intent and Description: *“The primary intent of this classification is to identify certain lands in proximity to developed areas, to be preserved in mainly agricultural and open space uses until such time as more intensive development is appropriate. As mapped, this designation includes farmland, scattered open lands, woodlots, agricultural-related uses, cottage industries, mineral extraction operations, and limited low density single-family residential development. The RT areas potentially represent prime candidates for intergovernmental agreements that lay out specific plans for land use, boundary changes, and fiscal arrangements.”*
- Applicable Policies: The following policies are applicable to this rezoning petition.
  1. Continue to maintain and support farming and other agriculture uses, agricultural-related businesses, cottage industries, forestry, mineral extraction, open space, and utility uses until such time as it has been determined by local plans that these areas are needed for additional non-farm development.
  2. For those Towns under County Zoning, density and zoning districts to be considered for new development shall be limited in accordance with all policies applicable to the Rural Lands classification, until such time as it has been determined by local officials in accordance with local plans, and the County Plan, that these areas are needed for additional non-farm development.

**Town of Pleasant Valley:**

- Rural Transition Comprehensive Plan Intent and Description: The primary intent of this classification is to, *“identify certain lands in proximity to developed areas, to be preserved in mainly agricultural and open space uses until such time as more intensive development may be appropriate. As mapped, this designation may include farmland, scattered open lands, woodlots, agricultural-related uses, cottage industries, mineral extraction operations, and limited low density single-family residential development. Within the horizon of this Plan, future development in the RT areas is expected to be consistent with the existing pattern of development; however, it is anticipated that over time these lands may be transitioned to more intensive development.”*

- Applicable Policies: The following policies are applicable to this rezoning petition.
  1. Within the RT classification, new development shall be limited in accordance with all policies applicable to the Rural Preservation classification, until such time when the Town identifies that particular mapped area as appropriate for more intensive development using the following criteria. a. The Town shall prohibit new residential subdivision development within the Rural Transition areas until 75% of the lots within all existing improved subdivisions are developed, calculated at the time a development request is submitted. (Improved = lots which are ready to build, public road and electric service are constructed)
  2. If and when development is warranted, areas within the RT classification shall be transitioned and new development shall be limited in accordance with all policies applicable to the approved future land use classification, which may include Rural Residential, Rural Commercial, or Rural Industrial.
  3. The Town does not intend to require an amendment to the Future Land Use Map if and when it determines that land within the RT classification is appropriate for more intensive development. However, following such a determination, the rezoning of said land shall be required to accommodate the proposed development. Map updates should be done as part of annual or decennial updates to this Plan (Refer to Chapter 4 Implementation).

FARMLAND PRESERVATION PLAN:

Property is shown as Transition on the Farmland Preservation Plan Map. These lands are anticipated over time to be developed and therefore excluded from participation in the Farmland Preservation program.

Comprehensive Plan Summary:

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 Pleasant Valley Comprehensive Plan.

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**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 to 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 RH 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 Pleasant Valley
- The property is appropriately situated for the intended RH zoning and has access from Hickory Road and County Road I.

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. Note that these standards, although still technically a part of the A-1 district standards

for the time being, will be modified in the near future to reflect that the A-1 district is no longer a certified farmland preservation zoning district:

**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 Soils Map, the main soil type on the property is Plainfield loamy sand (PfB), 1 to 6 percent slopes, which is Capability Class 4, not a prime agricultural soil. Other soil types include Billett Sandy Loam, which is considered to be Capability Class 3, a prime soil. However, the property is in a transition area in the Farmland Preservation Plan and the County and Town Comprehensive Plans, which indicates that the property is expected to be developed.
- **Site Location** – The site is located on the southwest corner of Hickory Road and County Highway I.
- **Adjacent Land Uses** – Uses in the area are a mixture residential, agricultural, and woodland uses. Zoning in the area is also a mixture of R-H, A-1, A-2, and R-H zoning 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 on the north and east due to noises, odors, and other conditions or characteristics associated with farming.

**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.

**Standard 4** - *Whether the development allowed by the new zoning district will cause undue environmental degradation* – The proposed rezoning would not result in undue environmental degradation.

Town Board Action: The Pleasant Valley Town Board met on Monday, February 8, 2016 to consider the rezoning petition and voted unanimously (3-0 vote) to recommend approval of the proposed rezoning.

## CONCLUSION

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

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

In addition, the following factors have also been considered:

- Input of surrounding property owners (within 660 feet). At least one adjacent resident opposes the proposed road connection to Cedar Road. Vehicular access and circulation will be addressed in greater detail during the subdivision platting stage.
- Town of Pleasant Valley Board action

Staff finds that the proposed rezoning request is consistent with the Eau Claire County Comprehensive Plan and the Town of Pleasant Valley Comprehensive Plan. The Eau Claire County Comprehensive Plan recognizes that the proposed RH zoning district is consistent and therefore allowed within the mapped Eau Claire County and Town of Pleasant Valley Rural Transition future land use designation. Other single-family residential subdivisions exist in proximity to this property, and the proposed development would be consistent with nearby subdivisions, including Interlachen, Evergreen Terrace, Monterey Meadows, and other subdivisions with similar lot sizes.

Staff finds that the proposed rezoning request is consistent with the Eau Claire County Comprehensive Plan and the Town of Pleasant Valley Comprehensive Plan. The Eau Claire County Comprehensive Plan recognizes that the proposed RH zoning district is consistent and therefore allowed within the mapped Eau Claire County and Town of Pleasant Valley Rural Transition future land use designations.

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### **RECOMMENDATION**

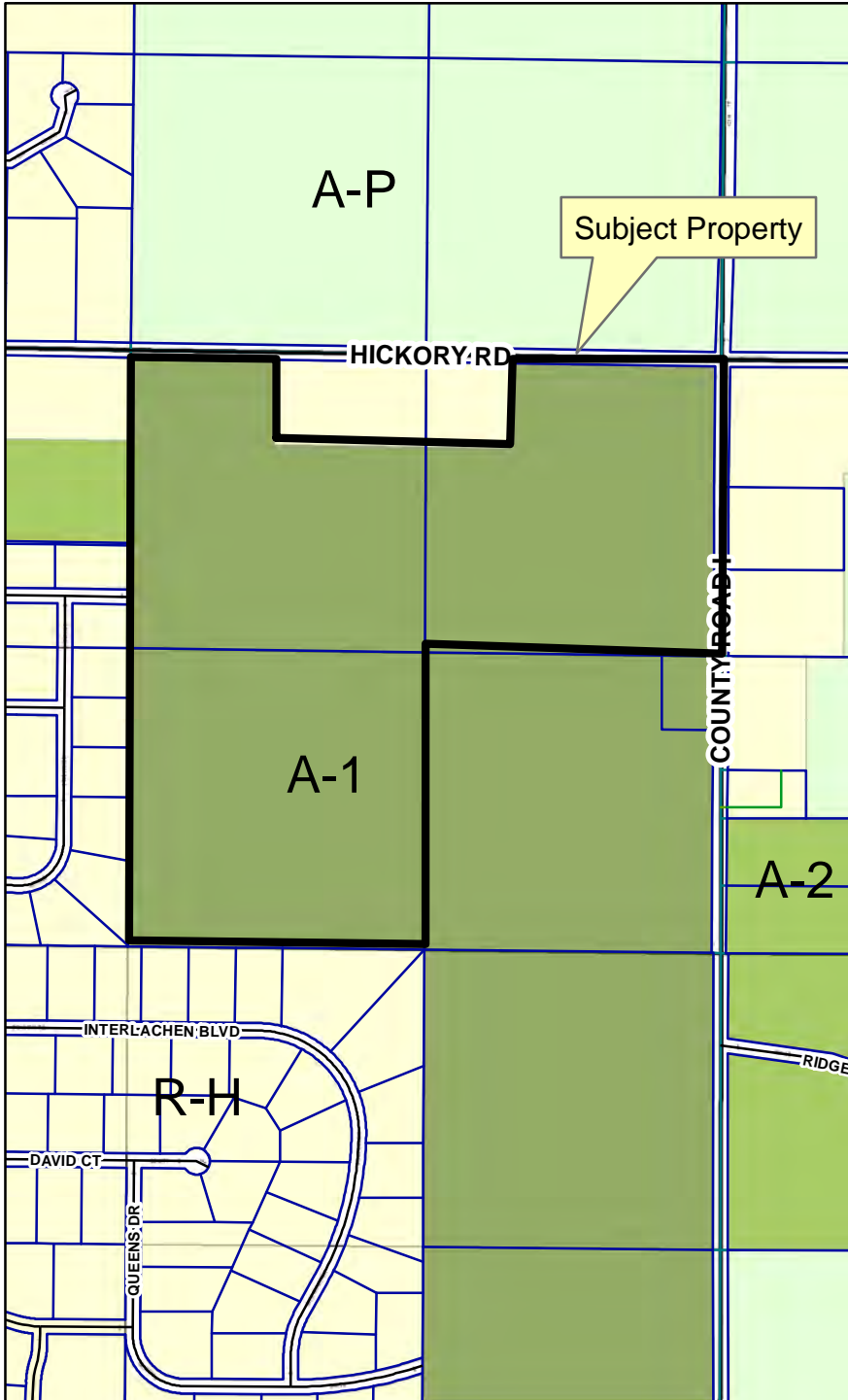
Staff recommends that the Planning and Development Committee file a recommendation of approval to the County Board for the rezoning petition to rezone the approximately 110-acre +/- property from the A-1 District to the RH District as depicted on the attached map and described in the attached legal description.



# Gonitzke Rezoning: RZN-0006-16

## Existing Zoning

1 inch = 833.333333 feet



- all other values-
- A1 - Exclusive Agricultural District
- A2 - Agriculture-Residential District
- A3 - Agricultural District
- AP - Agricultural Preservation
- AR - Floating Agricultural-Residential District
- C1 - Neighborhood Business District
- C2 - General Business District
- C3 - Highway Business District
- F1 - Exclusive Forestry District
- F2 - Forestry District
- I1 - Nonsewered Industrial District
- I2 - Sewered Industrial District
- R1L - Single-Family Residential District, Large Lot
- R1M - Single-Family Residential District
- R2 - Two-Family Residential District
- R3 - Multiple-Family Residential District
- RH - Rural Homes District

- Commercial Industrial
- County Forest
- Natural Resource Protection
- Park and Recreational
- Public Institutional
- Recreational Commercial
- Rural Commercial
- Rural Hamlet
- Rural Industrial
- Rural Lands
- Rural Residential
- Rural Residential - Mobile Home
- Rural Transition
- Urban Mixed Use



### Parcel Mapping Notes:

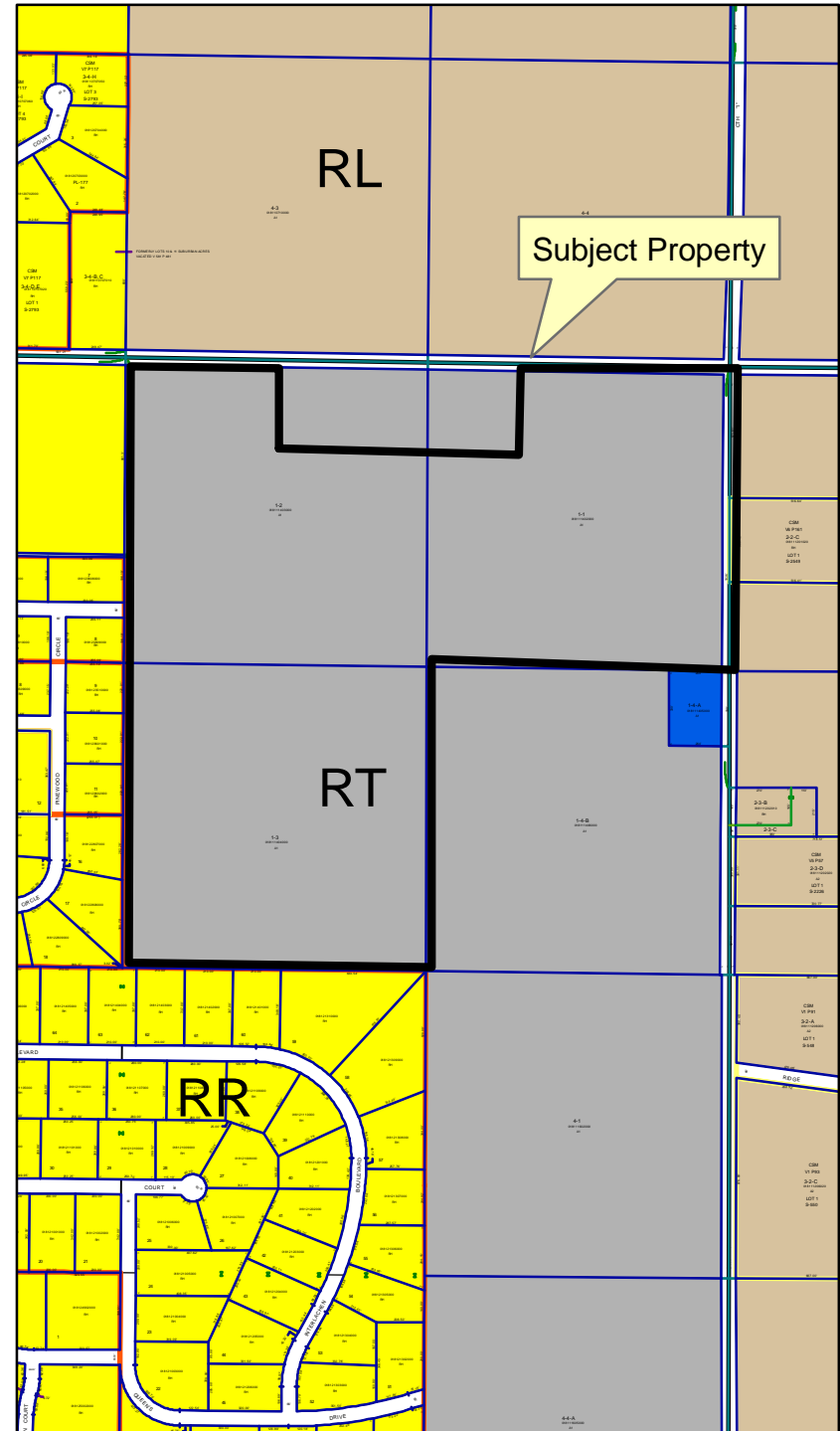
The horizontal datum is based on the Eau Claire County Coordinate System NAD\_1983\_HARN\_Adj\_WI\_EauClaire\_Feet

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 completeness, accuracy, reliability, currentness, or otherwise; and the user shall own the map and results solely at their own risk.

## Existing Future Land Use

1 inch = 833 feet



## FACT SHEET

### TO FILE NO. 15-16/082

**Section 1.** The county board has never met for more than two days on the annual budget. This amendment does not preclude the county board from continuing the budget meeting as long as proper public notice is given as required by the open meetings law.

**Section 2.** This section: eliminates the “unfinished business” agenda item which item is never used and does not comply with the open meetings law since it does not identify a subject matter to be discussed; clarifies in conjunction with changes made in Section 7 which items are considered under first reading and second reading to clarify existing practice and eliminating the need to list items under suspension of rules since a motion to suspend the rules can always be made; consolidates reports of standing committees, committees, boards and commissions and second reading of ordinances under one agenda item: and replaces references to Rues 16 and 32 with code sections for easier reference; and eliminates the confirmation and elections by chair language which is not used.

**Section 3.** Removes redundant language.

**Section 4.** Updates the language to more accurately reflect the Wisconsin Statute that is cited and also replaces the reference to Rule 16 with the code section for easier reference.

**Section 5.** This section deletes the phrase “avoid personalities” since it is not clear what it means in this context and appears to be redundant with the existing language of only speaking to the merits of the question, refraining from attacking or questioning the motives of another member and using another members name in a demeaning or derogatory manner. The second thing that is addressed is the “Method of Address” which is updated to either refer to whoever is chairing the meeting as “Mister Chair or Madame Chair” and all supervisors as “Supervisor \_\_\_\_” (last name).

**Section 6.** The proposed changes are to reflect the layout of the new county boardroom. The old county boardroom acted as an extra courtroom and there was a bench area and a specific table set aside for the media adjacent to where supervisors sat.

**Section 7.** The main goal of these changes is to make it clear where items will appear in the county board agenda. This section treats comprehensive plan amendments the same as rezonings, both of which require a public hearing and recommendation of the local government unit involved prior to action by the committee on planning and development. Along with vouchers these agenda items will be considered for action under second reading instead of under suspension of rules. In addition the last sentence is deleted since all legislation is listed in the same manner on the county board agenda.

**Section 8.** This section replaces the reference to Rule 16 with the code section to allow for easier reference.

**Section 9.** This section replaces the reference to Rules 12, 15 and 16 with the code sections to allow for easier reference.

**Section 10.** Updates the rule of allowing members to utilize videoconferencing as an alternative to using a speaker phone under the limited circumstances set forth for holding meetings.

**Section 11.** This section replaces the reference to Rule 32 with the code section to allow for easier reference.

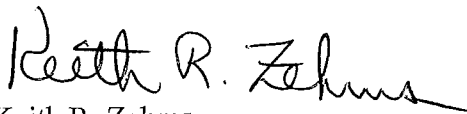
**Section 12.** This section eliminates the requirement that the county board chair appointments must all be considered by the committee on administration or another committee and simply requires confirmation by a majority vote of the supervisors present and does not require a separate resolution.

**Section 13.** This section replaces the reference to Rule 12 with the code section to allow for easier reference.

**Section 14.** This section replaces the reference to Rule 16 with the code section to allow for easier reference.

**Section 15.** Repeals 2.04.350. This subject is governed by Wisconsin Statutes. Statutory provisions for removal for county board supervisors or other elected county officers are different and reflected in separate state statutes.

Respectfully Submitted,



Keith R. Zehms  
Corporation Counsel

KRZ/yk

Ordinance/15-16.082 Fact

2  
3 - TO AMEND SECTION 2.04.010 C. OF THE CODE: RULE 1 -- MEETINGS; TO  
4 AMEND SECTION 2.04.030 C., D. AND E. OF THE CODE: RULE 3—OPENING OF  
5 MEETING; TO AMEND SECTION 2.04.040 B.2. OF THE CODE: RULE 4—VOTING; TO  
6 AMEND SECTION 2.04.040 E. 3. AND 4. OF THE CODE: RULE 4—VOTING; TO AMEND  
7 SECTION 2.04.050 B. AND C. OF THE CODE: RULE 5—SPEAKING AT MEETINGS; TO  
8 AMEND SECTION 2.04.080 A. OF THE CODE: RULE 8—RULES OF CHAMBERS; TO  
9 AMEND SECTION 2.04.110 D. OF THE CODE: RULE 11—CALENDAR OF REGULAR  
10 MEETINGS; TO AMEND SECTION 2.04.150 A. OF THE CODE: RULE 15—SELECT AND  
11 SPECIAL COMMITTEES; TO AMEND SECTION 2.04.280 C. OF THE CODE: RULE 28—  
12 RESOLUTIONS, ORDINANCES AND AMENDMENTS; TO AMEND SECTION 2.04.310 B.  
13 OF THE CODE: RULE 31-COMMITTEE MEETINGS; TO AMEND SECTION 2.04.330 OF  
14 THE CODE: RULE 33—REPORTS OF CONVENTION DELEGATES; TO AMEND  
15 SECTION 2.04.340 B. OF THE CODE: RULE 34—CONSIDERATION AND  
16 CONFIRMATION OF APPOINTMENTS; TO REPEAL SECTION 2.04.350 OF THE CODE:  
17 RULE 35—REQUEST FOR IMPEACHMENT OR REMOVAL FROM OFFICE; TO AMEND  
18 SECTION 2.04.435 B. OF THE CODE: COMMITTEE ON ADMINISTRATION; TO AMEND  
19 SECTION 2.05.001 E. OF THE CODE: LEGISLATIVE POLICY AND INTENT-

20  
21 The County Board of Supervisors of the County of Eau Claire does ordain as follows:

22  
23 **SECTION 1.** That Subsection C. of Section 2.04.010 of the code be amended to read:

24  
25 C. The meeting on the Tuesday after the 2nd Monday of November in each year  
26 shall be the annual meeting at which time the board shall conduct a public hearing on and  
27 thereafter adopt the county budget and tax levy for the ensuing fiscal year, in addition to its  
28 regular business. Unless otherwise ordered, the board shall adjourn at 11:00 p.m. until 1:00 p.m.  
29 the next day and likewise shall adjourn to 7:00 p.m. each succeeding day until the business of the  
30 annual meeting is concluded.

31  
32 **SECTION 2.** That Subsections C., D. and E. of Section 2.04.030 of the code be  
33 amended to read:

34  
35 C. Order of Business for Regular Meetings. The order of business shall be as  
36 follows for all regular meetings of the board, except as otherwise provided by rules for the  
37 annual and organizational meetings:

- 38 1. Call to order;
- 39 2. Honoring of the flag and moment of reflection;
- 40 3. Call of the roll;
- 41 4. Correction Approval of the journal of proceedings;
- 42 ~~5. Unfinished business;~~
- 43 65. Public comment;
- 44 76. Reports to the county board under ~~Rule 32~~ 2.04.320;
- 45 87. Presentation of petitions, claims, and communications;
- 46 98. ~~Presentation of resolutions or~~ First reading of ordinances by committees ~~or~~  
47 ~~members under suspension of the rules;~~
- 48 109. First reading of ordinances and resolutions by members;
- 49 110. Reports of standing committees, committees, commissions and boards



1 under 2.04.160 and 2<sup>nd</sup> second reading of ordinances. The committee chair(s) responsible for  
2 reporting shall give an oral report and fact sheet by staff explaining the reasons for the committee  
3 action;

4 ~~12. Reports of select committees and 2nd reading;~~

5 ~~13. Reports of commissions and boards under Rule 16 ;~~

6 ~~1411. Appointments, confirmations and elections by the board;~~

7 D. Order of Business for Annual Meeting. The order of business shall be as follows  
8 for the annual meeting:

9 1. Call to order;

10 2. Honoring of the flag and moment of reflection;

11 3. Call of the roll;

12 ~~4. Correction~~ Approval of the journal of proceedings;

13 5. Public hearing on the annual budget;

14 6. Presentation of petitions, claims and communications;

15 7. Budget deliberations-1<sup>st</sup> vice-chair presides;

16 ~~8. Unfinished business;~~

17 ~~98. Reports to the county board under Rule 32~~ 2.04.320;

18 ~~109. Presentation of resolutions or First reading of ordinances by committees or~~  
19 ~~members under suspension of the rules;~~

20 ~~1110. First reading of ordinances and resolutions by members;~~

21 ~~1211. Reports of standing committees, committees, commissions and boards~~  
22 under 2.04.160 and second reading of ordinances. The committee chair(s) responsible for  
23 reporting shall give an oral report and fact sheet by staff explaining the reasons for the committee  
24 action;

25 ~~1312. Reports of select committees and second reading;~~

26 ~~1413. Reports of commissions and boards under Rule 16~~ 2.04.160;

27 ~~1514. Appointments, confirmations and elections by the chair;~~

28 E. Order of Business for the Organizational Meeting. The order of business shall be  
29 as follows for the organizational meeting:

30 1. Call to order;

31 2. Presentation of the colors and honoring of the flag;

32 3. Moment of reflection;

33 4. Certificate of election;

34 5. Administration of the oath of office;

35 6. Call of the roll;

36 7. Election of board officers;

37 8. Adoption of the rules of order;

38 ~~9. Correction~~ Approval of the journal of proceedings;

39 ~~10. Unfinished business;~~

40 ~~1110. Public Comment;~~

41 ~~1211. Reports to the county board under Rule 32~~ 2.04.320;

42 ~~1312. Presentation of petitions, claims, and communications;~~

43 ~~1413. Presentation of resolutions or First reading of ordinances by committees or~~  
44 ~~members under suspension of the rules;~~

45 ~~1514. First reading of ordinances and resolutions by members;~~

46 ~~1615. Reports of standing committees, committees, commissions and boards~~  
47 under 2.04.160 and second reading of ordinances. The committee chair(s) responsible for  
48 reporting shall give an oral report and fact sheet by staff explaining the reasons for the committee  
49 action;

- 1           17.    Reports of select committees and second reading;  
2           18.    Reports of commissions and boards under Rule 16 ;  
3           1916. Appointments, confirmations and elections by the board;  
4  
5

6           **SECTION 3.** That paragraph 2. of Subsection B. of Section 2.04.040 of the code be  
7 amended to read:  
8

9           2.       All members shall be in their seats when voting. Prior to the  
10 announcement by the chair of the final vote on any question, members have the right to change  
11 their vote by rising for recognition and so announcing the change to the clerk. Thereafter,  
12 members shall not be allowed to change their vote, ~~even by unanimous consent.~~  
13

14           **SECTION 4.** That paragraph 3. and 4. of Subsection E. of Section 2.04.040 of the code  
15 be amended to read:  
16

17           3.       Any public ~~construction referendum~~ work done directly by the county  
18 under Wis. Stat. § 59.52(29), (3/4);

19           4.       Any motion to withdraw a matter from committee unless notice has been  
20 given as provided in ~~Rule 16 2.04.160~~ codified in 2.04.160(2/3).  
21

22           **SECTION 5.** That Subsections B. and C. of Section 2.04.050 of the code be amended to  
23 read:  
24

25           B.       Limitations of Speech. No member shall speak a 2nd time on a question during  
26 any meeting until any other member desiring to speak on same shall have been heard. No  
27 member shall speak more than twice on a question nor for more than 5 minutes at any one time  
28 without first obtaining leave of a majority of the members present. Merely asking or answering a  
29 question for a member shall not be counted as speaking in debate. Each member shall speak  
30 only to the merits of the question under consideration, maintain a courteous tone, ~~avoid~~  
31 ~~personalities~~, refrain from attacking or questioning the motives of any other member and avoid  
32 the mention of other members' names in a demeaning or derogatory manner.

33           C.       Method of Address. At all times the chair shall be addressed as "Mister  
34 Chairman" or "Madame Chairwoman" ~~as the case maybe, or in the alternative as mister/madame~~  
35 ~~chairperson, respectively. Members shall refer to all officers and fellow members by title only,~~  
36 ~~the acceptable address for and fellow members being as~~ "Supervisor \_\_\_\_\_" or "Mr./Mrs./Ms."  
37

38           **SECTION 6.** That Subsection A. of Section 2.04.080 of the code be amended to read:  
39

40           A.       —All persons not members of the board shall be excluded from ~~within the area of~~  
41 ~~bench of the board chambers reserved for the board~~ during its meetings except the county  
42 administrator, the corporation counsel, the county clerk, or designees of such persons, ~~and~~  
43 ~~reporters for the public news media~~, unless such persons are present at the invitation of the board  
44 or authorized to address the board pursuant to ~~Rule 32-2.04.320.~~  
45

46           **SECTION 7.** That Subsection D. of Section 2.04.110 of the code be amended to read:  
47

48           D.       The calendar shall be prepared under the direction of the county administrator in  
49 accord with the orders of business provided in 2.04.030. Approval of vouchers, rezoning and

1 comprehensive plan reviews will be listed under second reading. Ordinances received from  
2 committees will be listed under first reading and resolutions under second reading. Ordinances  
3 and resolutions received from members will be listed under first reading. All legislation  
4 received from committees will be listed as follows: rezoning and approval of vouchers under  
5 suspension, ordinances under first reading and resolutions under second reading. All standing  
6 committee reports shall be listed by committee in the order that they are designated in Rule 12  
7 2.04.120, and all select committee reports shall be listed alphabetically by committee name.  
8 Legislation under first reading shall be listed by synopsis of title. Legislation under second and  
9 subsequent readings shall be listed by full title with a notation thereafter of the date of first  
10 reading and the calendar supplement pages on which it appeared or, if distribution of legislation  
11 occurred at a meeting, a notation to that effect.

12  
13 **SECTION 8.** That Subsection A. of Section 2.04.150 of the code be amended to read:

14  
15 A. Select and special committees may be created by resolution, specifying the  
16 committee charge, number of members and termination date. Select committees shall consist  
17 solely of members of the board, and special committees shall have at least 1 member of the  
18 board. Select and special committees created without a termination date shall expire on the 3rd  
19 Tuesday of April next following creation thereof. Said committees shall have such authority as  
20 shall be granted by resolution, except that the reports of special committees shall be referred to a  
21 standing committee pursuant to ~~Rule 16~~ 2.04.160.

22  
23 **SECTION 9.** That Subsection C. of Section 2.04.280 of the code be amended to read:

24  
25 C. Resolutions and ordinances may only be introduced by a member or a committee  
26 under ~~Rule 12 or 15~~ 2.04.120 or 2.04.150. Amendments to proposed legislation may be  
27 introduced by a member or a committee under ~~Rule 16~~ 2.04.160. Prior to introduction or  
28 placement on the calendar, all such proposed enactments shall be subscribed as follows:

29  
30 **SECTION 10.** That Subsection B. of Section 2.04.310 of the code be amended to read:

31  
32 B. No standing committee meeting shall be held without the majority of the members  
33 in physical attendance, except in case of extreme emergency as approved by the committee chair.  
34 Other committees, commissions, boards and councils may meet via telephone conference phone  
35 using a speaker phone or videoconferencing at the discretion of the chair, but only if all available  
36 county board members are in physical attendance at the meeting site.

37  
38 **SECTION 11.** That Section 2.04.330 of the code be amended to read:

39  
40 2.04.330 Rule 33--Reports of convention delegates. All county board members serving  
41 as delegates to a state or national conference or convention shall provide a written report within  
42 15 days of the conference or convention to the county board, which may be supplemented by an  
43 oral report under ~~Rule 32~~ 2.04.320.

44  
45 **SECTION 12.** To amend Subsection B. of Section 2.04.340 of the code:

46  
47 B.—Every nomination by the chair of the county board for any appointment to any  
48 governmental body or position which requires the confirmation of the county board shall be by  
49 majority vote of the supervisors present. ~~considered prior to submittal for confirmation by the~~

1 committee on administration, or such other committee or governmental body provided by  
2 ordinance. Confirmation action shall be by resolution introduced by the committee or  
3 governmental body.

4 SECTION 13. To amend Subsection B. of Section 2.04.435 of the code:

5  
6 2.04.435 Committee on administration.

7 B. The chair and vice-chair of the county board shall be the chair and vice-chair of  
8 the committee, respectively. The chairs of all other standing committees in ~~Rule 12~~ 2.04.120  
9 shall be ex-officio members of the committee without voting privileges.

10  
11 SECTION 14. To amend Subsection E. of Section 2.05.001 of the code:

12  
13 2.05.001 Legislative policy and intent.

14 E. All legislation introduced as provided in D. shall be referred to a standing  
15 committee as provided in ~~Rule 16~~ 2.04.160 eodified in ~~2.04.160~~.

16  
17 SECTION 15. That Section 2.04.350 of the code be repealed.

18  
19  
20 ADOPTED:

21  
22  
23 Kathleen Clark  
24 John Thompson  
25 Colleen Bates  
26  
27  
28  
29

30  
31 Committee Administration

32 KRZ/yk

33  
34 Dated this 9 day of February, 2015.

35  
36  
37  
38 ORDINANCE/15-16.082

APPROVED BY  
CORPORATION COUNSEL  
AS TO FORM

**FACT SHEET**

**TO FILE NO. 15-16/139**

Pursuant to County Code Section 3.20.001 A.

*A. Prior to May 1st of each even numbered year the committee shall review salaries of all county elected officials and make recommendations by resolution to the board in accordance with Wis. Stat. § 59.22(1)(a) and for each position up for election.*

The Committee on Human Resources at its meeting on February 5, 2016, unanimously approved an \$8,259 increase for 2017; and 2% increase for 2018, 2019, and 2020 for the elected officials whose positions are up for election. The 4-year term will be January 1, 2017, through January 1, 2020, for the County Treasurer, County Clerk, and Register of Deeds. The salaries were previously established for the Clerk of Circuit Court and County Sheriff for their 4-year term in 2014. The summary of changes for that election period were as follows:

<b>Position</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Clerk of Circuit Court	Increase of \$6,899	1.5%	1.5%	1.5%
County Sheriff	Increase of \$9,528	1.5%	1.5%	1.5%

**Subsection B.** Reflects the 2016 salaries which have been previously approved by the county board.

**Subsection C.** Reflects the 2017 salaries. The clerk of circuit court and county sheriff salaries were previously established and cannot be changed. The salaries of the county clerk, county treasurer and register of deeds were each increased \$8,259 based on comparable wage information from other counties reviewed by the Committee on Human Resources.

**Subsection D.** Reflects the 2018 salaries. The clerk of circuit court and county sheriff salaries were previously established and cannot be changed. The salaries of the county clerk, county treasurer and register of deeds were increased 2%

**Subsection E.** Reflects the 2019 salaries. The salaries of the county clerk, county treasurer and register of deeds were increased 2%.

**Subsection F.** Reflects the 2020 salaries. The salaries of the county clerk, county treasurer and register of deeds were increased 2%.

Respectfully Submitted,



Amanda Twitchell

2  
3 - TO REPEAL AND RECREATE SECTION 3.20.005 B. THROUGH F. OF THE  
4 CODE: SALARIES OF ELECTED OFFICIALS -  
5

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

8 SECTION 1. That Subsections B. and F. of Section 3.20.005 of the code be  
9 repealed and recreated to read:

10  
11 B. The total annual compensation of the elected officials for calendar year  
12 2016 shall be as follows:

- 13 1. County clerk \$59,114
- 14 2. County treasurer \$59,114
- 15 3. Register of deeds \$59,114
- 16 4. Clerk of circuit court \$71,050
- 17 5. County sheriff \$94,903

18 C. The total annual compensation of the elected officials for calendar year  
19 2017 shall be as follows:

- 20 1. County clerk \$67,373
- 21 2. County treasurer \$67,373
- 22 3. Register of deeds \$67,373
- 23 4. Clerk of circuit court \$72,116
- 24 5. County sheriff \$96,326

25 D. The total annual compensation of the elected officials for calendar year  
26 2018 shall be as follows:

- 27 1. County clerk \$68,720
- 28 2. County treasurer \$68,720
- 29 3. Register of deeds \$68,720
- 30 4. Clerk of circuit court \$73,197
- 31 5. County sheriff \$97,771

32 E. The total annual compensation of the elected officials for calendar year  
33 2019 shall be as follows:

- 34 1. County clerk \$70,094
- 35 2. County treasurer \$70,094
- 36 3. Register of deeds \$70,094

37 F. The total annual compensation of the elected officials for calendar year  
38 2020 shall be as follows:

- 39 1. County clerk \$71,496
- 40 2. County treasurer \$71,496
- 41 3. Register of deeds \$71,496

42  
43 I certify that the foregoing correctly represents the  
44 action taken by the undersigned committee on  
45 February 5, 2016 by a vote of 5 for, 0 against.

46 APPROVED BY  
CORPORATION COUNSEL  
AS TO FORM  
Reviewed by Finance Dept.  
for Fiscal Impact

47 *Kathleen Clark*  
48 Kathleen Clark, Chair  
49 Committee on Human Resources

**FACT SHEET**  
**File No. 15-16/128**

**RE:** Authorization of a submittal of a Wisconsin Department of Transportation (WisDOT) 2016-202 Transportation Alternatives Program (TAP) grant application

**Summary**

The Committee on Planning and Development met on February 23, 2016 to review Resolution No. 15-16/128 to authorize submittal of a grant application to the Wisconsin Department of Transportation (WISDOT) through the Transportation Alternatives Program (TAP) 2016-2020 award cycle.

Eau Claire County, along with neighboring Chippewa and Dunn Counties, are working together to seek this grant funding to develop individual county bike and pedestrian plans, and further connecting those plans to create a unified regional bike and pedestrian plan. The bike and pedestrian plans would promote enhanced connectivity within the participating counties multi-modal transportation networks and would create safer paths for non-motorists.

Eau Claire County has agreed to act as the primary sponsor and lead for the grant application and project, if funded. The three counties recognize that WisDOT 80% of the approved TAP project costs to the sponsor, up to the limit for the federal award amount, and that local units of government must contribute the remaining 20% of the approved TAP project costs.

Each county agrees to contribute 20% of the approved TAP project costs for their individual component. These obligations will be formalized in a Memorandum of Understanding between the three counties upon project award.

On a vote of 4 in favor and 0 against, the Committee recommends approval of the resolution to the County Board.

**Fiscal Impact**

As discussed, the grant would provide funding for 80% of the approved TAP projects, up to the limit for the federal award amount. Local units of government are required to contribute 20% for the approved project costs. Based on the estimated TAP project cost of \$60,000 for Eau Claire County, the county's contribution would be \$12,000, or 20% of the estimated project cost.

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



Matt Michels, AICP  
Senior Planner

4 - AUTHORIZING THE SUBMITTAL OF A  
5 WISCONSIN DEPARTMENT OF TRANSPORTATION (WISDOT) 2016-2020  
6 TRANSPORTATION ALTERNATIVES PROGRAM (TAP) GRANT APPLICATION  
7

8 WHEREAS, Eau Claire County, and neighboring Chippewa and Dunn Counties, desire to  
9 receive grant funding from the Wisconsin Department of Transportation (WisDOT) through the  
10 Transportation Alternatives Program (TAP) 2016-2020 award cycle for the purpose of developing  
11 individual county bike and pedestrian plans, and further connecting those plans to create one regional  
12 bike and pedestrian plan; and

13  
14 WHEREAS, one county must act as the primary sponsor and lead for the application and  
15 project if funded, and Eau Claire County has agreed to act in that role; and

16  
17 WHEREAS, the three counties recognize that WisDOT reimburses project sponsors the  
18 federal share of 80% of the approved TAP project costs, up to the limit of the federal award amount,  
19 and that local units of government must contribute the remaining 20% of the approved TAP project  
20 costs; and

21  
22 WHEREAS, each county agrees to contribute 20% of the project cost for their individual  
23 component, and that these obligations will be further solidified in a Memorandum of Understanding  
24 upon project award.

25  
26 NOW THEREFORE BE IT RESOLVED if Eau Claire County, as the project lead, is  
27 awarded funding by WisDOT for the 2016-2020 TAP award cycle, Eau Claire County is authorized  
28 to and has agreed to accept the award and enter into all necessary agreements with WisDOT for the  
29 above-referenced project on behalf of the three involved counties.

30  
31 BE IT FURTHER RESOLVED that Eau Claire County agrees to comply with all applicable  
32 laws, requirements, and regulations as outlined in the WisDOT 2016-2020 TAP application  
33 materials, the state-municipal agreement between WisDOT and Eau Claire County, and any other  
34 program and/or project documentation.

35  
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40 Reviewed by Finance Dept.  
41 for Fiscal Impact

42  
43 APPROVED BY  
44 CORPORATION COUNSEL  
45 AS TO FORM

46 KRZ/yk

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Committee on Planning & Development

Dated this 23 day of FEBRUARY, 2016