

## AGENDA

Eau Claire County Board of Supervisors  
**Tuesday, May 1, 2018 / 6 pm**

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 Nancy Coffey)
- 3. Call of the Roll
- 4. Approval of the Journal of Proceedings (April 17, 2018) (pg. 3-5)

### 5. PUBLIC COMMENT

### 6. REPORTS TO THE COUNTY BOARD UNDER 2.04.320

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

Proclamation: "Proclaiming the week of April 29 to May 6, 2018 as Soil and Water Stewardship Week in Eau Claire County" (pg. 6)

### 8. FIRST READING OF ORDINANCES BY COMMITTEES

### 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.

18-19/007 (2)

To Amend Section 3.03.020 D. and E. of the Code: Responsibility and Authority; To Amend Section 3.05.020 B. of the Code; Responsibility and Authority; To Repeal and Recreate Section 3.15.030 B. of the Code: Position and Full Time Equivalency (FTE) Establishment . . .

(pg. 7-10)

**10. REPORTS OF STANDING COMMITTEES, COMMITTEES, COMMISSIONS AND BOARDS**  
**UNDER 2.04.160 AND SECOND READING OF ORDINANCES** (con't)

**Committee on Planning and Development**

**File No.**

- |               |  |
|---------------|--|
| 18-19/006 (2) | To Amend Section 8.25.030 of the Code: Permit and Inspection Required; To Amend Section 8.25.050 of the Code; Inspection and Enforcement<br><b>(pg. 11-13)</b> |
| 18-19/001 (1) | Amending the 1982 Official Zoning District Boundary Map for the Town of Union<br><b>(pg. 14-15)</b>  |
| 18-19/002 (1) | Amending the 1982 Official Zoning District Boundary Map for the Town of Union<br><b>(pg. 16-17)</b>  |
| 18-19/005 (1) | Amending the 1982 Official Zoning District Boundary Map for the Town of Washington<br><b>(pg. 18-19)</b>   |
| 18-19/009 (1) | Amending the 1982 Official Zoning District Boundary Map for the Town of Clear Creek<br><b>(pg. 20-21)</b>  |

**11. APPOINTMENTS**

Appointments for Select Boards, Commissions and Councils

**After County Board legislative session, County Board supervisors will  
move to the Jail Conference room for a Strategic Planning session**

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, April 17, 2018**

The County Board of Supervisors of the County of Eau Claire convened at the Courthouse in the City of Eau Claire on Tuesday, April 17, 2018, and was called to order by Supervisor Colleen Bates at 7:00 p.m.

Girl Scout Troop 3513 of Eau Claire presented the colors and led the Board in honoring the flag with the pledge of allegiance.

Moment of reflection was presented by Supervisor Kevin Stelljes.

County Clerk Janet K. Loomis read the Certificate of Election.

**STATE OF WISCONSIN  
COUNTY OF EAU CLAIRE**

**CERTIFICATE OF ELECTION  
TO THE HONORABLE EAU CLAIRE  
COUNTY BOARD OF SUPERVISORS**

I, Janet K. Loomis, County Clerk for the County of Eau Claire, State of Wisconsin, do hereby certify that, at a Spring Election held on the Third Day of April, A.D., 2018, the following persons were, by the greatest number of votes, duly elected to the office of the County Board of Supervisors for the districts herein stated, for the term of two years commencing on the 17th Day of April, A.D., 2018, as appears from the Certificate of the County Board of Canvassers, on file in my office.

<u>DISTRICT</u>	<u>SUPERVISOR</u>
District 1	Gary G. Gibson
District 2	Sandra McKinney
District 3	Joe Knight
District 4	Stella Pagonis
District 5	Carl Anton
District 6	Bert Moritz
District 7	Steve Chilson
District 8	Kevin Stelljes
District 9	Donald D. Mowry
District 10	Nancy Coffey
District 11	Ray L. Henning
District 12	Colleen A. Bates
District 13	Connie Russell
District 14	Judy Gatlin
District 15	Nick Smiar
District 16	Lydia Boerboom
District 17	Martha Nieman
District 18	James A. Dunning
District 19	Gerald "Jerry" Wilkie
District 20	John P. Richie
District 21	Mark Beckfield
District 22	Sue Miller
District 23	Robin J. Leary
District 24	Heather DeLuka
District 25	Melissa Janssen
District 26	Tami Schraufnagel
District 27	Brandon Buchanan
District 28	Kimberly A. Cronk
District 29	Patrick L. LaVelle

Given under my hand and official seal at the County Courthouse in the City of Eau Claire, in said County, this 9th day of April, A.D., 2018.

The Honorable Michael A. Schumacher administered the Oath of Office to the newly elected supervisors.

Roll Call: 27 present: Supervisors Gary G. Gibson, Sandra McKinney, Joe Knight, Stella Pagonis, Bert Moritz, Steve Chilson, Kevin Stelljes, Donald D. Mowry, Nancy Coffey, Ray L. Henning, Colleen A. Bates, Connie Russell, Judy Gatlin, Nick Smiar, Lydia Boerboom, Martha Nieman, Gerald Wilkie, John Richie, Mark Beckfield, Sue Miller, Robin J. Leary, Heather DeLuka, Melissa Janssen, Tami Schraufnagel, Brandon Buchanan, Kimberly A. Cronk, Patrick L. LaVelle

2 absent: Supervisors Carl Anton, James A. Dunning

\*Supervisor Anton arrived later in the meeting.

### **ELECTION OF BOARD OFFICERS**

Supervisor Colleen Bates declared the nominations open for Chair.

On a motion by Supervisor Gibson, seconded by Supervisor Leary, Supervisor Nick Smiar's name was placed in nomination.

Supervisor Bates asked for additional nominations three times. Thereafter, a motion by Supervisor Buchanan, seconded by Supervisor Wilkie, to close the nomination and cast a unanimous ballot for Supervisor Smiar was adopted on a voice vote.

Chair Smiar declared the nominations open for First Vice Chair.

On a motion by Supervisor Beckfield, seconded by Supervisor LaVelle, Supervisor Colleen Bates' name was placed in nomination.

Chair Smiar asked for additional nominations three times. Thereafter, a motion by Supervisor Cronk, seconded by Supervisor Stelljes, to close the nominations and cast a unanimous ballot for Supervisor Bates was adopted on a voice vote.

Chair Smiar declared the nominations open for Second Vice Chair.

On a motion by Supervisor Gibson, seconded by Supervisor Beckfield, Supervisor Steve Chilson's name was placed in nomination.

On a motion by Supervisor Schraufnagel, seconded by Supervisor Gatlin, Supervisor Gerald Wilkie's name was placed in nomination.

On a motion by Supervisor Cronk, seconded by Supervisor Miller, Supervisor James A. Dunning's name was placed in nomination.

Chair Smiar closed nominations and ballots were cast. After review of the ballots cast, Supervisor Gerald Wilkie was elected Second Vice Chair with 16 votes; Supervisor Chilson received 6 votes, and Supervisor Dunning 5 votes. Seating change options took place at this time.

### **ADOPTING RULES OF ORDER**

A report from the Committee on Administration stated Chapter 2.04 remain as set forth in the county code. On a motion by Supervisor Bates, seconded by Supervisor Leary, the report was unanimously adopted via roll call vote.

### **JOURNAL OF PROCEEDINGS (April 4, 2018)**

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

### **PUBLIC COMMENT**

Fred Poss, from the Lake Eau Claire Association, spoke about their partnership with the county.

### **REPORTS TO THE COUNTY BOARD UNDER 2.04.320**

County Administrator Kathryn Schauf provided an annual message.

\*Supervisor Anton arrived at this time.

Land Conservation Manager Greg Leonard presented "Watersheds, Our Water, Our Home" regarding soil and water stewardship. Dan Zerr, UW-Extension Regional Educator, also spoke on this topic.

The following written reports were presented:

- Independent Agency Report from the Local Emergency Planning Committee
- Contingency Fund Report as of April 11, 2018
- First Quarter Compensatory Time/Overtime/Number of Employees Reports as of March 31, 2018

**PRESENTATION OF PETITIONS, CLAIMS AND COMMUNICATIONS**

A report regarding a rezoning request in the Town of Clear Creek was received from David Hehli, owner; and Real Land Surveying, applicant.

**FIRST READING OF ORDINANCES BY COMMITTEES**

**Ordinance 18-19/006** TO AMEND SECTION 8.25.030 OF THE CODE: PERMIT AND INSPECTION REQUIRED; TO AMEND SECTION 8.25.050 OF THE CODE: INSPECTION AND ENFORCEMENT

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

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

**Committee on Planning and Development**

**Ordinance 18-19/003** AMENDING THE 1982 OFFICIAL ZONING DISTRICT BOUNDARY MAP FOR THE TOWN OF BRUNSWICK

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

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

28 ayes: Supervisors Gibson, McKinney, Knight, Pagonis, Anton, Moritz, Chilson, Stelljes, Mowry, Coffey, Henning, Bates, Russell, Gatlin, Smiar, Boerboom, Nieman, Wilkie, Richie, Beckfield, Miller, Leary, DeLuka, Janssen, Schraufnagel, Buchanan, Cronk, LaVelle

0 noes

1 absent: Supervisor Dunning

**FIRST READING OF ORDINANCES BY COMMITTEES**

**Ordinance 18-19/007** TO AMEND SECTION 3.03.020 D. AND E. OF THE CODE: RESPONSIBILITY AND AUTHORITY; TO AMEND 3.05.020 B. OF THE CODE: RESPONSIBILITY AND AUTHORITY; TO REPEAL AND RECREATE SECTION 3.15.030 B. OF THE CODE: POSITION AND FULL-TIME EQUIVALENCY (FTE) ESTABLISHMENT; TO AMEND SECTION 3.15.040 A. AND B. OF THE CODE: POSITION DESCRIPTIONS; TO AMEND SECTION 3.15.070 OF THE CODE: REGULAR AND PROJECT POSITION TITLES; TO AMEND SECTION 3.20.010 B. & D. OF THE CODE: BENEFITS OF ELECTED OFFICIALS; TO AMEND SECTION 3.20.040 B. & C. OF THE CODE: COUNTY BOARD COMMITTEE PER DIEMS; TO AMEND SECTION 3.20.045 OF THE CODE: COUNTY BOARD CHAIR PER DIEM AND EXPENSE AUTHORIZATION; TO AMEND SECTION 3.20.090 C. 6. AND D. OF THE CODE: COMPENSATION OF OTHER OFFICIALS; TO AMEND SECTION 3.50.080 B. OF THE CODE: OUTSIDE EMPLOYMENT

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

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

**Committee on Finance and Budget**

**Resolution 18-19/010** AUTHORIZING PAYMENT OF VOUCHERS OVER \$10,000 ISSUED DURING THE MONTH OF MARCH 2018

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

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

**Committee on Human Resources**


**Resolution 18-19/011** AMENDING THE EAU CLAIRE COUNTY HUMAN RESOURCES EMPLOYEE POLICY MANUAL

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

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

The Board adjourned at 8:33 p.m.

Respectfully submitted,

  
Janet K. Loomis, County Clerk

1 PROCLAMATION

2  
3  
4 -PROCLAIMING THE WEEK OF APRIL 29<sup>TH</sup> TO MAY 6<sup>TH</sup>, 2018 AS "SOIL AND  
5 WATER STEWARDSHIP WEEK" IN EAU CLAIRE COUNTY-

6  
7 WHEREAS, fertile soil and clean water provide us with our daily sustenance, and

8  
9 WHEREAS, effective conservation practices have helped provide us a rich  
10 standard of living, and

11  
12 WHEREAS, our security depends upon healthy soil and clean water, and

13  
14 WHEREAS, stewardship calls for each person to help conserve these precious  
15 resources,

16  
17 NOW, THEREFORE, I, Gregg Moore, Chair of the Eau Claire County Board of  
18 Supervisors, do hereby proclaim April 29<sup>th</sup> to May 6<sup>th</sup>, 2018 as "Soil and Water  
19 Stewardship Week" in Eau Claire County.

20  
21 PRESENTED: This 26<sup>th</sup> day of April, 2018.

22  
23  
24 Nick Smiar / m  
25 Nick Smiar, County Board Chair  
26  
27

**FACT SHEET**

**TO FILE NO. 18-19/007**

Section 1. There are grammatical changes and updates regarding duties of the HR director and department heads to be consistent with current practice. The purchasing director is responsible for safety and department heads are responsible for approving travel costs of applicants and for monitoring overtime costs.

Section 2. The compensatory time records are generated by the timekeeping system.

Section 3. Updates the code to reflect the current practice.

Section 4. This change moves the position title change language from 3.15.070.

Section 5. Clarifies that participation in the group dental plan is subject to the terms of the Employee Policy Manual and the summary plan descriptions.

Section 6. Updates the code to identify the position or division responsible for the functions listed.

Section 7. Corrects a reference to the Employee Policy Manual.

Section 8. Updates the code to properly reflect the current pay system

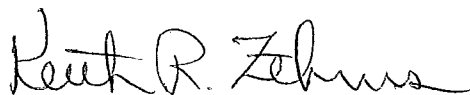
Section 9. Clarifies that the finance director is responsible for compliance and the HR director is responsible for recommending revisions to the compensation schedules.

Section 10. Deletes surplus language. Regarding 3.50.080 C. for money compensation while the employee is working the idea is that it prevents employees being paid by the county from receiving compensation from another employer or source for that same time.

Substantive provisions in Title 3 will be addressed in a future ordinance as part of the strategic plan review process. Employee policies will also be reviewed.

Fiscal Impact: None.

Respectfully Submitted,



Keith R. Zehms  
Corporation Counsel

KRZ/yk

2  
3 - TO AMEND SECTION 3.03.020 D. AND E. OF THE CODE: RESPONSIBILITY AND  
4 AUTHORITY; TO AMEND 3.05.020 B. OF THE CODE: RESPONSIBILITY AND  
5 AUTHORITY; TO REPEAL AND RECREATE SECTION 3.15.030 B. OF THE CODE:  
6 POSITION AND FULL TIME EQUIVALENCY (FTE) ESTABLISHMENT; TO AMEND  
7 SECTION 3.15.040 A. AND B. OF THE CODE POSITION DESCRIPTIONS; TO  
8 AMEND SECTION 3.15.070 OF THE CODE: REGULAR AND PROJECT POSITION  
9 TITLES; TO AMEND SECTION 3.20.010 B. & D. OF THE CODE: BENEFITS OF  
10 ELECTED OFFICIALS; TO AMEND SECTION 3.20.040 B. & C. OF THE CODE:  
11 COUNTY BOARD COMMITTEE PER DIEMS; TO AMEND SECTION 3.20.045 OF  
12 THE CODE: COUNTY BOARD CHAIR PER DIEM AND EXPENSE  
13 AUTHORIZATION; TO AMEND SECTION 3.20.090 C. 6 AND D. OF THE CODE:  
14 COMPENSATION OF OTHER OFFICIALS; TO AMEND SECTION 3.50.080 B. OF  
15 THE CODE: OUTSIDE EMPLOYMENT -

16  
17 The County Board of Supervisors of the County of Eau Claire does ordain as follows:  
18

19 SECTION 1. That Subsections D. & E. of Section 3.03.020 of the code be amended to  
20 read :

21  
22 D. The director shall:

- 23 1. Administer the human resources code, the Employee Policy Manual and
- 24 Human Resources Administrative Manual and perform those functions provided therein;
- 25 2. Lead strategic efforts and make operational decisions in all areas of
- 26 personnel management including employment and recruiting, training and development,
- 27 classification and compensation, benefits, employee relations, labor negotiations, ~~and~~ personnel
- 28 records ~~and health and safety~~;
- 29 3. Make recommendations regarding overall personnel resource strategic and
- 30 workforce planning;
- 31 4. Develop and maintain classification and compensation plans;
- 32 5. Review reorganization recommendations made by department heads to
- 33 outline appropriate action for the board;
- 34 6. Approve setting the salary of new employees above the minimum;
- 35 7. Approve exceptions to benefits policy;
- 36 ~~8. Approve travel costs of applicants;~~
- 37 ~~9.8. Monitor temporary assignments and use of overtime;~~
- 38 ~~10.9~~ Maintain a list of regular position titles, and
- 39 ~~11.10.~~ Maintain a record of authorized full time equivalency for each position.

40 E. Department heads shall:

- 41 1. Enforce the human resources code, the Employee Policy Manual, and the
- 42 Human Resources Administrative Manual as it pertains to their respective departments, and keep
- 43 employees informed of its provisions;
- 44 2. Recommend to the director any amendments to the human resources code,
- 45 or the Employee Policy Manual, and the Human Resources Administrative Manual which would
- 46 improve county operating efficiency or employment relations;
- 47 3. Delegate appropriate authority to subordinate supervisory personnel in
- 48 enforcing the code, the Employee Policy Manual, and the Human Resources Administrative
- 49 Manual; and



- 1                   4. Immediately notify the director of any known changes in personnel and  
2 participate in the selection of replacement employees.  
3                   5. Approve travel costs of applicants.  
4                   6. Monitor use of overtime.  
5

6                   **SECTION 2.** That Subsection B. of Section 3.05.020 be amended to read:  
7

- 8                   B. Department heads shall:  
9                   1. ~~Initiate~~ and process transactions that affect their employees using forms  
10 provided or approved by the director;  
11                   2. ~~Maintain a record of each employee's compensatory time, where~~  
12 ~~applicable, to justify compensable time off work; and~~  
13

14                   **SECTION 3.** That Subsection B. of Section 3.15.030 of the code be repealed and  
15 recreate to read:  
16

- 17                   B. Position title changes. Authorization for all title changes is subject to approval of  
18 the director or designee.  
19

20                   **SECTION 4.** That Subsections A. & B. of Section 3.15.040 of the code be amended to  
21 read:  
22

23                   A. New position classification. The department head shall submit a completed  
24 position ~~requisition analysis questionnaire~~ and supporting documentation to the director. The  
25 director or designee shall ~~prepare work with the department head or designee to create a new~~  
26 position description.

27                   B. Changes in position descriptions. The department head shall notify the director or  
28 designee when changes in duties and responsibilities of positions occur. Changes will be made  
29 by the director or designee by amendment to the position description unless they are so  
30 substantial as to make preparation of a new description desirable.  
31

32                   **SECTION 5.** That Section 3.15.070 of the code be amended to read:  
33

34                   3.15.070 Regular and project position titles.

35                   A. ~~The director shall maintain a list of regular position titles used in county service~~  
36 ~~which shall include the position title, number of FTE per position title, salary code and any~~  
37 ~~contingent conditions for specific positions. The list is available from human resources by~~  
38 ~~request.~~

39                   B. ~~Position title changes. Authorization for all title changes is subject to the~~  
40 ~~recommendations of the governing committee and director and approval by the committee.~~  
41

42                   **SECTION 6.** That Subsections B. & D. of Section 3.20.010 of the code be amended to  
43 read:  
44

45                   B. Eligible to participate in a group dental plan as provided in the Employee Policy  
46 Manual. ~~by paying the entire premium as provided in the Employee Policy Manual~~  
47

48                   D. Eligible to participate in the Wisconsin Group Life Insurance Program, social  
49 security, deferred compensation, Roth IRA's, group long-term disability plan, flexible spending

1 account, accident, critical illness and the EdVest college savings program as provided in the  
2 Employee Policy Manual.

3  
4 **SECTION 7.** That Subsections B. & C. of Section 3.20.040 of the code be amended to  
5 read:

6  
7 B. The finance director shall prepare committee attendance report forms providing  
8 the following: the name of the committee; date, time and place of the meeting; a list of members  
9 in attendance; a list of persons not members whose attendance was requested by the chair; a  
10 certificate to be signed by the chair assuring compliance with A. and 3.20.030; and a certificate  
11 to be signed by the county clerk or his or her designee assuring compliance with C.

12 C. The completed committee attendance forms as provided in B. shall be transmitted  
13 promptly by the committee chair after each meeting to the county clerk who shall certify that  
14 said meeting was publicly noticed as required by Wis. Stat. §19.84, and shall thereafter transmit  
15 said form to the human resources department payroll division.

16  
17 **SECTION 8.** That Section 3.20.045 of the code be amended to read:

18  
19 3.20.045 County board chair per diem and expense authorization. All county board chair  
20 per diems authorized in this chapter and travel and training expenses authorized in the Human  
21 Resources Employee Policy Manual require approval of the finance and budget committee.

22  
23 **SECTION 9.** That paragraph 6. of Subsection C. and Subsection D. of Section 3.20.090  
24 be amended to read:

25  
26 6. Circuit court officers shall be paid the hourly rate established within the  
27 salary index at salary grade 801 step A, with a minimum 2 hours of call-in time on days where  
28 circuit court officers report for work and court is cancelled;

29  
30 D. ~~The director and~~ The finance director shall assure compliance with this chapter, and the  
31 director shall recommend appropriate revisions in the compensation schedules to the committee prior to  
32 November 1st annually.

33  
34 **SECTION 10.** That Subsection B. of Section 3.50.080 of the code be amended to read:


35  
36 B. No employee may concurrently hold more than 1 county position without the  
37 written approval of the director. ~~The director shall have authority to grant such approval up to 30~~  
38 ~~working days within the budget of the affected department(s). Such approval may be granted for~~  
39 ~~combination part-time positions when it is in the best interests of the county to do so, and when~~  
40 ~~such part-time positions do not represent a conflict of interest.~~

41  
42 ADOPTED:

43  
44   
45 \_\_\_\_\_  
46 Jane Miller

47  
48   
49 \_\_\_\_\_  
50 Kathleen Clark

51 KRZ/ylk Dated this 13<sup>th</sup> day of April, 2018.  
52 ORDINANCE/18-19

43  
44   
45 \_\_\_\_\_  
46 Judy Gathin

47  
48 Committee on Human Resources  
49 **APPROVED BY**  
50 **CORPORATION COUNSEL**  
**AS TO FORM**

Reviewed by Finance Dept.  
for Fiscal Impact

**FACT SHEET**

**TO FILE NO. 18-19/006**

This ordinance regulating honey bees is being updated to reflect amendments recently adopted by the City of Eau Claire. The Eau Claire City-County Health Department enforces both ordinances.

The substantive changes involve limiting the requirements in renewal applications for providing: detailed diagrams only if hives are going to be relocated or the number increased; and limiting the need to provide neighbor consent only if there has been a change in real estate ownership, there was a beekeeping complaint or the number of hives will be increased. In addition an unnecessary reference is being eliminated and a statutory citation corrected.

Fiscal Impact: None.

Respectfully Submitted,

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

Keith R. Zehms  
Corporation Counsel

KRZ/yk

Ordinance/18-19.006 Fact

2  
3 - TO AMEND SECTION 8.25.030 OF THE CODE: PERMIT AND INSPECTION  
4 REQUIRED; TO AMEND SECTION 8.25.050 OF THE CODE: INSPECTION AND  
5 ENFORCEMENT-

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

8  
9 SECTION 1. That Section 8.25.030 of the code be amended to read:

10  
11 8.25.030 Permit and inspection required.

12 A. A person who keeps more than four colonies of honey bees in the RH, R-1-L and  
13 R-1-M zoning districts must obtain a permit from and pay an annual fee established by the Eau  
14 Claire City-County Health Department.

15 B. Permits shall not be transferrable or refundable. Only the owner of the proposed  
16 permitted real property, or an occupant of the proposed permitted real property with the owner's  
17 written permission, is eligible to obtain a beekeeping permit.

18 C. All permits issued shall expire on March 31<sup>st</sup> of the year following issuance  
19 unless sooner revoked. (~~Ord. 160-005, Sec. 1, 2016~~)

20 D. Applicants shall provide detailed lot diagrams of the beekeeping equipment  
21 location including the distances to property lines and from nearby structures or neighboring  
22 properties, and on any renewal only if the applicant intends to increase the number or relocate any of the  
23 hives on the property from the previous permit.

24 E. Applicants shall provide written consent from at least 80% of the owners with real  
25 estate within 100 feet of the applicant's proposed permitted property.

26 1. Large acreage exemption. When the proposed location of the beekeeping  
27 equipment is within a lot greater than four acres in size, the applicant is exempt from the above  
28 neighbor consent requirement if either of the following is true:

29 a. The applicant provides approval from 80% of the occupants of real  
30 estate situated within 250 feet of the beekeeping equipment; or

31 b. The applicant demonstrates that the beekeeping equipment is  
32 greater than 250 feet away from any property line.

33 2. Renewal. The applicant shall resubmit the above neighbor consent  
34 certification if any of the following apply since the previous permit was issued:

35 a. Real estate subject to the neighbor consent requirement changed  
36 ownership;

37 b. The applicant was the subject of a beekeeping complaint; or  
38 c. The applicant intends to increase the number of hives on the

39 property.

40 F. New permits may only be granted subject to the successful completion of the  
41 City-County Health Department pre-inspection. Permit renewals may only be granted subject to  
42 the successful completion of at least one annual inspection by an inspector approved by the City-  
43 County Health Department.

44  
45 SECTION 2. That Subsection B. of Section 8.25.050 be amended to read:

46  
47 B. Violations to this Chapter may constitute a public nuisance under Wis. Stat. §  
48 823.01 and are enforceable by Eau Claire County.

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9

ENACTED: I hereby certify that the foregoing correctly represents the  
action taken by the undersigned Committee on  
April 10, 2018 by a vote of 3 for, 0 against.

*Gary Gibson / rje*  
\_\_\_\_\_  
Planning & Development Committee, Chairperson

APPROVED BY  
CORPORATION COUNSEL  
AS TO FORM

**FACT SHEET**  
**File No. 18-19/001**

**RE:** Rezoning Petition from Donald Hazuga, represented by Kevin Peterson, to rezone 6.55 acres +/- of land from A-2 (Agricultural Residential) District to R-H (Rural Homes) District to divide the property into two (2) three (3)-plus acre lots to allow the development of an additional single-family residence.

**Legal Description and Location:** A portion of the NW¼ NE¼ of Section 30, T27N, R10W, Town of Union, Eau Claire County (complete legal description attached)

**Size of area to be rezoned:** 6.55 acres +/-

**ADJACENT ZONING & LAND USES:**

LOCATION	ZONING	LAND USE
Subject	A-2	Single-family residence; Woodlands
North	A-2	Single-family residence; Woodlands
East	A-2	Single-family residence; Woodlands
South	A-2	Single-family residence; Woodlands
West	A-2	Woodlands

**LAND USE PLANS:** The Eau Claire County Future Land Use Map includes the property in the Rural Lands (RL) planning area and the Town of Union Comprehensive Plan includes the property in the Rural Transition (RT) planning area and the. Note that on April 10, 2018 the County Committee on Planning & Development voted to support a policy to address inconsistencies between Town and County Future Land Use (FLU) designations as part of the upcoming 10-year update to the County Comprehensive Plan rather than processing an amendment concurrent with the rezoning request. As discussed at that meeting, the inconsistency is due to amendments to the Town's FLU Map made subsequent to the adoption of the County's FLU Map, which was based on a draft Town map that depicted the property as "Residential-Agricultural", which translated to "Rural Lands" in the County plan.

Therefore, staff recommends approval of the proposed rezoning based on consistency with the Town of Union's future land use designation, which permits the rezoning with the understanding that the County Future Land Use map will be updated to be consistent with the Town's designation during the upcoming 10-year update process in 2019-2020.

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

**Town of Union Rural Transition (RT) Intent and Description:** The primary intent of this classification is to manage residential growth and reduce sprawl, with its attendant infrastructure costs, by identifying lands in proximity to developed areas to be maintained in mainly agricultural and open space uses until such time as more intensive residential development may be appropriate. As mapped, this designation may include farmland, open lands, woodlots, agricultural-related uses, cottage industries, mineral extraction operations, and limited low density residential development. These lands are also outside of the certified Farmland Preservation area and are recognized as transitional areas within the 2015 Eau Claire County Farmland Preservation Plan. Within the horizon of this Plan, future development in the RT areas is expected to be consistent with the existing pattern of development. However, it is anticipated that over time these lands may be transitioned to more intensive residential development as Rural Residential lands are developed and built out.

**Staff Conclusions and Recommendation:** Staff finds that the proposed rezoning request substantially conforms with the Eau Claire County Comprehensive Plan. The Eau Claire County Comprehensive Plan recognizes that the proposed RH zoning district is consistent and therefore allowed within the mapped future land use designation.

**Town Board Action:** The Union Town Board considered this rezoning petition on Tuesday, April 17, 2018 and recommended approval (4-1 vote).

**Committee Action:** The Eau Claire County Committee on Planning and Development conducted the required public hearing on Tuesday, April 24, 2018 regarding the proposed rezoning. On a vote of in favor 5 and 0 against, the Committee recommends approval of the rezoning petition to the County Board. The committee considered the applicant's testimony as well as the Town Board's and staff's recommendations in their deliberations.

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

*Matt Michels*

Matt Michels, AICP  
 Senior Planner

1 **Enrolled No.**

**ORDINANCE**

**File No. 18-19/001**

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

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

7  
8 **SECTION 1** That the 1982 Official Zoning District Boundary Map for the Town of  
9 Union, Eau Claire County described as follows:

10  
11 **Located in the Northwest Quarter of the Northeast Quarter, Section**  
12 **30, Township 27 North, Range 10 West, Town of Union, Eau Claire**  
13 **County, Wisconsin and being more particularly described as follows:**

14  
15 **Being all of Lot 1, Certified Survey Map #1257, Volume 6 of Certified**  
16 **Survey Maps, Pages 323-324.**

17  
18 **Said described lands contain approximately 6.55 acres and is subject**  
19 **to the easements and restrictions of record to be reclassified from the**  
20 **A-2 Agriculture-Residential District to the RH Rural Homes District.**

21  
22 **SECTION 2** Where a certified survey map is required and may alter the above  
23 described property description, the official zoning district map for the  
24 town shall be automatically amended to reflect the property description of  
25 the certified survey map.

26  
27 ENACTED: I hereby certify that the foregoing correctly represents the  
28 action taken by the undersigned Committee on  
29 April 24, 2018 by a vote of 5 for, 0 against.

30  
31 

32  
33 \_\_\_\_\_  
Planning & Development Committee, Chairperson

APPROVED BY  
CORPORATION COUNSEL  
AS TO FORM



## EAU CLAIRE COUNTY PLANNING STAFF RECOMMENDATION

---

**REZONE NUMBER:** RZN-00005-18                      **COMPUTER NUMBERS:** 022109404030

**PUBLIC HEARING DATE:** April 24, 2018

---

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

**OWNER:** Donald Hazuga, 9625 Curvue Rd, Eau Claire, WI 54703

**BUYER:** Kevin Peterson, E 6390 329<sup>th</sup> Ave, Menomonie, WI 54751

**AGENT:** Pete Gartmann, 1360 International Dr., Eau Claire, WI 54701

**REQUEST:** Rezone 6.55 acres +/- of land from A-2 (Agricultural Residential) District to RH (Rural Homes) District to divide the property into two (2) three (3)-plus acre lots to allow the development of an additional single-family residence.

**LOCATION:** 9625 Curvue Rd.

**LEGAL DESCRIPTION:** A portion of the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 30, T27N, R10W, Town of Union, Eau Claire County (complete legal description attached)

---

**RECOMMENDATION**                      Approval of request based on findings outlined on Page 5 of this report

---

### SUMMARY

Rezone 6.55 acres +/- of land from A-2 (Agricultural Residential) District to RH (Rural Homes) District to divide the property into two (2) three (3)-plus acre lots to allow the development of an additional single-family residence.

### BACKGROUND

#### SITE CHARACTERISTICS:

- The property has a single-family residence on the western portion of the property
- The property is generally flat
- The eastern portion of the property is wooded

#### EXISTING ZONING DISTRICT:

A-2 Agriculture-Residential District: The A-2 District is established to "A. Provide an area for limited residential and hobby farm development in a rural atmosphere; and B. Preserve the county's natural resources and open space." Minimum lot size in the A-2 District is five (5) acres. Note that the proposed rezoning would allow additional land divisions of five or more acres in the future.

#### REQUESTED ZONING DISTRICT:

RH Rural Homes District: The purpose of the RH District is to "provide for suburban large-lot development with individual on-site water and sewage disposal facilities." Minimum lot size in the RH District is one (1) acre.



ZONING/LAND USE CONTEXT:

LOCATION	ZONING	LAND USE
Subject	A-2	Single-family residence; Woodlands
North	A-2	Single-family residence; Woodlands
East	A-2	Single-family residence; Woodlands
South	A-2	Single-family residence; Woodlands
West	A-2	Woodlands

Note that although the surrounding parcels are all zoned A-2, there are several parcels below the five acre minimum, including several 1 to 1.5-acre parcels.

COMPREHENSIVE PLANS:

The Eau Claire County Future Land Use Map includes the property in the Rural Lands (RL) planning area and the Town of Union Comprehensive Plan includes the property in the Rural Transition (RT) planning area and the. Note that on April 10, 2018 the Committee voted to support a policy to address inconsistencies between Town and County Future Land Use (FLU) designations as part of the upcoming 10-year update to the County Comprehensive Plan rather than processing an amendment concurrent with the rezoning request. As discussed at that meeting, the inconsistency is due to amendments to the Town’s FLU Map made subsequent to the adoption of the County’s FLU Map, which was based on a draft Town map that depicted the property as “Residential-Agricultural”, which translated to “Rural Lands” in the County plan.

Therefore, staff recommends approval of the proposed rezoning based on consistency with the Town of Union’s future land use designation, which permits the rezoning with the understanding that the County Future Land Use map will be updated to be consistent with the Town’s designation during the upcoming 10-year update process in 2019-2020.

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

**Eau Claire County:**

- Rural Lands Intent and Description: *The primary intent of these areas is to preserve productive agricultural lands, protect existing farm & forestry operations from encroachment by incompatible uses, promote further investments in farming, maintain farmer eligibility for incentive programs, and preserve wildlife habitat and open spaces. In other words, to preserve the rural character of these areas.*
- Applicable Policies:
  1. *Farming and other agriculture uses, agricultural-related businesses, cottage industries, forestry, mineral extraction, open space, and utilities shall be established as the primary land uses within these areas. Other uses may be permitted if found to be compatible with these uses and existing uses adjacent to the property. The uses permitted in the A-2 District are typically compatible with adjacent agricultural uses.*
  2. *The preferred housing density is one (1) unit per 20 or more acres; however, local comprehensive plans may be more or less restrictive than this guideline and generally range from one (1) unit per five (5) acres to one (1) unit per 35 acres.*
  3. *For those Towns under County Zoning, the following Eau Claire County Zoning Districts will be considered for approval within RP areas: A-1 Exclusive Agricultural District, A-2 Agricultural-Residential District, A-3 Agricultural District, A-R Floating Agricultural-Residential*

*District, F-2 Forestry District, F-1 Forestry District, and the proposed AC-R District noted below. The following additional policies shall apply to rezoning petitions:*

- a. Rezoning land to the A-R Floating Agricultural-Residential District or the proposed AC-R Agricultural Compatible Residential District is preferred over additional non-farm A-2 or A-3 parcels, unless rezoning land to either of these districts will not interfere with, will not disrupt, or will not be incompatible with farming or agricultural use, and will not take land suitable for cultivation or other agricultural use out of production.*

**Town of Union:**

- **Rural Transition Intent and Description:** The primary intent of this classification is to manage residential growth and reduce sprawl, with its attendant infrastructure costs, by identifying lands in proximity to developed areas to be maintained in mainly agricultural and open space uses until such time as more intensive residential development may be appropriate. As mapped, this designation may include farmland, open lands, woodlots, agricultural-related uses, cottage industries, mineral extraction operations, and limited low density residential development. These lands are also outside of the certified Farmland Preservation area and are recognized as transitional areas within the 2015 Eau Claire County Farmland Preservation Plan. Within the horizon of this Plan, future development in the RT areas is expected to be consistent with the existing pattern of development. However, it is anticipated that over time these lands may be transitioned to more intensive residential development as Rural Residential lands are developed and built out.
- **Applicable Policies:**
  1. Within the RT classification, new development shall be limited in accordance with all policies applicable to the Rural Preservation classification, until such time when the Town identifies that particular mapped area as appropriate for more intensive residential development using the following criteria.
    - a. The Town shall limit residential subdivision development until 75% of the lots within all existing improved residential subdivisions are developed and occupied, calculated at the time the development request is submitted.
    - b. Rural Commercial uses shall require an amendment to the Future Land Use Map. The Town may limit commercial development to areas where the parcel is adjacent to existing business development, incorporated areas or along collector or arterial roadways.
    - c. Within the planned 2025 Eau Claire Sewer Service Area, development should be arranged for potential re-subdivision into City-sized lots to facilitate the efficient and economical delivery of future municipal utilities.
  2. When additional residential development is warranted, properties within the RT classification shall be considered for transition to the Rural Residential Future Land Use classification as part of annual or decennial updates to this Plan and shall be subject to the following criteria:
    - a. Areas to be transitioned to Rural Residential should be contiguous to existing Rural Residential properties.
    - b. Lower density residential development (<1 dwelling unit per 2 acres) or additional open space buffers should be considered when adjacent to active agriculture or silviculture operations.

FARMLAND PRESERVATION PLAN:

This property is not included in the Farmland Preservation Plan Map, which allows the property owner to claim Farmland Preservation tax credits as the A-2 District is not a certified farmland preservation district. Further, there are no agricultural activities on the property.

Comprehensive Plan Summary

The proposed A-2 zoning district is consistent with the intent and description and the applicable policies of the Town of Union Comprehensive Plan. Further, the Town recommends approval of the proposed rezoning and, as discussed, if this rezoning request is approved the County Comprehensive Plan future land use map will be updated to be consistent with the Town's map as part of the upcoming 10-year update process.

**ANALYSIS**

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

Town Board Action: The Union Town Board considered this rezoning petition on Tuesday, April 17, 2018 and recommended approval (4-1 vote).

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

- The proposed rezoning is consistent with the intent and purpose of the Town of Union Future Land Use plan and the County plan will be
- Existing uses in the area include single-family residences on one-to-five acre lots, agricultural fields, and scattered woodlands
- Zoning in the area is predominantly A-2 and A-P Districts. However, there proposed three-plus acre lot size is consistent with many existing lots in the immediate vicinity.

**CONCLUSION**

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

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

In addition, the following factors have also been considered:

- Input of surrounding property owners. Two letters (attached) opposing the proposed rezoning have been received.

## **RECOMMENDATION**

Staff recommends that the Planning and Development Committee file a recommendation of approval to the County Board for the petition to rezone 40.18 acres +/- of land from A-P (Agricultural Preservation) and A-1 (Exclusive Agriculture) Districts to A-2 (Agricultural-Residential) District to allow the development of a single-family residence and allow potential land divisions in the future as depicted on the attached map and described in the attached legal description.

## **FINDINGS**

Findings in Favor:

1. The request is consistent with the goals, objectives, and policies of the Town of Union Comprehensive Plan and an amendment to the Eau Claire County Comprehensive Plan to be consistent with the Town plan will be undertaken as part of the decennial update.
2. Existing uses in the area include single-family residences, agricultural fields, and scattered woodlands
3. The proposed lot size is consistent with other lots in the vicinity

Finding Against:

1. There are active agricultural operations in the immediate vicinity and the additional of non-farm housing could result in potential incompatibilities.

17-18/123

SUP DIST 9 - Gordon Steinhauer

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

Application Accepted: 2/27/2018
Accepted By: Matt Michels
Receipt Number: 54860
Town Hearing Date: 03/13/2018
Scheduled Hearing Date: 3/27/2018
Application No: RZN-0005-18
Appl Status: Pending

### Rezoning - County

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

Existing Zoning District: **A2**      Proposed Zoning District(s): **RH**      Acres to be Rezoned: **6.55**

Portion Of The Nw1/4 Ne1/4 Of Section 30, T27N, R10W, Town Of Union, Eau Claire County, Wisconsin

---

<b>Owner/Applicant Name(s):</b>	<b>Address:</b>	<b>Telephone:</b>
Peter Gartmann	(appl) 7150 S LOWES CREEK RD EAU CLAIRE	
Donald W Hazuga	(ow) 9625 CURVUE RD EAU CLAIRE	

---

**Site Address(es):**  
9625 CURVUE RD EAU CLAIRE

**Property Description:**    Sec 30    Twn 27    Rge 10      **Town of Union**      **Lot Area:**    6.550    ACRES

**Zoning District(s):** A2

---

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

---

<b>PIN</b>	<b>Alternate No</b>	<b>Parcel No</b>	<b>Legal (partial)</b>
1802222710301209000	022109404030	27.10.30.1-2-E	LOT 1 OF CSM V.6 PG.323 (#1257) LYG IN THE NW-NE CONT 6.5

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

Owner/Agent Signature see attached application      Date 2/27/18

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

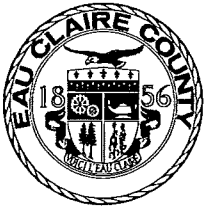
Check if DNR to Receive Copy \_\_\_\_\_

RECEIVED

FEB 27 2018

COUNTY CLERK

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



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

Application Accepted:	2/19/17
Accepted By:	MM
Receipt Number:	54860
Town Hearing Date:	3/8/18; 3/13/18
Scheduled Hearing Date:	3/27/18

## REZONING APPLICATION

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

Existing Zoning District: <u>A2</u>	Proposed Zoning District(s): <u>RH</u>
Acres to be rezoned: <u>6.55</u>	

Property Owner Name: <u>Kevin Peterson</u>	Phone# <u>715-505-1911</u>
Mailing Address: <u>E 6390 329<sup>th</sup> Ave, Menomonie, WI 54751</u>	
Email Address: <u>petersonkev2002@yahoo.com</u>	

Agent Name: <u>Pete Gartmann</u>	Phone# <u>715-514-4116</u>
Mailing Address: <u>1360 International Drive, Eau Claire, WI 54701</u>	
Email Address: <u>pgartmann@rls-gec.com</u>	

**RECEIVED**

**SITE INFORMATION**

FEB 27 2018

Site Address: <u>9625 Curvue Road, Eau Claire, WI 54703</u>	<b>COUNTY CLERK</b>
Property Description: <u>NW 1/4 NE 1/4 Sec. 30, T 27 N, R 10 W, Town of Union</u>	
Zoning District: <u>A2</u>	Code Section(s):
Overlay District: Check Applicable	<input type="checkbox"/> Shoreland <input type="checkbox"/> Floodplain <input type="checkbox"/> Airport <input type="checkbox"/> Wellhead Protection <input type="checkbox"/> Non-Metallic Mining
Computer #(s): <u>022 - 109 - 404 - 030</u>	

**GENERAL APPLICATION REQUIREMENTS**

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

<input type="checkbox"/> Complete attached information sheet	<input type="checkbox"/> Contact the Town to coordinate a recommendation on the application
<input type="checkbox"/> Provide legal description of property to be rezoned	<input type="checkbox"/> Provide \$565.00 application fee (non-refundable), payable to the Eau Claire County Treasurer (\$500.00 application processing fee and \$65.00 mapping surcharge fee)

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

Owner/Agent Signature

Date 2-19-18

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

**SUPPLEMENTAL INFORMATION FOR A REZONING PETITION**

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

Describe the reason(s) for your rezoning request:

The applicant is looking to split the existing parcel into two conforming lots. The existing house will remain on one of the lots, while the applicant plans to build on the other.

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

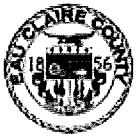
This portion of Eau Claire County is becoming increasingly popular for rural housing. Within 1,700 feet of the subject parcel, two other large tracts (12 & 46 acres) of RH zoning exist. All adjacent lands of the subject parcel are zoned A2 but several parcels exist that are sized below the minimum acreage for A2 zoning. The rezone of this parcel would allow for lots to be created that would match the surrounding parcels in approximate size.

## **REZONE DESCRIPTION**

LOCATED IN THE NORTHWEST  $\frac{1}{4}$  OF THE NORTHEAST  $\frac{1}{4}$ , SECTION 30, TOWNSHIP 27 NORTH, RANGE 10 WEST, TOWN OF UNION, EAU CLAIRE COUNTY, WISCONSIN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING ALL OF LOT 1, CERTIFIED SURVEY MAP #1257, VOLUME 6 OF CERTIFIED SURVEY MAPS, PAGES 323-324.





# 2017 Property Record | Eau Claire County, WI

Assessed values not finalized until after Board of Review  
Property information is valid as of 2017-11-30

## OWNERS

LAVERNE L STEWART

## PROPERTY INFORMATION

Computer No: 024115903000  
PIN: 1802422609093400001  
Historical Map ID: 26.9.9.3-4  
School District: Eau Claire

<u>Section</u>	<u>Town</u>	<u>Range</u>
09	26N	09W

Property Address:

Municipality: Town Of Washington

Document History:

359/436

## TAX INFORMATION

Gross Tax: 344.21  
School Credit: 38.66  
Lottery Credit: .00  
First Dollar Credit: .00  
Net Tax: 305.55

	<u>Amt Due</u>	<u>Amt Paid</u>	<u>Balance</u>
RE Net Tax	305.55	152.78	152.77
Special Assmnt	.00	.00	.00
Special Chrg	.00	.00	.00
Delq Utility	.00	.00	.00
MFL	.00	.00	.00
RE Interest	.00	.00	.00
Other Interest	.00	.00	.00
Penalty	.00	.00	.00
<b>TOTAL</b>	<b>305.55</b>	<b>152.78</b>	<b>152.77</b>

## IN CARE OF

## MAILING ADDRESS

LAVERNE L STEWART  
2016 BRACKETT AVE  
EAU CLAIRE WI  
54701

## PROPERTY DESCRIPTION

SE-SW

## ZONING

<u>Zoning Code</u>	<u>Description</u>
A1	Exclusive Agriculture

## LAND USE

<u>Land Use Code</u>	<u>Description</u>
AA	Agriculture-General

## LAND VALUATION

	<u>Acres</u>	<u>Land</u>	<u>Improve</u>	<u>Total</u>
GM	9.000	14,400.00	.00	14,400.00
G4	29.000	4,700.00	.00	4,700.00
G5	2.000	200.00	.00	200.00
	<b>40.000</b>	<b>19,300.00</b>	<b>.00</b>	<b>19,300.00</b>

Total Acres: 40.000  
Mill Rate: 0.015831847  
Fair Market Value: 21,000.00  
Assessment Ratio: .9200

## INSTALLMENTS

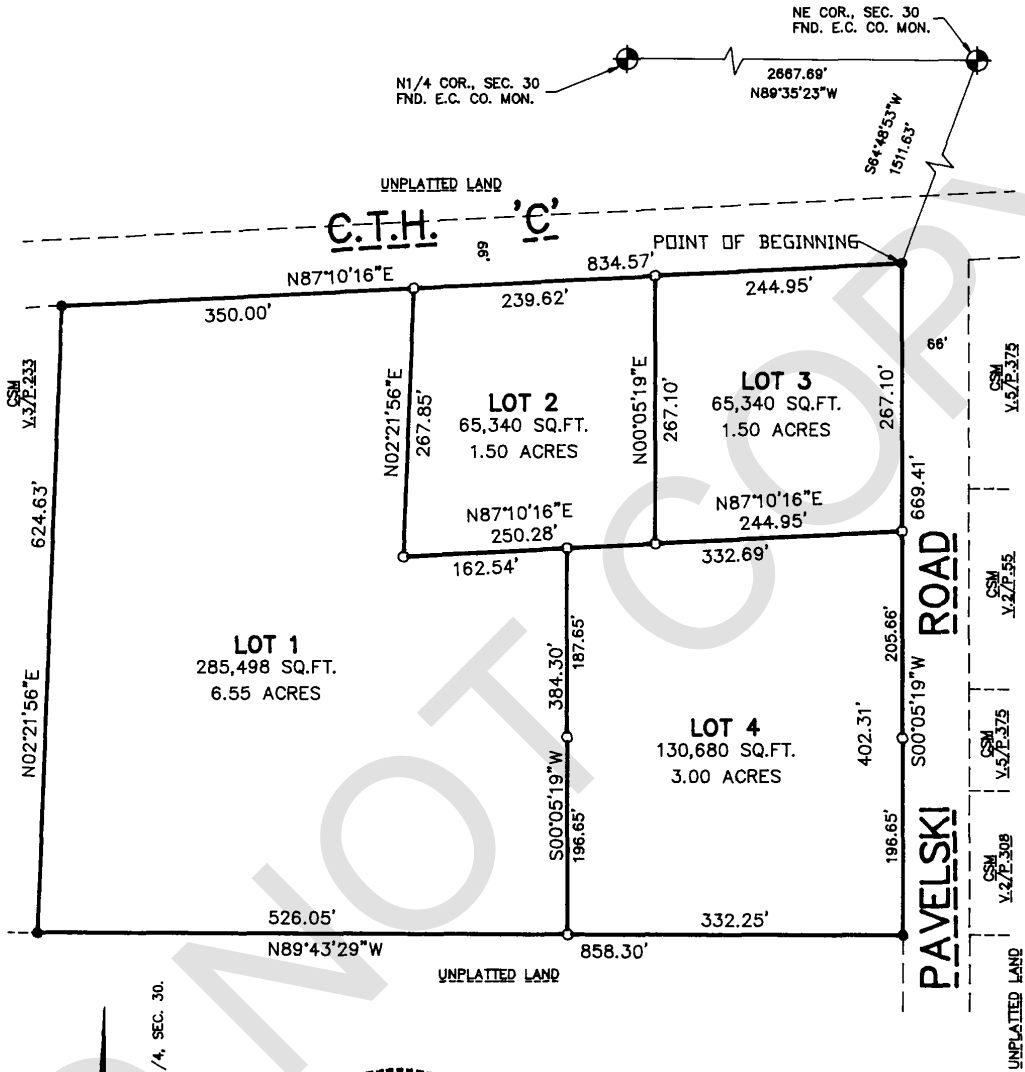
<u>Period</u>	<u>End Date</u>	<u>Amount</u>
1	1/31/2018	152.78
2	7/31/2018	152.77

## PAYMENT HISTORY (POSTED PAYMENTS)

Please allow up to 7 days for your payments to display.

<u>Date</u>	<u>Receipt #</u>	<u>RE Tax</u>	<u>Other Tax</u>	<u>RE Int</u>	<u>Other Int</u>	<u>Penalty</u>	<u>Total</u>
01/31/2018	024040339-18	152.78	.00	.00	.00	.00	152.78

**CERTIFIED SURVEY MAP**  
**OF LOT 1, CERTIFIED SURVEY MAP, REC. V.3/P.233,**  
**IN THE NW1/4 OF THE NE1/4, SECTION 30,**  
**TOWN OF UNION, EAU CLAIRE COUNTY, WISCONSIN**



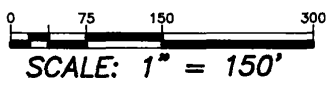
BEARINGS REFERENCED TO THE NORTH LINE OF THE NE1/4, SEC. 30.  
 ASSUMED BEARINGS OF N89°35'23"W.

*Martin R. Roed*  
*May 17, 1996*

**LEGEND**

- --- FND. 1" IRON PIPE
- --- SET 1" O.D. x 24" IRON PIPE WEIGHING 1.13 LBS./LIN.FT.

REAL LAND SURVEYING, INC.  
 CADD NO. 3921



**CERTIFIED SURVEY MAP**  
OF PART OF THE NW¼ OF THE NE¼, SECTION 30, T27N, R10W,  
TOWN OF UNION, EAU CLAIRE COUNTY, WISCONSIN

**SURVEYOR'S CERTIFICATE:**

I, MARTIN R. ROOD, REGISTERED LAND SURVEYOR, HEREBY CERTIFY:

THAT BY THE DIRECTION OF KEVIN PETERSON, I HAVE SURVEYED, DIVIDED AND MAPPED THE LAND PARCEL WHICH IS REPRESENTED BY THIS CERTIFIED SURVEY MAP.

THAT THE EXTERIOR BOUNDARY OF THE LAND PARCEL SURVEYED AND MAPPED IS AS FOLLOWS: LOT 1 OF CERTIFIED SURVEY MAP RECORDED IN VOLUME 3, PAGE 233 LOCATED IN THE NW¼ OF THE NE¼, SECTION 30, T27N, R10W, TOWN OF UNION, EAU CLAIRE COUNTY, WISCONSIN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 30, THENCE S.64° 48'53"W. 1511.63 FEET TO THE NORTHEAST CORNER OF SAID LOT 1 AND THE POINT OF BEGINNING; THENCE S.00° 05'19"W., ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 669.41 FEET; THENCE N 89° 43'29"W., ALONG THE SOUTH LINE OF SAID LOT, 858.30 FEET; THENCE N 02° 21'56"E , ALONG THE WEST LINE OF SAID LOT, 624.63 FEET TO THE NORTHWEST CORNER OF SAID LOT; THENCE N.87° 10'16"E 834 57 FEET TO THE POINT OF BEGINNING AND BEING SUBJECT TO EXISTING EASEMENTS.

THAT THIS CERTIFIED SURVEY MAP IS A CORRECT REPRESENTATION OF THE EXTERIOR BOUNDARY SURVEYED AND DESCRIBED.

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236 OF THE WISCONSIN STATUTES AND THE SUBDIVISION REGULATIONS OF THE TOWN OF UNION AND THE COMMITTEE ON RESOURCE PLANNING AND ZONING OF THE COUNTY OF EAU CLAIRE, WISCONSIN IN SURVEYING AND MAPPING THE SAME.

Martin R. Rood DATED THIS 16<sup>th</sup> DAY OF May, 1996  
MARTIN R. ROOD, R.L.S. 1924

**CERTIFICATE OF COUNTY RESOURCE PLANNING AND ZONING:**

I, JAMES M. ERICKSON, DIRECTOR OF THE EAU CLAIRE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT, HEREBY CERTIFY THAT THIS CERTIFIED SURVEY MAP IS APPROVED OF AS COMPLYING WITH SUBTITLE II, THE SUBDIVISION CONTROL CODE, OF TITLE 18 OF THE COUNTY CODE OF GENERAL ORDINANCES.

James M. Erickson DATED THIS 20<sup>th</sup> DAY OF May, 1996  
JAMES M. ERICKSON



SHEET 2 OF 2

To: Matt Michels  
Senior Planner  
Eau Claire County Dept. of Planning  
Eau Claire County Courthouse  
721 Oxford Ave  
Eau Claire, WI 54703

From: Andrea Feller  
820 Pavelski Road  
Eau Claire, WI 54703

Dear Mr. Michels,

I am writing regarding the application for Rezoning by my neighbor Donald Hazuga.

I am unable to attend the public hearing April 24.

I am strongly opposed to the rezoning of the property. I would like for the current zoning to stand which I believe is 5 acres per home, as this is what was decided by the community years ago.

Thank you . If you need to be in touch with me my cell phone is: 715-828-3997  
email [dressage@silverminedressage.com](mailto:dressage@silverminedressage.com)

Andrea Feller



From: Mary Jo Kummer <mjkummer@wwt.net>  
Sent: Friday, March 30, 2018 1:53 PM  
To: Matt Michels  
Subject: Rezoning

Follow Up Flag: Follow up  
Flag Status: Completed

We are opposed to the rezoning of the parcel in town of union. It should stay 5 acres per house. This is the country not town. There are already top many houses out here. We voted on zoning before for 5 acres per house and we feel it should stay that way. Thank you

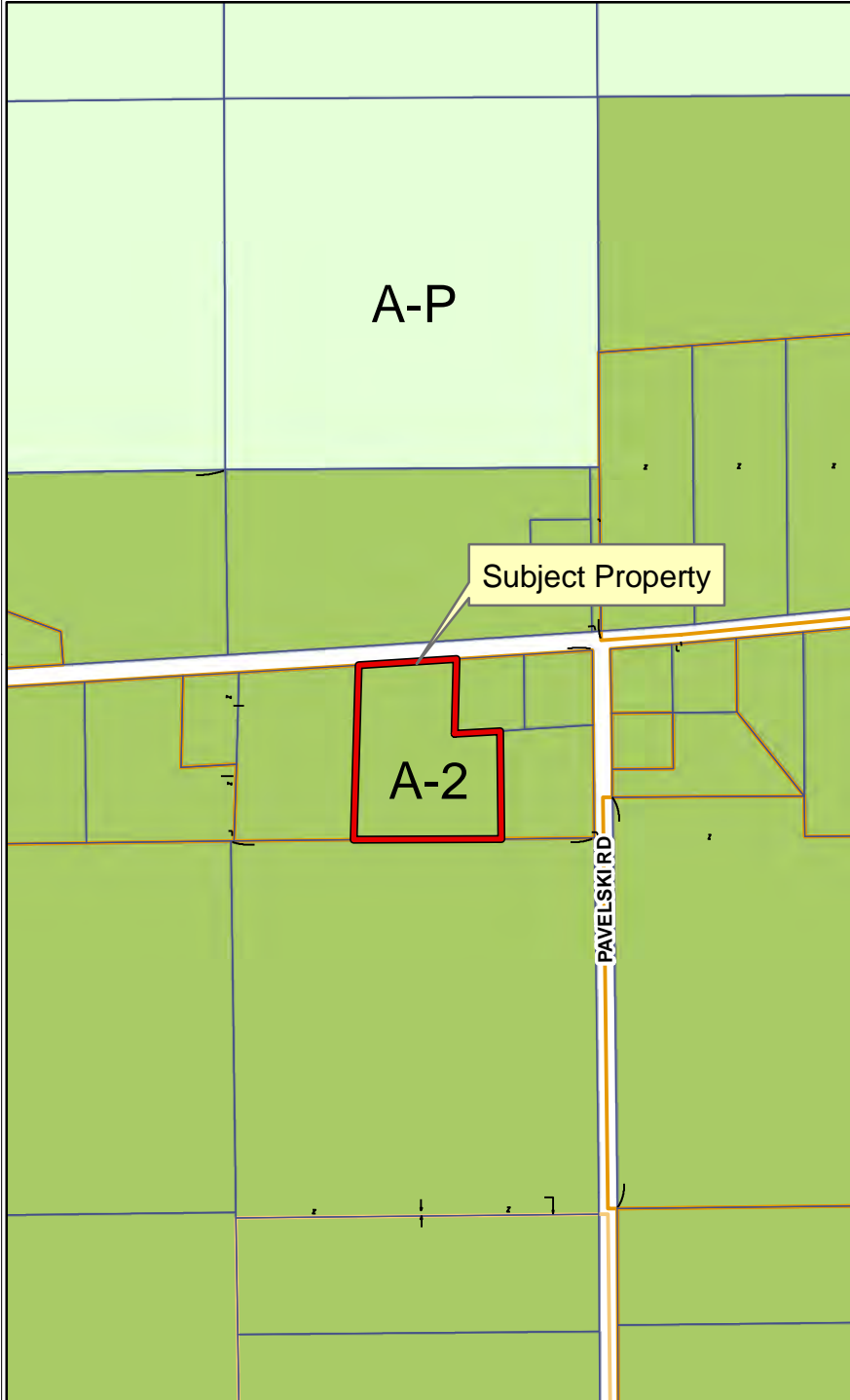
Sent from my Verizon 4G LTE smartphone



# Peterson Rezoning: RZN-0005-18

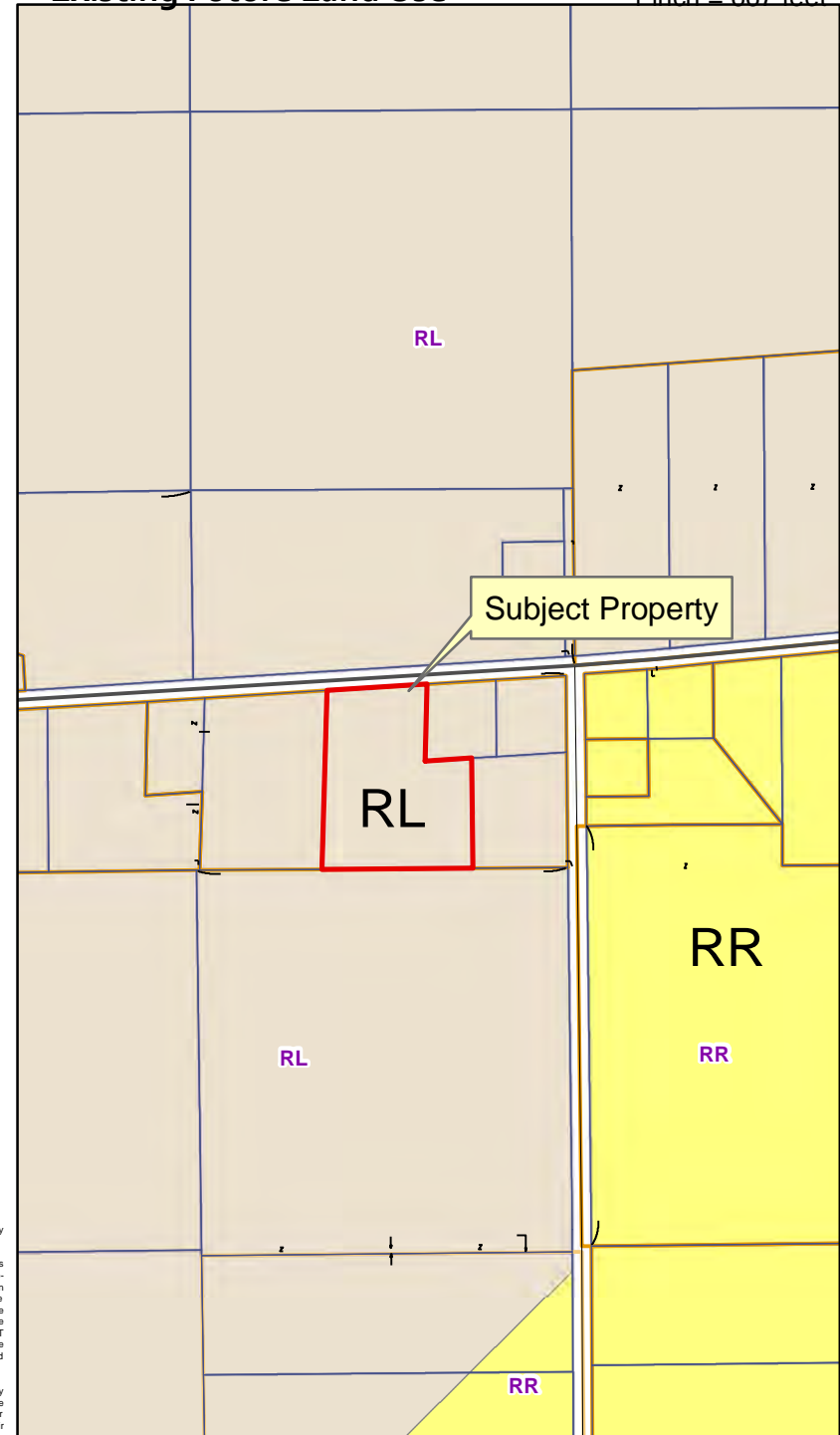
## Existing Zoning

1 inch = 666.666667 feet

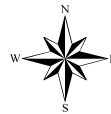


## Existing Future Land Use

1 inch = 667 feet



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



### Parcel Mapping Notes:

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

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

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

**FACT SHEET**  
**File No. 18-19/002**

**RE:** Rezoning Petition from Bank of New York Mellon, represented by Lee A Haremza and Gabriel Otterson, to rezone 23.93 acres +/- of land from A-2 (Agricultural Residential) District to RH (Rural Homes) to develop a single-family residential subdivision

**Legal Description and Location:** A portion of the NE¼ NE¼ of Section 22, T27N, R10W, Town of Union, Eau Claire County (complete legal description attached)

**Size of area to be rezoned:** 23.93 acres +/-

**ADJACENT ZONING & LAND USES:**

LOCATION	ZONING	LAND USE
Subject	A-2	Single-family residence; fallow farm fields
North	A-P	Agriculture
East	R-H	Single-family residences
South	R-H	Single-family residence
West	R-H	Single-family residences

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

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

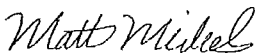
**Town of Union Rural Transition (RT) Intent and Description:** *The primary intent of this classification is to manage residential growth and reduce sprawl, with its attendant infrastructure costs, by identifying lands in proximity to developed areas to be maintained in mainly agricultural and open space uses until such time as more intensive residential development may be appropriate. As mapped, this designation may include farmland, open lands, woodlots, agricultural-related uses, cottage industries, mineral extraction operations, and limited low density residential development. These lands are also outside of the certified Farmland Preservation area and are recognized as transitional areas within the 2015 Eau Claire County Farmland Preservation Plan. Within the horizon of this Plan, future development in the RT areas is expected to be consistent with the existing pattern of development. However, it is anticipated that over time these lands may be transitioned to more intensive residential development as Rural Residential lands are developed and built out.*

**Staff Conclusions and Recommendation:** Staff finds that the proposed rezoning request substantially conforms with the Eau Claire County Comprehensive Plan. The Eau Claire County Comprehensive Plan recognizes that the proposed RH zoning district is consistent and therefore allowed within the mapped future land use designation.

**Town Board Action:** The Union Town Board considered this rezoning petition on Tuesday, April 17, 2018 and recommended approval (5-0 vote).

**Committee Action:** The Eau Claire County Committee on Planning and Development conducted the required public hearing on Tuesday, April 24, 2018 regarding the proposed rezoning. On a vote of in favor 5 and 0 against, the Committee recommends approval of the rezoning petition to the County Board. The committee considered the applicant's testimony as well as the Town Board's and staff's recommendations in their deliberations.

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



Matt Michels, AICP  
Senior Planner

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

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

7  
8 **SECTION 1** That the 1982 Official Zoning District Boundary Map for the Town of  
9 Union, Eau Claire County described as follows:

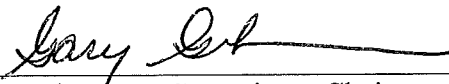
10  
11 **Being part of the Northeast Quarter (NE ¼) of the Northeast Quarter**  
12 **(NE ¼), Section 22, Township 27, North, Range 10 West, Town of**  
13 **Union, Eau Claire County, Wisconsin described as follows:**

14  
15 **The NE ¼ of the NE ¼; except the South 336 feet of the North 536 feet**  
16 **of the East 260 feet; except the North 167.5 feet of the East 390 feet**  
17 **lying South of CTH "E" and West of CTH "TT"; except the South**  
18 **501.3 feet of the East 348.4 feet lying West of CTH "TT"; except part**  
19 **of the NE ¼ of the NE ¼, described as follows: beginning at the**  
20 **Southwest corner of said forty; thence East along the south line of said**  
21 **forty 257.41 feet; thence North 2 degrees 17 minutes 35 seconds West**  
22 **1293.42 feet to the South line of CTH "E"; thence West along the**  
23 **South line of CTH "E" to the West line of said forty; thence South**  
24 **along the West line of said forty to the point of beginning; except Lot**  
25 **1 of CSM VOL 6 PG 176 (#1182).**

26  
27 **Said described lands contain approximately 23.93 acres and is subject**  
28 **to the easements and restrictions of record to be reclassified from the**  
29 **A-2 Agriculture-Residential District to the RH Rural Homes District.**

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

35  
36 **ENACTED:** I hereby certify that the foregoing correctly represents the  
37 action taken by the undersigned Committee on  
38 April 24, 2018 by a vote of 5 for, 0 against.

39  
40 

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

APPROVED BY  
CORPORATION COUNSEL  
AS TO FORM





## EAU CLAIRE COUNTY PLANNING STAFF RECOMMENDATION

---

**REZONE NUMBER:** RZN-0003-18                      **COMPUTER NUMBER:** 022106803000

**PUBLIC HEARING DATE:** April 24, 2018

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

**OWNER:** Bank of New York Mellon, 7105 Corporate Dr, Plano, TX 75024

**AGENT:** Lee A Haremza/Gabriel Otterson, P.O. Box 3092, Eau Claire, WI 54702

**REQUEST:** Rezone 23.93 acres +/- of land from A-2 (Agricultural Residential) District to RH (Rural Homes) to develop a single-family residential subdivision

**LOCATION:** 4505 W Cameron St.

**LEGAL DESCRIPTION:** A portion of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 22, T27N, R10W, Town of Union, Eau Claire County (complete legal description attached)

---

**RECOMMENDATION**                      Approval of request based on findings outlined on Page 4 of this report

---

### SUMMARY

Rezone 23.93 acres +/- of land from A-2 (Agricultural Residential) District to RH (Rural Homes) to develop a single-family residential subdivision. All lots will be at least one (1) acre in size and the development must comply with all provisions of the Intergovernmental Agreement between the Town of Union and the City of Eau Claire for properties within the Extraterritorial Jurisdiction (ETJ) area but outside of the Sewer Service Area (SSA).

### BACKGROUND

#### SITE CHARACTERISTICS:

- The property has an existing single-family residence, barn, and numerous outbuildings on the northwest portion
- The majority of the property has been previously cultivated for agriculture
- The northern portion of the property is generally flat and slopes gradually to the south

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

#### REQUESTED ZONING DISTRICT:

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

ZONING/LAND USE CONTEXT:

LOCATION	ZONING	LAND USE
Subject	A-2	Single-family residence; fallow farm fields
North	A-P	Agriculture
East	R-H	Single-family residences
South	R-H	Single-family residence
West	R-H	Single-family residences

COMPREHENSIVE PLANS:

The Eau Claire County Future Land Use Map includes the property in the Rural Residential (RR) planning area and the Town of Union Future Land Use Map includes the property in the Rural Transition (RT) planning area. Following is a description of the intent of the applicable County comprehensive plan future land use category and applicable policies. Policies are quoted *in italics* and staff comments, as applicable, are provided thereafter:

**Eau Claire County:**

- Rural Residential Intent and Description: *“The primary intent of this classification is to identify areas suitable for future non-farm residential development. Rural Residential areas include lands that are delineated as existing residential properties or vacant platted areas. In addition, some undeveloped land has been designated for RR development where subdivision expansion is likely to occur. These additional areas tend to be adjacent to existing rural subdivisions or where local roads and utilities exist to efficiently and economically serve the area.”*
  
- Applicable Policies: The following policies are applicable to this rezoning petition. Staff comments, where provided, follow the policy *in italics*.
  1. The preferred housing density is one (1) unit per two (2) acres; however, local comprehensive plans may be more or less restrictive than this guideline and generally range from one (1) unit per two (2) acres to one (1) unit per 10 acres.
  2. Cluster development or conservation subdivisions are encouraged, and in some cases required, within many of the local comprehensive plans. In many cases, higher density development or “bonus lots” are used as a tradeoff for the preservation of areas with natural, agricultural, or cultural importance.
  3. For those Towns under County Zoning, the following Eau Claire County Zoning Districts will be considered for approval within RR areas: RH Rural Homes District and the R-1-L Single Family Residential Large Lot (with approved conservation subdivisions). *The proposed RH District is consistent with this policy.*
  
- Other Notable Goals, Objectives & Policies

**Section 2.1.2, Goal 1.** *“Plan for safe, attractive, and affordable housing to meet existing and forecasted housing demands of all residents.”* The proposed RH zoning, which enables development of a single-family residential subdivision at a maximum density of one dwelling unit per two acres, helps the Town of Union accommodate housing demand in a low-density, yet higher-efficiency manner than lower-density development that increases housing costs as well as public infrastructure costs.

**Section 2.7.2, Goal 1.** *“Balance the provision of adequate land and infrastructure to support new development with the protection of agriculturally productive areas, natural resources, and open space throughout Eau Claire County.”* The Rural Residential Future Land Use Designation

identifies areas appropriate for single-family residential subdivision development, which include properties that are excluded from the Farmland Preservation Plan and that are typically in close proximity to urban services and employment.

**Town of Union:**

Rural Transition (RT) Intent and Description: *The primary intent of this classification is to manage residential growth and reduce sprawl, with its attendant infrastructure costs, by identifying lands in proximity to developed areas to be maintained in mainly agricultural and open space uses until such time as more intensive residential development may be appropriate. As mapped, this designation may include farmland, open lands, woodlots, agricultural-related uses, cottage industries, mineral extraction operations, and limited low density residential development. These lands are also outside of the certified Farmland Preservation area and are recognized as transitional areas within the 2015 Eau Claire County Farmland Preservation Plan. Within the horizon of this Plan, future development in the RT areas is expected to be consistent with the existing pattern of development. However, it is anticipated that over time these lands may be transitioned to more intensive residential development as Rural Residential lands are developed and built out.*

**Policies:**

1. Within the RT classification, new development shall be limited in accordance with all policies applicable to the Rural Preservation classification, until such time when the Town identifies that particular mapped area as appropriate for more intensive residential development using the following criteria.
  - a. The Town shall limit residential subdivision development until 75% of the lots within all existing improved residential subdivisions are developed and occupied, calculated at the time the development request is submitted.
  - b. Rural Commercial uses shall require an amendment to the Future Land Use Map. The Town may limit commercial development to areas where the parcel is adjacent to existing business development, incorporated areas or along collector or arterial roadways.
  - c. Within the planned 2025 Eau Claire Sewer Service Area, development should be arranged for potential re-subdivision into City-sized lots to facilitate the efficient and economical delivery of future municipal utilities.
  
2. When additional residential development is warranted, properties within the RT classification shall be considered for transition to the Rural Residential Future Land Use classification as part of annual or decennial updates to this Plan and shall be subject to the following criteria:
  - a. Areas to be transitioned to Rural Residential should be contiguous to existing Rural Residential properties.
  - b. Lower density residential development (<1 dwelling unit per 2 acres) or additional open space buffers should be considered when adjacent to active agriculture or silviculture operations.

The application has been found to be consistent with the intent and description and the applicable policies of the Eau Claire County Rural Residential land use category.

Comprehensive Plan Summary

The proposed R-H zoning districts are consistent with the intent and description and the applicable policies of the Eau Claire County Comprehensive Plan.

FARMLAND PRESERVATION PLAN:

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

## ANALYSIS

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

Town Board Action: The Union Town Board considered this rezoning petition on April 17, 2018 and recommended approval (5-0 vote).

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

- The proposed rezoning is consistent with the intent and purpose of the Eau Claire County Future Land Use plan
- Existing uses in the area include single-family residences
- Zoning in the area is predominantly R-H, with scattered A-2 and A-P zoning

## CONCLUSION

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

- Eau Claire County Comprehensive Plan future land use designation
- Eau Claire County Comprehensive Plan goals, objectives and policies
- Eau Claire County Farmland Preservation Plan
- Eau Claire County Zoning Ordinance, including purpose of the zoning code and allowable uses in the R-H District

In addition, the following factors have also been considered:

- Input of surrounding property owners. Several nearby residents have contacted County staff with questions and concerns about the proposed development.

## RECOMMENDATION

Staff recommends that the Planning and Development Committee file a recommendation of approval to the County Board for the rezoning petition to rezone 23.93 acres +/- of land from A-2 (Agricultural Residential) District to RH (Rural Homes) to develop a single-family residential subdivision, as depicted on the attached map and described in the attached legal description.

## FINDINGS

Findings in Favor:

1. The request is consistent with the goals, objectives, and policies of the Eau Claire County Comprehensive Plan, as required by Section 19.01.020.B of the Eau Claire County Code; and Wisconsin Statutes §66.1001(1)(am) and §66.1001(3)(j), including the intent, description, and policies of the Rural Lands Future Land Use classification in Section 3.3 of the Eau Claire County Comprehensive Plan and Map 9 (Future Land Use) of the Eau Claire County Comprehensive Plan
2. Existing uses in the area include single-family residences, agricultural fields, and scattered woodlands.
3. The subject property has developed subdivisions of similar density adjacent to the east and west.

17-18/127

Sup Dist 12<sup>c</sup> Colleen Bates

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

Application Accepted:	2/27/2018
Accepted By:	Matt Michels
Receipt Number:	54808
Town Hearing Date:	03/13/2018
Scheduled Hearing Date:	3/27/2018
Application No:	RZN-0003-18
Appl Status:	Pending

### Rezoning - County

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

Existing Zoning District: **A2**      Proposed Zoning District(s): **RH**      Acres to be Rezoned: **23.93**

Portion Of The Ne1/4 Ne1/4 Of Section 22, T27N, R10W, Town Of Union, Eau Claire, Wi

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<b>Owner/Applicant Name(s):</b>	<b>Address:</b>	<b>Telephone:</b>
Bank Of New York Mellon	(ow) 7105 CORPORATE DR PLANO	
Lee A Haremza	(appl) PO BOX 3092 EAU CLAIRE	
Gabriel M Otterson	(appl) 1301 WHISTLING STRAITS CT ALTOONA	

---

**Site Address(es):**  
4505 W CAMERON ST EAU CLAIRE

**Property Description:** Sec 22 Twn 27 Rge 10      **Town of Union**      **Lot Area:** 23.930 ACRES

**Zoning District(s):** A2

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

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<b>PIN</b>	<b>Alternate No</b>	<b>Parcel No</b>	<b>Legal (partial)</b>
1802222710221100001	022106803000	27.10.22.1-1-A	NE-NE EX S 336' OF N 536' OF E 260' EX N 167.5 OF E 390' LYG

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

Owner/Agent Signature see attached application      Date 2/27/2018

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

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

RECEIVED

FEB 27 2018

COUNTY CLERK

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



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

Application Accepted:	2/14/18
Accepted By:	mm
Receipt Number:	54808
Town Hearing Date:	3/13/18
Scheduled Hearing Date:	3/27/18

## REZONING APPLICATION

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

Existing Zoning District: A2	Proposed Zoning District(s): RH
Acres to be rezoned: 23.93	

Property Owner Name: Lee Haremza/Gabriel Otterson	Phone#: (715) 379-0606
Mailing Address: PO Box 3092 Eau Claire, WI 54702	
Email Address: leeharemza@beerestoration.com	

Agent Name: Lee Haremza	Phone#: (715) 379-0606
Mailing Address: PO Box 3092 Eau Claire, WI 54702	
Email Address: Same	

RECEIVED

### SITE INFORMATION

FEB 27 2018

Site Address: 4505 W Cameron St Eau Claire, WI 54703	
COUNTY CLERK	
Property Description:	_____ ¼ _____ ¼ Sec. 22, T27 N, R10 W, Town of Union
Zoning District:	RH Code Section(s):
Overlay District: Check Applicable	<input type="checkbox"/> Shoreland <input type="checkbox"/> Floodplain <input type="checkbox"/> Airport <input type="checkbox"/> Wellhead Protection <input type="checkbox"/> Non-Metallic Mining
Computer #(s):	0221 - 0680 - 3000 - _____ - _____ - _____ - _____

### GENERAL APPLICATION REQUIREMENTS

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

<input checked="" type="checkbox"/> Complete attached information sheet	<input checked="" type="checkbox"/> Contact the Town to coordinate a recommendation on the application
<input checked="" type="checkbox"/> Provide legal description of property to be rezoned	<input checked="" type="checkbox"/> Provide \$565.00 application fee (non-refundable), payable to the Eau Claire County Treasurer (\$500.00 application processing fee and \$65.00 mapping surcharge fee)

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

Owner/Agent Signature \_\_\_\_\_

Date 2.12.18

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

## **REZONING APPLICATION CHECKLIST**

Applications are due by Tuesday at 12:00 PM three weeks prior to the Committee on Planning and Development meeting. The application must include the items listed below. After a preliminary review, additional information may be needed. A hearing will not be scheduled until the application is deemed complete. Applications are considered complete when all materials and associated fees are received and approved by staff.

### **Required Application Items:**

- Application must be signed by the property owner(s)
- A legal description of land and address of land to be rezoned
- Complete the attached supplemental rezoning information sheet
  - Describe the reason for the request
  - Describe how the proposed zoning district and the uses allowed in that district are appropriate for the selected location, and how the proposed change in zoning will uphold the purpose of the zoning ordinance
  - Explain and justify why this particular property is under consideration for rezoning
    - For rezoning requests from A-P to any zoning district other than the AR district must consider the factors in Section 18.32.055 A. – D.
    - For rezoning requests from the A-P to the AR zoning district must consider the factors in Section 18.06.050 A. – D.
    - For rezoning requests out of the Shoreland-wetland district must consider Section 18.19.100 B

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

**SUPPLEMENTAL INFORMATION FOR A REZONING PETITION**

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

■ Describe the reason(s) for your rezoning request:

To create single family lots.

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

The owners land consists of over 23± acres with an existing home site on it. It lies between West View Acres to the West and small lots / parcels to the east. The land is surrounded by average lot sizes of 1 to 1.5 acres.

We feel that this land division meets the intent of the requirements for granting the exception as being;

- a. Lots in this area have been previously divided into smaller lots.
- b. Consistent with the adjoining parcels in size and shape.
- c. The infill of these additional lots will lessen pressure on larger parcels to be divided.



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

- 1) The land is better suited for a use not allowed in the A-P Agricultural Preservation zoning district based on a review of soil types, historical productivity, location, and adjacent land uses;
- 2) The rezoning is consistent with any applicable comprehensive plans;
- 3) The rezoning is substantially consistent with the certified Eau Claire County Farmland Preservation Plan; and
- 4) The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

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

## PROPERTY DESCRIPTION

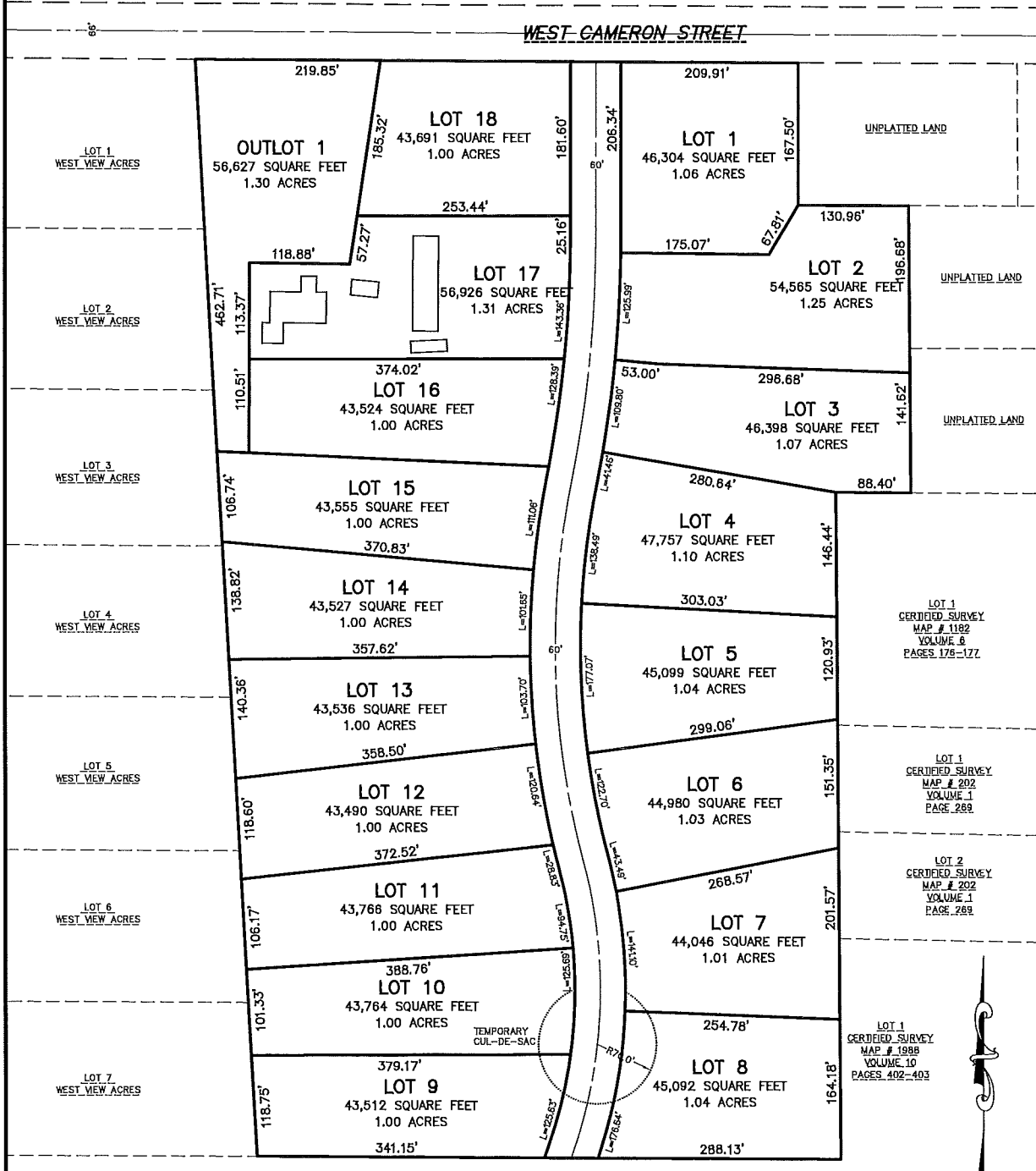
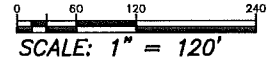
NE-NE EX S 336' OF N 536' OF E 260' EX N 167.5 OF E 390' LYG S OF CTH E & W OF CTH TT EX S 501.3' OF E 348.4'  
LYG W OF CTH TT EX PRT NE-NE BEG SW COR OF SD 40 TN E ALG S LN SD 40 257.41' TN N2°17'35"W 1293.42' TO  
S LN OF CTH E TN W ALG S LN CTH E TO W LN OF SD 40 TN S ALG W LN OF SD 40 TO POB, EX LOT 1 OF CSM VOL  
6 PG 176 (#1182)



REAL LAND SURVEYING

1360 INTERNATIONAL DRIVE  
EAU CLAIRE, WI 54701  
(715) 514-4116

COPYRIGHT 2013  
REAL LAND SURVEYING

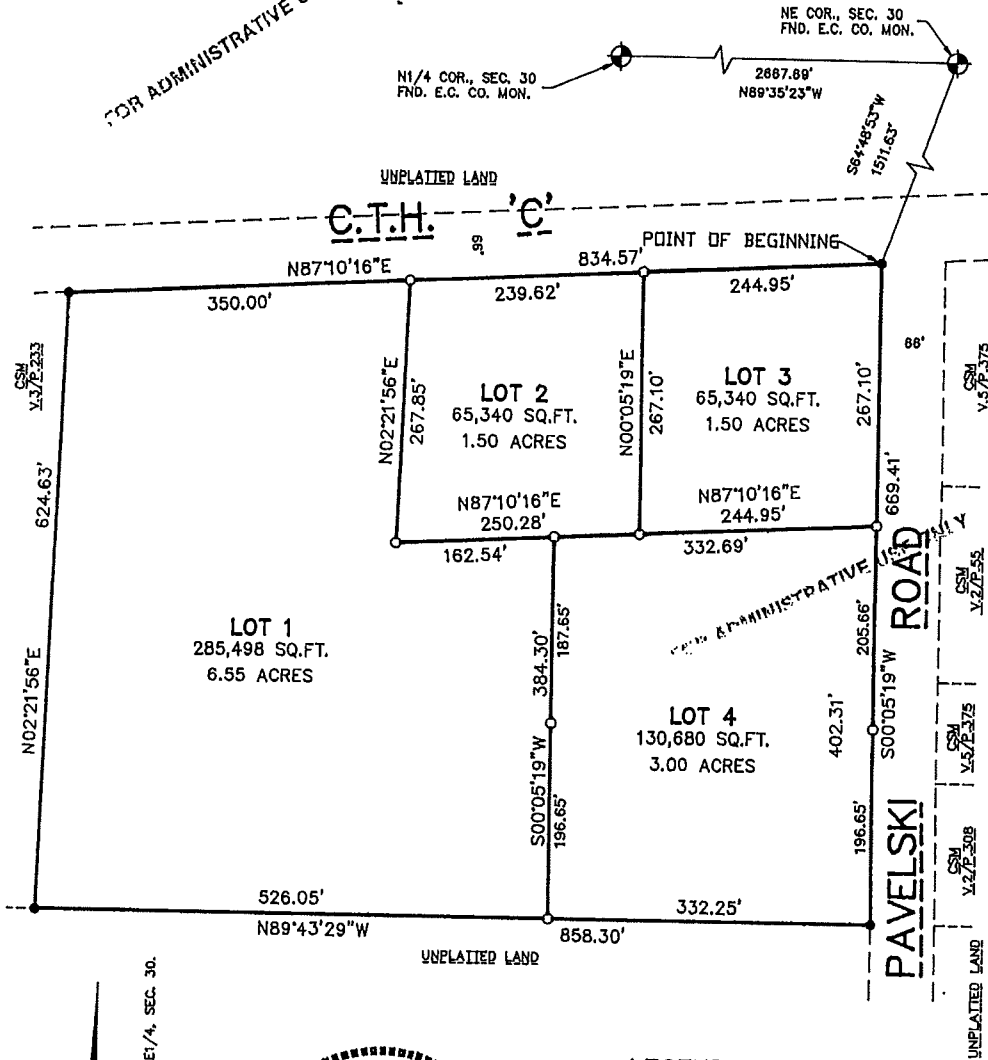


**PRELIMINARY PLAT OF GABLEE ACRES**

LOCATED IN THE NORTHEAST 1/4 OF THE NORTHEAST 1/4,  
SECTION 22, TOWNSHIP 27 NORTH, RANGE 10 WEST,  
TOWN OF UNION, EAU CLAIRE COUNTY, WISCONSIN

REC 5-20-96  
 CSM V.3/P.233-324  
 DOC # 698749

**CERTIFIED SURVEY MAP**  
 OF LOT 1, CERTIFIED SURVEY MAP, REC. V.3/P.233,  
 IN THE NW1/4 OF THE NE1/4, SECTION 30,  
 T27N, R10W,  
 TOWN OF UNION, EAU CLAIRE COUNTY, WISCONSIN

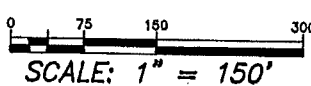


BEARINGS REFERENCED TO THE NORTH LINE OF THE NE1/4, SEC. 30.  
 ASSUMED BEARINGS OF N89°35'23\"/>

**WISCONSIN**  
 \* MARTIN R. ROOD \*  
 S-1924  
 ALTOONA, WI  
 LAND SURVEYOR  
*Martin Rood*  
 May 17, 1996

- LEGEND**
- --- FND. 1" IRON PIPE
  - --- SET 1" O.D. x 24" IRON PIPE WEIGHING 1.13 LBS./LIN.FT.

REAL LAND SURVEYING, INC.  
 CADD NO. 3921



S-2671  
 Comp. No. \_\_\_\_\_

February 13, 2018

# Real Land Surveying

1360 International Drive

City of Eau Claire Plan Commission

RE: Proposed land division in the City SSA

Dear Plan Commission,

Owners, Lee Haremza and Gabriel Otterson are asking the City Plan commission for an exception to the extraterritorial jurisdiction agreement between the Town of Union and the City of Eau Claire. Under , **purpose** in the agreement it states, **to promote and encourage low cost effective development in areas classified as in-fill**. The proposing a land development located in the City Sewer Service Area @ 4505 W CAMERON ST. The property is currently zone A2 with a minimum Lot size of 5 acre. We are proposing to re-zone the lands to RH with a 1 acre lot size. The proposed development of 12 single family lots will have a density of 1.92 acres per dwelling unit.

The owners land consists of over 23± acres with an existing home site on it. It lies between West View Acres to the West and small lots / parcels to the east. The land is surrounded by average lot sizes of 1 to 1.5 acres.

We feel that this land division meets the intent of the City requirements for granting the exception as being;

- a. Lots in this area have been previously divided into smaller lots.
- b. Consistent with the adjoining parcels in size and shape.
- c. The infill of these additional lots will lessen pressure on larger parcels to be divided.
- d. It would be cost prohibitive to serve this property with City utilities.

Sincerely,

Peter J. Gartmann

Real Land Surveying

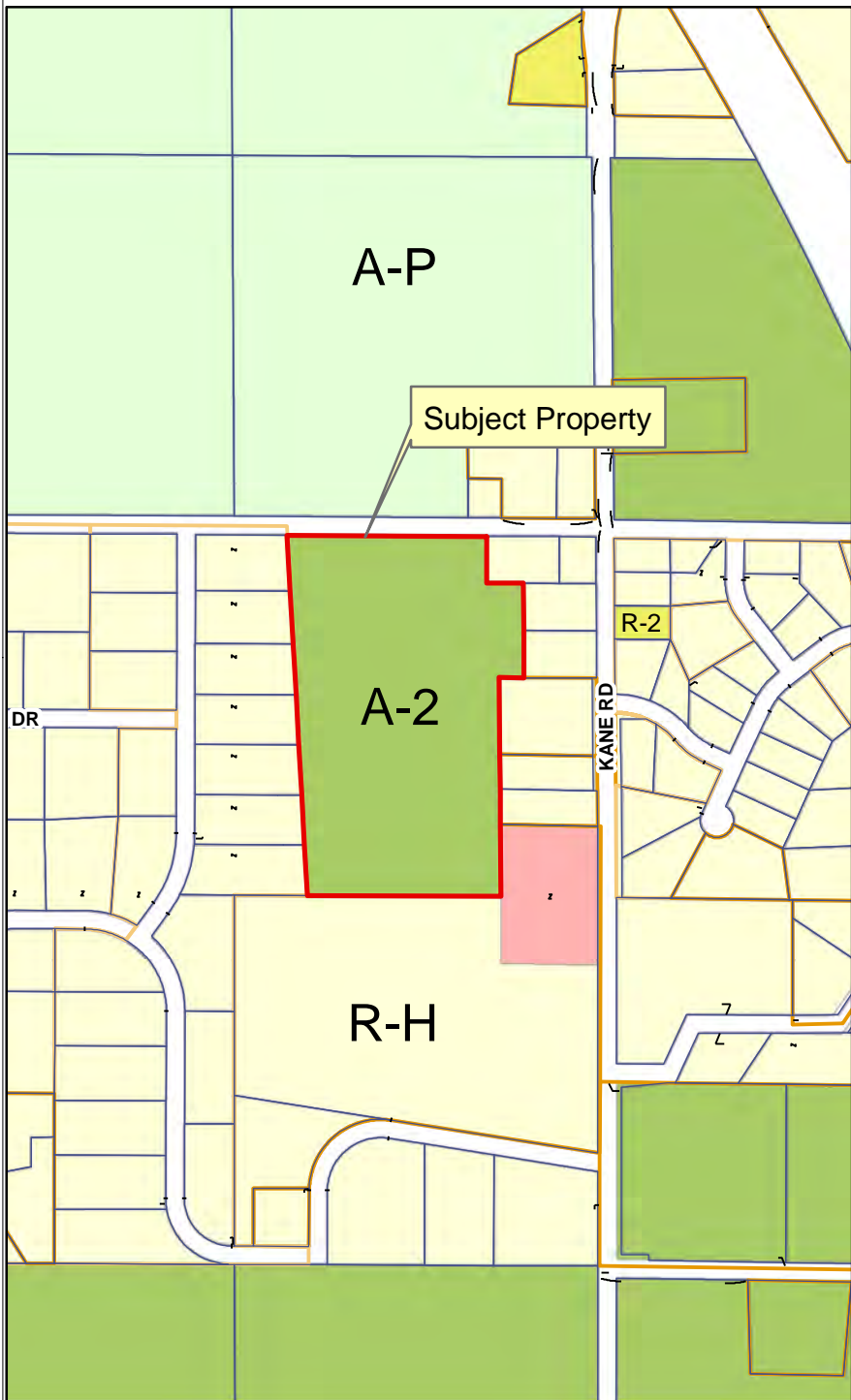




# Otterson-Haremza Rezoning: RZN-0003-18

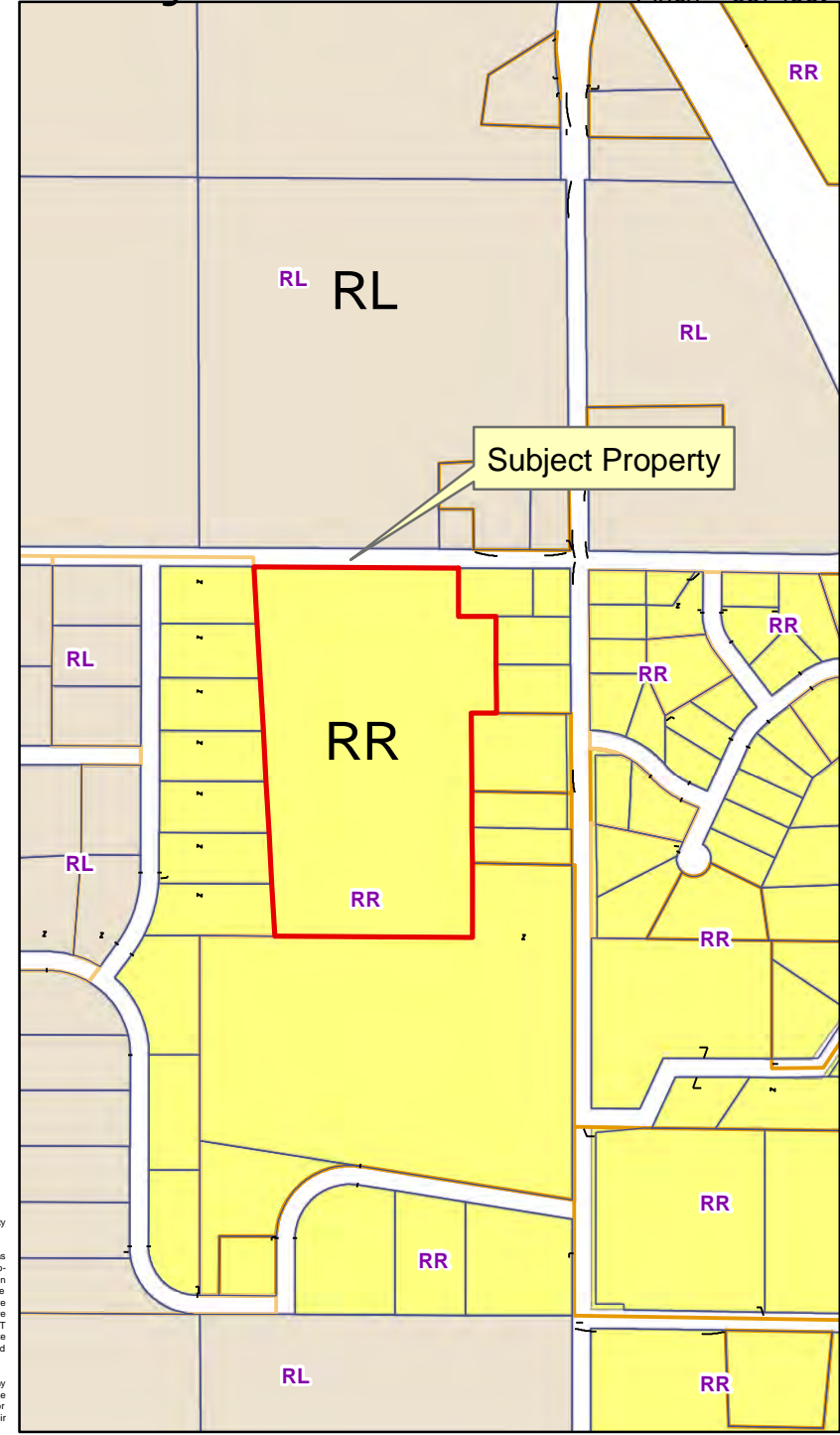
## Existing Zoning

1 inch = 666.66667 feet



## Existing Future Land Use

1 inch = 667 feet



**Legend**

**Future Land Use**

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



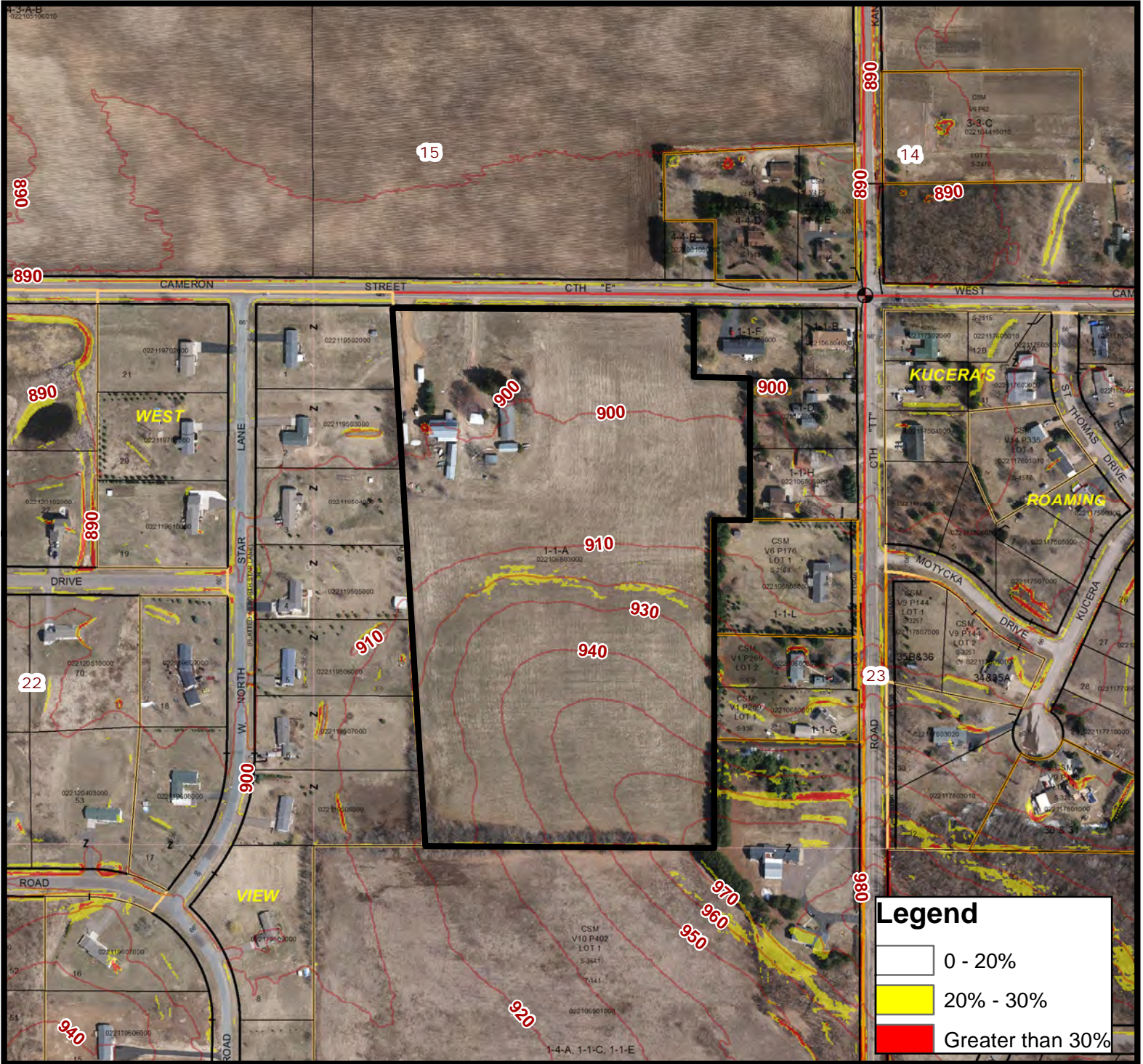
**Parcel Mapping Notes:**

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

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

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

# HAREMZA/OTTERSON REZONING LOCATION MAP



**Parcel Mapping Notes:**

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

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

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





**FACT SHEET**  
**File No. 18-19/005**

**RE:** Rezoning Petition from International Education Trust, Inc., represented by Craig Koehler to rezone 41.73 acres +/- of land from A-P (Agricultural Preservation) District to A-3 (Agricultural) to allow construction of a single-family residence without the agricultural income requirements of the A-P district

**Legal Description and Location:** A portion of the NE¼ NE¼ of Section 33 and a portion of the NW¼ NW¼ and NE¼ NW¼ of Section 34, in T25N, R8W, Town of Washington, Eau Claire County (complete legal description attached)

**Size of area to be rezoned:** 41.73 acres +/-

**ADJACENT ZONING & LAND USES:**

LOCATION	ZONING	LAND USE
Subject	A-P	Single-family residence; Pine plantation
North	A-P/A-2	Pine plantation; Agricultural fields
East	A-P	Pine plantation
South	A-P	Woodlands; Pasture; Agricultural fields
West	A-P	Pine Plantation

**LAND USE PLANS:** The Eau Claire County and Town of Washington Future Land Use Maps both include the property in the Rural Lands (RL) planning area.

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


**Town of Washington Intent and Description:** *The primary intent of these areas is to preserve productive agricultural lands in the long-term, protect existing farm & forestry operations from encroachment by incompatible uses, promote further investments in farming, maintain farmer eligibility for incentive programs, and to preserve wildlife habitat and open spaces. In other words, to preserve the rural character and land uses of these areas. However, the term rural lands is not intended to imply that changes in land use will not occur in these areas. As mapped, this designation includes farmland, scattered open lands, woodlots, agricultural-related uses, cottage industries, mineral extraction operations, farmsteads, and limited low density non-farm single-family residential development.*

**Staff Conclusions and Recommendation:** Staff finds that the proposed rezoning request substantially conforms with the Eau Claire County Comprehensive Plan. The Eau Claire County Comprehensive Plan recognizes that the proposed A-3 zoning district is consistent and therefore allowed within the mapped future land use designation.

**Town Board Action:** The Washington Town Board considered this rezoning petition on Thursday, April 19, 2018 and recommended approval (4-0 vote).

**Committee Action:** The Eau Claire County Committee on Planning and Development conducted the required public hearing on Tuesday, April 24, 2018 regarding the proposed rezoning. On a vote of in favor 5 and 0 against, the Committee recommends approval of the rezoning petition to the County Board. The committee considered the applicant's testimony as well as the Town Board's and staff's recommendations in their deliberations.

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



Matt Michels, AICP  
 Senior Planner

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

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

7  
8 **SECTION 1** That the 1982 Official Zoning District Boundary Map for the Town of  
9 Washington, Eau Claire County described as follows:

10  
11 **The East 13 acres of the Northeast ¼ of the Northeast ¼, Section 33,**  
12 **Township 27 North, Range 08 West, lying South of U.S. Highway 12,**  
13 **together with that portion of the North ½ of the Northwest ¼ of**  
14 **Section 34, Township 27 North, Range 08 West, lying South of U.S.**  
15 **Highway 12, and the Northeast ¼ of the Northwest ¼, except highway**  
16 **as noted in Volume 140, Page 456 and Volume 443, Page 153, and**  
17 **except that part lying North of the highway in Section 34, Township**  
18 **27 North, Range 08 West, all in the Town of Washington, Eau Claire**  
19 **County, Wisconsin**

20  
21 **Said described lands contain approximately 41.72 acres, more or less,**  
22 **and are subject to the easements and restrictions of record to be**  
23 **reclassified from the A-P Agricultural Preservation District to the A-3**  
24 **Agricultural District.**

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

30  
31 **ENACTED:** I hereby certify that the foregoing correctly represents the  
32 action taken by the undersigned Committee on  
33 April 24, 2018 by a vote of 5 for, 0 against.

34  
35   
36 \_\_\_\_\_  
37 Planning & Development Committee, Chairperson

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



## EAU CLAIRE COUNTY PLANNING STAFF RECOMMENDATION

---

**REZONE NUMBER:** RZN-00007-18                      **COMPUTER NUMBERS:** 024111504000  
024111102000  
024111103000

**PUBLIC HEARING DATE:** April 24, 2018

---

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

**OWNER:** International Education Trust, Inc., 9034 Swift Creek Rd., Fairfax Station, VA 22039-2815

**AGENT:** Craig Koehler, 9702 US Hwy 12, Fall Creek, WI 54742

**REQUEST:** Rezone 41.73 acres +/- of land from A-P (Agricultural Preservation) District to A-3 (Agricultural) to allow construction of a single-family residence without the agricultural income requirements of the A-P district

**LOCATION:** 9459 US Hwy 12

**LEGAL DESCRIPTION:** A portion of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 33 and a portion of the NW $\frac{1}{4}$  NW $\frac{1}{4}$  and NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 34, in T25N, R8W, Town of Washington, Eau Claire County (complete legal description attached)

---

**RECOMMENDATION**                      Approval of request based on findings outlined on Page 5 of this report

---

### SUMMARY

Rezone 41.73 acres +/- of land from A-P (Agricultural Preservation) District to A-3 (Agricultural) to allow construction of a single-family residence without the agricultural income requirements of the A-P district, which requires that the owner demonstrate that the property can produce \$6,000 of agricultural products per year. Although the property is planted in Red Pines and is enrolled in the DNR Managed Forest program, the property does not currently produce the income required to meet the requirements of the A-P district. However, the applicant has indicated that no change in land use will occur with this rezoning action except the construction of a single-family residence and associated improvements.

### BACKGROUND

#### SITE CHARACTERISTICS:

- The majority of the property is planted in a Red Pine plantation which are enrolled in the Wisconsin DNR Managed Forest program (note: rezoning of the property does not impact this status)
- Property slopes generally from the north to south toward Highway 12
- The extreme southern portion of the property contains steep slopes
- The property was previously cultivated for agriculture prior to the planting of the pine trees

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

- A. *Preserve and protect those areas best suited for agricultural, forestry or open-space uses by minimizing fragmentation of contiguous agricultural or forest lands for the benefit and use of current and future generations;*
- B. *Provide for a wide range of agricultural uses typically associated with the continued production of food and fiber while recognizing that such uses may involve noise, dust, odor, or operation of heavy equipment for long periods of time;*
- C. *Strengthen and diversify a predominately agricultural and forestry-based economy by providing for a range of economic opportunities for property owners which are generally compatible with and supportive of agriculture or forestry operations as either permitted or conditional uses;*
- D. *Comply with standards contained in Wis. Stat. ch. 91 to permit eligible landowners to receive tax credits under Wis. Stat. § 71.09, in conjunction with their agricultural operations;*
- E. *Preserve rural character and promote the efficient use of public infrastructure and utilities by minimizing the adverse effects of urban sprawl along with its associated expense;*
- F. *Promote environmental quality through the use of conservation practices designed to minimize erosion of productive soils and deter the delivery of sediment and nutrients to the waters of our state;*
- G. *Minimize land use conflicts which occur when agricultural and non-agricultural uses are intermixed or not adequately separated; and*
- H. *Provide for carefully regulated extraction of nonmetallic mineral resources through Eau Claire County’s permitting processes to ensure compatibility with adjacent land uses, minimize impacts to natural resources, and to restore lands to productive agricultural use consistent with locally approved reclamation plans.*

**REQUESTED ZONING DISTRICT:**

A-3 Agricultural District: The A-3 Agricultural Preservation District is established to: The A-3 District is established to “1. *Protect the agricultural base of the county;* 2. *Preserve the county’s natural resources and open space;* 3. *Provide an area for limited residential and hobby farm development in a rural atmosphere;* and 4. *Minimize urban sprawl and its associated public costs.*” Minimum lot size in the A-3 District is twenty (20) acres.

**ZONING/LAND USE CONTEXT:**

<b>LOCATION</b>	<b>ZONING</b>	<b>LAND USE</b>
<b>Subject</b>	A-P	Single-family residence; Pine plantation
<b>North</b>	A-P/A-2	Pine plantation; Agricultural fields
<b>East</b>	A-P	Pine plantation
<b>South</b>	A-P	Woodlands; Pasture; Agricultural fields
<b>West</b>	A-P	Pine Plantation

**COMPREHENSIVE PLANS:**

The Eau Claire County and Town of Washington Future Land Use Maps both include the property in the Rural Lands (RL) planning area. Following is a description of the intent of the applicable County and Town comprehensive plan future land use categories and applicable policies.

**Eau Claire County:**

- Rural Lands Intent and Description: *The primary intent of these areas is to preserve productive agricultural lands, protect existing farm & forestry operations from encroachment by incompatible uses, promote further investments in farming, maintain farmer eligibility for incentive programs,*

*and preserve wildlife habitat and open spaces. In other words, to preserve the rural character of these areas.*

- Applicable Policies:
  1. *Farming and other agriculture uses, agricultural-related businesses, cottage industries, forestry, mineral extraction, open space, and utilities shall be established as the primary land uses within these areas. Other uses may be permitted if found to be compatible with these uses and existing uses adjacent to the property. There is an existing home on the property to be divided. This use and other uses permitted in the A-2 District are typically compatible with adjacent agricultural uses.*
  2. *The preferred housing density is one (1) unit per 20 or more acres; however, local comprehensive plans may be more or less restrictive than this guideline and generally range from one (1) unit per five (5) acres to one (1) unit per 35 acres.*
  3. *For those Towns under County Zoning, the following Eau Claire County Zoning Districts will be considered for approval within RP areas: A-1 Exclusive Agricultural District, A-2 Agricultural-Residential District, A-3 Agricultural District, A-R Floating Agricultural-Residential District, F-2 Forestry District, F-1 Forestry District, and the proposed AC-R District noted below. The following additional policies shall apply to rezoning petitions:*
    - a. *Rezoning land to the A-R Floating Agricultural-Residential District or the proposed AC-R Agricultural Compatible Residential District is preferred over additional non-farm A-2 or A-3 parcels, unless rezoning land to either of these districts will not interfere with, will not disrupt, or will not be incompatible with farming or agricultural use, and will not take land suitable for cultivation or other agricultural use out of production.*

**Town of Washington:**

- Rural Lands Intent and Description: *The primary intent of these areas is to preserve productive agricultural lands in the long-term, protect existing farm & forestry operations from encroachment by incompatible uses, promote further investments in farming, maintain farmer eligibility for incentive programs, and to preserve wildlife habitat and open spaces. In other words, to preserve the rural character and land uses of these areas. However, the term rural lands is not intended to imply that changes in land use will not occur in these areas. As mapped, this designation includes farmland, scattered open lands, woodlots, agricultural-related uses, cottage industries, mineral extraction operations, farmsteads, and limited low density non-farm single-family residential development.*
- Applicable Policies:
  1. *Farming and agricultural uses shall be established as the primary land uses within these areas. Non-farm development shall only be allowed if it will not interfere with, will not disrupt, or will not be incompatible with farming or agricultural use, and will not take significant tracts of land suitable for cultivation or other agricultural use out of production.*
  - ...
  2. *Proposals for any new non-farm residential development shall be consistent with the following policies:*
    - a. *Non-farm residential lots shall be a minimum of five (5) acres per unit, except as otherwise provided below for conservation subdivisions.*
    - b. *Any new non-farm residential lot shall have a "Right to Farm" disclosure attached to it acknowledging that the potential non-farm owner has been informed that their lot has been established in an area where farming is the preferred land use, and stating that the owner understands that they must abide by the State of Wisconsin "Right to Farm" statute (WI Stat. 823.08). This language shall be recorded on the deed to the property, transferable to subsequent owners.*

- c. *Non-farm residential development shall only occur on land that is marginal for agricultural productivity. No more than 20% of any proposed new lot should contain Class I, II, or III soils, or the owner must demonstrate that the lands with prime agricultural soils are marginal for agriculture due to other factors. In addition, it is the preference of the Town of Washington that new non-farm residential lots that are approved in accord with these policies be located adjacent to or near existing non-farm development.*

The application has been found to be consistent with the intent and description and the applicable policies of the Eau Claire County Rural Lands land use category.

**FARMLAND PRESERVATION PLAN:**

The property is included in the Farmland Preservation Plan Map, which allows the property owner to claim Farmland Preservation tax credits. The proposed A-3 District is not a certified farmland preservation districts and the proposed lots would not qualify for Farmland Preservation tax credits. However, as discussed, the property is planted in Red Pine and is enrolled in the DNR Managed Forest program. While a small amount of land will be taken out of production as necessary to build a home with this rezoning, the majority of the property would remain in silviculture.

**Comprehensive Plan Summary**

The proposed A-3 zoning district is consistent with the intent and description and the applicable policies of the Eau Claire County Comprehensive Plan.

**ANALYSIS**

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

**A-P Rezoning Standards**

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

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

- **Soil Types** – There are six (6) different soil types on the property to be divided, all of which are considered a prime agricultural soil.

<b>Soil Type</b>	<b>Description</b>	<b>Capability Class</b>
EIC2	Eleva sandy loam, 6-12% slopes, eroded	3
BiB	Billett sandy loam 1-6% slopes	3
EIB	Eleva sandy loam, 2-6% slopes	3
BIC2	Billett sandy loam, 6-12% slopes, eroded	3
On	Orion silt loam	2
MeB	Seaton silt loam, moderately well drained, 2-6% slopes	2

- **Historical Productivity** – The majority of the property has been cultivated for agriculture in the past and is currently in managed forest with Red Pines
- **Site Location** – The property is located on US Highway 12

- **Adjacent Land Uses** – Uses in the area include a mixture of farmland, farm and non-farm housing, and scattered woodlands

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

The proposed rezoning substantially conforms to the future land use intent, purpose, and policies for the Eau Claire County Comprehensive Plan, including policies related to limiting residential density in rural areas of the County and limiting conversion of productive farmland.

**Standard 3** - *The rezoning is substantially consistent with the certified Eau Claire County Farmland Preservation Plan.* As discussed, the proposed rezoning will utilize a small amount of productive agricultural land to accommodate the construction of a single-family residence and related improvements.

**Standard 4** - *The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.*

The proposed rezoning will not likely impair or limit current or future agricultural use.

Town Board Action: The Washington Town Board will consider this rezoning petition on Thursday, April 19, 2018.

The rezoning petition has been evaluated for consistency with the purpose of A-3 District and the uses allowed in the district. The request is consistent with the purpose of the zoning code based on the following findings:

- The proposed rezoning is consistent with the intent and purpose of the Eau Claire County Future Land Use plan
- Existing uses in the area include agricultural fields, pine plantations, scattered single-family residences, and scattered woodlands
- Zoning in the area is predominantly A-P, with scattered A-2 and A-3 zoning

## CONCLUSION

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

- Eau Claire County Comprehensive Plan future land use designation
- Eau Claire County Comprehensive Plan goals, objectives and policies
- Eau Claire County Farmland Preservation Plan
- Eau Claire County Zoning Ordinance, including purpose of the zoning code and allowable uses in the A-3 District

In addition, the following factors have also been considered:

- Input of surrounding property owners. No correspondence in support or opposed to the proposed rezoning has been received, to date.

## RECOMMENDATION

Staff recommends that the Planning and Development Committee file a recommendation of approval to the County Board for the petition to rezone 41.73 acres +/- of land from A-P (Agricultural Preservation) District to A-3 (Agricultural) to allow construction of a single-family residence without the agricultural income requirements of the A-P district, as depicted on the attached map and described in the attached legal description.

## **FINDINGS**

### Findings in Favor:

1. The request is consistent with the goals, objectives, and policies of the Eau Claire County Comprehensive Plan, as required by Section 19.01.020.B of the Eau Claire County Code; and Wisconsin Statutes §66.1001(1)(am) and §66.1001(3)(j), including the intent, description, and policies of the Rural Lands Future Land Use classification in Section 3.3 of the Eau Claire County Comprehensive Plan and Map 9 (Future Land Use) of the Eau Claire County Comprehensive Plan
2. Existing uses in the area include scattered single-family residences, agricultural uses, and scattered woodlands
3. The proposed rezoning would have limited impact on existing silviculture on the property and no change in land use is proposed with the exception of construction of a single-family residence and associated improvements



District 6: Forsythe

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

Application Accepted:	3/22/2018
Accepted By:	Matt Michels
Receipt Number:	55157
Town Hearing Date:	04/19/2018
Scheduled Hearing Date:	4/24/2018
Application No:	RZN-0007-18
Appl Status:	Pending

### Rezoning - County

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

Existing Zoning District: **AP**      Proposed Zoning District(s): **A3**      Acres to be Rezoned: **40**

Part Of The Ne1/4 Ne1/4 Of Section 33 And The Nw1/4 Nw1/4 Of Section 34, T27N, R8W, Town Of Washington, Eau Claire County, Wisconsin

<b>Owner/Applicant Name(s):</b> International Education Trust Inc Craig A Koehler	<b>Address:</b> (ow) 9034 SWIFT CREEK RD FAIRFAX STATION (appl) 9702 US HIGHWAY 12 FALL CREEK	<b>Telephone:</b> 715-210-9361(C)
---	---	--------------------------------------

**Site Address(es):**  
9459 US HIGHWAY 12 FALL CREEK

<b>Property Description:</b> Sec 33 Twn 27 Rge 08 Sec 34 Twn 27 Rge 08	<b>Town of Washington</b>	<b>Lot Area:</b> 13.000 ACRES 27.000 ACRES
--	---------------------------	--

**Zoning District(s):** AP

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

Check Applicable

PIN	Alternate No	Parcel No	Legal (partial)
1802422708331100001	024111102000		NE-NE LYG S OF HWY EX COM SE COR SD 40 TN N89°26'18"W
1802422708342200001	024111504000		NW-NW EX HWY (140/456) EX PRT LYG N OF HWY ENTEREI

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

Owner/Agent Signature see attached application      Date 3/22/2018

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

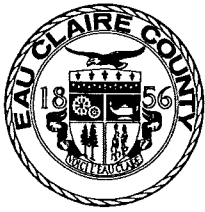
Check if DNR to Receive Copy \_\_\_\_\_

RECEIVED

MAR 22 2018

COUNTY CLERK

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



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

Application Accepted:	3/22/2018
Accepted By:	Jenna
Receipt Number:	647880
Town Hearing Date:	4/19/2018
Scheduled Hearing Date:	4/24/2018

## REZONING APPLICATION

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

Existing Zoning District: AP	Proposed Zoning District(s): A3
Acres to be rezoned: 40.22	

Property Owner Name: International Education Trust Inc.	Phone# (571) 271-1436
Mailing Address: 9034 Swift Creek Road, Fairfax Station, VA 22039-2815	
Email Address: jaghlit@yahoo.com	

Agent Name: Craig Koehler	Phone# (715) 210-5511
Mailing Address: 9702 US HWY 12, Fall Creek, WI 54742	
Email Address: koehlersc@gmail.com	

RECEIVED

### SITE INFORMATION MAR 22 2018

Site Address: 9459 US HWY 12, Fall Creek, WI 54742	COUNTY CLERK
Property Description: _____ ¼ _____ ¼ Sec. 34, T 27N, N, R 08, W, Town of Washington	
Zoning District: AP	Code Section(s): AA - AF - AR
Overlay District: Check Applicable	<input type="checkbox"/> Shoreland <input type="checkbox"/> Floodplain <input type="checkbox"/> Airport <input type="checkbox"/> Wellhead Protection <input type="checkbox"/> Non-Metallic Mining
Computer #(s):	024 - 111 - 504 - 000 024 - 111 - 102 - 000

### GENERAL APPLICATION REQUIREMENTS

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

<input type="checkbox"/> Complete attached information sheet	<input type="checkbox"/> Contact the Town to coordinate a recommendation on the application
<input type="checkbox"/> Provide legal description of property to be rezoned	<input type="checkbox"/> Provide \$565.00 application fee (non-refundable), payable to the Eau Claire County Treasurer (\$500.00 application processing fee and \$65.00 mapping surcharge fee)

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

Owner/Agent Signature  Date 3/22/18

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

**SUPPLEMENTAL INFORMATION FOR A REZONING PETITION**

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

■ Describe the reason(s) for your rezoning request:

The applicant respectfully requests rezoning of the acreage from AP to A3. Current zoning makes building a future home difficult.

The AP Zoning code allows for construction of a new single family home. However, at the time of application for a building permit, it is required in the applications and materials to have supporting documentation showing the following: "Farming" includes operations required to produce \$6,000 of agricultural products per year and shall include accessory uses such as treating or storing of produce provided that the operation of an accessory use is secondary to the normal farming activities.

The land currently has a majority of pine trees and does not easily meet the requirement for AP zoning and needs to be rezoned to A3.

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

The applicant feels that rezoning of the acreage from AP to A3 is appropriate for the existing uses and zoning designations of the surrounding area. There are numerous properties across the street from the property that are zoned A2, which is an even less restrictive zoning code than A3.

There would be little impact on natural resources if the parcel had a home built on any portion of the acreage. With the land being a pine plantation, row crop farming is not an option without extreme land clearing and stump removal.

Overcrowding would not be an issue with the proposed A3 zoning as it would not allow for multiple homes to be built on the acreage if zoned A3.

Property values would not be impacted in a negative way with a zoning change from AP to A3. The land only has agricultural value related to growing trees at this point and does not provide for row crop farming. Property values would likely appreciate if rezoned to A3 as having a build-able parcel increases the value of property.

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

- 1) The land is better suited for a use not allowed in the A-P Agricultural Preservation zoning district based on a review of soil types, historical productivity, location, and adjacent land uses;
- 2) The rezoning is consistent with any applicable comprehensive plans;
- 3) The rezoning is substantially consistent with the certified Eau Claire County Farmland Preservation Plan; and
- 4) The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

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

- 1) There are 8 soil types on the particular acreage. The following data is from the USDA.
  - A. 45.9% of the land is Billett sandy loam (1 to 6% slopes). Most areas are cultivated. The principal crops are corn and soybeans. Some areas are pastured. The native vegetation is big bluestem, little bluestem, switchgrass, other grasses of the tall grass prairie and mixed deciduous trees.
  - B. 24.1% of the land is Eleva sandy loam (6 to 12% slopes). More gently sloping areas are cultivated. The principal crops are corn, soybeans, small grains, and legume hays. The more steeply sloping areas are pastured or wooded. The native vegetation is mixed deciduous hardwoods with some conifers.
  - C. 11.8% of the acreage is Meridian loam (2 to 6% slopes). Most areas of Meridian soils are used for cropland. Common crops are corn, small grain, and hay. Some small areas remain in pastureland or woodland. A few small areas remain in native vegetation which is a mixture of deciduous trees and prairie grasses.
  - D. 8.2% of the land is Shiffer loam. Drained areas are used for corn, small grain, and hay. Undrained areas are in pasture or woodland. Native vegetation was mixed deciduous hardwood forest with some sedges and grasses.
  - E. 7% of the acreage is Eleva sandy loam (2 to 6% slopes). See above data, only change is the slope.
  - F. 2.4% of the land is Boone-Plainbo complex (12 to 45% slopes). Many areas are forested. The native vegetation is deciduous and coniferous trees. Common trees are northern pin oak or black oak, jack pine, and eastern white pine. Some areas are cultivated. Common crops are corn, small grain, and hay. Some areas are pastured.
  - G. 0.2% of the land is Hixton loam (2 to 6% slopes). Many of the less sloping areas are used for cropland. Common crops are corn, small grain, and hay. Other areas are used for woodland or pastureland. Native vegetation is mixed hardwood forest. Common trees are northern red oak, black oak, white oak, and shagbark hickory.

Much of the soil would be suitable for farming, but with the current Red pine trees in place, there is no opportunity for row crop farming unless the area is clear cut and stumps are removed. The land is currently in a 25 year contract with MFL, this would likely not change with rezoning.

2) Rezoning of the acreage is consistent with the Town of Washington comprehensive plan 2009-2030. The rezoning meets the following for the Town of Washington comprehensive plan goals:

1. Promotion of the redevelopment of lands with existing infrastructure and public services and the maintenance and rehabilitation of existing residential, commercial and industrial structures. (This acreage once had a farm and residence located on site, and it would be a step in restoring that status to this parcel of land.)
5. Encouragement of land uses, densities and regulations that promote efficient development patterns and relatively low municipal, state governmental and utility costs. (Rezoning would not present cost issues to municipal, state, or utility entities.)
9. Promoting an adequate supply of affordable housing for individuals of all income levels throughout each community. (Rezoning would benefit the Town of Washington in this area, as it would provide the ability for an individual to be supplied with affordable housing, while increasing property values in the area.)
12. Balancing individual property rights with community interests and goals. (The land owner has a fundamental right to utilize the land for a potential homestead, and that would have a positive impact on the community by improving the tax base.)

3/4) Rezoning of the 40.22 acre parcel from AP to A3 will not alter the agricultural use of existing farmland. The zoning change will not be in conflict with agricultural operations and will still retain the rural character of the area. The existing acreage will remain relatively unchanged even with having the ability to build a new residence.

International Education Trust  
9034 Swift Creek Road  
Fairfax Station, VA 22039  
571-217-1436

3/14/2018

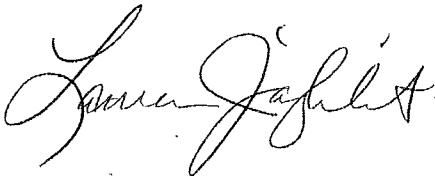
**Re: Rezoning Application Authorization of Agent**

**To Whom it May Concern:**

As President of the International Education Trust, I, Laura Jaghlit authorize Craig Koehler to act as our representative/agent in all issues related to the rezoning of the property currently owned by the International Education Trust located at 9459 US HWY 12 Fall Creek, WI 54742 in Eau Claire County.

Thank you .

Sincerely,



Laura Jaghlit

President, International Education Trust

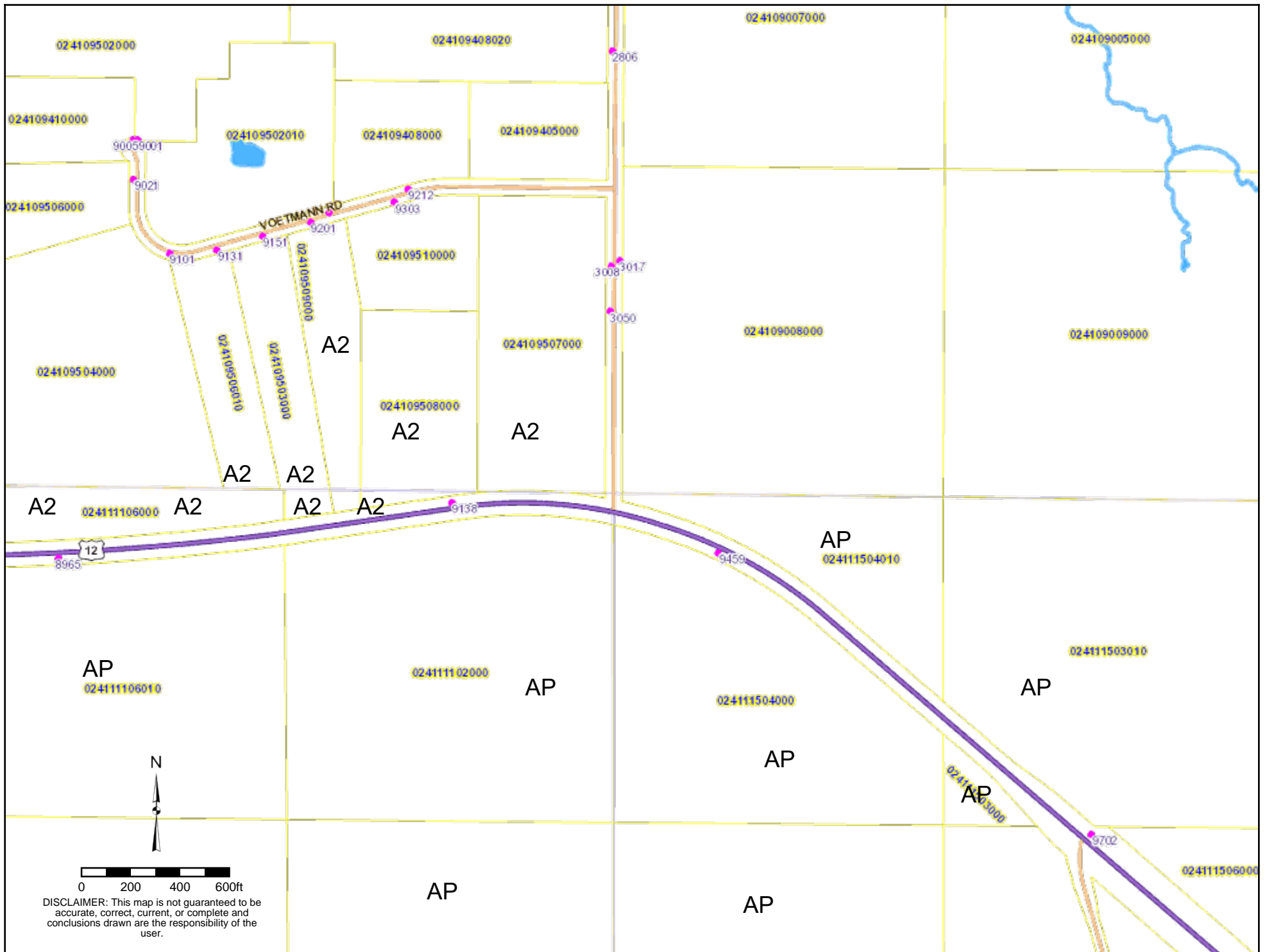
The International Education Trust is registered in Virginia as a nonprofit corporation and is a public charity exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code. The International Education Trust Tax ID: # 31-1585336.

## Property Legal Description

NE-NE LYG S OF HWY EX COM SE COR SD 40 TN N89\*26'18"W 411.32' TO POB TN N89\*26'18"W 915.64' TN N0\*27'51"W 1113.56' TO SLY R/W LN STH 12 TN NELY ALG R/W ARC DIST 193.49' TN N81\*36'58"E 499.57' TN NELY ALG R/W ARC DIST 239.71' TN S0\*00'00"E 1241.54' TO POB. ENTERED 13 AC INTO MFL - OPEN FOR 25 YRS BEG 2015 PER 1107472 (NOTE: SEE ALT#024-1111-02-010 FOR REMAINDER 25 AC OF TOTAL 38 MFL AC PER DOC.1107472) SEE T-1747, T-1693

NW-NW EX HWY (140/456) EX PRT LYG N OF HWY ENTERED 22 AC INTO MFL - OPEN FOR 25 YRS BEG 2015 PER DOC 1114710

NE-NW EX HWY (140/456 & 443/153) EX PRT LYG N OF HWY ENTERED 1 AC INTO MFL - OPEN FOR 25 YRS BEG 2015 PER DOC 1107472



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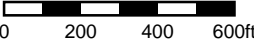
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DISCLAIMER: This map is not guaranteed to be accurate, correct, current, or complete and conclusions drawn are the responsibility of the user.

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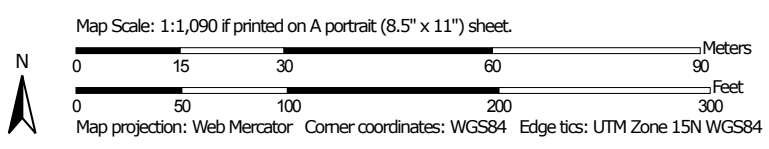
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Soil Map—Eau Claire County, Wisconsin




Soil Map may not be valid at this scale.







## MAP LEGEND

### Area of Interest (AOI)

 Area of Interest (AOI)

### Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

### Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

### Water Features



Streams and Canals

### Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

### Background



Aerial Photography

## MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:15,800.

**Warning:** Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Eau Claire County, Wisconsin

Survey Area Data: Version 14, Oct 5, 2017

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Sep 12, 2010—Nov 14, 2016

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

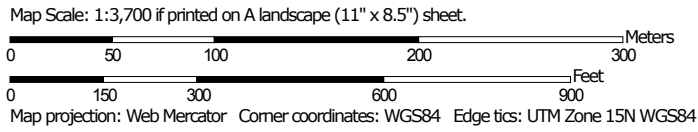
## Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
BIB	Billett sandy loam, 1 to 6 percent slopes	2.1	52.8%
MeB	Meridian loam, 2 to 6 percent slopes	1.9	47.2%
<b>Totals for Area of Interest</b>		<b>4.0</b>	<b>100.0%</b>

Soil Map—Eau Claire County, Wisconsin




Soil Map may not be valid at this scale.





## MAP LEGEND

### Area of Interest (AOI)

 Area of Interest (AOI)

### Soils

 Soil Map Unit Polygons

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Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



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### Water Features



Streams and Canals

### Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

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## Map Unit Legend

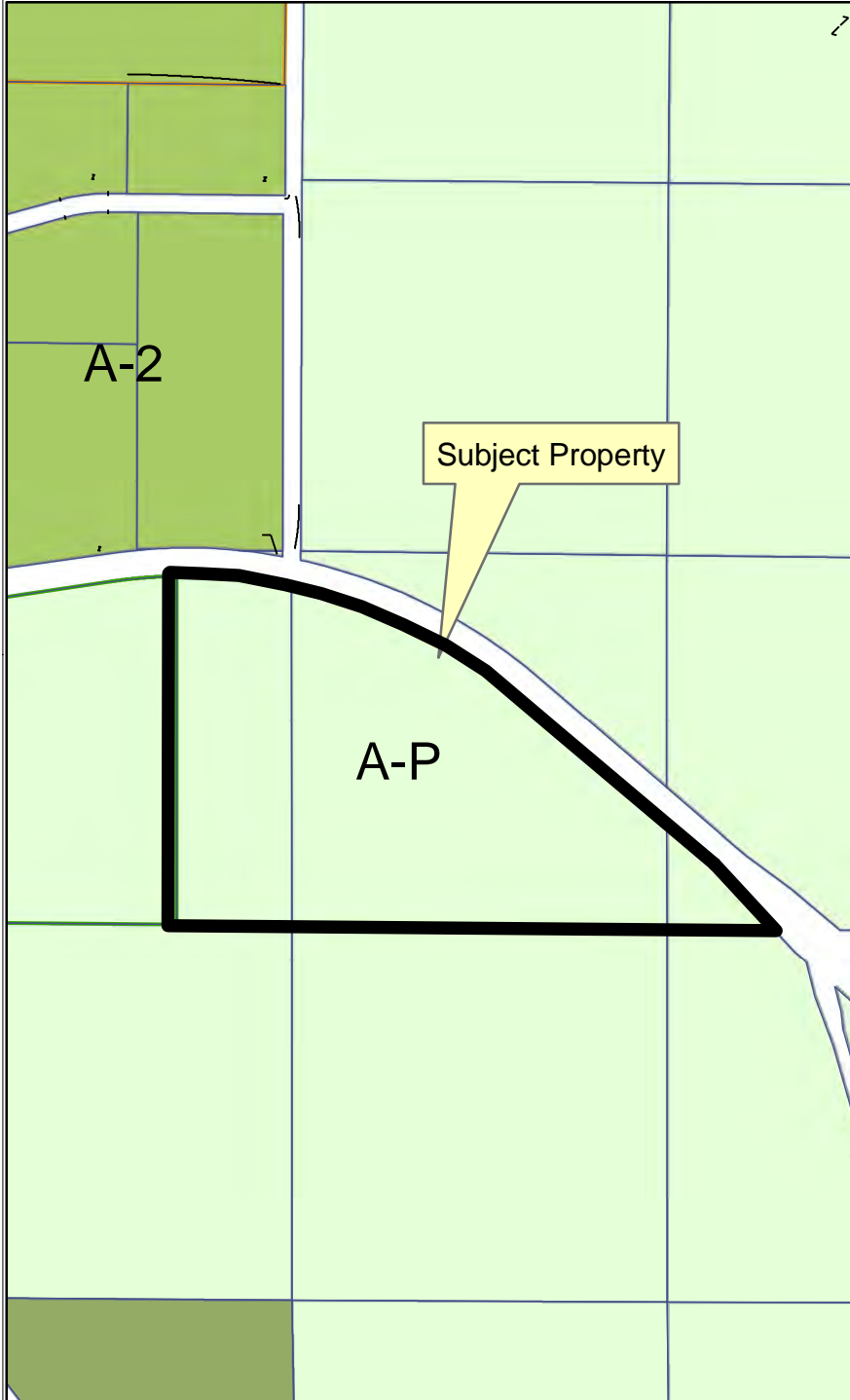
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
BIB	Billett sandy loam, 1 to 6 percent slopes	18.8	45.9%
BoE	Boone-Plainbo complex, 12 to 45 percent slopes	1.0	2.4%
EIB	Eleva sandy loam, 2 to 6 percent slopes	2.9	7.0%
EIC2	Eleva sandy loam, 6 to 12 percent slopes, eroded	9.9	24.1%
EmE	Elkmound loam, 20 to 45 percent slopes	0.2	0.4%
HnB	Hixton loam, 2 to 6 percent slopes	0.1	0.2%
MeB	Meridian loam, 2 to 6 percent slopes	4.8	11.8%
So	Shiffer loam	3.4	8.2%
<b>Totals for Area of Interest</b>		<b>41.1</b>	<b>100.0%</b>



# Koehler Rezoning: RZN-0007-18

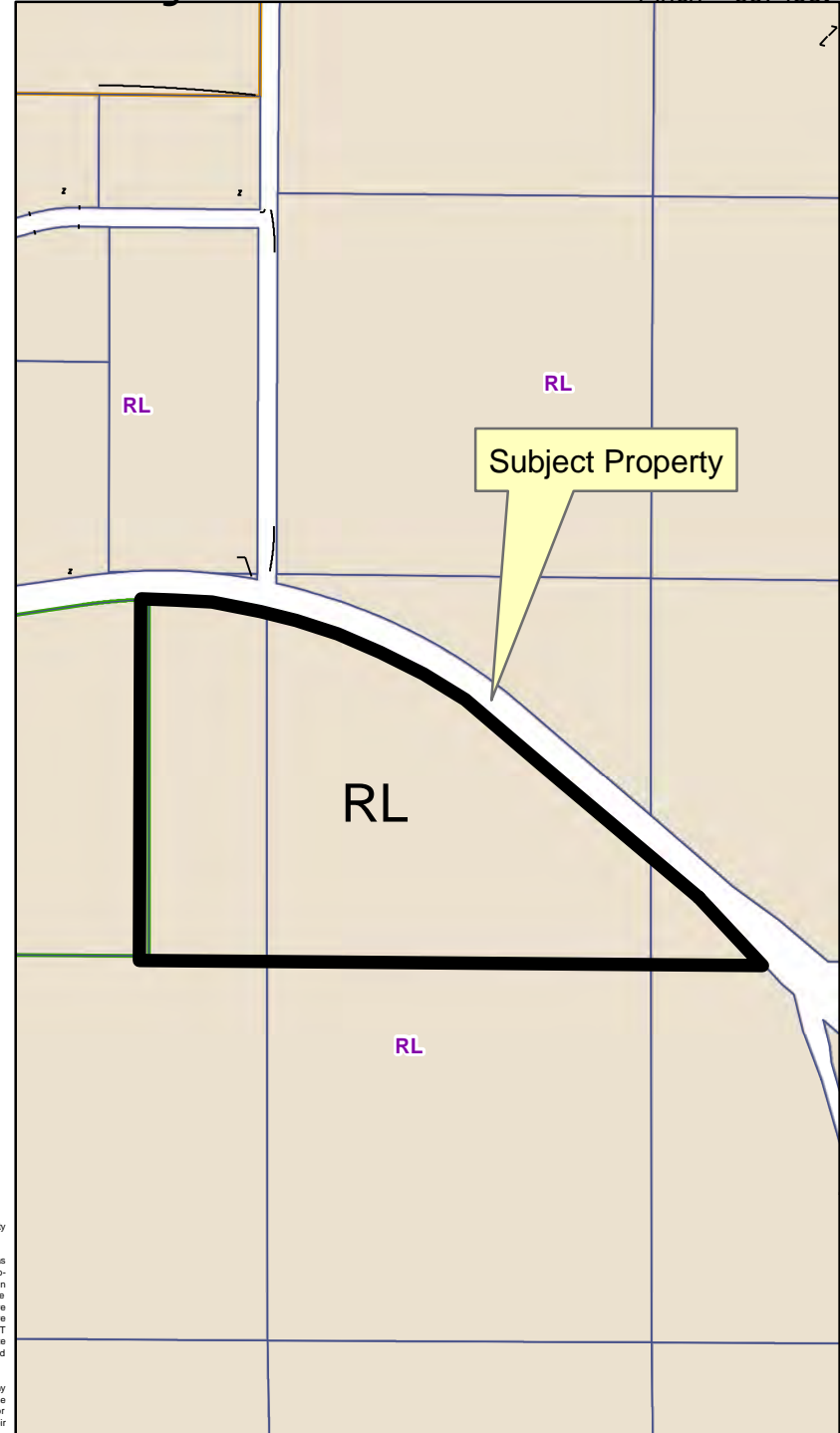
## Existing Zoning

1 inch = 666.666667 feet



## Existing Future Land Use

1 inch = 667 feet



**Legend**

**Future Land Use**

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



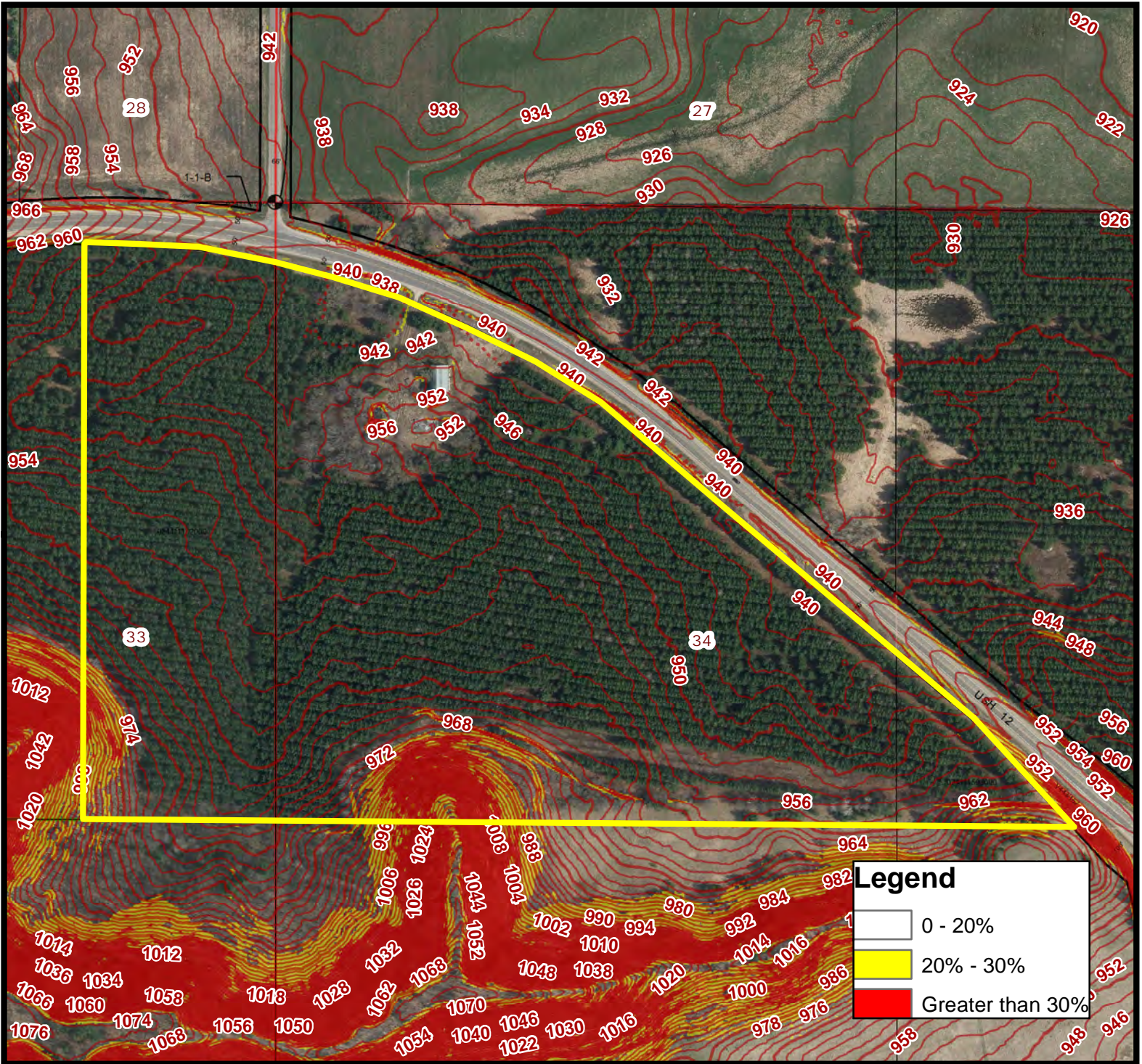
### Parcel Mapping Notes:

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

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

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

# KOEHLER REZONING SLOPE-TOPO MAP



**Parcel Mapping Notes:**

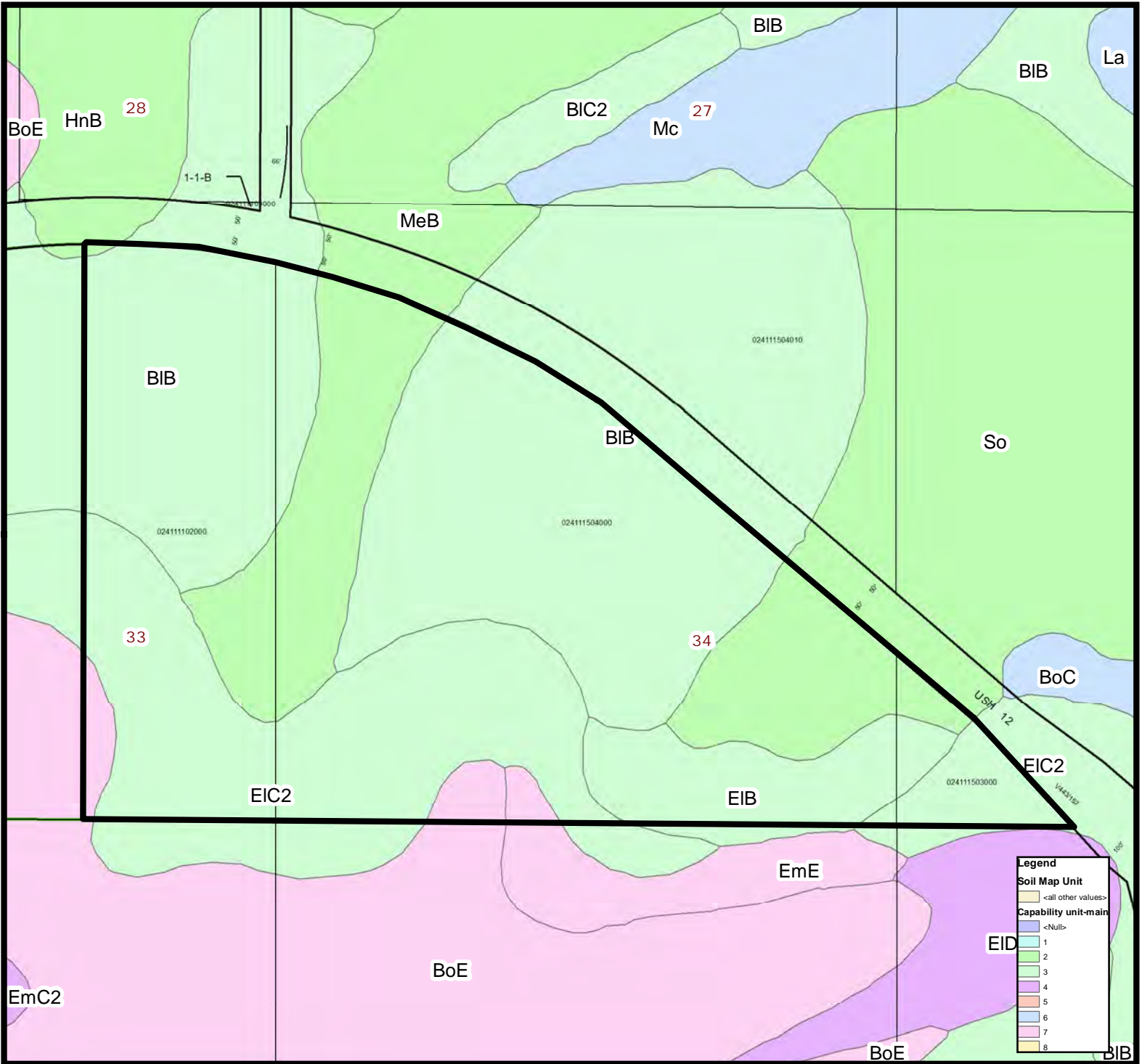
The horizontal datum is based on the Eau Claire County Coordinate System NAD\_1983\_HARN\_Adj\_WI\_EauClaire\_Feet

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# KOEHLER REZONING SOIL MAP



**Parcel Mapping Notes:**

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

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**FACT SHEET**  
**File No. 18-19/009**

**RE:** Rezoning Petition from David L Hehli, to rezone 20 acres +/- of land from A-P (Agricultural Preservation) District to A-3 (Agricultural) District to sell the property and existing home and retain the vacant lands to the south.

**Legal Description and Location:** A portion of the NW¼ SW¼ of Section 4, T25N, R8W, Town of Clear Creek, Eau Claire County (complete legal description attached)

**Size of area to be rezoned:** 20 acres +/-

**ADJACENT ZONING & LAND USES:**

LOCATION	ZONING	LAND USE
Subject	A-P	Single-family residence; Agricultural fields; Pasture
North	A-3	Single-family residence; Woodlands; Agricultural Fields
East	A-P	Agricultural fields; Woodlands; Pasture
South	A-P	Agricultural fields; Pasture
West	A-P	Agricultural fields; Pasture

**LAND USE PLANS:** The Eau Claire County Future Land Use Map includes the property in the Rural Lands (RL) planning area and the Town of Clear Creek Future Land Use Map includes the property in the Rural Preservation (RP) planning area.

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

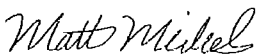
**Town of Clear Creek Rural Preservation (RP) Intent and Description:** *The primary intent of these areas is to preserve productive agricultural lands in the long-term, protect existing farm & forestry operations from encroachment by incompatible uses, promote further investments in farming, maintain farmer eligibility for incentive programs, and to preserve wildlife habitat. This designation includes farmland, scattered open lands, woodlots, agricultural-related uses, and limited single-family residential development (see Maps B, C, and D). Some limited low-density development is anticipated in the RP areas. These developments shall be located in order to minimize the fragmentation of productive agricultural land and to minimize any disruption to existing farm operations. Requests to change the future land use designation of parcels shall be considered using the criteria listed in the Land Use Policies. The RP represents areas that are vital to the region's agricultural & forestry economy and are key ingredients of the rural character and image of the Town of Clear Creek.*

**Staff Conclusions and Recommendation:** Staff finds that the proposed rezoning request substantially conforms with the Eau Claire County Comprehensive Plan. The Eau Claire County Comprehensive Plan recognizes that the proposed A-3 zoning district is consistent and therefore allowed within the mapped future land use designation.

**Town Board Action:** The Clear Creek Town Board considered this rezoning petition on Monday, April 9, 2018 and recommended approval (3-0 vote).

**Committee Action:** The Eau Claire County Committee on Planning and Development conducted the required public hearing on Tuesday, April 24, 2018 regarding the proposed rezoning. On a vote of in favor 5 and 0 against, the Committee recommends approval of the rezoning petition to the County Board. The committee considered the applicant's testimony as well as the Town Board's and staff's recommendations in their deliberations.

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



Matt Michels, AICP  
 Senior Planner

2  
3 - AMENDING THE 1982 OFFICIAL ZONING DISTRICT BOUNDARY MAP FOR THE  
4 TOWN OF CLEAR CREEK-

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

7  
8 **SECTION 1** That the 1982 Official Zoning District Boundary Map for the Town of  
9 Clear Creek, Eau Claire County described as follows:

10  
11 **Located in the Northwest ¼ of the Southwest ¼, Section 4, Township**  
12 **25 North, Range 8 West, Town of Clear Creek, Eau Claire County,**  
13 **Wisconsin, being more particularly described as follows:**

14  
15 **Being the North 20 acres lying East of County Road D of the**  
16 **Northwest ¼ of the Southwest 1/4 , Section 4, Township 25 North,**  
17 **Range 8 West, Town of Clear Creek, Eau Claire County, Wisconsin.**

18  
19 **Said described lands contain approximately 20 acres, and are subject**  
20 **to the easements and restrictions of record to be reclassified from the**  
21 **A-P Agricultural Preservation District to the A-3 Agricultural**  
22 **District.**

23  
24 **SECTION 2** Where a certified survey map is required and may alter the above  
25 described property description, the official zoning district map for the  
26 town shall be automatically amended to reflect the property description of  
27 the certified survey map.

28  
29 **ENACTED:** I hereby certify that the foregoing correctly represents the  
30 action taken by the undersigned Committee on  
31 April 24, 2018 by a vote of 5 for, 0 against.

32  
33   
34 \_\_\_\_\_  
35 Planning & Development Committee, Chairperson

APPROVED BY  
CORPORATION COUNSEL  
AS TO FORM



## EAU CLAIRE COUNTY PLANNING STAFF RECOMMENDATION

---

**REZONE NUMBER:** RZN-00008-18                      **COMPUTER NUMBER:** 006101001000

**PUBLIC HEARING DATE:** April 24, 2018

---

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

**OWNER/AGENT:** David L Hehli, S 10655 County Rd D, Strum, WI 54770

**REQUEST:** Rezone 20 acres +/- of land from A-P (Agricultural Preservation) District to A-3 (Agricultural) to divide the north 20 acres of the 40 acre parcel to sell the property and existing home and retain the vacant lands to the south.

**LOCATION:** S 10655 County Rd D

**LEGAL DESCRIPTION:** A portion of the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 4, T25N, R8W, Town of Clear Creek, Eau Claire County (complete legal description attached)

---

**RECOMMENDATION**                      Approval of request based on findings outlined on Page 6 of this report

---

### SUMMARY

Rezone 20 acres +/- of land from A-P (Agricultural Preservation) District to A-3 (Agricultural) to divide the north 20 acres of the 40 acre parcel to sell the property and existing home and retain the vacant lands to the south, which includes the remaining 20 acres of the subject property and the 40 acres to the south.

### BACKGROUND

#### SITE CHARACTERISTICS:

- There is an existing single-family residence on the northeast portion of the property
- The majority of the property is cultivated for agriculture
- Beaver Creek flows generally south to north through the eastern portion of the property
- The property contains a mix of agricultural fields and pasture

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

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

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

**REQUESTED ZONING DISTRICT:**

A-3 Agricultural District: The A-3 Agricultural Preservation District is established to: The A-3 District is established to “1. *Protect the agricultural base of the county;* 2. *Preserve the county’s natural resources and open space;* 3. *Provide an area for limited residential and hobby farm development in a rural atmosphere;* and 4. *Minimize urban sprawl and its associated public costs.*” Minimum lot size in the A-3 District is twenty (20) acres.

**ZONING/LAND USE CONTEXT:**

LOCATION	ZONING	LAND USE
<b>Subject</b>	A-P	Single-family residence; Agricultural fields; Pasture
<b>North</b>	A-3	Single-family residence; Woodlands; Agricultural Fields
<b>East</b>	A-P	Agricultural fields; Woodlands; Pasture
<b>South</b>	A-P	Agricultural fields; Pasture
<b>West</b>	A-P	Agricultural fields; Pasture

**COMPREHENSIVE PLANS:**

The Eau Claire County Future Land Use Map includes the property in the Rural Lands (RL) planning area and the Town of Clear Creek Future Land Use Map includes the property in the Rural Preservation (RP) planning area. Following is a description of the intent of the applicable County comprehensive plan future land use category and applicable policies. Policies are quoted *in italics* and staff comments, as applicable, are provided thereafter:

Eau Claire County:

- **Rural Lands Intent and Description:** *The primary intent of these areas is to preserve productive agricultural lands, protect existing farm & forestry operations from encroachment by incompatible uses, promote further investments in farming, maintain farmer eligibility for incentive programs, and preserve wildlife habitat and open spaces. In other words, to preserve the rural character of these areas.*
- **Applicable Policies:**
  1. *Farming and other agriculture uses, agricultural-related businesses, cottage industries, forestry, mineral extraction, open space, and utilities shall be established as the primary land uses within these areas. Other uses may be permitted if found to be compatible with these uses and existing uses adjacent to the property.* There is an existing home on the property to be divided. This use and other uses permitted in the A-3 District are typically compatible with adjacent agricultural uses.

2. *The preferred housing density is one (1) unit per 20 or more acres; however, local comprehensive plans may be more or less restrictive than this guideline and generally range from one (1) unit per five (5) acres to one (1) unit per 35 acres.*
3. *For those Towns under County Zoning, the following Eau Claire County Zoning Districts will be considered for approval within RP areas: A-1 Exclusive Agricultural District, A-2 Agricultural-Residential District, A-3 Agricultural District, A-R Floating Agricultural-Residential District, F-2 Forestry District, F-1 Forestry District, and the proposed AC-R District noted below. The following additional policies shall apply to rezoning petitions:*
  - a. *Rezoning land to the A-R Floating Agricultural-Residential District or the proposed AC-R Agricultural Compatible Residential District is preferred over additional non-farm A-2 or A-3 parcels, unless rezoning land to either of these districts will not interfere with, will not disrupt, or will not be incompatible with farming or agricultural use, and will not take land suitable for cultivation or other agricultural use out of production.*

Town of Clear Creek:

- Rural Preservation (RP) Comprehensive Plan Intent and Description: *The primary intent of these areas is to preserve productive agricultural lands in the long-term, protect existing farm & forestry operations from encroachment by incompatible uses, promote further investments in farming, maintain farmer eligibility for incentive programs, and to preserve wildlife habitat. This designation includes farmland, scattered open lands, woodlots, agricultural-related uses, and limited single-family residential development (see Maps B, C, and D). Some limited low-density development is anticipated in the RP areas. These developments shall be located in order to minimize the fragmentation of productive agricultural land and to minimize any disruption to existing farm operations. Requests to change the future land use designation of parcels shall be considered using the criteria listed in the Land Use Policies. The RP represents areas that are vital to the region's agricultural & forestry economy and are key ingredients of the rural character and image of the Town of Clear Creek.*
- Notable Policies:
  1. *Farming and agricultural uses shall be established as the primary land uses within these areas. Uses that are incompatible with farming and agriculture shall be discouraged or prohibited (see policy 3 & 4).*
  2. *Within the RP classification, the gross density for any development shall be one (1) unit per 35 contiguous acres held in single ownership.*
  - ...
  4. *Residential subdivisions shall be prohibited within Rural Preservation areas, and additional non-farm residential development is discouraged. Individual lots may be considered for non-farm residential use, and shall only be authorized if they are consistent with the following policies:*
    - a. *Non farm development shall only be allowed if it will not interfere with, will not disrupt, or will not be incompatible with farming or agricultural use, and will not take significant tracts of land suitable for cultivation or other agricultural use out of production.*
    - b. *Any new non-farm residential lot shall have a "Right to Farm" disclosure attached to it acknowledging that the potential non-farm owner has been informed that his lot has been established in an area where farming is the preferred land use, and stating that the owner understands that he must abide by the State of Wisconsin "Right to Farm" statute ...*
    - c. *Non-farm residential development shall only occur on land that is marginal for agricultural productivity. At least 80% of any proposed new lot should not contain Class I, II, or III soils. In addition, it is the preference of the Town of Clear Creek that new non-farm residential lots*

*that are approved in accord with these policies be located adjacent to or near existing non-farm development.*

- d. Rezoning property to the Floating Agriculture-Residential District shall be required for any lot that is proposed for non-farm residential use. Non-farm residential lots shall be at least one (1) acre in size, but no larger than five (5) acres. A permanent deed restriction or agricultural conservation easement shall be placed on at least 35 acres of land for each non-farm residential lot created.*
- 5. The following Eau Claire County zoning districts will be considered for approval within RP areas: A-1 Exclusive Agricultural District, A-R Floating Agricultural-Residential District, F-2 Forestry District, and F-1 Forestry District.*

The application has been found to be consistent with the intent and description and the applicable policies of the Eau Claire County Rural Lands land use category.

**FARMLAND PRESERVATION PLAN:**

The property is included in the Farmland Preservation Plan Map, which allows the property owner to claim Farmland Preservation tax credits. The proposed A-3 District is not a certified farmland preservation district and the proposed lot would not qualify for Farmland Preservation tax credits. The majority of the property contains prime soils and has been cultivated for agriculture. According to the applicant, no changes to land use except for a potential future outbuilding are proposed.

**Comprehensive Plan Summary**

The proposed A-3 zoning district is consistent with the intent and description and the applicable policies of the Eau Claire County Comprehensive Plan.

**ANALYSIS**

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

**A-P Rezoning Standards**

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

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

- **Soil Types** – There are seven (7) different soil types on the property to be divided, three of which are considered prime agricultural soils.

<b>Soil Type</b>	<b>Description</b>	<b>Capability Class</b>
BiB	Billett sandy loam 1-6% slopes	3
On	Orion silt loam	2
PfC2	Plainfield loamy sand, 6-12% slopes, eroded	6
GoC2	Gotham loam sand, 6-12% slopes, eroded	4
Ad	Adrian muck	6
HnC2	Hixton loam, 6-12% slopes, eroded	3
EmD2	Elkmound loam, 6-12% slopes, eroded	6

- **Historical Productivity** – The majority of the property has been cultivated for agriculture
- **Site Location** – The property is accessed from County Road D
- **Adjacent Land Uses** – Uses in the area include a mixture of farmland, farm and non-farm housing, and scattered pasture and woodlands

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

The proposed rezoning substantially conforms to the future land use intent, purpose, and policies for the Eau Claire County Comprehensive Plan, including policies related to limiting residential density in rural areas of the County and limiting conversion of productive farmland.

**Standard 3** - *The rezoning is substantially consistent with the certified Eau Claire County Farmland Preservation Plan. As discussed, the proposed rezoning will not remove productive farmland out of production but will remove the property from eligibility for Farmland Preservation tax credits.*

**Standard 4** - *The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.*

The proposed rezoning will not likely impair or limit current or future agricultural use.

Town Board Action: The Clear Creek Town Board considered this rezoning petition on Monday, April 9, 2018 and recommended approval (3-0 vote).

The rezoning petition has been evaluated for consistency with the purpose of the A-3 District and the uses allowed in the district. The request is consistent with the purpose of the zoning code based on the following findings:

- The proposed rezoning is consistent with the intent and purpose of the Eau Claire County Future Land Use plan
- Existing uses in the area include agricultural fields, scattered single-family residences, and scattered woodlands and pasture
- Zoning in the area is predominantly A-P, with A-3 zoning adjacent to the north

## CONCLUSION

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

- Eau Claire County Comprehensive Plan future land use designation
- Eau Claire County Comprehensive Plan goals, objectives and policies
- Eau Claire County Farmland Preservation Plan
- Eau Claire County Zoning Ordinance, including purpose of the zoning code and allowable uses in the A-3 District

In addition, the following factors have also been considered:

- Input of surrounding property owners. No correspondence in support or opposed to the proposed rezoning has been received, to date.

## RECOMMENDATION

Staff recommends that the Planning and Development Committee file a recommendation of approval to the County Board for the petition to rezone 20 acres +/- of land from A-P (Agricultural Preservation) District to A-3 (Agricultural) to divide the north 20 acres of the 40 acre parcel to sell the property and existing home and retain the vacant lands to the south, as depicted on the attached map and described in the attached legal description.

## **FINDINGS**

### Findings in Favor:

1. The request is consistent with the goals, objectives, and policies of the Eau Claire County Comprehensive Plan, as required by Section 19.01.020.B of the Eau Claire County Code; and Wisconsin Statutes §66.1001(1)(am) and §66.1001(3)(j), including the intent, description, and policies of the Rural Lands Future Land Use classification in Section 3.3 of the Eau Claire County Comprehensive Plan and Map 9 (Future Land Use) of the Eau Claire County Comprehensive Plan
2. Existing uses in the area include agricultural fields, scattered single-family residences, and scattered woodlands and pasture
3. A-3 zoning exists adjacent to the north of the subject property
4. According to the applicant, no land will be removed from agricultural production



18-19/009

Supervisory District 5: Carl Anton

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

Application Accepted:	3/29/2018
Accepted By:	Jared Grande
Receipt Number:	55229
Town Hearing Date:	04/09/2018
Scheduled Hearing Date:	
Application No:	RZN-0008-18
Appl Status:	Pending

### Rezoning - County

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

Existing Zoning District: **AP**      Proposed Zoning District(s): **A3**      Acres to be Rezoned: **20**

Being The North 20 Acres Lying East Of County Highway D Of The Northwest 1/4 Of The Southwest 1/4, Section 4, Township 25 North, Range 8 West. Town Of Clear Creek, Eau Claire County, Wisconsin.

<b>Owner/Applicant Name(s):</b> David L Hehli Real Land Surveying	<b>Address:</b> (ow) S 10655 COUNTY RD D STRUM (appl) 1360 INTERNATIONAL DR EAU CLAIRE	<b>Telephone:</b> 715-878-4866(H) 715-514-4116(W)
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<b>Site Address(es):</b> S 10655 COUNTY ROAD D STRUM			
<b>Property Description:</b>	Sec 04 Twn 25 Rge 08	<b>Town of Clear Creek</b>	<b>Lot Area:</b> 40.000 ACRES
<b>Zoning District(s):</b> AP			

<b>Overlay District:</b> Check Applicable	<input type="checkbox"/> Shoreland	<input type="checkbox"/> Flood Plain	<input type="checkbox"/> Airport	<input type="checkbox"/> Wellhead Protection	<input type="checkbox"/> Non-Metallic Mining
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<b>PIN</b> 1800622508043200001	<b>Alternate No</b> 006101001000	<b>Parcel No</b> 25.8.4.3-2	<b>Legal (partial)</b> NW-SW
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I certify by my signature that all the information presented herein is true and correct to the best of my knowledge. I give permission for the staff of the Eau Claire County Department of Planning and Development to enter my property for the purpose of collecting information to be used as part of the public hearing process. I further agree to withdraw this application if substantive false or incorrect information has been included.

Owner/Agent Signature See Original Application      Date 3/29/2018

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

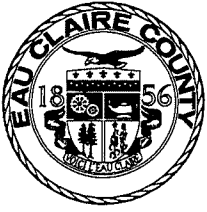
Check if DNR to Receive Copy \_\_\_\_\_

RECEIVED

MAR 29 2018

COUNTY CLERK

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



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

Application Accepted:	3/27/18
Accepted By:	Cheryl
Receipt Number:	
Town Hearing Date:	4-9-18
Scheduled Hearing Date:	4-9-18

## REZONING APPLICATION

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

Existing Zoning District: AP	Proposed Zoning District(s): A3
Acres to be rezoned: 20.0	

Property Owner Name: David Hehli	Phone#
Mailing Address: S 10655 County Road D	
Email Address:	

Agent Name: Pete Gartmann	Phone# (715) 514-4116
Mailing Address: 1360 International Drive, Eau Claire, WI 54701	
Email Address: pgartmann@rls-aec.com	

RECEIVED

### SITE INFORMATION

MAR 29 2018

Site Address:	COUNTY CLERK
Property Description: NW ¼ SW ¼ Sec. 4, T 25 N, R 8 W, Town of Clear Creek	
Zoning District: AP	Code Section(s):
Overlay District: Check Applicable	<input type="checkbox"/> Shoreland <input type="checkbox"/> Floodplain <input type="checkbox"/> Airport <input type="checkbox"/> Wellhead Protection <input type="checkbox"/> Non-Metallic Mining
Computer #(s):	0061 - 0100 - 1000 - - - -

### GENERAL APPLICATION REQUIREMENTS

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

<input type="checkbox"/> Complete attached information sheet	<input type="checkbox"/> Contact the Town to coordinate a recommendation on the application
<input type="checkbox"/> Provide legal description of property to be rezoned	<input type="checkbox"/> Provide \$565.00 application fee (non-refundable), payable to the Eau Claire County Treasurer (\$500.00 application processing fee and \$65.00 mapping surcharge fee)

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

Owner/Agent Signature Date 3-23-18

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

**SUPPLEMENTAL INFORMATION FOR A REZONING PETITION**

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

**■ Describe the reason(s) for your rezoning request:**

The landowner would like to divide the quarter-quarter into two parcels. Mr. Hehli will retain the vacant lands to the south and proceed to sell the north 20 acres, which has a single family home.

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

If the north 20 acres were re-zoned to A3, the lands would still coincide with the overall goals across all agriculture zoning districts; which are to protect the agricultural base of Eau Claire County and preserve the County's natural resources and open space. Currently on the proposed 20-acre tract, a single-family home is present. Other than the possibility of an out building (which is allowed per A3 code) no other development can occur on this parcel.

**■ Rezoning petitions to change the zoning of a parcel from the A-P Agricultural Preservation District to any other District must be based upon findings that consider the following factors:**

- 1) The land is better suited for a use not allowed in the A-P Agricultural Preservation zoning district based on a review of soil types, historical productivity, location, and adjacent land uses;
- 2) The rezoning is consistent with any applicable comprehensive plans;
- 3) The rezoning is substantially consistent with the certified Eau Claire County Farmland Preservation Plan; and
- 4) The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

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

The flood plain adjacent to Beaver Creek is comprised of several low quality top soils though. Of the 20 acres to be rezoned, about ten acres is made up of a silt loam or a muck type top soil. The other half is a preferred type of sandy loam, which is currently being farmed. Preserving these types of valued soils is vital to retain the County's agriculture image.

Since there is an existing house located on the proposed 20-acre parcel, no immediate changes to the landscape will be necessary. Rural housing or hobby farms are permitted per A3 zoning, so any type of shed or out building the future landowners may construct would be acceptable. No further development is permissible per A3 zoning code; hence preserving the ideal soils for future generations to continue to farm.

Directly adjacent to the north and northeast of this parcel, three separate parcels exist that are zoned A3. The re-zoning of this single-family parcel to A3 would blend in quite well with the surrounding landscapes of Clear Creek.

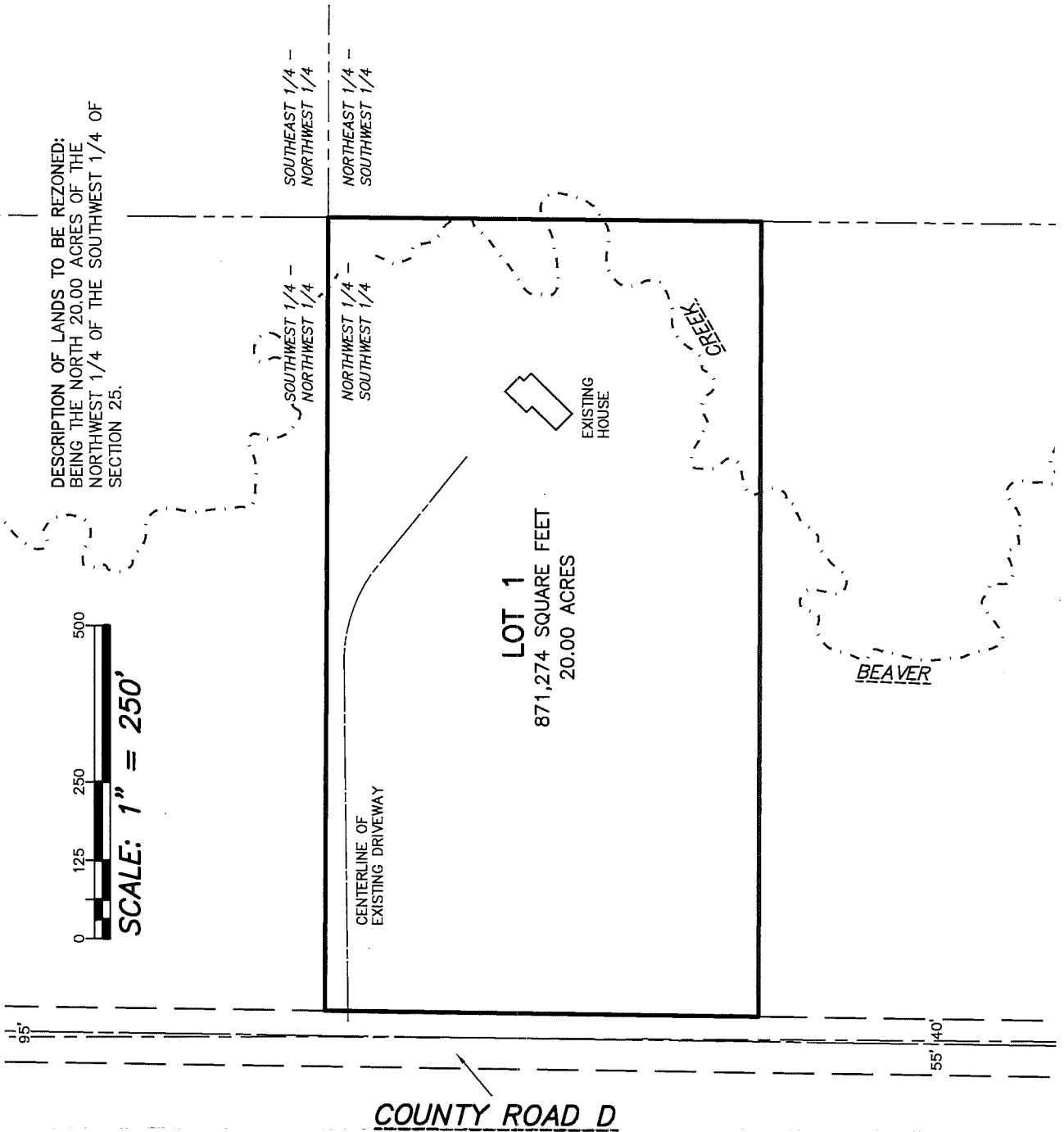
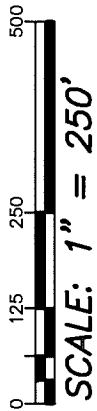
Description for Hehli Re-zone:

Being the North 20 acres lying east of County Highway D of the Northwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , Section 4, Township 25 North, Range 8 West. Town of Clear Creek, Eau Claire County, Wisconsin.

# REZONE SKETCH

LOCATED IN THE NORTHWEST  $\frac{1}{4}$  OF THE SOUTHWEST  $\frac{1}{4}$ ,  
SECTION 4, TOWNSHIP 25 NORTH, RANGE 8 WEST  
TOWN OF CLEAR CREEK, EAU CLAIRE COUNTY, WISCONSIN

DESCRIPTION OF LANDS TO BE REZONED:  
BEING THE NORTH 20.00 ACRES OF THE  
NORTHWEST  $\frac{1}{4}$  OF THE SOUTHWEST  $\frac{1}{4}$  OF  
SECTION 25.

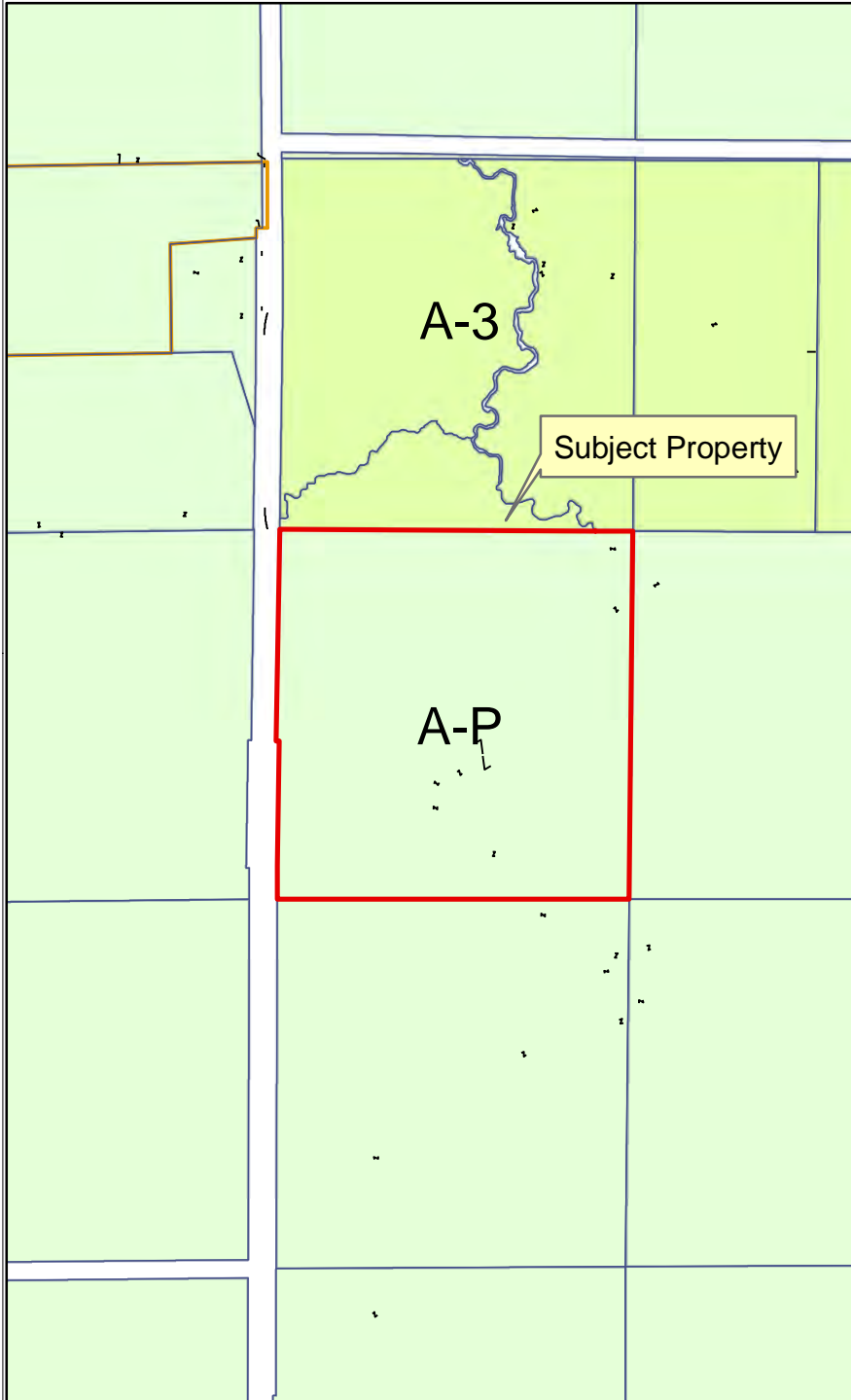




# Hehli Rezoning: RZN-0008-18

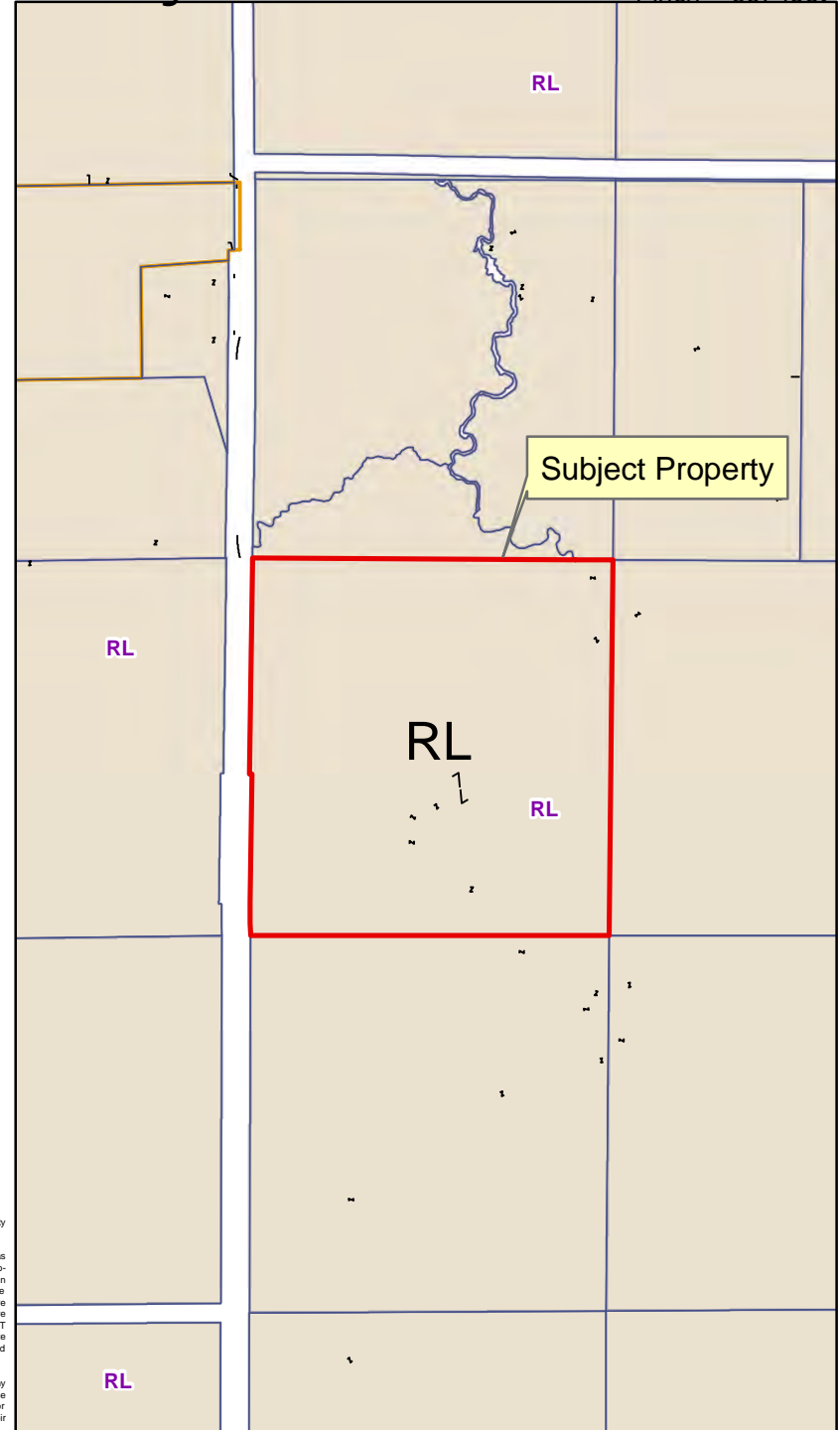
## Existing Zoning

1 inch = 666.666667 feet



## Existing Future Land Use

1 inch = 667 feet



**Legend**

**Future Land Use**

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

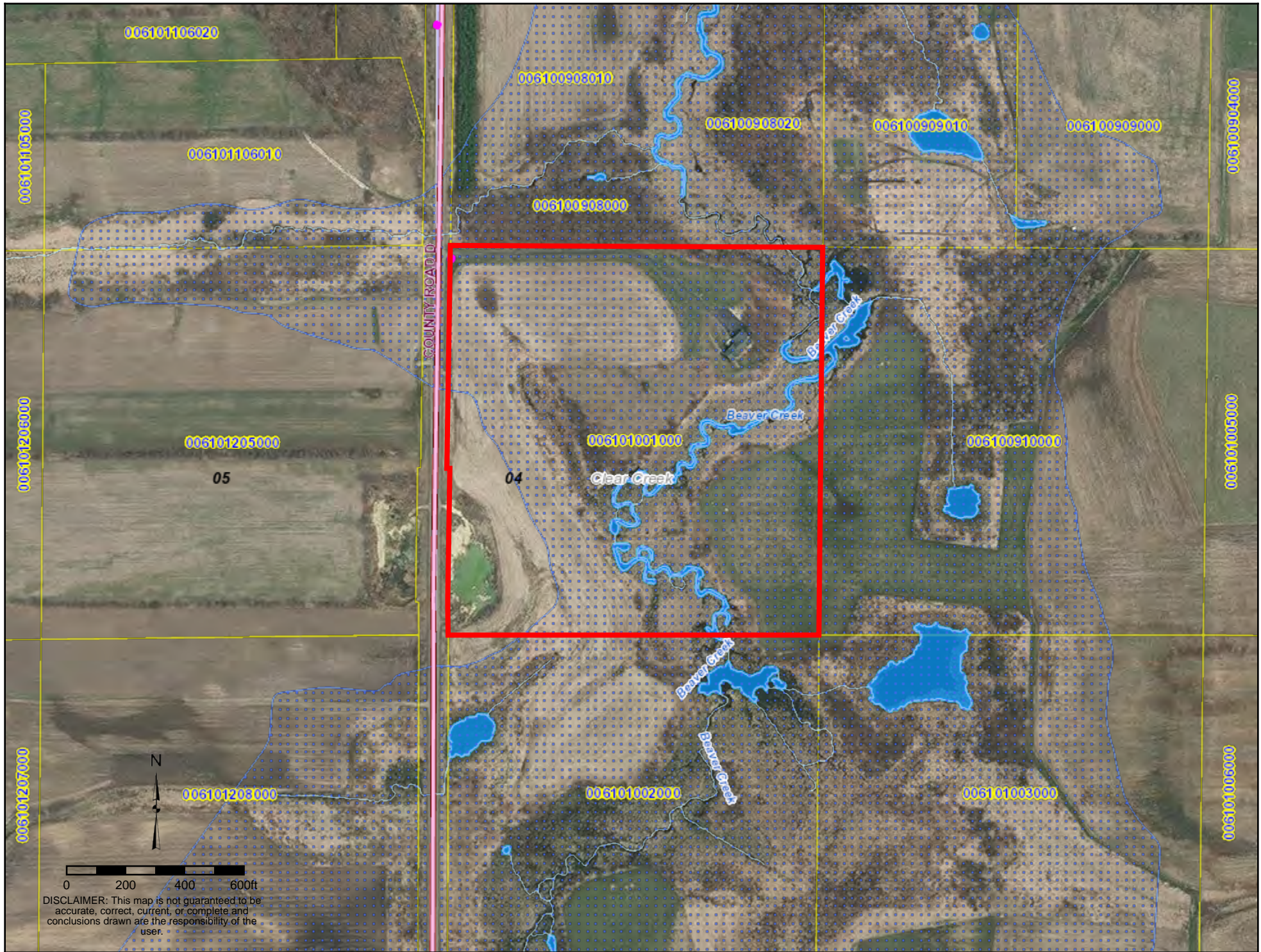


**Parcel Mapping Notes:**

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

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

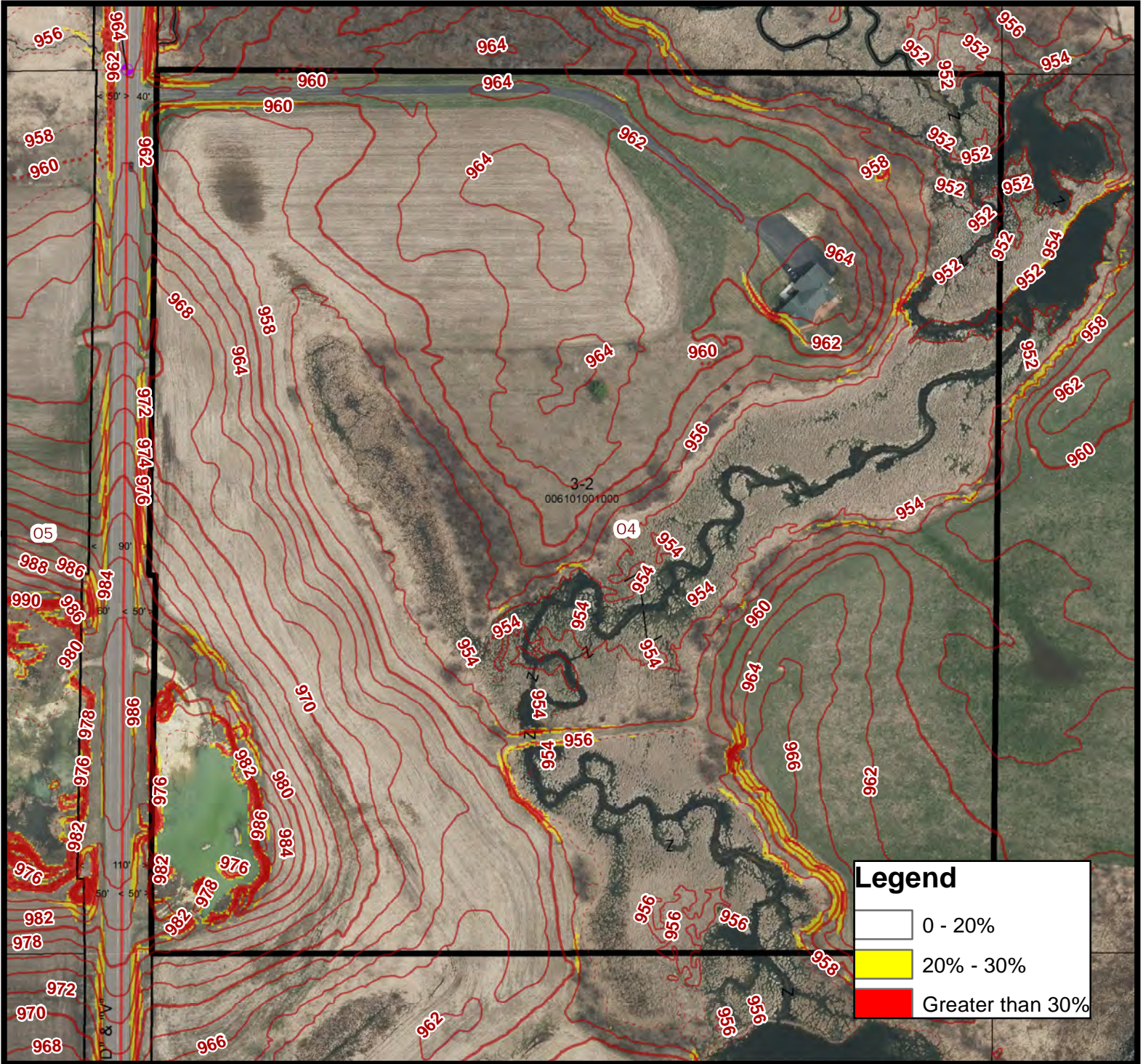
Eau Claire County does not warrant, guarantee or make any representations regarding the use of, or results from the use of the data in terms of correctness, accuracy, reliability, currentness, or otherwise; and the user relies on the map and results solely at their own risk.



DISCLAIMER: This map is not guaranteed to be accurate, correct, current, or complete and conclusions drawn are the responsibility of the user.



# HEHLI REZONING SLOPE-TOPO MAP



**Parcel Mapping Notes:**

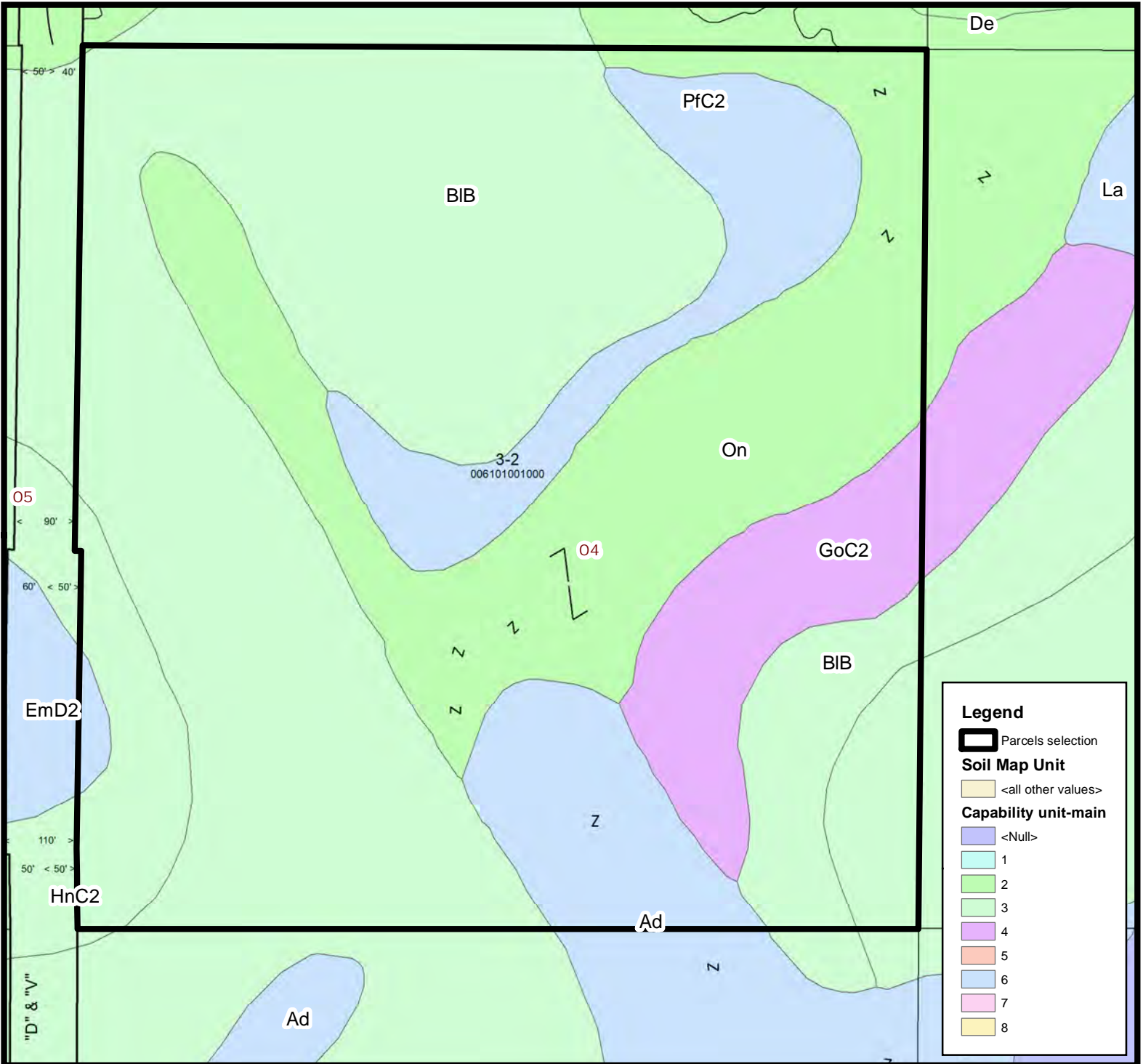
The horizontal datum is based on the Eau Claire County Coordinate System NAD\_1983\_HARN\_Adj\_WI\_EauClaire\_Feet

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# HEHLI REZONING SOIL MAP



**Parcel Mapping Notes:**

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

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