

## AGENDA

Eau Claire County Board of Supervisors  
**Tuesday, January 17, 2017/ 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 and Moment of Reflection (Supervisor Nick Smiar)
  
3. Call of the Roll
  
4. Approval of the Journal of Proceedings (December 20, 2016) (pg. 3-6)
  
5. **PUBLIC COMMENT**
  
6. **REPORTS TO THE COUNTY BOARD UNDER 2.04.320**

#### **Oral Report**

County Administrator Update / by: Kathryn Schauf, County Administrator

- Update / MLK Training Day
- Update / Employee Town Hall meeting
- Strategic Plan Update / Team Leaders

#### **Written Reports**

- Alternate Care Report (pg. 7)
- Adult Mental Health Residential/Institutional Expenses and Revenues (pg. 8)
- 2017 Contingency Fund (pg. 9)
- Jail Population Report (pg. 10)

#### 7. **PRESENTATION OF PETITIONS, CLAIMS AND COMMUNICATIONS**

Correspondence from Senator Kathleen Vinehout's office re:

- \* File #16-17/077 (supporting passenger rail service) (pg. 11)
- \* File #16-17/051 (requesting judges be given discretion on DNA surcharges) (pg. 12)

8. **FIRST READING OF ORDINANCES BY COMMITTEES**

16-17/091 (1) Repealing Section 4.07.040 of the Code: Calculation of Rates and Hours (pg. 13-14)

9. **FIRST READING OF ORDINANCES AND RESOLUTIONS BY MEMBERS**

10. **REPORTS OF STANDING COMMITTEES, COMMITTEES, COMMISSIONS AND BOARDS UNDER 2.04.160 AND SECOND READING OF ORDINANCES**

**Committee on Human Resources**

**File No.**

16-17/070 (2) Amending the Eau Claire County Human Resources Employee Policy Manual (**postponed at the December 20, 2016 meeting to the January 17, 2017 meeting**) (pg. 15-17)

**Committee on Planning and Development**

**File No.**

16-17/049 (2) To Create Section 1.50.020 of the Code; Schedule of Deposits; To Create Section 4.35.092 of the Code; Shoreland Fee . . . (ordinance amends the county's shoreland regulations). (**from December 20, 2016 meeting**) (pg. 18-63)

**Committee on Parks & Forest**

**File No.**

16-17/083 (1) Adopting the 2017 Annual Work Plan for the Parks & Forest Department to Comply with the County Forest Administration Grant Program (pg. 64-70)

16-17/088 (1) Granting an Easement to Eau Claire Energy Cooperative to Rebuild a Power Line in the Town of Brunswick (pg. 71-75)

**Committee on Finance & Budget**

**File No.**

16-17/090 (1) Authorizing Payment of Vouchers Over \$10,000 Issued During the Month of December 2016 (pg. 76-77)

11. **APPOINTMENTS**

**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**

**Tuesday, December 20, 2016**

The County Board of Supervisors of the County of Eau Claire convened at the Courthouse in the City of Eau Claire on Tuesday, December 20, 2016, and was called to order by Chair Gregg Moore at 7:01 p.m.

The Board honored the flag with the pledge of allegiance.

Moment of reflection was presented by Supervisor James Dunning.

Roll Call: 25 present: Supervisors Gary G. Gibson, Sandra McKinney, Douglas Kranig, Carl Anton, Katy Forsythe, Kevin Stelljes, Gordon C. Steinhauer, Mike Conlin, Colleen A. Bates, Kathleen Clark, Judy Gatlin, Nick Smiar, David P. Mortimer, Gregg Moore, James A. Dunning, Gerald L. Wilkie, Bruce Willett, Mark Beckfield, Sue Miller, Robin J. Leary, Heather DeLuka, Mark Olson, Tami Schraufnagel, Kimberly A. Cronk, Patrick L. LaVelle  
4 absent: Supervisors Stella Pagonis, Steve Chilson, Ray L. Henning, Brandon Buchanan

**JOURNAL OF PROCEEDINGS (December 6, 2016)**

On a motion by Supervisor Willett, seconded by Supervisor Beckfield, the Journal of Proceedings was approved.

**PUBLIC COMMENT**

James Engel spoke about the pawn shop ordinance.  
Glory Adams spoke about her wishes and the state agenda.

**REPORTS TO THE COUNTY BOARD UNDER 2.04.320**

County Administrator Kathryn Schauf presented oral report updates on the following topics:

- 2017 Work Plan and Program Review
- January 20<sup>th</sup> Chamber State of the County
- Economic Development Summit
- UW Extension Workgroup Report

Bill Judd, Sr. Director of Client Services at CliftonLarsonAllen, LLP, presented an oral report on Internal Control.

The following written reports were presented to the board:

- Alternate Care Report ending October 31, 2016
- Adult Mental Health Residential/Institutional Expenses and Revenues & Children's Institution for Mental Disease Expenses and Revenues ending October 31, 2016
- 2016 Contingency Fund Report ending December 16, 2016

**FIRST READING OF ORDINANCES BY COMMITTEES**

**Ordinance 16-17/049** TO CREATE SECTION 1.50.020 OF THE CODE: SCHEDULE OF DEPOSITS; TO CREATE SECTION 4.35.092 OF THE CODE: SHORELAND FEE; TO AMEND SECTION 16.02.020 OF THE CODE: RESTRICTION ON TIMBER AND PULP CUTTING-EAU CLAIRE COUNTY FOREST; TO AMEND SECTION 17.05.085 C. 1. AND D. 2. OF THE CODE: PROTECTIVE AREAS; TO AMEND SECTION 17.05.100 B. 14. OF THE CODE: EROSION CONTROL PLAN REQUIREMENTS; TO AMEND SECTION 17.05.110 A. 12. OF THE CODE: APPLICATION REQUIREMENTS; TO AMEND SECTION 17.06.085 C. 1. AND D. 2. OF THE CODE: PROTECTIVE AREAS; TO AMEND SECTION 17.06.130 B. 12. OF THE CODE: STORM WATER MANAGEMENT PLAN REQUIREMENTS; TO AMEND SECTION 18.01.020 B. OF THE CODE: JURISDICTION; TO AMEND SECTION 18.03.030 OF THE CODE: RELATIONS TO OTHER ORDINANCES AND REGULATIONS; TO REPEAL CHAPTER 18.19 OF THE CODE: SHORELAND OVERLAY DISTRICT; TO AMEND SECTION 18.24.015 B. AND C. e. OF THE CODE: NONCONFORMING STRUCTURES; TO REPEAL SECTION 18.24.015 F. OF THE CODE: NONCONFORMING STRUCTURES; TO AMEND AND RELETTER SECTION 18.24.015 G. OF THE CODE: NONCONFORMING STRUCTURE; TO

AMEND SECTION 18.30.010 F. OF THE CODE: YARD REGULATIONS; TO AMEND SECTION 18.30.040 C. & D. OF THE CODE: FENCES; TO AMEND SECTION 18.30.090 OF THE CODE: RECREATIONAL VEHICLES AND CAMPING; TO AMEND SECTION 18.30.260 D. 1. d. i. OF THE CODE: WIND ENERGY SYSTEMS; TO AMEND SECTION 18.30.270 A. OF THE CODE: SPECIAL EVENTS; TO AMEND SECTION 18.34.010 B. OF THE CODE: PERMITTED PRINCIPAL USES; TO AMEND SECTION 18.76.003 A. 12. a. OF THE CODE: DEFINITIONS; TO CREATE TITLE 20 OF THE CODE: SHORELAND PROTECTION OVERLAY DISTRICT

Action on said ordinance was referred to the next meeting of the county board.

**FIRST READING OF ORDINANCES AND RESOLUTIONS BY MEMBERS**

There were no objections to suspending the rules to consider Resolution 16-17/073 under suspension.

**Resolution 16-17/073 APPROVING THE TRANSFER OF \$10,000 FROM THE COUNTY BOARD TRAINING ACCOUNT TO FUND THREE HOMELESS SHELTERS IN THE CHIPPEWA VALLEY**

Supervisor Smiar announced that he would abstain from voting on this resolution because he serves on the boards of two of the homeless shelters involved in this resolution.

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

21 ayes: Supervisors Gibson, Kranig, Anton, Forsythe, Stelljes, Conlin, Bates, Clark, Gatlin, Mortimer, Dunning, Wilkie, Willett, Beckfield, Miller, Leary, DeLuka, Olson, Schraufnagel, Cronk, LaVelle

3 noes: Supervisors McKinney, Steinhauer, Moore

1 abstention: Supervisor Smiar

4 absent: Supervisors Pagonis, Chilson, Henning, Buchanan

**REPORTS OF STANDING COMMITTEES, COMMITTEES, COMMISSIONS AND BOARDS UNDER 2.04.160 AND SECOND READING OF ORDINANCES**

**Committee on Human Resources**

**Ordinance 16-17/060 TO AMEND SECTION 3.20.010 E. OF THE CODE: BENEFITS OF ELECTED OFFICIALS**

Motion by Supervisor Beckfield, seconded by Supervisor Clark for enactment.

On a roll call vote, the ordinance was unanimously enacted.

**Committee on Parks and Forest**

**Ordinance 16-17/062 TO AMEND SECTION 16.30.040 B. OF THE CODE: FEES AND CHARGES**

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

On a roll call vote, the ordinance was unanimously enacted.

**Committee on Human Resources**

**Ordinance 16-17/071 REPEALING SECTION 3.01.010 E., F., G. & H. OF THE CODE: DEFINITIONS; AMENDING SECTION 3.15.030 B. & C. OF THE CODE: POSITION AND FULL-TIME EQUIVALENCY (FTE) ESTABLISHMENT**

Motion by Supervisor Miller, seconded by Supervisor Gatlin for enactment.

On a roll call vote, the ordinance was unanimously enacted.

**Resolution 16-17/082 REPLACE ONE 1.0 FTE OFFICE MANAGER POSITION WITH A .80 FTE FISCAL ASSOCIATE IV**

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

On a roll call vote, the resolution was unanimously adopted.

**Committee on Judiciary & Law Enforcement**

**Ordinance 16-17/018** TO CREATE CHAPTER 9.96 OF THE CODE: PAWNBROKERS

Motion by Supervisor Willett, seconded by Supervisor Miller for enactment.

There were no objections to allowing Detective Henning to address the board.

Motion by Supervisor Leary, seconded by Supervisor Conlin to postpone action on said ordinance until the February 2017 board meeting.

On a roll call vote, action on said ordinance was postponed to the February 2017 board meeting as follows:  
22 ayes: Supervisors Gibson, McKinney, Kranig, Anton, Stelljes, Steinhauer, Conlin, Bates, Clark, Smiar, Mortimer, Moore, Dunning, Wilkie, Beckfield, Miller, Leary, DeLuka, Olson, Schraufnagel, Cronk, LaVelle  
3 noes: Supervisors Forsythe, Gatlin, Willett  
4 absent: Supervisors Pagonis, Chilson, Henning, Buchanan

**Committee on Planning and Development**

**Resolution 16-17/077** SUPPORTING THE INITIATION OF PASSENGER RAIL SERVICE BETWEEN WEST CENTRAL WISCONSIN AND THE TWIN CITIES

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

On a roll call vote, the resolution was unanimously adopted.

**Highway Committee**

**Ordinance 16-17/074** TO CREATE SECTION 10.05.010 B. 4. OF THE CODE: ALL-TERRAIN VEHICLE ROUTES DESIGNATED

Motion by Supervisor Forsythe, seconded by Supervisor Smiar, for enactment.

There were no objections to allowing Jon Johnson, Highway Commissioner, to address the board.

On a roll call vote, the ordinance was unanimously enacted.

**Resolution 16-17/086** GRANTING AN EASEMENT TO SBA STRUCTURES L.L.C., TO INSTALL UTILITIES ACROSS THE PROPERTY AT THE ALTOONA HIGHWAY SHOP

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

On a roll call vote, the resolution was unanimously adopted.

**Resolution 16-17/087** DELEGATION OF APPROVAL AUTHORITY FOR FUNCTIONAL CLASSIFICATION CHANGES IN RURAL AREAS

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

On a roll call vote, the resolution was unanimously adopted.

Committee on Finance and Budget

**Ordinance 16-17/061** TO AMEND SECTION 4.15.010 A. 1. & 2. OF THE CODE: FEES OF PROFESSIONAL EXAMINERS AND WITNESSES IN CHAPTER 51 INVOLUNTARY COMMITMENT PROCEEDINGS

Motion by Supervisor Willett, seconded by Supervisor Mortimer for enactment.

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

22 ayes: Supervisors Gibson, McKinney, Kranig, Forsythe, Stelljes, Steinhauer, Bates, Clark, Gatlin, Smiar, Mortimer, Moore, Dunning, Willett, Beckfield, Miller, Leary, DeLuka, Olson, Schraufnagel, Cronk, LaVelle

3 noes: Supervisors Anton, Conlin, Wilkie

4 absent: Supervisors Pagonis, Chilson, Henning, Buchanan

**Resolution 16-17/080** AUTHORIZING PAYMENT OF VOUCHERS OVER \$10,000 ISSUED DURING THE MONTH OF NOVEMBER 2016

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

On a roll call vote, the resolution was unanimously adopted.

**Resolution 16-17/085** AUTHORIZING THE TRANSFER OF \$30,500 FROM THE 2016 CONTINGENCY FUND TO COVER UNANTICIPATED YEAR-END EXPENSES IN THE FINANCE DEPARTMENT

Motion by Supervisor Beckfield, seconded by Supervisor Gatlin for adoption.

On a roll call vote, the resolution was unanimously adopted.

APPOINTMENTS

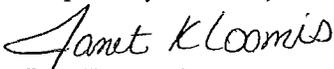
CONFIRMING CITIZEN APPOINTMENTS TO VARIOUS BOARDS, COMMISSIONS AND COUNCILS BY CHAIRMAN GREGG MOORE

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

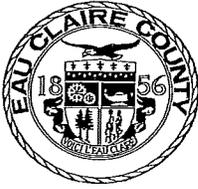
On a roll call vote, the appointments were unanimously adopted.

The Board adjourned at 9:36 p.m.

Respectfully submitted,



Janet K. Loomis  
County Clerk



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



**ALTERNATE CARE REPORT**  
 For the Eleven Months Ending November 30th, 2016  
 1/3/2017

Level of Care	Number of New	Number of	Number	Number of New	Number of	Number of	Average Cost
	Placements	Clients	of Days	Placements			
	Nov-16	Nov-16	Nov-16	YTD			*not adjusted for revenue
Foster Care	20	104	2,542	98	174	27,225	\$43
Therapeutic Foster Care	3	23	660	27	46	6,399	\$115
Group Home	2	7	165	11	13	1,319	\$109
Residential Care Center	3	15	389	27	33	3,150	\$542
<b>Corrections:</b>							
Corrections-Institution	0	6	170	3	8	1,299	\$292
Corrective Group Home	0	0	0	0	0	0	
180 Day Program	0	0	0	0	0	0	
Corrections AfterCare	0	0	0	0	1	9	\$0
Corrective Sanctions	0	0	0	0	0	0	
Correction Res. Care Ctr.	0	0	0	0	0	0	
Corrections TFC*	0	0	0	0	0	0	
Corrections SPRITE	0	0	0	0	0	0	
<b>TOTAL</b>	<b>28</b>	<b>155</b>	<b>3,926</b>	<b>166</b>	<b>275</b>	<b>39,401</b>	

Level of Care	Adjusted	YTD	Percent	Revenue	YTD	Percent	Projected
	Budget	Expense	Used	Budget	Revenue	Collected	Annualized
							Net Expense
Foster Care	850,100	1,180,931	138.92%	89,500	139,814	156.22%	\$1,135,764
Therapeutic Foster Care	862,550	735,943	85.32%	25,700	29,805	115.97%	\$770,332
Group Home	50,333	143,317	284.74%	8,000	18,577	232.21%	\$136,080
Residential Care Center	1,610,288	1,706,532	105.98%	20,700	49,111	237.25%	\$1,808,096
<b>Corrections:</b>							
Corrections-Institution	\$250,692	379,818		\$5,000	\$228		
Corrections AfterCare							
180 Day Program							
Corrective Group Home		-					
Corrective Sanctions		-					
Correction Res. Care Ctr.		-					
Corrections TFC*		\$0					
Corrections SPRITE		\$0					
Corrections Totals:	250,692	379,818	151.51%	5,000	228	-	\$414,098
<b>TOTAL</b>	<b>3,623,963</b>	<b>4,146,541</b>	<b>114.42%</b>	<b>148,900</b>	<b>237,535</b>	<b>159.53%</b>	<b>\$4,264,370</b>

Net Budget	Net Estimated 2016 Exp.	Year End Estimate Overspent
\$3,475,063	\$4,264,370	(\$789,307)

At current usage DHS estimated alternate care spending for 2016 to be:

\*TFC = Therapeutic Foster Care

Percentage of Yr. through 11/30/2016 91.67%

Eau Claire County Department of Human Services  
 Adult Mental Health Residential and Institutional Expenses and Revenues  
 Children's Institution for Mental Disease Expenses and Revenues  
 For the Nine Months Ending November 30, 2016

Standard Program Categories	Expense Annual Budget	YTD 11/30/2016 Expense Budget	YTD 11/30/2016 Actual Expenses	YTD 11/30/2016 Expense Budget Variance Under (Over)	Revenue Annual Budget	YTD 11/30/2016 Revenue Budget	YTD 11/30/2016 Actual Revenue	YTD 11/30/2016 Revenue Budget Variance Under (Over)
Adult Family Homes	384,600	352,550	231,772	120,778	13,805	12,655	26,592	(13,938)
Community Based Care/Treatment Center	954,934	875,356	1,130,115	(254,759)	53,143	48,714	152,222	(103,508)
Developmentally Disabled Center/Nursing Home	-	-	14,636	(14,636)	-	-	-	-
Institutions for Mental Disease, aka, Winnebago Health Institution and Trempealeau County Health Care Center ***	551,782	505,800	353,308	152,492	-	-	44,393	(44,393)
Supportive Home Care	146,033	133,864	131,641	2,222	-	-	-	-
Totals	2,037,349	1,867,570	1,861,473	6,097	66,948	61,369	223,207	(161,838)
Adult Programs Excess (Deficiency) of Revenue over Expenditures	167,935							
Children's Institution for Mental Disease Expenses and Revenues ***	75,000	68,750	196,850	(128,100)	-	-	168,227	(168,227)
Children's Program Excess (Deficiency) of Revenue over Expenditures	40,127							

\*\*\* Winnebago Health Institute performs collection activities. This report reflects the expense and revenue; however, we do not receive the revenue, we are charged the next expense.

TO: Honorable Eau Claire County Board of Supervisors  
FROM: Committee on Finance and Budget  
DATE: January 11, 2017  
SUBJ: **2017 Contingency Fund**

Pursuant to Section 2.04.485(C) of the Code of General Ordinances, the following is the status of the 2017 Contingency fund as of noon on January 11, 2017:

Jan 1 2017	2017 Contingency Fund / Budget Allocation	\$ 300,000.00
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Balance Available:		\$ 300,000.00
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## Eau Claire County Jail Population Report - December 2016

The jail population saw a significant increase in 2016, with the Secure population at or above functional capacity (206) for most of the year. There has been a significant reduction in OWI offenders in the jail, but that decrease has been replaced by an increase in methamphetamine-involved offenders. More than 20% of all jail bed days in 2016 were consumed by inmates facing methamphetamine-related charges.

Eau Claire County Jail	2016*	2015	2014	2013	2012
Average Daily Population					
Secure In-House	210	176	186	156	123
Secure Transfers	9	8	8	6	2
Total Secure	219	184	194	162	143
Huber	61	61	63	57	53
Electronic Monitoring	4	5	9	10	9
Other**	4	3	3	6	4
Total	288	253	269	235	209

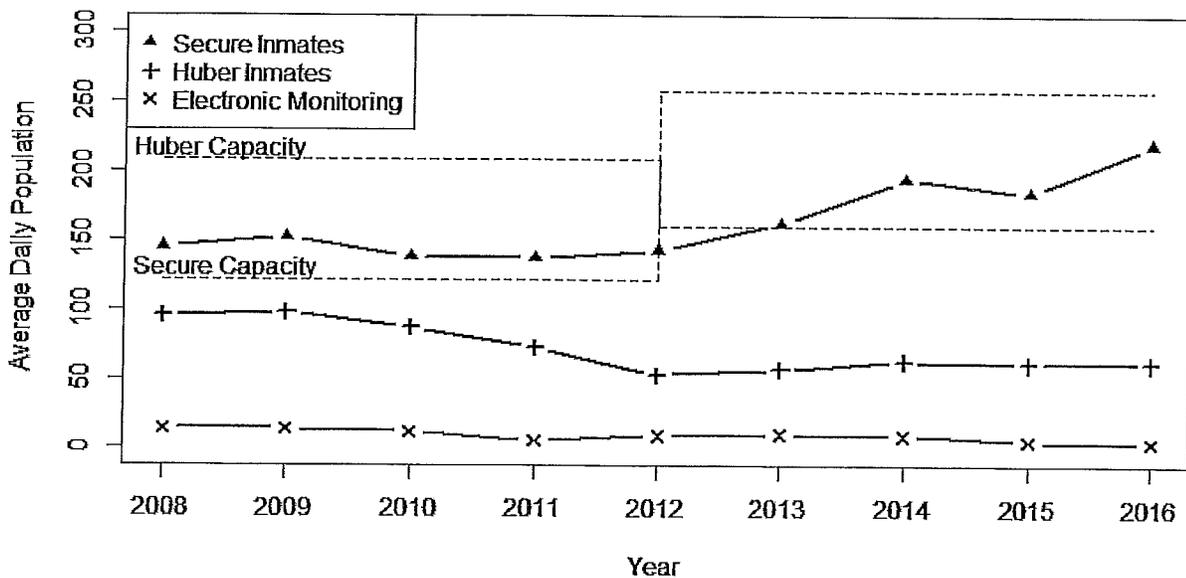
\*2016 data collected through December 15, 2016

\*\*Other category includes transfers, inmates in hospitals, inmates in other counties for court, etc.

Eau Claire County Jail	2016*	2015	2014	2013	2012
Bookings and Releases					
Jail Bookings	4,858	4,751	4,496	4,556	4,051
Jail Releases	4,851	4,735	4,474	4,534	4,054
Print and Releases	219	232	234	248	220

\*2016 figures projected from data collected through November 30, 2016

**Eau Claire County Jail - Average Daily Population**



**Janet Loomis**

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**From:** Stafford, Beau <Beau.Stafford@legis.wisconsin.gov>  
**Sent:** Tuesday, January 03, 2017 1:39 PM  
**To:** Janet Loomis  
**Subject:** Resolution Supporting Passenger Rail Service Between West Central WI and the Twin Cities

Janet –

I have shared this resolution with Senator Vinehout. She is supportive of these efforts to find new transportation options for Western Wisconsin. Please keep us informed of any updates about this issue.

Thanks!

**BEAU STAFFORD**  
Legislative Director  
Office of Senator Kathleen Vinehout  
[beau.stafford@legis.wisconsin.gov](mailto:beau.stafford@legis.wisconsin.gov)  
608-266-8546  
Rm 108 South  
Wisconsin State Capitol

**Correspondence from  
Senator Kathleen Vinehout's office  
regarding Eau Claire County's  
Resolution 16-17/077 regarding  
supporting passenger rail service.**

## Janet Loomis

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**From:** Sen.Vinehout <Sen.Vinehout@legis.wisconsin.gov>  
**Sent:** Monday, January 09, 2017 1:26 PM  
**To:** Janet Loomis  
**Subject:** RE: Resolution

Hello Janet,

Thank you for taking the time to contact Kathleen regarding Eau Claire County's support of granting judges the discretion regarding DNA surcharge in criminal convictions. I know she'll appreciate your perspective and the details you included.

Take Care,

Jacob Wipperfurth  
Legislative Aid  
Office of State Senator Kathleen Vinehout  
108 South State Capitol-PO Box 7882  
Madison Wisconsin 53707-7882  
608-266-8546

**Correspondence from  
Senator Kathleen Vinehout's office  
regarding Eau Claire County's  
Resolution 16-17/051 requesting that judges  
to be given discretion on DNA surcharge**

**FACT SHEET**

**TO FILE NO. 16-17/091**

This ordinance will eliminate duplication with the Employee Policy Manual. This section of the county code involves rounding rules, computed by each full 1/10 hour which is addressed in the Employee Policy 509. This section also establishes the standard number of hours for most employees at 2080 hours per year-which is addressed in the annual salary as listed in Appendix 501 A in the Employee Policy Manual.

Fiscal Impact: None

Respectfully Submitted,

Jamie Gower  
Human Resources Director

Ordinance/16-17.091 Fact

1 Enrolled No.

2 ORDINANCE

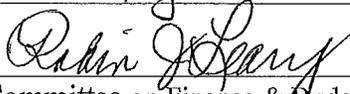
3 File No. 16-17/091

4 - REPEALING SECTION 4.07.040 OF THE CODE: CALCULATION OF RATES  
5 AND HOURS -

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

7  
8 SECTION 1. That Section 4.07.040 of the code be repealed.

9  
10  
11 ADOPTED:

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14 \_\_\_\_\_  
15   
16 \_\_\_\_\_  
17   
18 \_\_\_\_\_  
19   
20 \_\_\_\_\_  
21   
22 \_\_\_\_\_  
23 Committee on Finance & Budget

24 KRZ/yk

25  
26  
27 Dated this 12 day of JANUARY, 2017.

28  
29  
30 ORDINANCE/16-17/091

APPROVED BY  
CORPORATION COUNSEL  
AS TO FORM

# FACT SHEET

## TO FILE NO. 16-17/070

### Amending the Eau Claire County Human Resources Policy Manual

County Board Supervisors have requested additional data regarding the proposed PTO policy changes which would allow part-time employees to be eligible for these benefits. Below is a summary of the requested information as well as a summary of the proposed changes:

#### Review of the Summary of proposed changes:

- Opens eligibility to employees working at least 20 hours per week (.50 FTE) or more.
- Part-time employees would earn prorated Paid Time Off (PTO) based on the Full-Time schedule multiplied by their Full-time Equivalency (FTE.)
  - Example: The accrual rate for a .73 FTE employee who has been with the County one-year would be: (.73FTE\*6.4 hours = 4.7 hours per pay period)
  - PT employees would be able to accrue up to 200 hours of PTO; currently Full-Time staff can accrue up to 500 hours.
- Although there is not an immediate budgetary impact, it will result in a liability due to a new accrual of a benefit not previously offered to part-time employees. The fiscal liability of that is \$70,199. Note the fiscal liability is reduced based upon the 2017 staffing changes.

#### Summary of data from regarding PTO Option for Part-Time Staff

##### *Survey Results World-At-Work 2014 Survey*

- 74% of employers offer Part Timers PTO benefits
- 81% of employers with PTO banks vs traditional paid leave benefits offer Part Timers paid time off
- 85% of employers feel it is necessary to offer PTO benefits to be competitive in the labor market

##### *Survey Results 2015/16 North Central Policies & Benefits Survey (PT Employees)*

##### *Results reported for organizations with 100-500 employees*

- 56.7% of employers offer Part Timers PTO benefits

##### *Survey Results of Local Businesses*

The following local business provide leave benefits (PTO, Vacation, or Sick time) to their Part-Time staff:

- |                           |                      |                         |
|---------------------------|----------------------|-------------------------|
| • Hutchinson Technology   | • Phillips Medisize  | • Group Health          |
| • Royal Credit Union      | • Mayo Clinic Health | • Cooperative           |
| • Ayers and Associates    | • System             | • Sacred Heart Hospital |
| • Mega CO-OP              | • Associated Bank    | • Huebsch               |
| • Westconsin Credit Union | • Mason Companies    |                         |

#### Wisconsin Counties

Human Resources administered a survey to other counties in Wisconsin regarding their policies for prorating Paid Time Off for less than full-time employees. Of those surveyed the following 17 responded that they offered PTO to their part-time staff. The list of those counties can be found below:

1. Calumet
2. Wood
3. Winnebago
4. Waupaca
5. Monroe
6. Adams

7. Manitowoc
8. La Crosse
9. Trempealeau
10. Jefferson
11. Dane
12. Marquette

13. Chippewa
14. Jackson
15. Marathon
16. Washburn
17. Juneau
18. City of Eau Claire

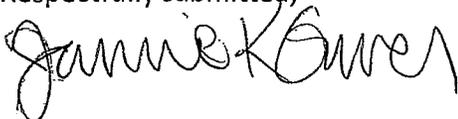
**Total Eau Claire County Employee's impacted with this PTO proposal:**

Eau Claire County currently has 32 Part-Time employees who would qualify for this benefit. Based upon recent staffing changes, the current approximate fiscal liability is \$70,199.

Number of employees	Part-time PTO Accrual Rate	PTO Liability
1	6.6	\$ 4,953
1	5.8	\$ 2,760
2	5.5	\$ 7,900
1	4.8	\$ 2,062
5	4.7	\$ 12,743
2	4.0	\$ 3,584
1	3.6	\$ 1,804
19	3.2	\$ 34,393
32		\$ 70,199

The Committee on Human Resources has requested the opportunity to amend the payout procedure for Part-time PTO. The committee plans to review at their February 3, 2017 meeting and bring forward to the County Board on February 22, 2017.

Respectfully submitted,



Jamie K. Gower

1 Enrolled No.

RESOLUTION

File No. 16-17/070

2  
3  
4 - AMENDING THE EAU CLAIRE COUNTY HUMAN RESOURCES EMPLOYEE POLICY  
5 MANUAL -

6  
7 WHEREAS, Human Resources is recommending a prorated PTO accrual for part-time employees  
8 (working 20-33 hours/week) with a cap of 200 hours, which results in a fiscal liability of \$70,199.  
9

10 NOW, THEREFORE, BE IT RESOLVED by the Eau Claire County Board of Supervisors that this  
11 change to Policy No. 425 in the Employee Policy Manual is approved and effective the first full pay-period in  
12 January 2017.  
13

14  
15  
16 ADOPTED:

17  
18 \_\_\_\_\_  
19 \_\_\_\_\_  
20 \_\_\_\_\_  
21 \_\_\_\_\_  
22 \_\_\_\_\_  
23 \_\_\_\_\_  
24 \_\_\_\_\_  
25 \_\_\_\_\_  
26 \_\_\_\_\_  
27 \_\_\_\_\_

Committee on Human Resources

28  
29 /jm

30  
31 Dated this 13th day of January, 2017.  
32

## FACT SHEET

### TO FILE NO. 16-17/049

File No. 16-17/049 is an ordinance to amend the county's shoreland regulations. The proposed ordinance amendments to the county code relating to the shoreland regulations are necessary for compliance with Wisconsin Administrative Code NR 115, Shoreland Protection Program and Wisconsin Statutes Section 59.692. The county last amended its shoreland standards in 1982. At that time the county was required to update its shoreland regulations to comply with the state minimum shoreland regulations. Eau Claire County has been administering and enforcing the shoreland provisions countywide since 1968.

In the development of this ordinance, staff utilized the Wisconsin Department of Natural Resources (WDNR) model shoreland zoning ordinance for creating Title 20, Shoreland Protection Overlay District.

Shoreland zoning rules, summarized within statutes and administrative code, have changed six times since 2010. In the past, counties were allowed to adopt shoreland zoning standards that were more restrictive than those contained in Wisconsin Administrative Code NR 115. As of the signing of 2015 Wisconsin Act 55 by the Governor, counties cannot regulate a matter in their shoreland zoning ordinance more restrictively than the matter is regulated by a shoreland zoning standard contained in Wis. Admin. Code NR 115. However, counties can continue to regulate a matter that is not regulated by a shoreland zoning standard. The changes to s. 59.692 went into effect on July 13, 2015.

On September 13, 2016, the draft ordinance was forwarded to the WDNR for review and comment. On Tuesday, September 27, 2016, the Committee on Planning and Development held its public hearing to consider the amendments to the shoreland regulations. On November 4, 2016, the County received its review comments from the WDNR.

All Wisconsin counties have until January 31, 2017 to remit their county board adopted shoreland ordinance to the WDNR for final certification. Counties that do not request final certification of their shoreland regulations from the WDNR by the January 31, 2017, will receive a determination of noncompliance from the department.

The town chairs and clerks were sent a copy of the proposed amendments prior to the public hearing. The Corporation Counsel Office assisted in the drafting and formatting of the ordinance to ensure compliance with the state statutes and administrative rules governing shoreland protection regulations. The Land Use Controls Division administers and enforces the county's shoreland regulations in the unincorporated areas of the county.

**Committee Action:** On Tuesday, September 27, 2016, the Committee on Planning and Development held a public hearing to consider the amendments to the Eau Claire County shoreland regulations, at which time staff from the Department of Planning and Development presented a staff report. One person attended and spoke at the public hearing. On December 13, 2016 the committee voted 5-0 to approve ordinance 16-17/049 after considering the WDNR review comments and staff recommendations.

Anticipated fiscal impacts from additional fees generated by the required ordinance changes are estimated from \$4,000 to \$6,000.

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



Rod Eslinger, Land Use Manager  
Land Use Controls Division

2  
3 -TO CREATE SECTION 1.50.020 OF THE CODE: SCHEDULE OF DEPOSITS;  
4 TO CREATE SECTION 4.35.092 OF THE CODE: SHORELAND FEE; TO  
5 AMEND SECTION 16.02.020 OF THE CODE: RESTRICTION ON TIMBER  
6 AND PULP CUTTING-EAU CLAIRE COUNTY FOREST; TO AMEND  
7 SECTION 17.05.085 C. 1. AND D. 2. OF THE CODE: PROTECTIVE AREAS;  
8 TO AMEND SECTION 17.05.100 B. 14. OF THE CODE: EROSION CONTROL  
9 PLAN REQUIREMENTS; TO AMEND SECTION 17.05.110 A. 12. OF THE  
10 CODE: APPLICATION REQUIREMENTS; TO AMEND SECTION 17.06.085 C.  
11 1. AND D. 2. OF THE CODE: PROTECTIVE AREAS; TO AMEND SECTION  
12 17.06.130 B. 12. OF THE CODE: STORM WATER MANAGEMENT PLAN  
13 REQUIREMENTS; TO AMEND SECTION 18.01.020 B. OF THE CODE:  
14 JURISDICTION; TO AMEND SECTION 18.03.030 OF THE CODE: RELATIONS  
15 TO OTHER ORDINANCES AND REGULATIONS; TO REPEAL CHAPTER  
16 18.19 OF THE CODE: SHORELAND OVERLAY DISTRICT; TO AMEND  
17 SECTION 18.24.015 B. AND C. e. OF THE CODE: NONCONFORMING  
18 STRUCTURES; TO REPEAL SECTION 18.24.015 F. OF THE CODE:  
19 NONCONFORMING STRUCTURES; TO AMEND AND RELETTER SECTION  
20 18.24.015 G. OF THE CODE: NONCONFORMING STRUCTURE; TO AMEND  
21 SECTION 18.30.010 F. OF THE CODE: YARD REGULATIONS; TO AMEND  
22 SECTION 18.30.040 C. & D. OF THE CODE: FENCES; TO AMEND SECTION  
23 18.30.090 OF THE CODE: RECREATIONAL VEHICLES AND CAMPING; TO  
24 AMEND SECTION 18.30.260 D. 1. d. i. OF THE CODE: WIND ENERGY  
25 SYSTEMS; TO AMEND SECTION 18.30.270 A. OF THE CODE: SPECIAL  
26 EVENTS; TO AMEND SECTION 18.34.010 B. OF THE CODE: PERMITTED  
27 PRINCIPAL USES; TO AMEND SECTION 18.76.003 A. 12. a. OF THE CODE:  
28 DEFINITIONS; TO CREATE TITLE 20 OF THE CODE: SHORELAND  
29 PROTECTION OVERLAY DISTRICT -  
30

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

32  
33 SECTION 1. That Section 1.50.020 of the code be created to read:

34	Title 20	Shoreland Protection Overlay District	50.00
----	----------	---------------------------------------	-------

35  
36  
37 SECTION 2. That Section 4.35.092 of the code be created to read:

38  
39 A. Shoreland Fees.

- |    |    |                                     |                    |
|----|----|-------------------------------------|--------------------|
| 40 | 1. | Land use permit for principal use   | \$ 225.00          |
| 41 | 2. | Land use permit for accessory uses, |                    |
| 42 |    | alternations, and additions         |                    |
| 43 | a. | 0 to 200 sq. ft                     | \$ 40.00           |
| 44 | b. | Greater than 200 sq. ft.            | \$ .25 per sq. ft. |
| 45 |    | Maximum fee                         | \$ 225.00          |
| 46 | 3. | Stairways/walkways                  | \$ 75.00           |
| 47 | 4. | Filling and Grading Permit          | \$ 280.00          |
| 48 | 5. | Mitigation Plan                     | \$ 280.00          |

1	6.	Treated Impervious Surfaces Exemption	\$ 280.00
2	7.	Determination of Navigability and	
3		Ordinary High Water Mark	\$ 200.00
4	8.	Conditional Use	\$ 500.00
5	9.	Variance/Appeals	\$ 500.00

6  
7 **SECTION 3.** That Section 16.02.020 of the code be amended to read:

8  
9 16.02.020 Restrictions on timber and pulp cutting-Eau Claire County Forest. No  
10 clearcutting of timber, pulpwood or firewood shall be allowed from a zone extending for  
11 three hundred feet of the ordinary high water mark, or to the landward side of the  
12 floodplain, whichever distance is greater on either side of the Eau Claire River in the  
13 county forest. The zone shall be measured from the banks of the river, as determined from  
14 its normal high water elevation. Thinning of timber, pulpwood, or firewood within this  
15 zone shall be allowed only pursuant to 16.30.520 D. and ~~18.19.060~~20.07.002 of the  
16 Shoreland Zoning Code. Cutting shall only be permitted for the purpose of erosion  
17 control, disease control, or aesthetic enhancement. This prohibition shall apply to the Eau  
18 Claire River, as well as its north and south forks.

19  
20 **SECTION 4.** That paragraph 1. of Subsection C. and paragraph 2. of Subsection D. of  
21 Section 17.05.085 of the code be amended to read:

22  
23 1. Impervious surfaces shall be kept out of the protective area, except for  
24 boathouses and walkways authorized under Shoreland and Floodplain Zoning in ~~Chapters~~  
25 ~~18.19~~Title 20 and 18.20. The erosion control plan shall contain a written site-specific  
26 explanation for any parts of the protective area that are disturbed during construction.

27  
28 2. Structures constructed or placed on property in a shoreland setback area in  
29 accordance with Wis. Stat. § 59.692(1v) and ~~Chapter 18.19~~Title 20; and

30  
31 **SECTION 5.** That paragraph 14. of Subsection B. of Section 17.05.100 of the code be  
32 amended to read:

33  
34 14. Final Site Stabilization. For nonmetallic mining operations, final  
35 stabilization will be completed in accordance with ~~Chapter 18.90~~Title 20 and a reclamation plan  
36 shall be submitted with the erosion control plan. For all other areas the final site stabilization  
37 items shall be addressed in the erosion control plan.

38  
39 **SECTION 6.** That paragraph 12. of Subsection A. of Section 17.05.110 of the code be  
40 amended to read:

41  
42 12. Boundaries of shoreland zones and the ordinary high water mark  
43 (OHWM) for any navigable water body as defined by ~~Chapter 18.19~~Title 20, Eau Claire County  
44 Shoreland Protection Overlay District. For final land divisions, the OHWM boundaries shall be  
45 field verified;

1           **SECTION 7.** That paragraph 1. of Subsection C. and paragraph 2. of Subsection D. of  
2 Section 17.06.085 of the code be amended to read:

3  
4           1.       Impervious surfaces shall be kept out of the protective area, except for  
5 boathouses and walkways authorized under Shoreland and Floodplain Zoning in ~~Chapters~~  
6 ~~18.19~~Title 20 and 18.20. The erosion control plan shall contain a written site-specific explanation  
7 for any parts of the protective area that are disturbed during construction.

8  
9           2.       Structures constructed or placed on property in a shoreland setback area in  
10 accordance with Wis. Stat. § 59.692(1v) and ~~Chapter 18.19~~Title 20; and

11  
12           **SECTION 8.** That paragraph 12. of Subsection B. of Section 17.06.130 of the code be  
13 amended to read:

14  
15           12.       Boundaries of shoreland zones and the ordinary high water mark  
16 (OHWM) for any navigable water body as defined by ~~Chapter 18.19~~Title 20, Eau Claire County  
17 Shoreland Protection Overlay District. For final land divisions, the OHWM boundaries shall be  
18 field verified;

19  
20           **SECTION 9.** That Subsection B. of Section 18.01.020 of the code be amended to read:

21  
22           B.       Title 20 ~~Chapter 18.19~~, Shoreland Protection Overlay District and Chapter 18.20,  
23 Floodplain Overlay District are mandated by Wis. Stats. §§ 59.692, 87.30, and 281.31 and are  
24 effective in all towns.

25  
26           **SECTION 10.** That Section 18.03.030 of the code be amended to read:

27  
28           18.03.030 Relations to other ordinances and regulations. Where the provisions of this  
29 subtitle impose greater restrictions than those of any statute, regulation, or other ordinance, the  
30 provisions of this subtitle shall be controlling, except that the shoreland provisions under Title 20  
31 ~~Chapter 18.19~~ supersede all the provisions of any county zoning ordinance adopted under Wis.  
32 Stat. § 59.69, which relate to shorelands. Where the provisions of any statute, regulation or other  
33 ordinance impose greater restrictions, those provisions shall be controlling.

34  
35           **SECTION 11.** That Chapter 18.19 of the code be repealed.

36  
37           **SECTION 12.** That Subsection B. of Section 18.24.015 be amended to read:

38  
39           B.       Structural repairs, alterations and expansions to non-conforming structures are not  
40 allowed, except as provided in 18.24.015 C., E. and HF.

41           **SECTION 13.** That Subsection F. of Section 18.24.015 of the code be repealed.

42  
43           **SECTION 14.** That Subsection G. of Section 18.24.015 of the code be amended and  
44 relettered to read:

45  
46           GF.     Additions to existing nonconforming principal structures are allowed subject to  
47 the following conditions:

48           1.       The addition or alteration shall not exceed 500 square feet.





1 Sections:  
2  
3

4	20.01.001	Statutory Authorization
5	20.01.002	Finding of Fact
6	20.01.003	Purpose and Intent
7	20.01.004	Title

8  
9

10 20.01.001 Statutory authorization. This ordinance is adopted pursuant to the  
11 authorization in Wis. Stat. § 59.692, to effectuate the policies and purpose(s) outlined in Wis.  
12 Stat. § 281.31.  
13

14 20.01.002 Finding of fact. Uncontrolled use of the shorelands and pollution of the  
15 navigable waters of Eau Claire County will adversely affect the public health, safety,  
16 convenience, and general welfare and impair the tax base. The legislature of Wisconsin has  
17 delegated responsibility to the counties to further the maintenance of safe and healthful  
18 conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life;  
19 control building sites, placement of structures and land uses; and to preserve shore cover and  
20 natural beauty. This responsibility is hereby recognized by Eau Claire County, Wisconsin.  
21

22 20.01.003 Purpose and intent. This ordinance has been established for the purpose of  
23 promoting the public health, safety, convenience and welfare, and to promote and protect the  
24 public trust in navigable waters. Further, this ordinance has been established to: (Wis. Admin.  
25 Code Ch. § NR 115.01).

26 A. Further the maintenance of safe and healthful conditions and prevent and control  
27 water pollution through:

- 28 1. Limiting structures to those areas where soil and geological conditions  
29 will provide a safe foundation.  
30 2. Establishing minimum lot sizes to provide adequate area for private on-  
31 site waste treatment systems.

32 3. Controlling filling and grading to prevent soil erosion problems.

33 4. Limiting impervious surfaces to control runoff which carries pollutants.

34 B. Protect spawning grounds, fish and aquatic life through:

35 1. Preserving wetlands and other fish and aquatic habitat.

36 2. Regulating pollution sources.

37 3. Controlling shoreline alterations, dredging and lagooning.

38 C. Control building sites, placement of structures and land uses through:

39 1. Prohibiting certain uses detrimental to the shoreland-wetlands.

40 2. Setting minimum lot sizes and widths.

41 3. Setting minimum building setbacks from waterways.

42 4. Setting the maximum height of near shore structures.

43 D. Preserve and restore shoreland vegetation and natural scenic beauty through:

44 1. Restricting the removal of natural shoreland cover.

45 2. Preventing shoreline encroachment by structures.

46 3. Controlling shoreland excavation and other earth moving activities.

47 4. Regulating the use and placement of boathouses and other structures.  
48



1 annexed or incorporated areas are provided in Wis. Stat. § 61.353 and Wis. Stat. § 62.233. (Wis.  
2 Admin. Code § NR 115.02)

3 D. Determinations of navigability and ordinary high-water mark location shall  
4 initially be made by the Land Use Manager. When questions arise, the Land Use Manager shall  
5 contact the appropriate office of the WDNR for a final determination of navigability or ordinary  
6 high-water mark. The county may work with surveyors with regard to Wis. Stat. § 59.692 (1h).

7 E. Under Wis. Stat. § 281.31(2m), notwithstanding any other provision of law or  
8 administrative rule promulgated thereunder, this shoreland zoning ordinance does not apply to:

9 1. Lands adjacent to farm drainage ditches if:  
10 a. Such lands are not adjacent to a natural navigable stream or river;  
11 b. Those parts of such drainage ditches adjacent to such lands were  
12 not navigable streams before ditching; and

13 2. Lands adjacent to artificially constructed drainage ditches, ponds or storm  
14 water retention basins that are not hydrologically connected to a natural navigable water body.

15 F. Comprehensive / General Zoning [Wis. Stat. § 59.69] and Regulation of Matters  
16 that are Not Shoreland Zoning Standards [Wis. Stat. § 59.692 (1d)(b)]

17 1. In any town where the Eau Claire County Comprehensive Zoning  
18 Ordinance is effective:

19 a. The Eau Claire County Comprehensive Zoning Ordinance, TITLE  
20 18 is incorporated herein by reference as if set forth in full.

21 b. The provisions of the Eau Claire County Comprehensive Zoning  
22 Ordinance apply and may be enforced in “shorelands” to the extent that its provisions do not  
23 regulate a “shoreland zoning standard” as specified in Wis. Stat. §§ 59.692(1)(c) & (1d).

24 2. In any town where the Eau Claire County Comprehensive Zoning  
25 Ordinance is not in effect, the regulation of matters that are not shoreland zoning standards  
26 consistent with Wis. Stat. §§ 59.692(1)(c) & (1d) is as follows:

27 a. Setback Requirements and Related Restrictions.  
28 i. Road. No structure shall be placed within a road right-of-  
29 way or easement.

30 ii. Property / Parcel Boundaries. No structure shall be placed  
31 across a parcel boundary.

32 iii. Wetland. No structure shall be placed closer than the  
33 provisions of chapter 17.06.085 Protective Areas A. 2. allow.

34 iv. Height. No structure located 75 feet or further from the  
35 ordinary high-water mark shall be taller than 35 feet.

36  
37 20.02.002 Shoreland-wetland maps. The most recent version of the Wisconsin Wetland  
38 Inventory as depicted on the WDNR Surface Water Data Viewer is made part of this ordinance.  
39 The maps can be viewed at:

40 <http://dnrmaps.wi.gov/SL/Viewer.html?Viewer=SWDV&runWorkflow=Wetland>

41  
42 20.02.003 Compliance. The use of any land; the size, shape and placement of lots; the  
43 use, size, type and location of structures on lots; the installation and maintenance of water supply  
44 and waste disposal facilities; the filling, grading, lagooning, and dredging of any lands; the  
45 cutting of shoreland vegetation; and the subdivision of lots shall be in full compliance with the  
46 terms of this ordinance and other applicable local, state or federal regulations. Buildings and  
47 other structures shall require a permit unless otherwise expressly excluded by a provision of this

1 ordinance. Property owners, builders and contractors are responsible for compliance with the  
2 terms of this ordinance.

3  
4 20.02.004 Municipalities and state agencies regulated. Unless specifically exempted by  
5 law, all cities, villages, towns, and counties are required to comply with this ordinance and  
6 obtain all necessary permits. State agencies are required to comply when Wis. Stat. §13.48(13)  
7 applies. The construction, reconstruction, maintenance and repair of state highways and bridges  
8 by the Wisconsin Department of Transportation are exempt when Wis. Stat. § 30.2022 applies.  
9

10 20.02.005 Abrogation and greater restrictions.

11 A. The provisions of this ordinance supersede any provisions in a county zoning  
12 ordinance that solely relate to shorelands. In other words if a zoning standard only applies to  
13 lands that lie within the shoreland and applies because the lands are in shoreland, then this  
14 ordinance supersedes those provisions. However, where an ordinance adopted under a statute  
15 other than Wis. Stat. § 59.692 does not solely relate to shorelands and is more restrictive than  
16 this ordinance, for example a floodplain ordinance, that ordinance shall continue in full force and  
17 effect to the extent of the greater restrictions. (See Wis. Stat. § 59.692 (5))

18 B. Wis. Stat. § 59.692, and Wis. Admin. Code ch. NR 115,

19 1. Wis. Stat. § 59.692, and Wis. Admin. Code ch. NR 115, are incorporated  
20 herein by reference.

21 2. A particular provision of this ordinance does not apply and may not be  
22 enforced if said provision is inconsistent with Wis. Stat. § 59.692 and/or Wis. Admin Code Ch.  
23 NR 115. In such situations, the state statute or administrative code provision controls, but only  
24 to the extent of the inconsistency.

25 C. If an existing town ordinance relating to shorelands is more restrictive than this  
26 ordinance or any amendments thereto, the town ordinance continues in all respects to the extent  
27 of the greater restrictions but not otherwise.

28 D. This ordinance may establish standards to regulate matters that are not regulated  
29 in Wis. Admin. Code ch. NR 115, but that further the purposes of shoreland zoning as described  
30 in 20.01.003 of this ordinance.

31 E. This ordinance shall not require approval or be subject to disapproval by any town  
32 or town board.

33 F. This ordinance is not intended to repeal, abrogate or impair any existing deed  
34 restrictions, covenants or easements. However, where this ordinance imposes greater  
35 restrictions, the provisions of this ordinance shall prevail.

36 G. Eau Claire County may not establish shoreland zoning standards that requires any  
37 of the following:

38 1. Approval to install or maintain outdoor lighting in shorelands, impose any  
39 fee or mitigation requirement to install or maintain outdoor lighting in shorelands, or otherwise  
40 prohibits or regulates outdoor lighting in shorelands if the lighting is designed or intended for  
41 residential use.

42 2. Require any inspection or upgrade of a structure before the sale or other  
43 transfer of the structure may be made.

44 H. Consistent with Wis. Stat. § 59.692(1t), the county may not commence an  
45 enforcement action against a person who owns a building or structure that is in violation of this  
46 ordinance if the person can establish that the building or structure has been in place for more  
47 than 10 years.

1 I. The construction and maintenance of a facility is considered to satisfy the  
2 requirements of a shoreland zoning ordinance if:

3 1. The WDNR has issued all required permits or approvals authorizing the  
4 construction or maintenance under Wis. Stats. §§ 30, 31, 281, or 283.  
5

6 20.02.006 Interpretation. The provisions of this ordinance shall be liberally construed in  
7 favor of the county and shall not be deemed a limitation or repeal of any other powers granted by  
8 Wisconsin Statutes. Where a provision of this ordinance is required by statute and a standard in  
9 Wis. Admin. Code Ch. NR 115, and where the ordinance provision is unclear, the provision shall  
10 be interpreted in light of the statute and Wis. Admin. Code ch. NR 115, standards in effect on the  
11 date of the adoption of this ordinance or in effect on the date of the most recent text amendment  
12 to this ordinance. (See Wis. Stat. § 59.69 (13))  
13

14 20.02.007 Severability. If any portion of this ordinance is adjudged unconstitutional or  
15 invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.  
16

17 20.02.008 General shoreland standards. The following provisions of this chapter apply  
18 to the shoreland jurisdictional area as defined by 20.02.001 A. and B.

19 A. Agriculture Fence:

- 20 1. Agriculture fences consisting of post and wire require no setback from the  
21 property line and can be constructed up to the OHWM;  
22 2. Property must be actively used for agriculture pasturing of livestock on  
23 one side of the fence;  
24 3. Maximum height of 4 feet from the adjacent grade within 75 feet from the  
25 OHWM.

26 B. Reasonable accommodation of persons with disabilities.

- 27 1. The department may issue a special permit that waives specific  
28 requirements of this ordinance if it is determined that the requested accommodation:  
29 a. Is necessary to afford accommodations of persons with disabilities  
30 equal housing opportunities or equal access to public accommodations as required by provisions  
31 of federal and state law;  
32 b. Is the minimum accommodation that will give persons with  
33 disabilities adequate relief; and  
34 c. Will not unreasonably undermine the basic purposes of this  
35 ordinance.  
36 2. If the department issues a special permit that waives specified zoning  
37 provisions pursuant to this section, the permit will include a condition that the structure  
38 authorized by the permit (such as an entrance ramp) shall be removed not more than 30 days  
39 after the handicapped or disabled person vacates the property or the structure ceases to be a  
40 public accommodation.  
41 3. The special permit will not become effective until the property owner  
42 records a deed restriction with the register of deeds setting forth the condition that the structure  
43 authorized by the permit shall be removed as required in subpar. b. above.

44 4. If the department denies a permit requesting an accommodation under this  
45 subsection, the denial may be appealed to the board of land use appeals pursuant to 20.14.004.

46 C. Livestock structures housing animals, manure storage areas, barnyards, or feedlots  
47 shall meet the following requirements:



1 regulations based on the WDNR determination as to whether the area is wetland. In order to  
2 correct wetland mapping errors on the official zoning map, an official zoning map amendment  
3 must be initiated within a reasonable period of time. (See Wis. Admin. § NR 115.04 (b) 2.)  
4

5 20.03.002 Purpose. This district is created to maintain safe and healthful conditions, to  
6 prevent water pollution, to protect fish spawning grounds and wildlife habitat, to preserve shore  
7 cover and natural beauty and to control building and development in wetlands whenever  
8 possible. When development is permitted in a wetland, the development should occur in a  
9 manner that minimizes adverse impacts upon the wetland.  
10

11 20.03.003 Permitted uses. The following uses shall be allowed, subject to general  
12 shoreland zoning regulations contained in this ordinance, the provisions of Wis. Stat. chs. 30 and  
13 31, and Wis. Stat. § 281.36, and the provisions of other applicable local, state and federal laws:  
14 (See Wis. Admin. § NR 115.04 (3))

15 A. Activities and uses which do not require the issuance of a shoreland permit, but  
16 which must be carried out without any filling, flooding, draining, dredging, ditching, tiling or  
17 excavating:

- 18 1. Hiking, fishing, trapping, hunting, swimming, and boating;
- 19 2. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice,  
20 berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of  
21 such crops;
- 22 3. The pasturing of livestock;
- 23 4. The cultivation of agricultural crops;
- 24 5. The practice of silviculture, including the planting, thinning, and  
25 harvesting of timber; and
- 26 6. The construction or maintenance of duck blinds.

27 B. Uses which do not require the issuance of a shoreland permit and which may  
28 include limited filling, flooding, draining, dredging, ditching, tiling, or excavating but only to the  
29 extent specifically provided below:

- 30 1. Temporary water level stabilization measures necessary to alleviate  
31 abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if  
32 not corrected;
- 33 2. The cultivation of cranberries including flooding, dike and dam  
34 construction or ditching necessary for the growing and harvesting of cranberries,
- 35 3. The maintenance and repair of existing agricultural drainage systems  
36 including ditching, tiling, dredging, excavating and filling necessary to maintain the level of  
37 drainage required to continue the existing agricultural use. This includes the minimum filling  
38 necessary for disposal of dredged spoil adjacent to the drainage system provided that dredged  
39 spoil is placed on existing spoil banks where possible;
- 40 4. The construction or maintenance of fences for the pasturing of livestock,  
41 including limited excavating and filling necessary for such construction or maintenance;
- 42 5. The construction or maintenance of piers, docks or walkways built on  
43 pilings, including limited excavating and filling necessary for such construction and  
44 maintenance; and
- 45 6. The maintenance, repair, replacement or reconstruction of existing town  
46 and county highways and bridges, including limited excavating and filling necessary for such  
47 maintenance, repair, replacement or reconstruction.

1 C. Uses which require the issuance of a conditional use permit and which may  
2 include limited filling, flooding, draining, dredging, ditching, tiling or excavating, but only to the  
3 extent specifically provided below:

4 1. The construction and maintenance of roads which are necessary to conduct  
5 silvicultural activities or agricultural cultivation, provided that:

6 a. The road cannot as a practical matter be located outside the  
7 wetland;

8 b. The road is designed and constructed to minimize adverse impact  
9 upon the natural functions of the wetland enumerated in 20.03.005 B.;

10 c. The road is designed and constructed with the minimum  
11 cross-sectional area practical to serve the intended use; and

12 d. Road construction activities are carried out in the immediate area  
13 of the roadbed only.

14 2. The construction or maintenance of nonresidential buildings, provided  
15 that:

16 a. The building is essential for and used solely in conjunction with  
17 the raising of waterfowl, minnows or other wetland or aquatic animals; or some other use  
18 permitted in the shoreland-wetland district;

19 b. The building cannot, as a practical matter, be located outside the  
20 wetland;

21 c. Such building is not designed for human habitation and does not  
22 exceed 500 square feet in floor area; and

23 d. Only limited filling or excavating necessary to provide structural  
24 support for the building is authorized.

25 3. The establishment of public and private parks and recreation areas, natural  
26 and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal  
27 farms, fur animal farms, fish hatcheries, and public boat launching ramps and attendant access  
28 roads, provided that:

29 a. Any private development is used exclusively for the permitted use  
30 and the applicant has received a permit or license under Wis. Stat. ch. 29, where applicable;

31 b. Filling or excavating necessary for the construction or maintenance  
32 of public boat launching ramps or attendant access roads is allowed only where such construction  
33 or maintenance meets the criteria in 20.03.003 C. 1.; and

34 c. Ditching, excavating, dredging, or dike and dam construction in  
35 public and private parks and recreation areas, natural and outdoor education areas, historic and  
36 scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, and fish  
37 hatcheries is allowed only for the purpose of improving wildlife habitat and to otherwise enhance  
38 wetland values.

39 4. The construction or maintenance of electric, gas, telephone, water and  
40 sewer transmission and distribution facilities, by public utilities and cooperative associations  
41 organized for the purpose of producing or furnishing heat, light, power or water to their members  
42 and the construction or maintenance of railroad lines provided that:

43 a. The transmission and distribution facilities and railroad lines  
44 cannot, as a practical matter, be located outside the wetland;

45 b. Such construction or maintenance is done in a manner designed to  
46 minimize adverse impact upon the natural functions of the wetland enumerated in 20.03.005 B.  
47

1           20.03.004 Prohibited uses. Any use not listed in 20.03.003 A., B. and C. is prohibited,  
2 unless the wetland or portion of the wetland has been rezoned by amendment of this ordinance in  
3 accordance with 20.03.005 of this ordinance and Wis. Stat. § 59.69(5)(e). (See Wis. Admin.  
4 Code § NR 115.04 (4))  
5

6           20.03.005 Rezoning of land in Shoreland-Wetland District.

7           A. For all proposed text and map amendments to the shoreland-wetland provisions of  
8 this ordinance, the appropriate office with the WDNR shall be provided with the following:

9           1. A copy of every petition for a text or map amendment to the  
10 shoreland-wetland provisions of this ordinance, within 5 days of the filing of such petition with  
11 the county clerk. Such petition shall include a copy of the Wisconsin Wetland Inventory map  
12 adopted as part of this ordinance describing any proposed rezoning of a shoreland-wetland;

13           2. Written notice of the public hearing to be held on a proposed amendment  
14 at least 10 days prior to such hearing;

15           3. A copy of the county zoning agency's findings and recommendations on  
16 each proposed amendment within 10 days after the submission of those findings and  
17 recommendations to the county board; and

18           4. Written notice of the county board's decision on the proposed amendment  
19 within 10 days after it is issued. (See Wis. Admin. Code § NR 115.04(2))

20           B. A wetland, or a portion thereof, in the shoreland-wetland district shall not be  
21 rezoned if the proposed rezoning may result in a significant adverse impact upon any of the  
22 following:

23           1. Storm and flood water storage capacity;

24           2. Maintenance of dry season stream flow, the discharge of groundwater to a  
25 wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater  
26 through a wetland;

27           3. Filtering or storage of sediments, nutrients, heavy metals or organic  
28 compounds that would otherwise drain into navigable waters;

29           4. Shoreline protection against soil erosion;

30           5. Fish spawning, breeding, nursery or feeding grounds;

31           6. Wildlife habitat; or

32           7. Wetlands both within the boundary of designated areas of special natural  
33 resource interest and those wetlands which are in proximity to or have a direct hydrologic  
34 connection to such designated areas as defined in Wis. Admin. Code § NR 103.04, which can be  
35 accessed at the following web site: <http://www.legis.state.wi.us/rsb/code/nr/nr103.pdf>.

36           C. If the Department Natural Resources notifies the county zoning agency  
37 that a proposed text or map amendment to the shoreland-wetland provisions of this ordinance  
38 may have a significant adverse impact upon any of the criteria listed in 20.3.005 B. of this  
39 ordinance, that amendment, if approved by the county board, shall contain the following  
40 provision:

41  
42 "This amendment shall not take effect until more than 30 days have elapsed after written notice  
43 of the county board's approval of this amendment is mailed to the WDNR. During that 30-day  
44 period the WDNR may notify the county board that it will adopt a superseding shoreland  
45 ordinance for the county under Wis. Stat. § 59.692(6). If the WDNR does so notify the county  
46 board, the effect of this amendment shall be stayed until the Wis. Stat. § 59.692(6), adoption  
47 procedure is completed or otherwise terminated."  
48

Chapter 20.04

LAND DIVISION REVIEW AND SANITARY REGULATIONS.

Sections:

- 20.04.001 Land division review
- 20.04.002 Sanitary regulations

20.04.001 Land review. Eau Claire County has enacted local subdivision regulations under Wis. Stat. § 236.45. (See Eau Claire County Subdivision Control Ordinance). The Eau Claire County Subdivision Control Ordinance, Subtitle III of Title 18, applies to shorelands without regard to Wis. Stat. § 59.692(1d)(a), and Wis. Admin. Code Ch. § NR 115.05, (See Wis. Admin. Code § NR 115.05 (2)). In such review all of the following factors shall be considered:

- A. Hazards to the health, safety or welfare of future residents.
- B. Proper relationship to adjoining areas.
- C. Public access to navigable waters, as required by law.
- D. Adequate storm water drainage facilities.
- E. Conformity to state law and administrative code provisions.

20.04.002 Sanitary regulations. The county shall adopt sanitary regulations for the protection of health and the preservation and enhancement of water quality. (See Wis. Admin. Code § NR 115.05 (3))

- A. Where public water supply systems are not available, private well construction shall be required to conform to Wis. Admin. Code Ch. NR 812.
- B. Where a public sewage collection and treatment system is not available, design and construction of private on-site waste treatment system shall, prior to July 1, 1980, be required to comply with Wis. Admin Code Ch. SPS 383, and after June 30, 1980 be governed by a private sewage system ordinance adopted by the county under Wis. Stat. § 59.70(5).

Chapter 20.5

MINIMUM LOT SIZE.

Sections:

- 20.05.001 Purpose
- 20.05.002 Sewered lots
- 20.05.003 Unsewered lots
- 20.05.004 Substandard lots
- 20.05.005 Other substandard lots

1           20.05.001 Purpose. Minimum lot sizes in the shoreland area shall be established to  
2 afford protection against danger to health, safety and welfare, and protection against pollution of  
3 the adjacent body of water. In calculating the minimum area or width of a lot, the beds of  
4 navigable waters shall not be included. (See Wis. Admin. Code § NR 115.05 (1)(a))  
5

6           20.05.002 Sewered lots. Minimum area and width for each lot. The minimum lot area  
7 shall be 10,000 square feet and the minimum average lot width shall be 65 feet. (See Wis.  
8 Admin. Code § NR 115.05 (1)(a)1)

9           A. The width shall be calculated by averaging measurements at the following 3  
10 locations:

- 11                   1. The ordinary high water mark.
- 12                   2. The building setback line.
- 13                   3. One other location on the lot within 300 feet of the ordinary high water  
14 mark.

15  
16           20.05.003 Unsewered lots. Minimum area and width for each lot. The minimum lot  
17 area shall be 20,000 square feet, and the minimum average lot width shall be 100 feet. (See Wis.  
18 Admin. § NR 115.05 (1)(a)2)

19           A. The width shall be calculated by averaging measurements at the following 3  
20 locations:

- 21                   1. The ordinary high water mark.
- 22                   2. The building setback line.
- 23                   3. One other location on the lot within 300 feet of the ordinary high water  
24 mark.

25  
26           20.05.004 Substandard lots. A legally created lot or parcel that met minimum area and  
27 minimum average width requirements when created, but does not meet current lot size  
28 requirements, may be used as a building site if all of the following apply: (See Wis. Admin.  
29 Code § NR 115.05 (1)(a) 3)

30           A. The substandard lot or parcel was never reconfigured or combined with another  
31 lot or parcel by plat, survey, or consolidation by the owner into one property tax parcel.

32           B. The substandard lot or parcel has never been developed with one or more of its  
33 structures placed partly upon an adjacent lot or parcel.

34           C. The substandard lot or parcel is developed to comply with all other ordinance  
35 requirements.  
36

37           20.05.005 Other substandard lots. Except for lots which meet the requirements of  
38 20.05.004 a shoreland permit for the improvement of a lot having lesser dimensions than those  
39 stated in 20.05.002 and 20.05.003 can only be used if a variance is granted by the Eau Claire  
40 County Board of Land Use Appeals.  
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Chapter 20.06

BUILDING SETBACKS

Sections:

- 20.06.001 Shoreland Setbacks
- 20.06.002 Reduced principal structure setback
- 20.06.003 Increased principal structure setback
- 20.06.004 Floodplain structures

20.06.001 Shoreland setbacks. Permitted building setbacks shall be established to conform to health, safety and welfare requirements, preserve natural beauty, reduce flood hazards and avoid water pollution. Unless exempt under 20.06.001(1), or reduced under 20.06.002, a setback of 75 feet from the ordinary high-water mark of any navigable water to the nearest part of a building or structure shall be required for all buildings and structures. (See Wis. Admin. Code § NR 115.05 (1)(b)1)

A. Exempt structures. All of the following structures are exempt from the shoreland setback standards in 20.06.001: (See Wis. Admin. Code §NR 115.05 (1)(b)1m)

1. Existing boathouses, constructed before the effective date of this ordinance, located entirely above the ordinary high water mark and entirely within the access and viewing corridor that do not contain plumbing and are not used for human habitation. The roof of a boathouse may be used as a deck provided that:

a. The boathouse has a flat roof.

b. The roof has no side walls or screens.

c. The roof may have a railing that meets the Department of Safety and Professional Services standards. (See Wis. Stat. § 59.692 (1k)(a) (6))

2. Boathouses, constructed after the effective date of this ordinance, located entirely above the ordinary high water mark and entirely within the access and viewing corridor that do not contain plumbing and are not used for human habitation.

a. The construction or placement of boathouses below the ordinary high-water mark of any navigable waters shall be prohibited.

b. Boathouses shall be designed and constructed solely for the storage of boats and related equipment.

c. One boathouse is permitted on a lot as an accessory structure.

d. The boathouse shall be setback ten feet from the ordinary high water mark.

e. Boathouses shall be constructed in conformity with local floodplain zoning standards.

f. Boathouses shall not exceed one story, with a maximum side wall height of ten feet.

g. The maximum square footage of a boathouse shall be 364 square feet, measured outside wall to outside wall, and a maximum width parallel to the shoreline of 14 feet.

1 h. Boathouse roofs shall have a pitched roof that is no flatter than  
2 4/12 pitch, and shall not be designed or used as decks, observation platforms or for other similar  
3 uses.

4 i. Earth toned color shall be required for all exterior surfaces of a  
5 boathouse.

6 j. The main door shall face the water.

7 k. The side yard setback for a boat house is 5 feet.

8 l. Patio doors, fireplaces and other features inconsistent with the use  
9 of the structure exclusively as a boathouse are not permitted.

10 3. Open-sided and screened structures such as gazebos, decks, patios and  
11 screen houses in the shoreland setback area that satisfy the requirements in Wis. Stat. §  
12 59.692(1v):

13 a. The part of the structure that is nearest to the water is located at  
14 least 35 feet landward from the ordinary-high water mark.

15 b. The floor area of all the structures in the shoreland setback area  
16 will not exceed 200 square feet.

17 c. The structure that is the subject of the request for special zoning  
18 permission has no sides or has open or screened sides.

19 d. The county must approve a plan that will be implemented by the  
20 owner of the property to preserve or establish a vegetative buffer zone that covers at least 70% of  
21 the half of the shoreland setback area that is nearest to the water.

22 4. A fishing raft for which the WDNR has issued a permit under Wis. Stat. §  
23 30.126.

24 5. Broadcast signal receivers, including satellite dishes or antennas that are  
25 one meter or less in diameter and satellite earth station antennas that are 2 meters or less in  
26 diameter.

27 6. Utility transmission and distribution lines, poles, towers, water towers,  
28 pumping stations, well pump house covers, private on-site wastewater treatment systems that  
29 comply with Wis. Admin. Code Ch. SPS 383, and other utility structures that have no feasible  
30 alternative location outside of the minimum setback and that employ best management practices  
31 to infiltrate or otherwise control storm water runoff from the structure.

32 7. Walkways, stairways or rail systems that are necessary to provide  
33 pedestrian access to the shoreline and are a maximum of 60-inches in width.

34 8. Devices or systems used to treat runoff from impervious surfaces.

35 B. Existing exempt structures. Existing exempt structures may be maintained,  
36 repaired, replaced, restored, rebuilt and remodeled provided the activity does not expand the  
37 footprint and does not go beyond the three-dimensional building envelope of the existing  
38 structure. Counties may allow expansion of a structure beyond the existing footprint if the  
39 expansion is necessary to comply with applicable state or federal requirements. (See Wis. Stat. §  
40 59.692 (1k)(a)2m)

41  
42 20.06.002 Reduced principal structure setback. A setback less than the 75 feet required  
43 setback from the ordinary high water mark shall be permitted for a proposed principal structure  
44 and shall be determined as follows: (See Wis. Stat. § 59.692 (1n))

45  
46 A. Where there are existing principal structures in both directions, the setback shall  
47 equal the average of the distances the two existing principal structures are set back from the  
48 ordinary high water mark provided all of the following are met:





1           20.08.001 Filling grading, lagooning, dredging, ditching and excavating. Filling,  
2 grading, lagooning, dredging, ditching and excavating may be permitted only in accordance with  
3 the provisions of Wis. Admin. Code § NR 115.04, the requirements of Wis. Stat. § 30, and other  
4 state and federal laws where applicable, and only if done in a manner designed to minimize  
5 erosion, sedimentation and impairment of fish and wildlife habitat and natural scenic beauty.  
6 (See Wis. Admin. Code NR 115.05 (1)(d))  
7

8           20.08.002 General standards. Filling, grading, lagooning, dredging, ditching or  
9 excavating which does not require a permit under 20.08.003 may be permitted in the shoreland  
10 area provided that:

11           A. It is not done within the vegetative buffer zone unless necessary for establishing  
12 or expanding the vegetative buffer.

13           B. It is done in a manner designed to minimize erosion, sedimentation and  
14 impairment of fish and wildlife habitat.

15           C. Filling, grading, lagooning, dredging, ditching or excavating in a  
16 shoreland-wetland district meets the requirements of 20.03.003 B. and 20.03.003 C. of this  
17 ordinance.

18           D. All applicable federal, state and local authority is obtained in addition to a permit  
19 under this ordinance.

20           E. Any fill placed in the shoreland area is protected against erosion by the use of  
21 riprap, vegetative cover or a bulkhead.  
22

23           20.08.003 Permit required. Except as provided in 20.08.002, a permit is required:

24           A. For any filling or grading of any area which is within 300 feet landward of the  
25 ordinary high water mark of navigable water and which has surface drainage toward the water  
26 and on which there is either:

27               1. Any filling or grading on slopes of more than 20%.

28               2. Filling or grading of more than 1,000 square feet on slopes of 12%-20%.

29               3. Filling or grading of more than 2,000 square feet on slopes less than 12%.

30           B. For any construction or dredging commenced on any artificial waterway, canal,  
31 ditch, lagoon, pond, lake or similar waterway which is within 300 feet landward of the ordinary  
32 high water mark of a navigable body of water or where the purpose is the ultimate connection  
33 with a navigable body of water.

34           C. Permits required under this section, may consider items listed under 17.05.100 B.  
35 of the County Code to protect the site against erosion.  
36

37           20.08.004 Permit conditions. In granting a permit under 20.08.003, the County shall  
38 attach the following conditions, where appropriate, in addition to those provisions specified in  
39 20.13.002 or 20.13.004.

40           A. If bare ground must be exposed, it shall be exposed for as short a time as feasible.

41           B. Temporary ground cover (such as mulch or jute netting) shall be used and  
42 permanent vegetative cover shall be established.

43           C. Diversion berms or bales, silting basins, terraces, filter fabric fencing, and other  
44 methods deemed acceptable by the County shall be used to prevent erosion.

45           D. Lagoons shall be constructed to avoid fish trap conditions.

46           E. Fill shall be stabilized according to accepted engineering standards.  
47

1 F. Filling shall comply with any local floodplain zoning ordinance and shall not  
2 restrict a floodway or destroy the flood storage capacity of a floodplain.

3 G. Channels or artificial watercourses shall be constructed with side slopes of two (2)  
4 units horizontal distance to one (1) unit vertical or flatter which shall be promptly vegetated,  
5 unless bulkheads or riprap are provided.

6  
7  
8 Chapter 20.9

9  
10  
11 IMPERVIOUS SURFACE STANDARDS.

12  
13  
14 Sections:

- 15  
16  
17 20.09.001 Purpose  
18 20.09.002 Calculation of percentage of impervious surfaces  
19 20.09.003 General impervious standard  
20 20.09.004 Impervious surface standard for highly developed shorelines  
21 20.09.005 Maximum impervious surface standard  
22 20.09.006 Treated impervious surfaces  
23 20.09.007 Existing Impervious surfaces  
24  
25

26 20.09.001 Purpose. Establish impervious surface standards to protect water quality and  
27 fish and wildlife habitat and to protect against pollution of navigable waters. County impervious  
28 surface standards shall apply to the construction, reconstruction, expansion, replacement or  
29 relocation of any impervious surface on a riparian lot or parcel and any nonriparian lot or parcel  
30 that is located entirely within 300 feet of the ordinary high-water mark of any navigable  
31 waterway.  
32

33 20.09.002 Calculation of percentage of impervious surface. Percentage of impervious  
34 surface shall be calculated by dividing the surface area of the existing and proposed impervious  
35 surfaces on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark  
36 by the total surface area of that lot or parcel, and multiplied by 100. Impervious surfaces  
37 described in 20.09.006 shall be excluded from the calculation of impervious surface on the lot or  
38 parcel. If an outlot lies between the ordinary high water mark and the developable lot or parcel  
39 and both are in common ownership, the lot or parcel and the outlot shall be considered one lot or  
40 parcel for the purposes of calculating the percentage of impervious surface. (See Wis. Admin.  
41 Code § NR 115.05 (1)(e)1)

42 20.09.003 General impervious surface standard. Except as otherwise allowed in  
43 20.09.004 through 20.09.006, the county shall allow up to 15% impervious surface on the  
44 portion of a lot or parcel that is within 300 feet of the ordinary high-water mark. (See Wis.  
45 Admin. Code § NR 115.05 (1)(e)2)

46  
47 20.09.004 Impervious surface standard for highly developed shorelines. The county at  
48 its discretion may adopt an ordinance for highly developed shorelines allowing up to 30% for

1 residential land use and up to 40% for commercial, industrial or business land uses for lands that  
2 meet one of the following standards: (See Wis. Admin. Code § NR 115.05 (1)(e)2m, and Wis.  
3 Stat. 59.692 (1k)(am)2).

4 A. The highly developed shoreline is identified as an Urbanized Area or Urban  
5 Cluster in the 2010 US Census or has a commercial, industrial, or business land use as of January  
6 31, 2013.

7 B. After conducting a hearing and receiving approval by the WDNR, the county has  
8 mapped additional areas of highly developed shorelines that are at least 500 feet in length and  
9 meet one of the following criteria:

10 C. The majority of the lots are developed with more than 30% of impervious surface  
11 area.

12 D. Located on a lake served by a sewerage system as defined in Wis. Admin. Code §  
13 NR 110.03(30).

14 E. The majority of the lots contain less than 20,000 square feet in area.  
15

16 20.09.005 Maximum impervious surface standard. A property may exceed the  
17 impervious surface standard under 20.09.003 or 20.09.004 provided the following standards are  
18 met: (See Wis. Admin. Code § NR 115.05 (1)(e)3)

19 A. For properties where the general impervious surface standard applies under  
20 20.09.003, a property owner may have more than 15% impervious surface but not more than  
21 30% impervious surface on the portion of a lot or parcel that is within 300 feet of the ordinary  
22 high-water mark.

23 B. For properties on shorelands where the impervious surface standard for highly  
24 developed shorelines applies under 20.9.4, a property owner may have more than 30%  
25 impervious surface but not more than 40% impervious surface for residential land uses. For  
26 commercial, industrial or business land uses a property owner may have more than 40%  
27 impervious surface but not more than 60% impervious surface.

28 C. For properties that exceed the standard under 20.09.003 or 20.09.004 but do not  
29 exceed the maximum standard under 20.09.005 A. or 20.09.005 B., a shoreland permit can be  
30 issued for development with a mitigation plan that meets the standards found in 20.13.  
31

32 20.9.6 Treated impervious surfaces. Impervious surfaces that can be documented to  
33 demonstrate they meet either of the following standards shall be excluded from the impervious  
34 surface calculations under 20.09.002: (See Wis. Admin. Code § NR 115.05(1)(e)3m, and Wis.  
35 Stat. 59.692(1k)(a)5)

36 A. The impervious surface is treated by devices such as storm water ponds,  
37 constructed wetlands, infiltration basins, rain gardens, bio-swales or other engineered systems.

38 B. The runoff from the impervious surface discharges to an internally drained  
39 pervious area that retains the runoff on or off the parcel and allows infiltration into the soil.

40 C. To qualify for the statutory exemption, property owners shall submit a complete  
41 shoreland permit application that is reviewed and approved by the department. The application  
42 shall include

43 1. The required runoff volume of the impervious surface (IS) must use a  
44 rainfall depth derived from the current NOAA National Weather Service Precipitation Frequency  
45 Data Server (PFDS) 2 year 24 hour rainfall event;  
46

1                   2.     A calculation showing how much runoff is coming from the impervious  
2 surface area. The calculation of the runoff volume to treat or infiltrate is the area of the  
3 impervious surface (IS) multiplied by the runoff depth (2.80 inch or 0.23 feet);

4                   Example: (1,000 square feet IS) x (0.23 ft. runoff depth) = 230 cubic feet (total volume to  
5 infiltrate/treat).

6                   3.     Documentation by a professional engineer that the runoff from the  
7 impervious surface is being treated by devices such as storm water pond, rain gardens other  
8 engineered system to standards, and for storm volumes exceeding the PFDS 2 year 24 hour  
9 rainfall event will require a stable outlet; or

10  
11 Documentation that the runoff from the impervious surface discharges to an internally drained  
12 pervious area that retains the runoff on or off the parcel and allows infiltration into the soil;

13                   4.     Documentation that all applicable storm water BMP technical standards  
14 are met;

15                   4.     An implementation schedule and enforceable obligation on the property  
16 owner to establish and maintain the treatment system, treatment devices, or internally drained  
17 area. The enforceable obligations shall be evidenced by an instrument recorded in the office of  
18 the Register of Deeds prior to the issuance of the permit.

19  
20 Note: The provisions in this subsection are an exemption from the impervious surface standards  
21 and as such should be read and construed narrowly. As such, a property owner is entitled to this  
22 exemption only when the runoff from the impervious surface is being treated by a sufficient  
23 (appropriately sized) treatment system, treatment device or internally drained. Property owners  
24 that can demonstrate that the runoff from an impervious surface is being treated consistent with  
25 this subsection will be considered pervious for the purposes of implementing the impervious  
26 surface standards in this ordinance. If a property owner or subsequent property owner fails to  
27 maintain the treatment system, treatment device or internally drained area, the impervious  
28 surface is no longer exempt.

29  
30                   20.09.007 Existing impervious surfaces. For existing impervious surfaces that were  
31 lawfully placed when constructed but that do not comply with the impervious surface standard in  
32 20.09.003 or the maximum impervious surface standard in 20.09.005, the property owner may do  
33 any of the following: (See Wis. Admin. Code § NR 115.05 (1)(e)4)

34                   A.     Maintain and repair the existing impervious surfaces;

35                   B.     Replace existing impervious surfaces with similar surfaces within the existing  
36 building envelope; or

37                   C.     Relocate or modify an existing impervious surface with similar or different  
38 impervious surface, provided that the relocation or modification does not result in an increase in  
39 the percentage of impervious surface that existed on the effective date of the county shoreland  
40 ordinance, and the impervious surface meets the applicable setback requirements in 20.06.001 or  
41 20.06.002.

Chapter 20.10

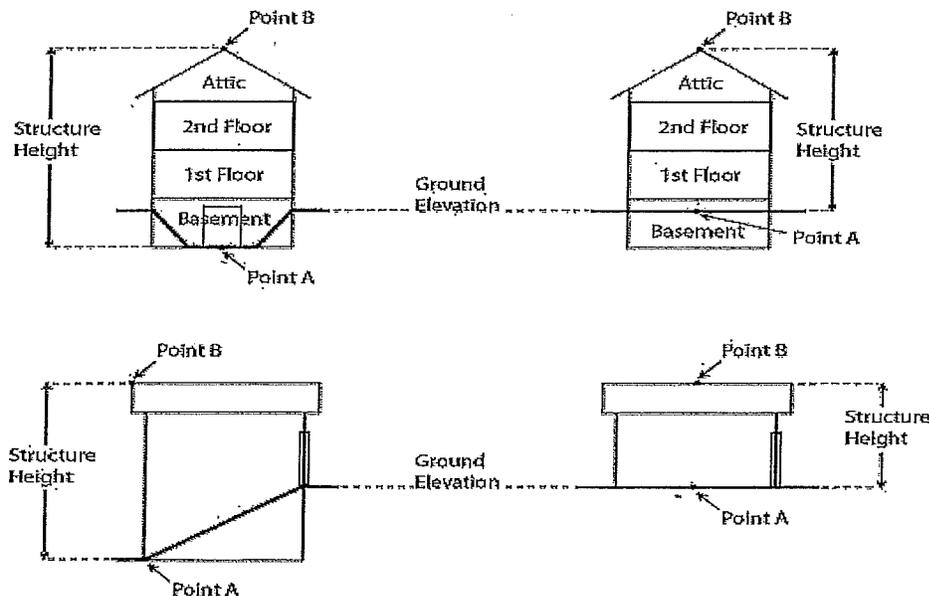
HEIGHT

Sections:

- 20.10.001 Structure Height
- 20.10.002 Structure Height Measurement

20.10.001 Height. To protect and preserve wildlife habitat and natural scenic beauty, on or after February 1, 2010, a county may not permit any construction that results in a structure taller than 35 feet in the shoreland overlay protection district. (See Wis. Admin. Code § NR 115.05(1)(f))

20.10.002 Structure height measurement. Structure height is the measurement of the vertical line segment starting at the lowest point of any exposed wall and it's intersect with the ground (Point A in the following diagram) to a line horizontal to the highest point of a structure (Point B in the following diagram), unless specified under other sections of this code.



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1 Chapter 20.11

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3  
4 NONCONFORMING USES AND STRUCTURES.

5  
6  
7  
8  
9 Sections:

- 10  
11  
12 20.11.001 Discontinued nonconforming use  
13 20.11.002 Maintenance, repair, replacement or vertical expansion of nonconforming  
14 structures  
15 20.11.003 Lateral expansion of nonconforming principal structure within the setback  
16 20.11.004 Expansion of nonconforming principal structures beyond the setback  
17 20.11.005 Relocation of nonconforming principal structures  
18

19  
20 20.11.001 Discontinued nonconforming use. If a nonconforming use is discontinued for  
21 a period of 12 months, any future use of the building, structure or property shall conform to the  
22 ordinance. (See Wis. Admin. Code § NR 115.05(1)(g)3)

23  
24 20.11.002 Maintenance, repair, replacement or vertical expansion of nonconforming  
25 structures. An existing structure that was lawfully placed when constructed but that does not  
26 comply with the required shoreland setback may be maintained, repaired, replaced, restored,  
27 rebuilt or remodeled if the activity does not expand the footprint of the nonconforming structure.  
28 Further, an existing structure that was lawfully placed when constructed but that does not comply  
29 with the required shoreland setback may be vertically expanded unless the vertical expansion  
30 would extend more than 35 feet above grade level. Counties may allow expansion of a structure  
31 beyond the existing footprint if the expansion is necessary to comply with applicable state or  
32 federal requirements. (See Wis. Stat. § 59.692(1k)(a)2,4 and (b))

33  
34 20.11.003 Lateral expansion of nonconforming principal structures within the setback.  
35 An existing principal structure that was lawfully placed when constructed but that does not  
36 comply with the required building setback per 20.06.001 may be expanded laterally, provided  
37 that all of the following requirements are met: (See Wis. Admin. Code § NR 115.05(1)(g)5)

38 A. The use of the structure has not been discontinued for a period of 12 months or  
39 more if a nonconforming use.

40 B. The existing principal structure is at least 35 feet from the ordinary high-water  
41 mark.

42 C. Lateral expansions are limited to a maximum of 200 square feet over the life of  
43 the structure. No portion of the expansion may be any closer to the ordinary high-water mark  
44 than the closest point of the existing principal structure.

45 D. The county shall issue a shoreland permit that requires a mitigation plan that shall  
46 be approved by the county and implemented by the property owner by the date specified in the  
47 permit. The mitigation plan shall meet the standards found in 20.13.

48 E. All other provisions of the shoreland ordinance shall be met.



1 the shoreland setback area by a variance granted before July 13, 2015 may be maintained,  
2 repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of  
3 the authorized structure. Additionally, the structure may be vertically expanded unless the  
4 vertical expansion would extend more than 35 feet above grade level. Counties may allow  
5 expansion of a structure beyond the existing footprint if the expansion is necessary to comply  
6 with applicable state or federal requirements. (See Wis. Stat. § 59.692(1k)(a)2. and (a)4.)  
7  
8

9 Chapter 20.13

10  
11 MITIGATION

12 Sections:

13 20.13.001 Mitigation  
14  
15  
16

17 20.13.001 Mitigation. When the county issues a shoreland permit requiring mitigation  
18 under 20.09.005 C., 20.11.003 D. and 20.11.005 E. the property owner must submit a complete  
19 shoreland permit application that is reviewed and approved by the county. The application shall  
20 include the following: (See Wis. Admin. Code §§ NR 115.05 (1)(e)3, (g)5, (g)6)

21 A. A site plan which is designed and implemented to restore natural functions lost  
22 through development and human activities. The site plan shall include a scaled plot plan of the  
23 lot, including the following information:

- 24 1. Location of all existing and proposed structures, including paths,  
25 stairways, retaining walls, decks, patios, vegetative cover, etc. with accurate distances shown  
26 between the structures and all property lines.
- 27 2. Location of any areas of existing and proposed land disturbance.
- 28 3. Location of septic and well facilities.
- 29 4. Location of the viewing and access corridor.
- 30 5. Location of parking areas and driveways.
- 31 6. Location of ordinary high-water mark and any wetland areas.
- 32 7. Maps showing the existing and proposed topography and slope of the  
33 property.
- 34 8. Impervious surface calculations.
- 35 9. A minimum of four photos of the property. These photos shall include a  
36 photo taken from the water, along the shoreline and from the principal structure. If necessary, the  
37 department may require additional photos and/or a site inspection of the property.
- 38 10. Properties which include flood hazard areas shall be required to submit  
39 documentation showing the base flood elevation and its location on the property.

40 B. Mitigation plans shall include enforceable obligations of the property owner to  
41 establish and/or maintain measures that the county determines adequate to offset the impacts of  
42 the proposal on water quality, near-shore aquatic habitat, upland wildlife habitat and natural  
43 scenic beauty.

44 C. The obligations of the property owner under the mitigation plan shall be  
45 evidenced by an instrument recorded in the office of the register if deeds.

46 D. For the purposes of administration, and in order to meet the requirements of this  
47 chapter:



1 I. Submission to the appropriate office of the WDNR, within 10 days after grant or  
2 denial, copies of any decision on a variance, special exception or conditional use permit, or  
3 appeal for a map or text interpretation, and any decision to amend a map or text of an ordinance.

4 J. Development and maintenance of an official map of all mapped zoning district  
5 boundaries, amendments, and recordings.

6 K. The establishment of appropriate penalties for violations of various provisions of  
7 the ordinance, including forfeitures. Compliance with the ordinance shall be enforceable by the  
8 use of injunctions to prevent or abate a violation, as provided in Wis. Stat. § 59.69 (11).

9 L. Pursuing the prosecution of violations of the shoreland ordinance.

10 M. Shoreland wetland map amendments according to Wis. Admin. Code § NR  
11 115.04. Every petition for a shoreland-wetland map amendment filed with the county clerk shall  
12 be referred to the county zoning agency. A copy of each petition shall be provided to the  
13 appropriate office of the WDNR within 5 days of the filing of the petition with the county clerk.  
14 Written notice of the public hearing to be held on a proposed amendment shall be provided to the  
15 appropriate office of the WDNR at least 10 days prior to the hearing. A copy of the county  
16 board's decision on each proposed amendment shall be forwarded to the appropriate office of the  
17 WDNR within 10 days after the decision is issued.

18  
19 20.14.002 Shoreland permits.

20 A. When required. A system of permits for all new construction, development,  
21 reconstruction, structural alteration, or moving of buildings and structures is hereby established.  
22 A copy of all applications shall be required to be filed in the office of the county land use  
23 manager. Regular inspection of permitted work in progress shall be required to insure  
24 conformity of the finished structures with the terms of the ordinance. (See Wis. Admin. Code §  
25 NR 115.05(4))

26 1. A shoreland land use permit is required for: all new construction,  
27 including additions; development; ditching, dredging, excavating, filling, grading, or lagooning;  
28 moving of buildings or structures; reconstruction; or structural alteration.

29 2. A mitigation permit or permits shall be required as described in 20.09.005  
30 C., 20.11.003 D. and 20.11.005 E.

31 3. An impervious surface authorization permit shall be required in order to  
32 have surfaces designated as treated surfaces, as described in 20.09.006, or to exceed impervious  
33 surface ratio allowances.

34 B. Application. An application for a shoreland permit shall be made to the Land Use  
35 Manager upon forms furnished by the department and shall include the following information:

36 1. Name and address of applicant and property owner.

37 2. Legal description of the property and type of proposed use.

38 3. A to scale drawing of the dimensions of the lot and location of all existing  
39 and proposed structures and impervious surfaces relative to the lot lines, center line of abutting  
40 highways and the ordinary high-water mark of any abutting waterways.

41 4. Location and description of any existing private water supply or sewage  
42 system or notification of plans for any such installation.

43 5. Plans for appropriate mitigation when required.

44 6. Payment of the appropriate fee.

45 7. Additional information required by the Land Use Manager.

46 C. Application acceptance. The land use manager will determine whether a complete  
47 application has been submitted and, no later than ten (10) business days after the application is  
48 submitted, notify the applicant in writing about the determination of completeness.

1           1.       If the land use manager determines that the application is incomplete, the  
2 notice will state the reason for the determination and information necessary to make the  
3 application complete.

4           2.       If the land use manager determines that the application is complete, s/he  
5 will provide to the applicant a notice of complete application, unless s/he has already issued the  
6 permit.

7           3.       Once the applicant receives notice of an incomplete application, the  
8 applicant must submit the information requested by the land use manager within one hundred  
9 and eighty (180) calendar days. If the additional information is submitted within this time  
10 period, the land use manager shall re-initiate the process for a determination of completeness,  
11 and notify the applicant within ten (10) business days of the receipt of the additional information  
12 whether the application is complete or incomplete.

13          4.       If the applicant fails to submit the information requested by the land use  
14 manager within one hundred and eighty (180) days, the land use manager will send a letter to the  
15 applicant, informing the applicant that unless the information is received within thirty (30)  
16 calendar days from the date of the letter, a decision will be issued that the application has expired  
17 for lack of the information necessary to complete review and processing. The decision shall be  
18 sent to the applicant, and will also state that the County will take no further action on the  
19 application.

20          5.       The land use manager will make a final decision on an application within  
21 thirty (30) calendar days of the notice of complete application.

22          6.       The applicant will submit as requested by the land use manager, at any  
23 time during the review process, additional information the land use manager finds to be  
24 reasonably necessary for review of the application.

25          7.       If the applicant makes any material additions or alterations to the project  
26 for which the application has been submitted, any calendar day time limit begins anew.

27          D.       Expiration of a shoreland permit. Shoreland permits are valid for two years to  
28 complete the construction.

29  
30           20.14.003 Conditional use permits.

31          A.       Application for a conditional use permit. Any use listed as a conditional use in  
32 this ordinance shall be permitted only after an application has been submitted to the Land Use  
33 Manager and a conditional use permit has been granted by the Committee. To secure  
34 information upon which to base its determination, the Committee may require the applicant to  
35 furnish, in addition to the information required for a zoning permit, the following information:

36           1.       A plan of the area showing surface contours, soil types, ordinary high-  
37 water marks, ground water conditions, subsurface geology and vegetative cover.

38           2.       Location of buildings, parking areas, traffic access, driveways, walkways,  
39 piers, open space and landscaping.

40           3.       Plans of buildings, sewage disposal facilities, water supply systems and  
41 arrangement of operations.

42           4.       Specifications for areas of proposed filling, grading, lagooning or  
43 dredging.

44           5.       Other pertinent information necessary to determine if the proposed use  
45 meets the requirements of this ordinance.

46           6.       Rationale for why the proposed special exception meets all of the special  
47 exception criteria listed in the ordinance.

1 B. Notice, public hearing and decision. Before deciding whether to grant or deny an  
2 application for a conditional use permit, the board of land use appeals shall hold a public hearing.  
3 Notice of such public hearing, specifying the time, place and matters to come before the  
4 Committee, shall be given as a Class 2 notice under Wis. Stat. ch. 985. Such notice shall be  
5 provided to the appropriate office of the WDNR at least 10 days prior to the hearing. The  
6 Committee shall state in writing the grounds for granting or denying a conditional use permit.

7 C. Standards applicable to all conditional use permits. In deciding a conditional use  
8 permit, the Committee shall evaluate the effect of the proposed use upon:

- 9 1. The maintenance of safe and healthful conditions.
- 10 2. The prevention and control of water pollution including sedimentation.
- 11 3. Compliance with local floodplain zoning ordinances and opportunity for  
12 damage to adjacent properties due to altered surface water drainage.
- 13 4. The erosion potential of the site based upon degree and direction of slope,  
14 soil type and vegetative cover.
- 15 5. The location of the site with respect to existing or future access roads.
- 16 6. The need of the proposed use for a shoreland location.
- 17 7. Its compatibility with uses on adjacent land.
- 18 8. The amount of liquid and solid wastes to be generated and the adequacy of  
19 the proposed disposal systems.

- 20 9. Location factors under which:
  - 21 a. Domestic uses shall be generally preferred;
  - 22 b. Uses not inherently a source of pollution within an area shall be  
23 preferred over uses that are or may be a pollution source; and
  - 24 c. Use locations within an area tending to minimize the possibility of  
25 pollution shall be preferred over use locations tending to increase that possibility. Additional  
26 standards such as parking, noise, etc...maybe refer to the applicable part of their ordinance.

27 D. Conditions attached to conditional use permits. Such conditions may include  
28 specifications for, without limitation because of specific enumeration: type of shore cover;  
29 specific sewage disposal and water supply facilities; landscaping and planting screens; period of  
30 operation; operational control; sureties; deed restrictions; location of piers, docks, parking and  
31 signs; and type of construction. Upon consideration of the factors listed above, the Committee  
32 shall attach such conditions, in addition to those required elsewhere in this ordinance, as are  
33 necessary to further the purposes of this ordinance. Violations of any of these conditions shall be  
34 deemed a violation of this ordinance.

35  
36 In granting a conditional use permit, the Committee may not impose conditions which are more  
37 restrictive than any of the specific standards in the ordinance. Where the ordinance is silent as to  
38 the extent of restriction, the board may impose any reasonable permit conditions to affect the  
39 purpose of this ordinance.

40 E. Recording. When a conditional use permit is approved, an appropriate record  
41 shall be made of the land use and structures permitted. Such permit shall be applicable solely to  
42 the structures, use and property so described. A copy of any decision on a conditional use permit  
43 shall be provided to the appropriate office of the WDNR within 10 days after it is granted or  
44 denied.

45 F. Revocation of conditional use permit. If, in the opinion of the department or a  
46 member of the committee, the terms of a conditional use permit have been violated, or that the  
47 use is substantially detrimental to persons or property in the shoreland overlay protection district,  
48 the committee shall hold a public hearing on the revocation of the permit. If, upon written

1 findings of fact that the terms of the permit have been violated, the committee may revoke,  
2 modify or leave the permit unchanged. The permit holder and/or the property owner shall be  
3 responsible for the fees associated with the revocation hearing.

4 G. Variances.

5 1. Variance criteria to be met. The board of land use appeals may grant upon  
6 appeal a variance from the standards of this ordinance where an applicant convincingly  
7 demonstrates that:

8 2. Literal enforcement of the provisions of the ordinance will result in  
9 unnecessary hardship on the applicant;

10 3. The hardship is due to special conditions unique to the property;

11 4. The request is not contrary to the public interest; and

12 5. The request represents the minimum relief necessary to relieve  
13 unnecessary burdens.

14 H. Notice, public, hearing and decision. Before deciding on an application for a  
15 variance, the board of land use appeals shall hold a public hearing. Notice of such hearing  
16 specifying the time, place and matters of concern, shall be given a Class 2 notice under Wis. Stat.  
17 § 985. Such notice shall be provided to the appropriate office of the WDNR at least 10 days prior  
18 to the hearing. The board shall state in writing the reasons for granting or refusing a variance and  
19 shall provide a copy of such decision to the appropriate office of the WDNR within 10 days of  
20 the decision. (See Wis. Stat. § 59.694(6))

21  
22 20.14.005 Board of land use appeals. The county executive, county administrator or  
23 chair of the county board shall appoint a board of land use appeals consisting of 3 or 5 members  
24 under Wis. Stat. § 59.694. The county board shall adopt such rules for the conduct of the  
25 business of the board of land use appeals as required by Wis. Stat. § 59.694(3).

26 A. Powers and duties.

27 1. The board of land use appeals shall adopt such additional rules as it deems  
28 necessary and may exercise all of the powers conferred on such boards by Wis. Stat. § 59.694.

29 2. It shall hear and decide appeals where it is alleged there is error in any  
30 order, requirement, decision, or determination made by an administrative official in the  
31 enforcement or administration of this ordinance.

32 3. It shall hear and decide applications for conditional use permits pursuant  
33 to 20.13.003.

34 4. It may grant a variance from the dimensional standards of this ordinance  
35 pursuant to 20.13.004.

36 5. In granting a variance, the board may not impose conditions which are  
37 more restrictive than any of the specific standards in the ordinance. Where the ordinance is silent  
38 as to the extent of restriction, the board may impose any reasonable permit conditions to affect  
39 the purpose of this ordinance.

40 B. Appeals to the board. Appeals to the board of land use appeals may be made by  
41 any person aggrieved or by an officer, department, or board of the county affected by any  
42 decision of the Land Use Manager or other administrative officer. Such appeal shall be made  
43 within 30 days, as provided by the rules of the board, by filing with the officer whose decision is  
44 in question, and with the board of land use appeals, a notice of appeal specifying the reasons for  
45 the appeal. The Land Use Manager or other officer whose decision is in question shall promptly  
46 transmit to the board all the papers constituting the record concerning the matter appealed.

47 C. Hearing appeals and applications for variances and conditional use permits.

1           1.       The board of adjustment shall fix a reasonable time for a hearing on the  
2 appeal or application. The board shall give public notice thereof by publishing a Class 2 notice  
3 under Wis. Stat. § 985, specifying the date, time and place of the hearing and the matters to come  
4 before the board. Notice shall be mailed to the parties in interest. Written notice shall be  
5 provided to the appropriate office of the WDNR at least 10 days prior to hearings on proposed  
6 shoreland variances, conditional uses, and appeals for map or text interpretations.

7           2.       A decision regarding the appeal or application shall be made as soon as  
8 practical. Copies of all decisions on shoreland variances, conditional uses, and appeals for map  
9 or text interpretations shall be provided to the appropriate office of the WDNR within 10 days  
10 after they are granted or denied.

11           3.       The final disposition of an appeal or application to the board of land use  
12 appeals shall be in the form of a written resolution or order signed by the chairman and secretary  
13 of the board. The final disposition of an appeal or application to the board of land use appeals  
14 shall be in the form of a written decision document signed by the chairman and secretary of the  
15 board. The decision document shall either; affirm, deny, vary or modify the appeal and list the  
16 specific reasons for the determination.

17           4.       At the public hearing, any party may appear in person or by agent or by  
18 attorney.

19  
20           20.14.006 Fees. A. Application and review fees under this ordinance shall be in  
21 accordance with the following:

22           A.       The department will, except where another provision of this ordinance prohibits  
23 doing so, charge a fee for permits, approvals, or determinations.

24           B.       The permit, approval, or determination fee must accompany the application or  
25 request. Otherwise, the application will not be considered complete and the request will not be  
26 considered.

27           C.       Fees charged for permits, approvals, or determinations will be as determined by  
28 the Eau Claire County General User Fees Schedule, established by the Eau Claire County Board  
29 of Supervisors.

30           D.       If the applicant applies for a permit or requests an approval after a project is  
31 begun or after it is completed, the department will charge an amount equal to twice the amount  
32 of the fee that it would have charged under this section. Subsequent violations shall be subject to  
33 the fees specified in the Eau Claire County Citation Code.

34           E.       The department will only refund a permit, approval, or determination fee when  
35 approved by the Director of Planning and Development.

36           F.       Multiple fees may be applicable, and will be charged, to a project.

37  
38           20.14.007 Changes and amendments. The county board may from time to time, alter,  
39 supplement or change the regulations contained in this ordinance in accordance with the  
40 requirements of Wis. Stat. § 59.69(5)(e), Wis. Admin. Code § NR 115, and this ordinance where  
41 applicable.

42           A.       Amendments. Amendments to this ordinance may be made on petition of any  
43 interested party as provided in Wis. Stat. § 59.69(5).

44           B.       Shoreland wetland map amendments. Every petition for a shoreland-wetland map  
45 amendment filed with the county clerk shall be referred to the county zoning agency. A copy of  
46 each petition shall be provided to the appropriate office of the WDNR within 5 days of the filing  
47 of the petition with the county clerk. Written notice of the public hearing to be held on a  
48 proposed amendment shall be provided to the appropriate office of the Department Natural

1 Resources at least 10 days prior to the hearing. A copy of the county board's decision on each  
2 proposed amendment shall be provided to the appropriate office of the WDNR within 10 days  
3 after the decision is issued. (See Wis. Admin. Code § NR 115.04)  
4

5 20.14.008 Enforcement and penalties. Any development, any building or structure  
6 constructed, moved or structurally altered, or any use established after the effective date of this  
7 ordinance in violation of the provisions of this ordinance, by any person, firm, association,  
8 corporation (including building contractors or their agents) shall be deemed a violation. The  
9 Land Use Manager or the county zoning agency shall refer violations to corporation counsel who  
10 shall expeditiously prosecute violations. Any person, firm, association or corporation who  
11 violates or refuses to comply with any of the provisions of this ordinance shall be subject to a  
12 forfeiture of fifty (\$50.00) dollars per offense, together with the applicable costs, penalties, and  
13 assessments. Each day which the violation exists shall constitute a separate offense. Every  
14 violation of this ordinance is a public nuisance and the creation thereof may be enjoined and the  
15 maintenance thereof may be abated pursuant to Wis. Stat. § 59.69(11). (See Wis. Admin. Code §  
16 NR 115.05(4)(j))

17 A. Penalty. Any person, firm or corporation, including those doing work for others,  
18 who violates any of the provisions of this Ordinance shall be subject to a forfeiture of fifty  
19 (\$50.00) dollars per offense, together with the applicable costs, penalties, and assessments. Each  
20 day a violation exists shall constitute a distinct and separate violation of this Ordinance and as  
21 such, forfeitures shall apply accordingly. The Land Use Manager shall refer violations to the  
22 Corporation Counsel who shall prosecute violations.

23 B. Injunction. Any use or action which violates the provisions of this Ordinance  
24 shall be subject to a court injunction prohibiting such violation.

25 C. Responsibility for compliance. It shall be the responsibility of the applicants as  
26 well as their agent or other persons acting on their behalf to comply with the provisions of this  
27 Ordinance. Any person, firm or corporation, causing a violation or refusing to comply with any  
28 provision of this Ordinance will be notified in writing of such violation by the County Land Use  
29 Manager or his designated Zoning Deputy. Each day a violation exists shall constitute a distinct  
30 and separate violation of this ordinance and, as such, forfeitures shall apply accordingly. Every  
31 violation of this ordinance is a public nuisance and the creation thereof may be enjoined and the  
32 maintenance thereof may be abated pursuant to Wis. Stat. § 59.69(11).

33 D. Suspension of permit. Whenever the Land Use Manager, or his designated  
34 Zoning Deputy determines there are reasonable grounds for believing there is a violation of any  
35 provision of this Ordinance, the Land Use Manager or his designated Zoning Deputy shall give  
36 notice to the owner of record as hereinafter provided. Such notice shall be in writing and shall  
37 include a statement of the reason for the suspension of the permit. It shall allow 30 days for the  
38 performance of any act it requires. If work cannot be completed in the 30 day period, an  
39 extension may be granted if reason of hardship prevail and can be verified. Such notice or order  
40 shall be deemed to have been properly served upon such owner or agent when a copy thereof has  
41 been sent by registered mail to owner's last known address or when the owner has been served by  
42 such notice by any method authorized by the laws of Wisconsin. The owner of record has the  
43 right to appeal any decision by the Land Use Manager or his designated Zoning Deputy to the  
44 Board of Land Use Appeals for a variance from the strict rule of the Ordinance within 30 days of  
45 receipt of a notice or order.

46 E. Emergency conditions. Whenever the Land Use Manager finds that an  
47 emergency exists such as sudden, unexpected occurrences or combinations thereof, unforeseen  
48 conditions or circumstances at the time beyond one's control, adverse weather conditions,

1 meeting a timetable which requires immediate action to protect the public health, safety and  
2 welfare, the Land Use Manager may, without notice or hearing, issue an order citing the  
3 existence of such emergency and may require that such action be taken as may be deemed  
4 necessary to meet the emergency. The Land Use Manager shall notify the Chairperson of the  
5 Committee within 24 hours of such situations. Notwithstanding any other provisions of this  
6 Ordinance such order shall become effective immediately. Any person to whom such order is  
7 directed shall comply therewith immediately. Appeals or challenges to emergency orders may be  
8 brought after emergency conditions have ceased, to the Board of Land Use Appeals.  
9

10  
11 Chapter 20.15

12  
13  
14 DEFINITIONS

15  
16 Sections:

17  
18  
19 20.15.001 Definitions

20  
21  
22 20.15.001 For the purpose of administering and enforcing this ordinance, the terms or  
23 words used herein shall be interpreted as follows: Words used in the present tense include the  
24 future; words in the singular number include the plural number; and words in the plural number  
25 include the singular number. The word "shall" is mandatory, not permissive. All distances  
26 unless otherwise specified shall be measured horizontally. All measured distances shall be to the  
27 nearest integral foot or meter and increments of one-half or more of a foot or meter shall cause  
28 the next highest foot or meter to be applied. The following terms used in this ordinance mean:

29 A. "Access and viewing corridor" means a strip of vegetated land that allows safe  
30 pedestrian access to the shore through the vegetative buffer zone.

31 B. "Alteration" means an enhancement, upgrading or substantial change or  
32 modifications other than an addition or repair to a dwelling or to electrical, plumbing, heating,  
33 ventilating, air conditioning and other systems within a structure.

34 C. "Bed and breakfast establishment" means any place of lodging that provides 8 or  
35 fewer rooms for rent for more than 10 nights in a 12 month period, is owner-occupied and in  
36 which the only meal served to guest is breakfast.

37 D. "Boathouse" means a permanent structure used for the storage of watercraft and  
38 associated materials and includes all structures which are totally enclosed, have roofs or walls or  
39 any combination of these structural parts.

40 E. "Building envelope" means the three dimensional space within which a structure  
41 is built.

42 F. "Campground" means any parcel of land which is designed, maintained, intended  
43 or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping  
44 units, or which is advertised or represented as a camping area.

45 G. "Committee" means the Eau Claire County Committee on Planning and  
46 Development.

1 H. "Conditional use" means a use which is permitted by this ordinance provided that  
2 certain conditions specified in the ordinance are met and that a permit is granted by the  
3 committee.

4 I. "County zoning agency" means that committee or commission created or  
5 designated by the county board under Wis. Stat. § 59.69(2)(a), to act in all matters pertaining to  
6 county planning and zoning.

7 J. "Department" means the department of planning and development.

8 K. "Drainage system" means one or more artificial ditches, tile drains or similar  
9 devices which collects surface runoff or groundwater and convey it to a point of discharge.

10 L. "Existing development pattern" means that principal structures exist within 250  
11 feet of a proposed principal structure in both directions along the shoreline.

12 M. "Floodplain" means the land which has been or may be hereafter covered by flood  
13 water during the regional flood. The floodplain includes the floodway and the flood fringe as  
14 those terms are defined in Wis. Admin. Code ch. NR 116.

15 N. "Facility" means any property or equipment of a public utility, as defined in Wis.  
16 Stat. § 196.01 (5), or a cooperative association organized under Wis. Stat. ch. § 185. Code for  
17 the purpose of producing or furnishing heat, light, or power to its members only, that is used for  
18 the transmission, delivery, or furnishing of natural gas, heat, light, or power.

19 O. "Footprint" means the land area covered by a structure at ground level measured  
20 on a horizontal plane. The footprint of a residence or building includes the horizontal plane  
21 bounded by the furthest exterior wall and eave if present, projected to natural grade. For  
22 structures without walls (decks, stairways, patios, carports) – a single horizontal plane bounded  
23 by the furthest portion of the structure projected to natural grade. Note: For the purposes of  
24 replacing or reconstructing a nonconforming building with walls, the footprint shall not be  
25 expanded by enclosing the area that is located within the horizontal plane from the exterior wall  
26 to the eaves projected to natural grade. This constitutes a lateral expansion under Wis. Admin.  
27 Code ch. NR 115 and would need to follow Wis. Admin. Code § NR 115.05 (1)(g)5.

28 P. "Generally accepted forestry management practices" means forestry management  
29 practices that promote sound management of a forest. Generally accepted forestry management  
30 practices include those practices contained in the most recent version of the WDNR publication  
31 known as Wisconsin Forest Management Guidelines and identified as PUB FR-226.

32 Q. "Impervious surface" means an area that releases as runoff all or a majority of the  
33 precipitation that falls on it. "Impervious surface" excludes frozen soil but includes rooftops,  
34 sidewalks, driveways, parking lots, and streets unless specifically designed, constructed, and  
35 maintained to be pervious. Roadways as defined in Wis. Stat. § 340.01(54), , or sidewalks as  
36 defined in Wis. Stat. § 340.01(58) are not considered impervious surfaces.

37 R. "Land Use Manager" means the employee of the county officially designated to  
38 administer this chapter or an agent designated by the Director of the Eau Claire County  
39 Department of Planning and Development.

40 S. "Lot" means a parcel of land, legally created, which is occupied or designed to  
41 provide space for one principal structure and approved uses, including the open spaces required  
42 by this subtitle. A lot includes all contiguous property under one owner and may consist of  
43 multiple deeds, abstracts, and tax statements.

44 T. "Lot of record" means a lot which has been legally created prior to the effective  
45 date of Title 18.

46 U. "Mitigation" means balancing measures that are designed, implemented and  
47 function to restore natural functions and values that are otherwise lost through development and  
48 human activities.

1 V. "Navigable waters" means Lake Superior, Lake Michigan, all natural inland lakes  
2 within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial  
3 limits of this state, including the Wisconsin portion of boundary waters, which are navigable  
4 under the laws of this state. Under Wis. Stat. § 281.31(2m), notwithstanding any other provision  
5 of law or administrative rule promulgated thereunder, shoreland ordinances required under Wis.  
6 Stat. § 59.692, Stats, and Wis. Admin. Code. ch. NR 115, do not apply to lands adjacent to:

7 1. Farm drainage ditches where such lands are not adjacent to a natural  
8 navigable stream or river and such lands were not navigable streams before ditching; and

9 2. Artificially constructed drainage ditches, ponds or storm water retention  
10 basins that are not hydrologically connected to a natural navigable water body

11 W. "Ordinary high-water mark" means the point on the bank or shore up to which the  
12 presence and action of surface water is so continuous as to leave a distinctive mark such as by  
13 erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation,  
14 or other easily recognized characteristics.

15 X. "Previously developed" means a lot or parcel that was developed with a structure  
16 legally placed upon it.

17 Y. "Regional flood" means a flood determined to be representative of large floods  
18 known to have generally occurred in Wisconsin and which may be expected to occur on a  
19 particular stream because of like physical characteristics, once in every 100 years.

20 Z. "Routine maintenance of vegetation" means normally accepted horticultural  
21 practices that do not result in the loss of any layer of existing vegetation and do not require earth  
22 disturbance.

23 AA. "Shoreland" means lands within the following distances from the ordinary  
24 highwater mark of navigable waters: 1,000 feet from a lake, pond or flowage; and 300 feet from  
25 a river or stream or to the landward side of the floodplain, whichever distance is greater.

26 BB. "Shoreland setback" also known as the "Shoreland setback area" in Wis. Stat. §  
27 59.692(1)(bn), means an area in a shoreland that is within a certain distance of the ordinary high-  
28 water mark in which the construction or placement of structures has been limited or prohibited  
29 under an ordinance enacted under Wis. Stat. §59.692.

30 CC. "Shoreland-wetland district" means a zoning district, created as a part of a county  
31 zoning ordinance, comprised of shorelands that are designated as wetlands on the Wisconsin  
32 wetland inventory maps prepared by the WDNR.

33 DD. "Structural alteration" means any change in the supporting members of a building  
34 such as bearing walls, columns, rafters, beams, girders, footings and piles.

35 EE. "Structure" means a principal structure or any accessory structure including a  
36 garage, shed, boathouse, sidewalk, walkway, patio, deck, retaining wall, porch or fire pit.

37 FF. "Tourist Rooming House" means all lodging places and tourist cabins and  
38 cottages as regulated by the department of health and human services pursuant to Wis. Admin.  
39 Code ch. DHS 195, other than hotels and motels, in which sleeping accommodations are offered  
40 for pay to tourists or transients. It does not include private boarding or rooming houses not  
41 accommodating tourists or transients, or bed and breakfast establishments regulated under Wis.  
42 Admin. Code ch. DHS 197.

43 GG. "Unnecessary hardship" means that circumstance where special conditions, which  
44 were not self-created, affect a particular property and make strict conformity with restrictions  
45 governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable  
46 in light of the purposes of this ordinance.

1 HH. "Variance" means an authorization granted by the board of land use appeals to  
2 construct, alter or use a building or structure in a manner that deviates from the dimensional  
3 standards of this ordinance.

4 II. "WDNR" means the Wisconsin Department of Natural Resources.

5 JJ. "Wetlands" means those areas where water is at, near or above the land surface  
6 long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils  
7 indicative of wet conditions.

8  
9 **APPENDIX A**

10 **SHORELAND ACTIVITIES WHICH REQUIRE A MITIGATION PLAN**

11 A. When Impervious Surface (IS) limits fall within the below % ranges: (20.09.005)  
12 Percent IS requiring mitigation

General Standard Shorelines	Highly Developed Shorelines (Residential)	Highly Developed Shorelines (Commercial)
15% - 30 %	>30 % - 40 %	> 40 % - 60 %

- 13 • A variance is required when the above IS % limits are exceeded.  
14 • The repair, replacement, or relocation of existing IS does not require mitigation.

15  
16 B. A lateral expansion of a principal structure that is legal nonconforming to shore or  
17 wetland setback (200 sq. ft. max. allowed). (20.11.003)

18  
19 C. The relocation of a principal structure that is legal nonconforming to shore setback.  
20 Relocation is only available when no other more conforming location is available to  
21 accommodate a similar sized structure. (20.11.005)

22  
23 In order to make the above improvements to nonconforming structures, the following must be  
24 met:

- 25 • The existing principal structure must be located at least 35 ft. from the ordinary high  
26 water mark (OHWM) of a navigable waterway and wetland.  
27 • No portion of the addition or relocated structure may be closer to the shore than the  
28 existing structure.

29  
30 **Required Mitigation Practices - The Point System**

31 Property owners must achieve a certain number of mitigation points in order to construct  
32 improvements that require mitigation in accordance with this appendix. Property owners are able  
33 to choose a range of practices, with each practice being worth a pre-determined number of  
34 points, to achieve the total number of points required for the proposed project.

35 Mitigation Points are cumulative. For example: A site with a code compliant shoreline  
36 protection area twice as deep as required would get 1 point for the extra buffer area, as well as 2  
37 points for the standard code compliant vegetation protection area, for a total of 3 points.

1 **Mitigation Point Requirements**

2 A. Five (5) mitigation points are required when Impervious Surface (IS) limits fall within  
 3 the below % ranges:

4  
5

General Standard Shorelines	Highly Developed Shorelines (Residential)	Highly Developed Shorelines (Commercial)
15% - 30 %	>30 % - 40 %	> 40 % - 60 %

6  
7  
8 B. Four (4) mitigation points are required for a lateral expansion of a principal structure that  
 9 is legal nonconforming to shore or wetland setback (200 sq. ft. max. allowed).

10  
11 C. Four (4) mitigation points are required for the relocation of a principal structure that is  
 12 legal nonconforming to shore setback. Relocation is only available when no other more  
 13 conforming location is available to accommodate a similar sized structure.

14  
15 **Mitigation Schedule**

Mitigation Type	Number of Points Awarded for Mitigation
A. Code Compliant POWTS (septic system)	3 points
B. Removal of improvements within 75 ft. of the OHWM and replace with vegetation.  Examples: beaches, boathouse approaches, fire pits, fountains, impervious surfaces	1 point, 0-250 square feet, 2 points, 251-500 square feet, 3 points, 501 square feet and greater. (credit is not provided if removal is required as part of another accredited mitigation type)
C. Maintain existing or establish new native vegetative buffer adjacent to a navigable waterway (OHWM extended 35' landward)	3 points
D. Increase depth of existing compliant shoreland buffer	1 point for every 15 foot increase (max. 3 points)
E. Remove existing retaining walls located within 75 ft. of OHWM and replace with vegetation (low impact landscaping approach)	1 point per 25 lineal ft. of wall
F. Removal of seawall/riprap and replacement with natural, nonstructural stabilization materials	4 points for entire shoreline (for shorelines with greater than 100 feet of lineal shoreline) 2 points for 50 feet of lineal shoreline

G. Removal of Existing Shore lighting with installation of Downcast Shore Lighting	1 point
H. Increasing setback of structures from OHWM	1 point per 5' of increased setback beyond required (max. 4 points)
I. Decrease width of access & viewing corridor below 35%	1 point = 25 % view corridor 2 points = 15% view corridor (max. 2 points)
J. Passive restoration (natural recovery) of a compliant shoreland buffer	2 point
K. Installation of a rain garden or other engineered system designed to capture and treat/infiltrate storm water runoff	3 points for system designed and implemented to result in no net increase in storm water runoff. 4 points for systems designed and implemented to result in "0" storm water runoff.
L. Maintain existing or establish new shoreline habitat (fallen trees or fish sticks)	2 points per tree cluster as specified in the DNR Best Practices Manual
M. Alternative method approved by Department staff	Based on proposal

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\*See below for detailed explanation of mitigation items.

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APPENDIX A

DETAILED EXPLANATIONS OF MITIGATION ITEMS

The benefits of mitigation of the following:

- Provides water quality benefits by treating and reducing runoff;
- Containing erosion and controlling sediment;
- Provide natural scenic beauty;
- Provide aquatic and diverse wildlife habitat;
- Restores natural topography;
- Improve and preserve water quality by offsetting the impacts associated with surface runoff; and
- Restore natural shoreline vegetation to promote natural landscapes

A. **Code compliant POWTS** – A written and approved verification that the Private Onsite Wastewater Treatment System (POWTS) on the lot or parcel comply with all requirements of SPS 383, Wisconsin Administrative Code, and Chapter 8.12, Eau Claire County Sanitary Code, other than sizing requirements, or proper connection is verified to municipal sewer. Acceptable written verification includes either a sanitary permit on file in the County Health Department with a signed inspection by Eau Claire City/County Health Department staff, or written verification from a Wisconsin Master Plumber, Master Plumber-Restricted Sewer, Journeyman Plumber, Journeyman Plumber-Restricted Sewer, POWTS Inspector, or Certified Soil Tester, or installation of a new system meeting these requirements, or an approved sanitary permit may be substituted with installation of the POWTS to take place within the life of the shoreland permit.

B. **Removal of improvements within 75 feet of the OHWM and replace with vegetation** – Removal of improvements such as, beaches, boathouse approaches, fire pits, fountains, impervious surfaces, unless there is a specific exemption in the code for such a structure.

C. **Maintain existing or establish new native vegetative buffer adjacent to a navigable waterway (OHWM extended to 35 feet landward).** – A written and approved shoreline restoration plan which restores all of the natural functions of the shoreline vegetation protection area in accordance with the standards contained in NRCS Standard 643 A and Wisconsin Biology Technical Note #1 - Shoreland Habitat and the provisions of this code, or verification that existing vegetation meets these standards. The department shall review the restoration plan or verify that existing vegetation is adequate to meet these requirements.

D. **Increase depth of existing compliant shoreland buffer** – The depth of an existing shoreland buffer may be increased beyond 35 feet through active restoration, passive restoration, or by maintaining existing vegetation already present in acceptable densities.

1 Shoreland buffers may include a cleared view and access corridor. A written and  
2 approved shoreline restoration plan which restores all of the natural functions of the  
3 shoreline vegetation protection area in accordance with the standards contained in NRCS  
4 Standard 643 A and Wisconsin Biology Technical Note #1 - Shoreland Habitat and this  
5 code, or verification that existing vegetation meets these standards. The department shall  
6 review the plan or verify that existing vegetation is adequate to meet these requirements.  
7

8 **E. Remove existing retaining walls located within 75 feet of the OHWM and replace**  
9 **with vegetation (low impact landscaping)** – Remove retaining wall and develop a plan  
10 to replace it. The restoration plan shall include a grading, vegetation and erosion control  
11 plan.  
12

13 **F. Remove of seawall/riprap and replacement with natural, nonstructural stabilization**  
14 **materials** – Provide a plan and a copy of the WDNR permit for the removal of the  
15 seawall/riprap structures and replacement with natural, nonstructural stabilization  
16 materials.  
17

18 **G. Removal of existing shore lighting with installation of downcast shore lighting** –  
19 Replace existing shore lighting with downcast or shielded shore lighting to eliminate light  
20 pollution at the property line. Light fixtures that are shielded on four sides and illuminate  
21 downward toward the earth will meet this mitigation practice.  
22

23 **H. Increase setback of structures from the OHWM** – Increase structure beyond minimum  
24 required by Title 20.  
25

26 **I. Decrease width of access & viewing corridor below 35 %** - Submit a vegetation,  
27 management and erosion plan to reduce the viewing corridor less than 35 %. The  
28 management plan shall indicate how invasive species are control.  
29

30 NOTE: The remaining access and viewing corridor from the developed portion of the site  
31 to the water's edge can be maintained or established.  
32

33 **J. Passive restoration (natural recovery) of a compliant shoreland buffer** - Passive  
34 restoration of a shoreland buffer involves restricting mowing, raking, and trimming and  
35 allowing natural regeneration of the landscape to occur from the ordinary high water  
36 mark to a point that is at least 35 feet inland. A passive shoreland buffer may only serve  
37 as the restoration if tree, shrub and ground cover layers are already present in acceptable  
38 densities and the site is suited for natural regeneration. A compliant shoreland buffer  
39 should contain three distinct layers including a native tree canopy, shrub layer, and  
40 groundcover layer, except for closed canopy forest types such as pine and hemlock.  
41 Shoreland buffers may include a cleared view and access corridor. Passive restoration is  
42 not applicable on landscapes containing large concentrations of invasive species or in

1 areas mainly vegetated with turf grasses.

- 2
- 3 **K. Installation of a rain garden or other engineered system designed to capture and**
- 4 **treat/infiltrate storm water runoff** - A rain garden is a shallow depression landscaped
- 5 with suitable native vegetation, engineered and designed to capture and infiltrate storm
- 6 water. The rain garden must be located outside of the shoreland buffer, designed to
- 7 conform to property constraints, and located a reasonable distance to septic systems,
- 8 building foundations, and lot lines. A rain garden should capture and infiltrate the runoff
- 9 volume for a minimum of a 10 year, 5 minute rain event. Rain gardens are not suitable on
- 10 land containing impermeable soil types or steep slopes.

11

12 An engineered system maybe designed to capture and treat/infiltrate storm water runoff.

13 Engineered systems are not allowed in the shoreland buffer, unless there are no other

14 feasible locations on the lot. Examples of a engineered systems include, but are not

15 limited to, rain gardens, infiltration trenches, chambers, or dry wells, internally drained

16 areas, pervious pavement, grass swales, and a plan that will result in no net increase in

17 runoff from the site within 300 feet of the ordinary high water mark. The plan shall be

18 designed to handle the storm water from the current NOAA National Weather Service

19 Precipitation Frequency Data Server (PFDS) 2-year 24 hour rainfall event for Eau Claire

20 County and shall include all engineered calculations to support the design, and in

21 compliance with the "Controlling Runoff and Erosion from your Waterfront Property-A

22 Guide for Landowners" copyright 2008 by Burnett County Land and Water Conservation

23 Department, available on both the Eau Claire County and Wisconsin DNR websites.

24

25 An engineered system designed that will result construction storm water retention plan

26 which will result in no runoff from any impervious surface on the site within 300 feet of

27 the ordinary high water mark. The department shall review the plan to determine

28 adequacy. This plan shall be designed to handle the storm water from a one year storm as

29 designated by NRCS for Eau Claire County, and in compliance with the "Controlling

30 Runoff and Erosion from your Waterfront Property-A Guide for Landowners" copyright

31 2008 by Burnett County Land and Water Conservation Department, available on both the

32 Eau Claire County and Wisconsin DNR websites.

- 33
- 34 **L. Maintain Existing or Establish New Shoreline Habitat (fallen trees or fish sticks) –**
- 35 Develop a shoreland habitat plan in compliance with the standards set forth per the DNR
- 36 Best Practices Manual for Fish Sticks.

- 37
- 38 **M. Alternative Method Approved by The Department** - Applicant must demonstrate a
- 39 connection between the proposed mitigation and the intent/purpose of the mitigation
- 40 requirements of the Eau Claire Shoreland Protection and Overlay Ordinance. For
- 41 example, an applicant could provide engineering information showing that the proposal
- 42 could accomplish the same outcome as one of the mitigation strategies outlined. Points

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would be awarded in line with the comparable mitigation points.

ADOPTED:

Gay Lee  
James A. Penning  
Rodney C. Stewart  
Mark Hill

Steve Pagan  
Committee on Planning and Development

RE/yk

Dated this 13<sup>th</sup> day of December, 2016.

ORDINANCE/16-17.049

APPROVED BY  
CORPORATION COUNSEL,  
AS TO FORM

**FACT SHEET**

**TO FILE NO 16-17/083**

As stated in the resolution, County Board approval is required to comply with the requirements of the Forest Administration Grant. Details of the Parks & Forest Director's wages and fringe benefits are submitted to the state to determine the grant amount.

The Forest Administration grant will be approximately \$53,700 in positive fiscal impact.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Josh Pedersen", with a long horizontal flourish extending to the right.

Josh Pedersen  
Parks & Forest Director.

4 -ADOPTING THE 2017 ANNUAL WORK PLAN FOR THE PARKS AND FOREST  
5 DEPARTMENT TO COMPLY WITH THE COUNTY FOREST ADMINISTRATION GRANT  
6 PROGRAM-

7 WHEREAS, each year the county is eligible to receive 50% of the actual salary and up to  
8 50% of the fringe benefit costs of a county-employed professional forester in the position of  
9 county forest administrator or assistant county forest administrator, except that the fringe  
10 benefits may not exceed 40% of the position's annual salary; and

11  
12 WHEREAS, the parks and forest director, in his position, qualifies for this funding; and

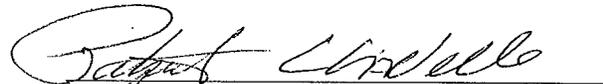
13  
14 WHEREAS, per Wisconsin Statutes 28.11 (5) (b) and Chapter NR 47.75 of the  
15 Wisconsin Administrative Rules for the county forest administration grant program, the county  
16 board must approve an annual county forest work plan which must also be approved by the  
17 department of natural resources to comply; and

18  
19 WHEREAS, the 2017 Annual Work Plan implements projects included in the adopted  
20 2017 budget and other projects involving only staff time with no other budget expenditures; and

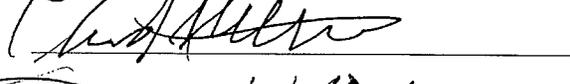
21  
22 WHEREAS, a copy of the approved 2017 Annual Work Plan and a copy of this adopted  
23 resolution must be received by the department of natural resources prior to January 31, 2017.

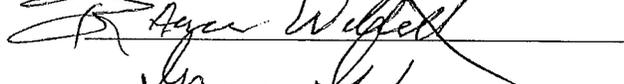
24  
25 NOW, THEREFORE, BE IT RESOLVED that the Eau Claire County Board of  
26 Supervisors hereby adopts the attached 2017 Annual Work Plan for the parks and forest  
27 department.

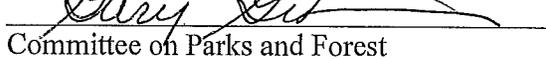
28  
29 ADOPTED:

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40 Committee on Parks and Forest

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37 APPROVED BY  
38 CORPORATION COUNSEL  
39 AS TO FORM

41  
42 Dated this 10 day of January, 2017.  
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# 2017 EAU CLAIRE COUNTY PARKS AND FOREST DEPARTMENT WORK PLAN

## I. ADMINISTRATIVE OBJECTIVES

(Accomplished primarily by director, supervisor, and administrative specialist)

### A. ITEMS:

- Continue implementation of reforestation plan for the county forest
- Continue department Facebook page for interacting with the public
- Prepare county board resolution approving annual; amendments to 15 year plan, if necessary
- Establish date, advertise, and coordinate free ski day at Tower Ridge Recreation Area with Ski Striders
- Coordinate June 3-4 "Open House" free access, National Trails Day in parks (first Saturday in June annually),
- Maintenance agreement with Ski Striders for Tower Ridge Recreation Area chalet
- Contact Boy Scouts or other group to consider involvement with camping development/Adopt-A-Park agreement for L.L. Phillips Park
- Utilize UWEC and CVTC student interns/Service Learning students on various projects (including park surveys, tallying, etc.)
- Coordinate volunteer efforts including Adopt-A-Park projects: Coon Fork and Harstad with Augusta Area Schools students; Lowes Creek Park with area scouting groups and Lowes Creek trails with CORBA; Big Falls Park with UW-EC student organizations; Lake Altoona Park with Ski Sprites; Tower Ridge with Ski Striders, Chippewa Valley Disc Golf Organization and Chippewa Valley Trailriders; secure adopt-a-park group for Lake Eau Claire Park; Guettinger Woods & Wildlife Area with The Adventurers 4-H Club; and the Augusta ATV Club for ATV trails, including litter pick up and minor maintenance.
- Promote use of Guettinger Woods hiking/snowshoe trails through The Adventurers 4-H Club
- Attend WPRA and WCFA meetings as necessary
- By January 31 forward 2017 work plan and director's wages and fringe benefit costs to DNR to be eligible for forest administration grant
- By April 15 make annual application to DNR for ATV and snowmobile trails maintenance and development
- By May 1 apply to DNR for cost sharing any qualifying park development projects (Stewardship funds)
- By October 1 apply to DNR for County Conservation Aids
- Review county code for annual updating
- Monitor and report to committee on seventh year for free skiing at Tower Ridge on Monday nights in January and February 2017 for continuation
- Spot check CVDGO disc golf tournaments at Tower Ridge to assure all vendors are paying fees to county
- Assess/initiate opportunities for energy conservation and reducing costs relating to electricity use, vehicle use, heating, cooling, and other energy uses at all locations and operations
- Review old files and put them in compliance with County Code regarding record retention
- Develop and facilitate Coon Gut/Pinter Pines management plan

### B. ONGOING ADMINISTRATIVE TASKS (for Director and Administrative Specialist positions):

Administration of recreation area entrance fees including sales, receipting revenues, compliance checks, issuance and handling of violation notices, notice to Sheriff's Dept. for suspension of vehicle registration for unpaid fines; purchase equipment/supplies per budget (writing specifications, pricing, bidding); drafting and sending of news releases; spring and fall timber sales and fall firewood brochures and advertisements; contracted service bids/quotes for garbage pickup, campground firewood, septic pumping, ice vending; timber stand improvement work; recruit for seasonal positions; encourage park attendants to get hepatitis B shots from Health Department; timber sales record keeping, extensions, marketing, supervision; schedule and conduct quarterly staff meetings; coordination of staff training opportunities; apply for and process reimbursement claims for state/federal funding including park development, snowmobile trails maintenance (#S-4721/\$45,125), ATV/UTV trails maintenance (#ATV-3409-summer/\$16,270; #ATV-3457-winter/\$2,380; ATV Channey Trail Rehab(#ATV-3361-\$26,476 and S-4489-\$26,476); ATV Corkscrew Trail Rehab (#ATV-3513 \$13,422 and #S-4906 \$13,422) and County Conservation Aids (#CCW-8253/\$3,037); Tower Ridge Maintenance Recreation Trails (RTA-668-14/\$44,013) conduct summer park user surveys at Coon Fork, Lake Altoona, and Lake Eau Claire parks; develop 2018 budget and work plan; recruit for Advisory Committee members (April); tally camping statistics and park user surveys (November); land acquisition contacts and negotiations as directed by Committee on Parks & Forest; consider alternative ATV route in Fairchild to try to get out from payment to

Union Pacific Railroad for ATV trail lease (November); coordinate random drug testing for employees; update ski and snowmobile trail conditions on phone message, Facebook and Travel Wisconsin website regularly; train staff regarding locations of survey markers near county forest roads to ensure monuments are not disturbed when doing road maintenance or other projects on the forest.

C. CONTRACTUAL ITEMS TO BE PURCHASED/BID/NEGOTIATED/AGREED WITH OTHER PARTIES:

- Firewood from processor for resale at campgrounds
- Construction of new shed at Lake Eau Claire maintenance headquarters
- Blacktop sweeping/bridge inspections/snow plowing by Highway Department (as needed)
- Refuse and recyclable collection at parks
- Rental of portable toilet at Lake Altoona Park (April 1 – May 15 and October 15 – November 15)
- Ice vending machine at Coon Fork
- Pumping of vault/pit toilets and septic tanks
- Fire extinguisher checks
- Asphalt sealing for various parking lots
- Nature Programs at Coon Fork Park by Beaver Creek Reserve staff and volunteers
- Plant seedlings in prepared sites
- Timber stand improvement tracts
- Gravel overlays for forest roads
- Parks and Forest equipment and vehicles

II. FIELD STAFF WORK PLAN

(Skilled laborers, forester, park rangers, seasonal laborers, and park attendants)

A. ONGOING TASKS:

Remove hazard trees in all parks and intensive recreation areas and grind or pull stumps as needed; vehicle/equipment/building maintenance and repair; timber sales establishment, compliance checks, monitoring, scaling of forest products, forest reconnaissance updating; brush and maintain signs; forest regeneration planning/implementation; park supervision & maintenance; groom ski trails; maintenance of all recreation trails; culvert installations; grading and snowplowing 18 miles of forest roads, winter recreation parking areas including Guettinger Woods and Wildlife Area, Coon Fork, Tower Ridge, Evergreen, and Lowes Creek.

B. Parks General:

- Refurbish picnic tables and upright grills
- Install replacement shop door
- Maintain deposit boxes as needed
- Survey for Karner Blue Butterflies in planned park development
- Treat park and other intensive use areas for poison ivy including canoe landings
- Grass seed bare spots
- Grind stumps as needed
- Seasonally open/close building water lines
- Repair and maintain ATV and snowmobile trail signs including ATV junctions
- Replace sign posts as needed
- Fertilize turf areas
- Seasonally install/remove swim buoys and boat docks
- Replace seals and gaskets on hand pumps as needed
- Cut and haul logs for sign material as needed
- Utilize Huber Program and Community Service Program as much as possible on maintenance projects
- Repaint park entrance and other signs as needed; re-establish/sign park boundaries
- Add wood chips as needed to playground areas
- Maintenance at all boat landings, including sweeping sand and gravel from ramps, putting rubber bumper guards around docks, and filling in pot holes with gravel or blacktop and parking lot striping.

C. Big Falls Park

- Pruning along north and south entrance trails as needed

- D. Coon Fork Park/Dam:
- Add base course and level campsite pads as needed
  - Printing of reservation forms, handouts, revenue records, rental agreements, etc.
  - Special attention to maintaining Judge Peplau memorial plantings
  - Raise fire rings in campsites to avoid "flooding of fire rings" as needed
  - Prune branches along campground roads
  - Develop canoe access below dam and develop take out and access off NE spur of Shepherd's Crook, check to see if outside State Natural Area
  - Plant trees in D Loop
  - Provide direct access to rental watercraft by opening up shoreline
  - Add rock rip-rap and concrete work to rehabilitate the walk bridge area
  - Repaint C shower building
  - Provide dock on south boat landing
- E. Harstad Park:
- Recruit for campground host
  - Replace traffic signs as needed
  - Level and repair campsite pads with base course as necessary
  - Develop group campsite
- F. Lake Altoona Park/Dam:
- Replace 2 picnic grills
  - Repair beach parking lot potholes as needed
  - Concrete ADA picnic areas, sidewalks as needed
  - Replace timbers around playground areas as needed
  - Lime beach to reduce bacteria levels as needed
  - Replenish beach sand as needed
  - Test the Emergency Action Plan for Lake Altoona Dam
  - Plan for beach parking lot replacement
  - Repaint change house
- G. Lake Eau Claire Park/Dam:
- Replace turf, trees, topsoil, under oak wilt areas
  - Repair boat landings with Highway excavator/or rent other for department use
  - Swing sets improvements and replacement items as needed
  - Repaint interior/exterior of two toilets
  - Install new dock at North Boat Landing
  - Develop horse hitching post near park entrance
  - Brush canoe portage
  - Test the Emergency Action Plan for Lake Eau Claire Dam
  - Removal of oak wilt trees and landscaping stump holes as needed.
  - Sidewalk repairs
- H. L.L. Phillips Park:
- Replace boards for repair of picnic shelter, bridges and evaluate overall stability and condition of shelter for replacement
- I. Lowes Creek Park:
- Mow trails for WORS "Firecracker" bike race within two weeks prior to race
  - Repair/replace signs, posts, picnic tables, and shelter boards as needed
  - Treat invasive species with a herbicide
- J. County Forest Area:
- GIS recon updates
  - Purchase and install culverts as needed
  - Pick up dump sites on county forest as discovered/reported
  - Survey for Karner Blue Butterflies prior to any development in county forest areas
  - Maintain the forest access plan, reberm and repair gates as needed, install control measures

- immediately after completion of timber sales on new timber access trails
- Spray poison ivy areas as needed
- Brush around information signs on the forest
- Relocation of canoe landing further downstream on Eau Claire River at Eisberner Memorial; add chips for access downbank
- Install signs at Coon Fork and Southfork Barrens (if signage is approved by DNR)
- Maintain rock ford crossing on ATV and forest access trails
- 20 hours assistance from DNR dozer
- Oak scarification of sites where appropriate
- Assistance from DNR Wildlife management on various projects as time allows
- Annual updates to the 15-year plan to provide needed revisions to stay current with the management of the forest. If the county determines WisFIRS reports will be useful. DNR will provide them
- Review for sale approximately 1,250 acres of timber (annual allowable cut) in the following timber types:

2017 Schedule of Harvest Treatments		
Forest Cover Type Offered For Sale	Total Acreage on The County Forest	Establishment Acres
Aspen	9029	168
Red Maple	1,862	49
Oak	16,828	1486
Red Pine	3,948	292
Jack Pine	4,968	94
White Pine	4,286	162
Non-Forested/Not scheduled for management	11,813	
<b>Total Eau Claire County Forest Land</b>	<b>52,734</b>	<b>2251</b>

- Develop a kiosk at horseback trailhead on CTH "G"
- Brush, mow, and reconstruct Pea Creek Flowage dike
- Finalize long range plan for Coon Gut/Pinter Pines buildings

K. Guettinger Woods and Wildlife Area:

- Coordinate with educational institutions for inventorying of various biological species and soil types
- Work with Adventurers 4-H Club on adoption of area

L. Shop Area:

- Refurbish county forest and park signs
- Construct educational signs on forest management practices

M. County Forest Roads (18 miles):

- Monitor improvement needs and document grading and repairs to the county forest roads per certification requirements
- Grade and sand/salt to qualify for state aid
- Construct small parking areas along county forest roads
- Gravel roads and replace culverts
- Replace signs as needed

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N. Wildlife Projects:

- Mow all/part of 36 acres of wildlife trails and openings with 4x4 tractor/disc & drag
- Seed and gate/berm closed logging access trails and fertilize seeded areas
- Karner Blue Butterfly inventory and monitoring
- Beaver control in problem areas

O. Tower Ridge Recreation Area:

- Install "glass prohibited" signs at Trailheads
- Install erosion control measures on hills
- Sign for no disc golf tournaments allowed without prior county approval, include county contact information
- Maintain maintenance agreement with Ski Striders Cross-Country Ski Club
- Plant seedlings along recreation rails with donated funds and volunteers
- Continue removing the trail edge stumps east of the lighted trail

P. Public Outlots:

- Acquired through Federal Floodplain buyout – designate county boundaries, especially on Porterville Road and sign county land to prohibit vehicles and dumping
- Work with Rock Falls Sportsman's Club for club to do maintenance of Porterville Road Chippewa River Access

**FACT SHEET**

**To File #16-17.088**

This is a proposed resolution to grant to an easement to the Eau Claire Electric Cooperative who is reconstructing their existing electrical line that crosses Guettinger Woods in Section 34, T26N, R10W in the Town of Brunswick. The existing electrical line currently runs adjacent to State Highway 37, and the rebuilt line will run in the same location. Eau Claire Electric is expanding the existing line from a single line pole to a three line pole. This will expand the width of the easement from a strip of land 15 feet wide to a strip of land 20 feet wide.

There is no fiscal impact.

Respectfully submitted,



Josh Pedersen  
Parks & Forest Director

2  
3 - GRANTING AN EASMENT TO EAU CLAIRE ENERGY COOPERATIVE TO REBUILD A  
4 POWER LINE IN THE TOWN OF BRUNSWICK -  
5  
6

7 WHEREAS, Eau Claire Energy Cooperative has an easement for a power line across land  
8 owned by Eau Claire County, known as the Guettinger Woods, and which is located adjacent to  
9 State Highway 37 in Section 34, Township 26 North, Range 10 West in the Town of Brunswick;  
10 and,  
11

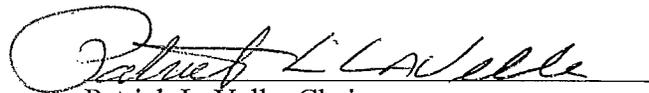
12 WHEREAS, The Eau Claire Energy Cooperative is in the process of rebuilding their  
13 existing electrical power line expanding it from a single line to a triple line, and are asking Eau  
14 Claire County to grant them an updated easement for the expanded line. The expansion of the  
15 line will expand the easement from a strip of land 15 feet wide to a strip of land 20 feet wide;  
16 and,  
17

18 WHEREAS, the proposed easement is attached to and made part of this resolution  
19

20 NOW THEREFORE BE IT RESOLVED The Eau Claire County Board of Supervisors  
21 grants and easement to Eau Claire Energy Cooperative to update their existing electrical line that  
22 crosses the Guettinger Woods located in Section 34, Township 26 North, Range 10 West in the  
23 Town of Brunswick.  
24

25 BE IT FURTHER RESOLVED that the Eau Claire County Clerk is authorized to execute  
26 all necessary documents for the purpose of granting the aforementioned easement.  
27

28 I certify that the foregoing correctly represents the action taken by the undersigned committee on  
29 January 10, 2017 by a vote of 5 for, 0 against.  
30  
31

32  
33 

34 Patrick LaVelle, Chair  
35 Committee on Parks & Forest  
36

37 /TJS

ORDINANC/16-17/088

APPROVED BY  
CORPORATION COUNSEL  
AS TO FORM

# UTILITY EASEMENT AGREEMENT

**EAU CLAIRE COUNTY**

(hereinafter called the "Grantor"), and any lienholder executing this easement, for a valuable consideration, does hereby grant, warrant and convey unto EAU CLAIRE ENERGY COOPERATIVE, 8214 US Highway 12, FALL CREEK, WISCONSIN, 54742, a cooperative organized under Chapter 185 Wisconsin Statutes, hereinafter called the "Cooperative", its successors and assigns, with full right to lease, sublet, and license its rights hereunder, the perpetual right, privilege and easement to enter upon the rights of way described hereinafter, and to construct, operate, repair, maintain, relocate, reconstruct, and replace over and under the surface thereof, lines for the transmission and distribution of electric energy, petroleum products, and communications signals.

Said easement shall consist of two distinct rights-of-way, the service easement and the distribution easement. The service easement may cross any of Grantor's lands, described below, for the purpose of bringing electrical service from distribution lines to the service entrance of any electrical service on the premises. The distribution easement shall be for lines which are now, or in the future become, part of the system for serving Cooperative members in addition to Grantor. Both easements are further described herein.

**SUBDIVISIONS:** If Grantor's land is subdivided and utility easements are shown on the subdivision map, this easement includes all such "Utility Easements." If not included in said "Utility Easements," this easement includes a strip of land fifteen feet wide wherever a boundary of such lot abuts a public right-of-way and a strip six feet wide along each other boundary of each such lot.

**COOPERATIVE'S FACILITIES:** "Lines" includes cable, poles, anchors and guy wires, conduits, transformers and all accessories and appurtenances which the Cooperative determines to be necessary and appropriate therefor, whether above or below the ground and shall remain the property of the Cooperative which shall have the right to inspect, rebuild, remove, repair, improve and make changes, alterations, substitutions and additions in and to its facilities as it may from time to time deem advisable. The Cooperative may place signs on the easement for the purpose of monumenting the easement area.

**ACCESS:** This easement also grants the Cooperative the right of access to any described easement area through, over, and across other adjacent lands of Grantor, provided that said access shall be by a route which, in Grantee's judgement, will cause the least practical damage and further provided that the Cooperative will repair, restore, or reasonably compensate Grantor for any damage resulting from such use of adjacent lands.

**SERVICE EASEMENT:** Wherever the service easement contains overhead lines, it shall be 30 feet<sup>1</sup> wide. Wherever the service easement contains underground lines, it shall be 15 feet<sup>1</sup> wide. The center line of the service easement, which may be relocated from time to time, shall be the electrical service line running from the distribution easement to the service entrance on the premises served.

**DISTRIBUTION EASEMENT:** Wherever the distribution easement lies adjacent to a public highway, it shall be a strip of land 15 feet<sup>1</sup> wide if the line is single-phase and 20 feet<sup>1</sup> wide if the line is now or is later upgraded to three-phase, even if the highway is changed or relocated. In other areas, whenever the distribution easement contains overhead lines, it shall be 30 feet<sup>1</sup> wide if the line is single-phase and 40 feet<sup>1</sup> wide if the line is now or is later upgraded to three-phase. Wherever the distribution easement contains underground lines, it shall be 20 feet<sup>1</sup> wide. The center line of the distribution easement shall be the center most conductor of the line unless the easement is described otherwise on the reverse hereof or an attachment hereto.

This easement also includes any location used by the Cooperative at any time to place one or more anchors on Grantors' land outside the easement strip to support the Cooperative's facilities constructed within the defined easement strip, and the area necessary for service of said anchor which is defined as a circle with a radius of 10 feet centered on any such anchor facilities and a strip twenty feet wide between that anchor and the foregoing easement, the center line of which shall be a line on the ground directly beneath the guy line attached to said anchor.

**OVERHEAD LINE SAFETY:** If any of said facilities are constructed above the ground, the Cooperative may, by chemical, mechanical or other means, cut, trim and control the growth of vegetation within the easement and may cut down or trim from time to time all dead, weak, leaning or dangerous trees or limbs on lands adjacent to the right-of-way, which could strike the wires in falling, as it deems necessary or appropriate.

**UNDERGROUND SAFETY:** If any of said facilities are constructed in or under the ground, the Cooperative may excavate the soil within the easement described herein, and remove trees, rocks and other obstructions, as necessary, for the construction, maintenance, repair, replacement, safety or operation of said line or lines. No owner or occupant of the land may dig or excavate within the easement, or permit others to do so, except as permitted by the Cooperative.

Return to:

Eau Claire Energy Cooperative  
8214 US Highway 12  
P.O. Box 368  
Fall Creek, WI 54742

Parcel No: 004110806000  
004110901000

W.O. Number:

<sup>1</sup>Unless changed in this footnote:

Service Easement	_____	Overhead	_____	Underground	_____	Easement Width	_____
Distribution Easement	_____	Overhead	_____	Underground	_____	Easement Width	_____

**GRANTOR'S USE:** The land within the easement may be used for any purpose not inconsistent with the rights granted, provided such use does not interfere with or endanger the construction, operation and maintenance of the Cooperative's facilities. However, the easement shall at all times be kept clear of buildings, structures, obstructions or any condition which violates the National Electrical Safety Code, the Wisconsin Electrical Code, or the safety regulations of the Cooperative. Once lines have been constructed or installed, the surface elevation over or under said lines may not be altered by more than six inches unless permitted in writing by the Cooperative.

**BINDING AGREEMENT:** This conveyance is binding on and inures to the benefit of the heirs, representatives, assigns, successors, and grantees of the Grantor. The Cooperative reserves the right to license, permit, or otherwise agree to the use of the easement by any person or entity for the transmission of energy or of communication signals of any kind. The Cooperative reserves the right to charge for such a license, permit, or agreement.

Grantor covenants that Grantor is the owner of the below described lands and warrants that Grantor will indemnify the Cooperative for all costs and losses, including reasonable attorney's fees, in the event that any person claiming an interest in or lien upon said land attempts to limit or alter Cooperative's rights granted herein, whether successful or not.

Additional space for legal description or special provisions:

Section 34, Township 26 North, Range 10 West

[Inapplicable unless filled in] Easement located on the N S E W (circle one) \_\_\_\_\_ feet of:

THE NE-NW

And

SE-NW

BOTH PARCELS LOCATED IN SECTION 34, TOWNSHIP 26 NORTH, RANGE 10 WEST IN THE TOWN OF BRUNSWICK, EAU CLAIRE COUNTY, WISCONSIN.

EASEMENT SHALL CONSIST OF A STRIP OF LAND 20 FEET WIDE ADJACENT TO AND SOUTH OF STATE HIGHWAY 37 AS SHOWN ON THE ATTACHED EXHIBIT "A".

If checked here, additional sheet is attached for legal description or other information.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**Grantor:**  
Signature \_\_\_\_\_  
Printed name \_\_\_\_\_  
Signature \_\_\_\_\_  
Printed name \_\_\_\_\_

**Grantor:**  
Signature \_\_\_\_\_  
Printed name \_\_\_\_\_  
Signature \_\_\_\_\_  
Printed name \_\_\_\_\_

**ACKNOWLEDGMENT**

**ACKNOWLEDGMENT**

State of Wisconsin )  
 ) ss  
 \_\_\_\_\_ County)

State of Wisconsin )  
 ) ss  
 \_\_\_\_\_ County)

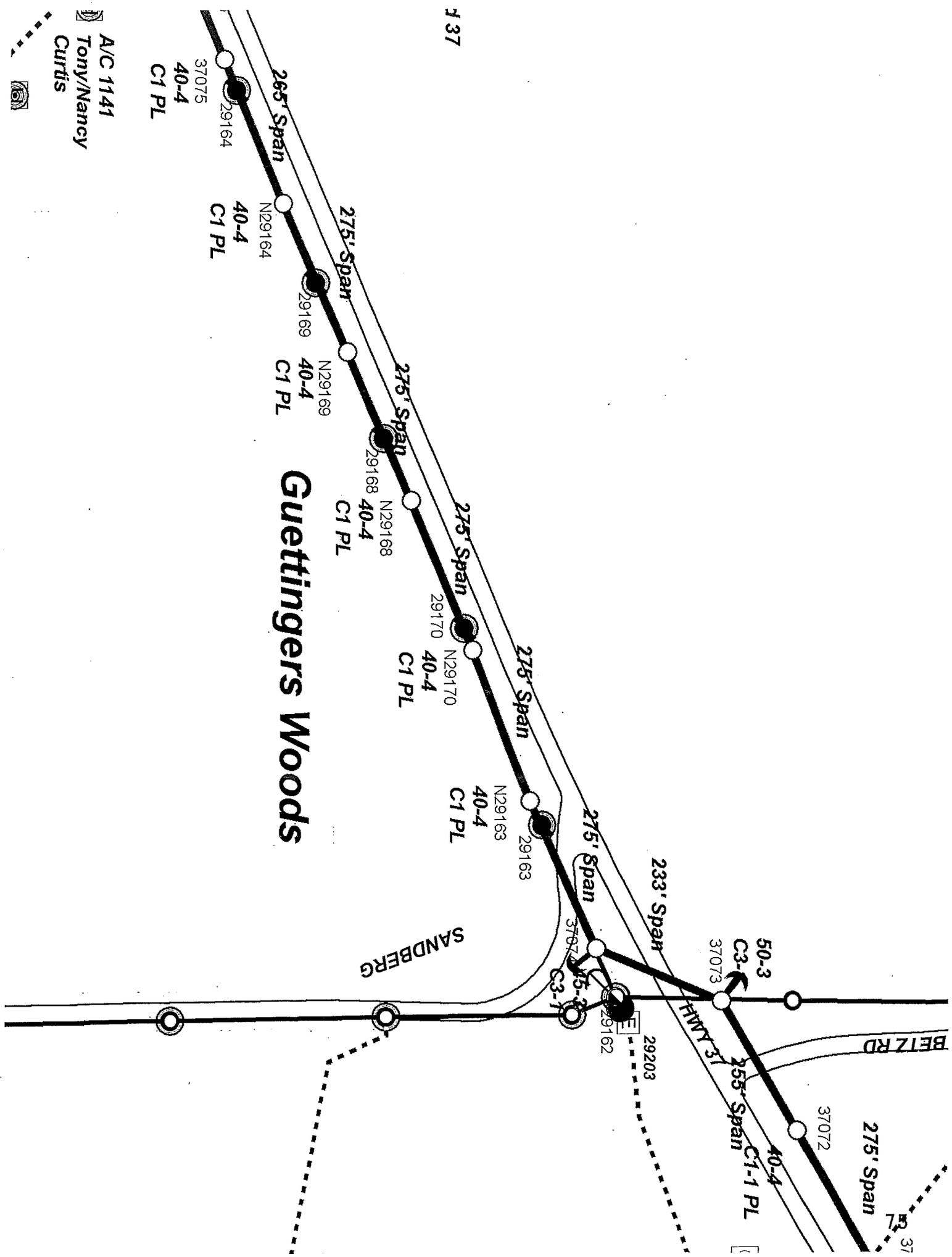
Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, the above named \_\_\_\_\_ and \_\_\_\_\_, to me known to be the person[s] who executed the foregoing instrument and acknowledged the same.

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, the above named \_\_\_\_\_ and \_\_\_\_\_, to me known to be the person[s] who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
Notary Public, State of Wisconsin  
My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public, State of Wisconsin  
My Commission Expires: \_\_\_\_\_

# Guettingers Woods



2

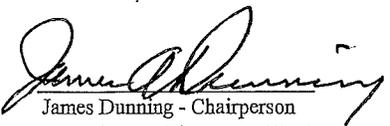
3 -AUTHORIZING PAYMENT OF VOUCHERS OVER \$10,000 ISSUED DURING THE MONTH OF  
4 DECEMBER 2016

5

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

9

<u>VENDOR</u>	<u>PAYMENT FOR:</u>	<u>AMOUNT</u>
11 Group Health Cooperative	Health Insurance Premiums - January	\$ 594,064.71
12 State of Wisconsin	November Fees	\$ 202,666.94
13 City of Eau Claire Treasurer	Comm Center Payment - December	\$ 128,006.67
14 Monarch Paving Company	Paving CF - Cold in Place Recycling - Hwy	\$ 109,687.70
15 Eau Claire City County Health Dept	November Payment	\$ 93,800.00
16 U S Bank	Procard Payment - November	\$ 78,379.99
17 Valk Manufacturing Company	Grader Blades and Parts - Hwy	\$ 68,217.60
18 Correct Care Solutions	Monthly Medical Service - September, November, December	\$ 56,648.59
19 Traffic & Parking Control CO Inc	Repairs/Parts -Hwy	\$ 54,930.14
20 Haas Sons Inc	Trucks Hauling Material to Job Site - Hwy	\$ 48,728.24
21 Lutheran Social Services	November Services - CJCC	\$ 48,083.33
22 Haas Sons Inc	Blue Granite - Parks	\$ 46,314.73
23 Fuel Service DJ's Mart LLC	Diesel Fuel - Hwy	\$ 44,834.00
24 Advanced Disposal	Recycling - November	\$ 39,827.24
25 Xcel Energy	Courthouse/Jail Electric/Gas - November	\$ 39,419.88
26 AUL Health Benefit Trust	Payout of Unused PTO/Deductibles (5)	\$ 38,154.82
27 Senn Blacktop Inc	Asphalt	\$ 34,775.32
28 Dell Marketing LP	Computer Purchase - DHS	\$ 32,890.50
29 Aramark Services Inc	Inmate/Staff Meals - November	\$ 31,506.15
30 City of Eau Claire Treasurer	Water/Sewer Bill-Courthouse	\$ 25,880.25
31 Boxx Sanitation	Recycling - November	\$ 23,552.98
32 Delta Dental Plan of WI	Dental Insurance Premiums - January	\$ 21,172.47
33 Sacred Heart Hospital	Meals - ADRC	\$ 20,949.78
34 U S Postal Service	Postage	\$ 20,000.00
35 Burke Truck & Equipment	New Plow Blades and parts - Hwy	\$ 19,694.08
36 Henry G Meigs LLC	Sealant - Hwy	\$ 18,900.00
37 Explorer Solutions	Phase II Airport Development payments 13 and 14	\$ 18,870.25
38 Chippewa Valley Energy	Diesel Fuel - Hwy	\$ 16,227.75
39 Friends of Beaver Creek Reserve	December Payment	\$ 15,000.00
40 Waste Management Northern WI	Recycling - November	\$ 13,916.16
41 L & M Services	Property Taxes Mailed	\$ 13,851.71
42 Office Depot	County Office Supply Charges - November	\$ 13,394.15
43 City of Eau Claire Treasurer	Oct 2016 Paratransit	\$ 13,296.93
44 Minnesota Life Insurance Co	Life Insurance Premiums - January	\$ 12,316.63
45 Will Hogoboom LLC	Interim Finance Director Services - November	\$ 11,695.00
46 Xcel Energy	Terminal/ATC Electric/Gas - November	\$ 11,509.34
47 Will Hogoboom LLC	Interim Finance Director Services - December 1-15	\$ 11,425.25
48 Try Inc	December Payment	\$ 11,134.92
49 Gregory J Brown LLC	Legal Services - Courts	\$ 11,095.00
50 Chippewa Valley Siding Roofing	Housing Rehab Loan Program	\$ 10,260.40
51 Ayres Associates	CTH Q-Contracted Engineering - Hwy	\$ 10,123.85
52 Bartingale Mechanical	Preventative Maintenance - Courthouse - December	\$ 10,047.75
53 Cooperative Educational Service Agency	Melby Fiber Project - Airport	\$ 10,000.00
54		
55	<i>subtotal</i>	\$ 2,155,251.20
56		

57				
58	County of Barron	<i>IM Consortia Payment</i>	\$	72,799.00
59	County of Burnett	<i>IM Consortia Payment</i>	\$	23,909.00
60	County of Chippewa	<i>IM Consortia Payment</i>	\$	44,597.00
61	County of Douglas	<i>IM Consortia Payment</i>	\$	37,030.00
62	County of Dunn	<i>IM Consortia Payment</i>	\$	100,545.00
63	County of Pierce	<i>IM Consortia Payment</i>	\$	65,611.00
64	County of Polk	<i>IM Consortia Payment</i>	\$	49,898.00
65	Count of St Croix	<i>IM Consortia Payment</i>	\$	50,383.00
66	County of Washburn	<i>IM Consortia Payment</i>	\$	14,450.00
67	Brotoloc Inc	Contracted Services	\$	47,879.97
68	Caillier Clinic Inc	Contracted Services	\$	10,500.00
69	Career Development Center	Contracted Services	\$	11,565.80
70	Chileda Institute	Contracted Services	\$	42,260.40
71	Clinicare Corporation	Contracted Services	\$	45,192.00
72	County of Eau Claire	Contracted Services	\$	13,500.00
73	Lutheran Social Services	Contracted Services	\$	185,223.87
74	MCHS Eau Claire Clinic	Contracted Services	\$	15,504.30
75	Mt Washington Operator LLC	Contracted Services	\$	25,346.42
76	New Hope Inc	Contracted Services	\$	11,392.20
77	New Visions Treatment Homes of WI	Contracted Services	\$	17,280.00
78	Northwest Counsel & Guidance Clinic	Contracted Services	\$	35,104.60
79	Northwest Passage LTD	Contracted Services	\$	53,885.70
80	Oconomowoc Development Training	Contracted Services	\$	16,086.70
81	Positive Alternatives Inc	Contracted Services	\$	22,610.00
82	Relias Learning LLC	Contracted Services	\$	15,814.02
83	REM Wisconsin III Inc - State Office	Contracted Services	\$	82,376.82
84	State of WI Dept of Corrections	Contracted Services	\$	23,360.00
85	Trempealeau County	Contracted Services	\$	98,329.67
86	Vantage Point Clinic & Assess	Contracted Services	\$	10,772.50
87				
88			Total	\$ 1,243,206.97
89				
90			Grand Total	\$ 3,398,458.17
91				
92	James Dunning - Chairperson			
93	Committee on Finance and Budget			
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APPROVED BY  
CORPORATION COUNSEL  
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