



OFFICE OF CORPORATION COUNSEL

EAU CLAIRE COUNTY
EAU CLAIRE COUNTY COURTHOUSE
721 OXFORD AVE., SUITE 3520
EAU CLAIRE, WI 54703

PH: (715) 839-4836 Fax: (715) 839-6243



ASSISTANT CORPORATION COUNSEL

Sharon G. McIlquham
Richard A. Eaton
Charles R. Ellefsen, III

CORPORATION COUNSEL

Timothy J. Sullivan

January 29, 2021

TO: Rod Eslinger, Director, Planning and Development
FROM: Tim Sullivan
RE: Rezoning Orchard Hill Development

I have received several questions concerning what will happen at the county board meeting concerning the petition to rezone the land for what would become the Orchard Hills Development (located on the north side of County Highway II in the Town of Washington). As you know, the rezoning petition has been approved by the Town of Washington. The Planning and Development Committee at its last meeting placed the rezoning petition on its agenda and a motion was made and considered for approval of the petition. That motion failed by a vote of 3-2 with no further action being taken on the matter.

Wisconsin Statutes Section 59.69 (5)(e) 4.

As soon as possible after the public hearing, the agency shall act, subject to subd. 3., on the petition either approving, modifying and approving, or disapproving it. If its action is favorable to granting the requested change or any modification thereof, it shall cause an ordinance to be drafted effectuating its determination and shall submit the proposed ordinance directly to the board with its recommendations. If the agency after its public hearing recommends denial of the petition it shall report its recommendation directly to the board with its reasons for the action. Proof of publication of the notice of the public hearing held by the agency and proof of the giving of notice to the town clerk of the hearing shall be attached to either report. Notification of town board resolutions filed under subd. 3. shall be attached to either such report.

The P&D committee did not approve the petition, and did not specifically deny it, or modify it. Had the committee approved it or modified the petition for rezoning then the normal course according to the statute would be for your office to prepare an ordinance for consideration by the county board. If the committee had specifically recommended denial, then a report to the board would be prepared indicating the denial and the reasons for the denial. In this instance, you should not prepare an ordinance for consideration by the county board because the

petition for rezoning was not approved. You should however prepare a written report to the board indicating the activity of the P&D Committee, and that the petition for rezoning was voted on but not approved by the committee.

Wisconsin Statutes Section 59.59 (5)(e) 5.

Upon receipt of the agency report the board may enact the ordinance as drafted by the zoning agency or with amendments, or it may deny the petition for amendment, or it may refuse to deny the petition as recommended by the agency in which case it shall rerefer the petition to the agency with directions to draft an ordinance to effectuate the petition and report the ordinance back to the board which may then enact or reject the ordinance.

In this instance and because the committee did not approve the petition for rezoning the options of the county board are as follows: it can deny the petition for rezoning, or it can refuse to deny the petition as recommended by the agency in which case the board would refer it back to the agency with direction to draft an ordinance to grant the petition, and then report the ordinance back to the board at which time the board may then enact or reject the ordinance.

Wisconsin Statutes Section 59.69(5)(e) 5g. (Protest Petition)

If a protest against a proposed amendment is filed with the clerk at least 24 hours prior to the date of the meeting of the board at which the report of the zoning agency under subd. 4. is to be considered, duly signed and acknowledged by the owners of 50 percent or more of the area proposed to be altered, or by abutting owners of over 50 percent of the total perimeter of the area proposed to be altered included within 300 feet of the parcel or parcels proposed to be rezoned, action on the ordinance may be deferred until the zoning agency has had a reasonable opportunity to ascertain and report to the board as to the authenticity of the ownership statements. Each signer shall state the amount of area or frontage owned by that signer and shall include a description of the lands owned by that signer. If the statements are found to be true, the ordinance may not be enacted except by the affirmative vote of three-fourths of the members of the board present and voting. If the statements are found to be untrue to the extent that the required frontage or area ownership is not present the protest may be disregarded.

There has been discussion about a potential protest petition being filed with the County Clerk. If that happens it must be filed with the county clerk at least 24 hours prior to the date of the meeting of the board, and it must be signed and acknowledged by owners of 50 percent or more proposed to altered or by abutting owners of over 50 percent or more of the proposed to be altered included within 300 feet of the parcel(s) proposed to be rezoned. The board may defer action on the ordinance until your office as an opportunity ascertain and report as to the authenticity of the ownership statements. The statement must include information set forth in the subsection. If they are found to be true then it requires a ¾ vote of the board to approve the ordinance. If they are found to be untrue (more than 50%) the protest petition can be disregarded.

The whole process looks like this:

1. Your office should prepare a report with the petition and statement indicating what action the P&D committee took, but not an ordinance.
2. The board then can either deny the petition or refuse to deny the petition. If they deny it, it ends. If they refuse to deny it, the matter is sent back to P&D to draft an ordinance for consideration at the next board meeting.
3. If a protest petition is filed:

- a. It must be filed with the county clerk 24 hour prior to the day of the meeting.
- b. It must meet the 50% rule including the qualifications of the statute.
- c. If the 50% rule can be verified at that time, the board is able to consider the petition which would now require a $\frac{3}{4}$ vote.
- d. If the 50% need to be verified it would be sent back to your office to verify the statements and other qualifications and report back to the board. If verified, it requires a $\frac{3}{4}$ vote. If not verified, then a majority vote.

Timothy J. Sullivan
Corporation Counsel

TJS

RECEIVED

JUN 09 2021

COUNTY CLERK

June 9, 2021

Sue McDonald
Eau Claire County Clerk
Eau Claire County Government Center
721 Oxford Avenue #3350
Eau Claire, WI 54703

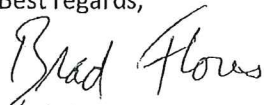
Dear Ms. McDonald,

Attached is a Protest Petition regarding a rezoning request for the Orchard Hills housing development, file number 21-22/011. The developers have requested rezoning of the property from A-1 to RH. The attached petitions represent property owners adjacent to the area to be rezoned, all of whom oppose the rezoning request. This matter is to be heard by the Eau Claire County Board on Tuesday, June 15, 2021.

Per Rod Eslinger, staff from the Planning and Development department will review the petition to determine whether it meets the criteria to force the board to reach a three-fourths majority in order to pass the rezoning request. Once this review is complete I would like to request that you or someone from P&D **please contact me** about whether the petition meets the criteria. My contact information is listed below.

Thank you for your consideration.

Best regards,



Brad Flores
1109 Rainetta Drive
Eau Claire, WI 54701
715-225-0801
flores6724@yahoo.com

Protest Petition

We, the undersigned, do hereby object to the Orchard Hills rezoning request (file number 21-22/011) submitted by LaVern Stewart and Craig Wurzer. This request is to amend the 1982 zoning district property map for the Town of Washington from A-1 to RH, as regulated by Wisconsin statutes Section 59.69(5)(e).

If a sufficient number of property owners adjacent to this proposed rezoning submit this type of petition, the zoning change can only be approved if not less than three-fourths of the Eau Claire County Board members voting on this rezoning vote in favor of the change.

Street Address of Property: 1109 Rainetta Drive

Computer Number of Property: 24115709060

Property Length Bordering Rezone Area: 242 feet

First Property Owner's Printed Name: Bradley C. Flores

First Property Owner's Signature: Bradley C. Flores

Date Signed: 5/13/21

If more than one person's name is on the property title, each person must sign.

Second Property Owner's Printed Name: Sandra L. Flores

Second Property Owner's Signature: Sandra L. Flores

Date Signed: 5-13-2021

Protest Petition

We, the undersigned, do hereby object to the Orchard Hills rezoning request (file number 21-22/011) submitted by LaVern Stewart and Craig Wurzer. This request is to amend the 1982 zoning district property map for the Town of Washington from A-1 to RH, as regulated by Wisconsin statutes Section 59.69(5)(e).

If a sufficient number of property owners adjacent to this proposed rezoning submit this type of petition, the zoning change can only be approved if not less than three-fourths of the Eau Claire County Board members voting on this rezoning vote in favor of the change.

Street Address of Property: 1129 Rainetta Drive

Computer Number of Property: 24115808060

Property Length Bordering Rezone Area: 242 feet

First Property Owner's Printed Name: Roxanne K. Hagel

First Property Owner's Signature: Roxanne K. Hagel

Date Signed: 5-13-2021

If more than one person's name is on the property title, each person must sign.

Second Property Owner's Printed Name: Marc A. Hagel

Second Property Owner's Signature: Marc A. Hagel

Date Signed: 5-13-2021

Protest Petition

We, the undersigned, do hereby object to the Orchard Hills rezoning request (file number 21-22/011) submitted by LaVern Stewart and Craig Wurzer. This request is to amend the 1982 zoning district property map for the Town of Washington from A-1 to RH, as regulated by Wisconsin statutes Section 59.69(5)(e).

If a sufficient number of property owners adjacent to this proposed rezoning submit this type of petition, the zoning change can only be approved if not less than three-fourths of the Eau Claire County Board members voting on this rezoning vote in favor of the change.

Street Address of Property: 1125 Rainetta Drive

Computer Number of Property: 24115808050

Property Length Bordering Rezone Area: 242 feet

First Property Owner's Printed Name: Sarah Shuda

First Property Owner's Signature: Sarah Shuda

Date Signed: 5/13/2021

If more than one person's name is on the property title, each person must sign.

Second Property Owner's Printed Name: Dayne Shuda

Second Property Owner's Signature: Dayne Shuda

Date Signed: 5/13/2021

Protest Petition

We, the undersigned, do hereby object to the Orchard Hills rezoning request (file number 21-22/011) submitted by LaVern Stewart and Craig Wurzer. This request is to amend the 1982 zoning district property map for the Town of Washington from A-1 to RH, as regulated by Wisconsin statutes Section 59.69(5)(e).

If a sufficient number of property owners adjacent to this proposed rezoning submit this type of petition, the zoning change can only be approved if not less than three-fourths of the Eau Claire County Board members voting on this rezoning vote in favor of the change.

Street Address of Property: 821 Rainetta Drive

Computer Number of Property: 24210101070 and 24210101080

Property Length Bordering Rezone Area: 634 feet

First Property Owner's Printed Name: Rachel T. Duffenbach

First Property Owner's Signature:



Date Signed:

5/13/2021

If more than one person's name is on the property title, each person must sign.

Second Property Owner's Printed Name: Matthew D. Duffenbach

Second Property Owner's Signature:



Date Signed:

5/13/2021

Protest Petition

We, the undersigned, do hereby object to the Orchard Hills rezoning request (file number 21-22/011) submitted by LaVern Stewart and Craig Wurzer. This request is to amend the 1982 zoning district property map for the Town of Washington from A-1 to RH, as regulated by Wisconsin statutes Section 59.69(5)(e).

If a sufficient number of property owners adjacent to this proposed rezoning submit this type of petition, the zoning change can only be approved if not less than three-fourths of the Eau Claire County Board members voting on this rezoning vote in favor of the change.

Street Address of Property: 1133 Rainetta Drive

Computer Number of Property: 24115808070

Property Length Bordering Rezone Area: 242 feet

First Property Owner's Printed Name: James P. Fey

First Property Owner's Signature:

James P. Fey

Date Signed:

5/18/2021

If more than one person's name is on the property title, each person must sign.

Second Property Owner's Printed Name: Stephanie A. Fey

Second Property Owner's Signature:

Stephanie A. Fey

Date Signed:

5-18-2021

Protest Petition

We, the undersigned, do hereby object to the Orchard Hills rezoning request (file number 21-22/011) submitted by LaVern Stewart and Craig Wurzer. This request is to amend the 1982 zoning district property map for the Town of Washington from A-1 to RH, as regulated by Wisconsin statutes Section 59.69(5)(e).

If a sufficient number of property owners adjacent to this proposed rezoning submit this type of petition, the zoning change can only be approved if not less than three-fourths of the Eau Claire County Board members voting on this rezoning vote in favor of the change.

Street Address of Property: none

Computer Number of Property: 24115808080

Property Length Bordering Rezone Area: 252 feet

First Property Owner's Printed Name: John A. Sleizer (trust)

First Property Owner's Signature: 

Date Signed: 5/14/21

If more than one person's name is on the property title, each person must sign.

Second Property Owner's Printed Name: none Diane L. Sleizer

Second Property Owner's Signature: 

Date Signed: 5-14-21

Protest Petition

We, the undersigned, do hereby object to the Orchard Hills rezoning request (file number 21-22/011) submitted by LaVern Stewart and Craig Wurzer. This request is to amend the 1982 zoning district property map for the Town of Washington from A-1 to RH, as regulated by Wisconsin statutes Section 59.69(5)(e).

If a sufficient number of property owners adjacent to this proposed rezoning submit this type of petition, the zoning change can only be approved if not less than three-fourths of the Eau Claire County Board members voting on this rezoning vote in favor of the change.

Street Address of Property: none

Computer Number of Property: 24115510000

Property Length Bordering Rezone Area: None (property is within 300' of proposed rezoning area, but there is no shared border)

First Property Owner's Printed Name: Todd A. Hauge

First Property Owner's Signature: Todd A. Hauge

Date Signed: 5/20/2021

If more than one person's name is on the property title, each person must sign.

Protest Petition

We, the undersigned, do hereby object to the Orchard Hills rezoning request (file number 21-22/011) submitted by LaVern Stewart and Craig Wurzer. This request is to amend the 1982 zoning district property map for the Town of Washington from A-1 to RH, as regulated by Wisconsin statutes Section 59.69(5)(e).

If a sufficient number of property owners adjacent to this proposed rezoning submit this type of petition, the zoning change can only be approved if not less than three-fourths of the Eau Claire County Board members voting on this rezoning vote in favor of the change.

Street Address of Property: 1527 Deerfield Road

Computer Number of Property: 24234303000

Property Length Bordering Rezone Area: None (property is within 300' of proposed rezoning area, but there is no shared border)

First Property Owner's Printed Name: Dean R. Johnson

First Property Owner's Signature: Dean R. Johnson

Date Signed: 5-20-21

If more than one person's name is on the property title, each person must sign.

Second Property Owner's Printed Name: none

Second Property Owner's Signature: _____

Date Signed: _____

Protest Petition

We, the undersigned, do hereby object to the Orchard Hills rezoning request (file number 21-22/011) submitted by LaVern Stewart and Craig Wurzer. This request is to amend the 1982 zoning district property map for the Town of Washington from A-1 to RH, as regulated by Wisconsin statutes Section 59.69(5)(e).

If a sufficient number of property owners adjacent to this proposed rezoning submit this type of petition, the zoning change can only be approved if not less than three-fourths of the Eau Claire County Board members voting on this rezoning vote in favor of the change.

Street Address of Property: 1515 Deerfield Road

Computer Number of Property: 24118309000

Property Length Bordering Rezone Area: 958 feet

First Property Owner's Printed Name: Leslie A. Foster

First Property Owner's Signature: Leslie A. Foster

Date Signed: 05/20/2021

If more than one person's name is on the property title, each person must sign.

Second Property Owner's Printed Name: none

Second Property Owner's Signature: _____

Date Signed: _____

Protest Petition

We, the undersigned, do hereby object to the Orchard Hills rezoning request (file number 21-22/011) submitted by LaVern Stewart and Craig Wurzer. This request is to amend the 1982 zoning district property map for the Town of Washington from A-1 to RH, as regulated by Wisconsin statutes Section 59.69(5)(e).

If a sufficient number of property owners adjacent to this proposed rezoning submit this type of petition, the zoning change can only be approved if not less than three-fourths of the Eau Claire County Board members voting on this rezoning vote in favor of the change.

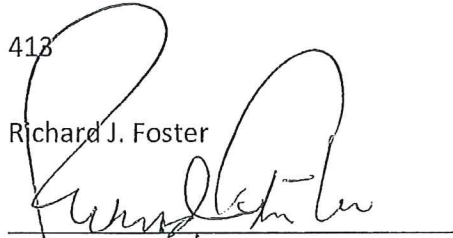
Street Address of Property: none

Computer Number of Property: 24118310000 and 24118404010

Property Length Bordering Rezone Area: 413

First Property Owner's Printed Name: Richard J. Foster

First Property Owner's Signature:



Date Signed:

5/26/2021

If more than one person's name is on the property title, each person must sign.

Second Property Owner's Printed Name: none

Second Property Owner's Signature:

Date Signed:

Protest Petition

We, the undersigned, do hereby object to the Orchard Hills rezoning request (file number 21-22/01.1) submitted by LaVern Stewart and Craig Wurzer. This request is to amend the 1982 zoning district property map for the Town of Washington from A-1 to RH, as regulated by Wisconsin statutes Section 59.69(5)(e).

If a sufficient number of property owners adjacent to this proposed rezoning submit this type of petition, the zoning change can only be approved if not less than three-fourths of the Eau Claire County Board members voting on this rezoning vote in favor of the change.

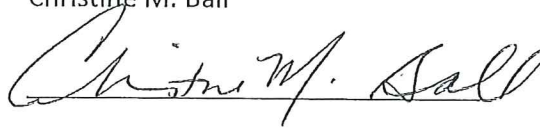
Street Address of Property: 5999 Cater Road

Computer Number of Property: 24115402000 and 24115310000

Property Length Bordering Rezone Area: 715 feet

First Property Owner's Printed Name: Christine M. Ball

First Property Owner's Signature:



Date Signed:

5-31-2021

If more than one person's name is on the property title, each person must sign.

Second Property Owner's Printed Name: Gary J. Ball

Second Property Owner's Signature:



Date Signed:

5/31/2021

Protest Petition

We, the undersigned, do hereby object to the Orchard Hills rezoning request (file number 21-22/011) submitted by LaVern Stewart and Craig Wurzer. This request is to amend the 1982 zoning district property map for the Town of Washington from A-1 to RH, as regulated by Wisconsin statutes Section 59.69(5)(e).

If a sufficient number of property owners adjacent to this proposed rezoning submit this type of petition, the zoning change can only be approved if not less than three-fourths of the Eau Claire County Board members voting on this rezoning vote in favor of the change.

Street Address of Property: 6091 Cater Road

Computer Number of Property: 24115404000

Property Length Bordering Rezone Area: 932 feet

First Property Owner's Printed Name: Frank L. Ludwig

First Property Owner's Signature:




Date Signed:

5-25-21

If more than one person's name is on the property title, each person must sign.

Second Property Owner's Printed Name: Rosemary L. Ludwig

Second Property Owner's Signature:



Date Signed:

5-25-21

Protest Petition

We, the undersigned, do hereby object to the Orchard Hills rezoning request (file number 21-22/011) submitted by LaVern Stewart and Craig Wurzer. This request is to amend the 1982 zoning district property map for the Town of Washington from A-1 to RH, as regulated by Wisconsin statutes Section 59.69(5)(e).

If a sufficient number of property owners adjacent to this proposed rezoning submit this type of petition, the zoning change can only be approved if not less than three-fourths of the Eau Claire County Board members voting on this rezoning vote in favor of the change.

Street Address of Property: none

Computer Number of Property: 24115305000

Property Length Bordering Rezone Area: 66 feet

First Property Owner's Printed Name: Joseph Hebl

First Property Owner's Signature: Joseph Hebl

Date Signed: 5/27/21

If more than one person's name is on the property title, each person must sign.

Second Property Owner's Printed Name: none

Second Property Owner's Signature: _____

Date Signed: _____

*Please do the math
on the ↑ of 3000%
of traffic on Cater*

*There are only 15-20
cars that go on Cater
now /day.*

*Thanks!
Joe
Hebl*

*It is a
rural
area⁸⁵*

Protest Petition

We, the undersigned, do hereby object to the Orchard Hills rezoning request (file number 21-22/011) submitted by LaVern Stewart and Craig Wurzer. This request is to amend the 1982 zoning district property map for the Town of Washington from A-1 to RH, as regulated by Wisconsin statutes Section 59.69(5)(e).

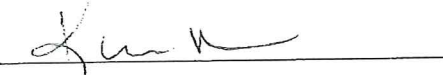
If a sufficient number of property owners adjacent to this proposed rezoning submit this type of petition, the zoning change can only be approved if not less than three-fourths of the Eau Claire County Board members voting on this rezoning vote in favor of the change.

Street Address of Property: none

Computer Number of Property: 24115905000

Property Length Bordering Rezone Area: 1324 feet


First Property Owner's Printed Name: Kirsten W. Resnick

First Property Owner's Signature: 

Date Signed: 6-3-21

If more than one person's name is on the property title, each person must sign.

Second Property Owner's Printed Name: Adam B. Resnick

Second Property Owner's Signature: 

Date Signed: 6-3-21

Protest Petition

We, the undersigned, do hereby object to the Orchard Hills rezoning request (file number 21-22/011) submitted by LaVern Stewart and Craig Wurzer. This request is to amend the 1982 zoning district property map for the Town of Washington from A-1 to RH, as regulated by Wisconsin statutes Section 59.69(5)(e).

If a sufficient number of property owners adjacent to this proposed rezoning submit this type of petition, the zoning change can only be approved if not less than three-fourths of the Eau Claire County Board members voting on this rezoning vote in favor of the change.

Street Address of Property: 955 Deerfield Road

Computer Number of Property: 24118404000

Property Length Bordering Rezone Area: 661 feet

First Property Owner's Printed Name: Donald F. Carlson

First Property Owner's Signature:

Date Signed: 

If more than one person's name is on the property title, each person must sign.

Second Property Owner's Printed Name: none

Second Property Owner's Signature:

Date Signed:

Protest Petition

We, the undersigned, do hereby object to the Orchard Hills rezoning request (file number 21-22/011) submitted by LaVern Stewart and Craig Wurzer. This request is to amend the 1982 zoning district property map for the Town of Washington from A-1 to RH, as regulated by Wisconsin statutes Section 59.69(5)(e).

If a sufficient number of property owners adjacent to this proposed rezoning submit this type of petition, the zoning change can only be approved if not less than three-fourths of the Eau Claire County Board members voting on this rezoning vote in favor of the change.

Street Address of Property: 923 Deerfield Road

Computer Number of Property: 24118402000

Property Length Bordering Rezone Area: 496 feet

First Property Owner's Printed Name: Ross Adams

First Property Owner's Signature:

Ross Adams

Date Signed:

5/29/21

If more than one person's name is on the property title, each person must sign.

Second Property Owner's Printed Name: none

Second Property Owner's Signature:

Date Signed:

Protest Petition

We, the undersigned, do hereby object to the Orchard Hills rezoning request (file number 21-22/011) submitted by LaVern Stewart and Craig Wurzer. This request is to amend the 1982 zoning district property map for the Town of Washington from A-1 to RH, as regulated by Wisconsin statutes Section 59.69(5)(e).

If a sufficient number of property owners adjacent to this proposed rezoning submit this type of petition, the zoning change can only be approved if not less than three-fourths of the Eau Claire County Board members voting on this rezoning vote in favor of the change.

Street Address of Property: none

Computer Number of Property: 24115906000

Property Length Bordering Rezone Area: 1294 feet

First Property Owner's Printed Name: David A. Manthei

First Property Owner's Signature:



Date Signed:

6/2/21

If more than one person's name is on the property title, each person must sign.

Second Property Owner's Printed Name: Nancy L. Larson-Manthei

Second Property Owner's Signature: Nancy L. Larson-Manthei

Date Signed: 6-2-21

2
3 -AMENDING THE 1982 OFFICAL 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 Washington,
9 described as follows:

10
11 All of the Southwest Quarter of the Southwest Quarter and the Southeast Quarter of the Southwest Quarter,
12 and the Northwest Quarter of the Southwest Quarter and the Northeast Quarter of the Southwest Quarter,
13 Section 9, Township 26 North, Range 9 West, and all of the Southeast Quarter of the Southeast Quarter,
14 and part of the Southwest Quarter of the Southeast Quarter, Section 8 Township 26 North, Range 9 West,
15 all in the Town of Washington, Eau Claire County, Wisconsin.

16
17 Commencing at the South Quarter Corner of said Section 9;
18 Thence S88°02'22"W, 2,642.12 feet to the Southwest Corner of said Section 9;
19 Thence N89°04'56"W, 1696.78 feet along the South line of the Southeast Quarter of said Section 8;
20 Thence N01°07'29"W, 686.56 feet;
21 Thence N53°18'49"W, 523.31 feet;
22 Thence N00°58'53"E, 210.57 feet;
23 Thence S89°26'19"W, 495.22 feet to the West line of the Southeast Quarter of said Section 8;
24 Thence N00°56'51"E, 66.08 feet along said west line;
25 Thence N89°23'23"E, 665.26 feet;
26 Thence N89°29'28"E, 1,969.50 feet to the Southwest Corner of the Northwest Quarter of the Southwest
27 Quarter of said Section 9;
28 Thence N00°37'33"E, 1322.67 feet along the West line of the Southwest Quarter of said Section 9;
29 Thence N87°57'41"E, 2598.74 feet to the East line of said Southwest Quarter;
30 Thence S00°18'57"E, 2647.28 feet to the point of beginning.

31
32 Said described parcel of land containing 215.20 acres +/-, land and is subject to the easements and
33 restrictions of record to be reclassified from the A-1 Exclusive Agricultural District to the R-H Rural
34 Homes District.

35
36 SECTION 2. Where a certified survey map is required and may alter the above described property
37 description, the official zoning district map for the town shall be automatically amended to reflect the
38 property description of the certified survey map.

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40 ENACTED:

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**APPROVED BY
CORPORATION COUNSEL
AS TO FORM**

I Hereby certify that the foregoing correctly
represents the action taken by the
undersign Committee on, May 25, 2021
by a vote of 2 for 3 against.



Planning and Development Committee, Chairperson

CC/

Dated this 25 day of May, 2021.

**Reviewed by Finance Dept.
for Fiscal Impact**



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

Building Inspection
839-2944
Emergency Management
839-4736
Geographical Information Systems
839-4730
Land Conservation
839-6226
Land Records
839-4742
Land Use Management
839-4743
Planning
839-5055
Recycling
839-2756

May 3, 2021

Report to the Eau Claire County Board of Supervisors

The Eau Claire County Department of Planning and Development has received the following application for rezoning:

Owner: LaVern Stewart

Applicant: Craig Wurzer

File Number: . 21-22/011

Legal Description: Part of Sections 8 and 9, Township 26 North, Rang 9 West, Town of Washington, Eau Claire County, Wisconsin

Site Address: Northwest Corner of Mischler Road and Deerfield Road (CTH II), Eau Claire, Wisconsin, 54701

Existing Zoning District: A-1 Exclusive Agricultural

Purposed Zoning District: RH - Rural Homes

Acres to be Rezoned: 215 acres +/-

Date Received: 4/30/2021

Regards,

Cheryl Cramer
Administrative Specialist, Planning and Development



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

Application Accepted:	04/30/2021
Accepted By:	Matt Michels
Receipt Number:	66527
Town Hearing Date:	5/26/2021
Scheduled Hearing Date:	05/25/2021
Application No:	RZN-0009-21
Application Status:	Applied

Rezoning Petition

Owner/Applicant Name(s):

Owner: LAVERNE STEWART (Multiple Owners)

Applicant: Craig Wurzer

Telephone: (715) 839-8806

E-Mail: craigwurzer@gmail.com

Site Address(es):

5902 MISCHLER RD
 No Address Available
 No Address Available
 No Address Available
 No Address Available
 No Address Available

Property Description:

Sec 09 Twn 26 Rge 09
 Town of Washington

Zoning District(s):

A1 - Exclusive Agricultural District
 A1 - Exclusive Agricultural District
 A1 - Exclusive Agricultural District
 A1 - Exclusive Agricultural District
 A1 - Exclusive Agricultural District
 A1 - Exclusive Agricultural District

Lot Area(s) - Acres:

40.00
 40.00
 40.00
 40.00
 39.31
 21.50

Overlay District(s):

PIN

1802422609093100001
 1802422609093400001
 1802422609093200001
 1802422609093300001
 1802422609084400001
 1802422609084300001

Legal (partial)

NE-SW
 SE-SW
 NW-SW
 SW-SW
 SE-SE EX 356/875
 SW-SE EX THE FOL DESC'S: COM AT NW COR TN S 72' TN NELY 665.33' TN N 58.33' TO

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 following Zoning District from:

1750 US-53 Business, Chippewa Falls, WI 54701

RECEIVED

APR 30 2021

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.

EVERYDAY SURVEYING & ENGINEERING

LETTER OF TRANSMITTAL

<p>to:</p> <p>Department of Planning and Development 721 Oxford Avenue Eau Claire, WI 54703</p>	<p>from:</p> <p>Sender: Mark A. Erickson Date: April 29, 2021</p>
<p>Request for Rezoning Application</p>	

information:

<p>document:</p> <p><input checked="" type="checkbox"/> letter <input type="checkbox"/> contracts <input type="checkbox"/> report <input type="checkbox"/> pay request <input type="checkbox"/> drawing / plan <input type="checkbox"/> change order <input type="checkbox"/> specifications <input type="checkbox"/> invoice <input type="checkbox"/> other <input checked="" type="checkbox"/> for your approval / signature</p>	<p>submitted:</p> <p><input type="checkbox"/> at your request <input checked="" type="checkbox"/> for your information / use <input checked="" type="checkbox"/> for your review / comment <input checked="" type="checkbox"/> for your action</p>	<p>via:</p> <p><input type="checkbox"/> mail <input type="checkbox"/> express mail <input checked="" type="checkbox"/> drop off <input type="checkbox"/> pickup</p>
--	--	---

Digital Submittal as well _____

Please note:

revisions additions deletions other

Items attached:

description:	revision:	date:	copies:
2 - Eau Claire County Rezoning Application Form	_____	04-29-21	1
3 - Rezoning Attachment 1	_____	04-29-21	1
4 - Rezoning Attachment 2	_____	04-29-21	1
5 - Rezoning Parcel Numbers	_____	04-29-21	1
6 - Rezoning Exhibit Map	_____	04-29-21	1
7a - Rezoning Description (PDF)	_____	04-29-21	1
7b - Rezoning Description (Word Document)	_____	04-29-21	1
8 - Adjacent Lands Zoning	_____	04-29-21	1
9a & 9b - EC County Comp Plan Future Land Use Map	_____	04-29-21	1
10 - Orchard Hills Exhibit Map (12 Pages)	_____	04-29-21	1
11 - Rezoning Fee Check #2465 - \$595 - Previously Submitted			

comments:

This Rezoning Application is for CDPG Developers, LLC. The land is located on the Northwest Intersection of Deerfield Road (C.T.H. "II") and Mischler Road.



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:	
Accepted By:	
Receipt Number:	
Town Hearing Date:	
Scheduled Hearing Date:	

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: Exclusive Agricultural District A-1 Proposed Zoning District(s): Rural Homes District R-H
 Acres to be rezoned: 234

Property Owner Name: LaVern Stewart Phone# (715) 559-3661
 Mailing Address: 5902 Mischler Road, Eau Claire, WI 54701
 Email Address: STEWARTLL1@YAHOO.COM

Agent Name: Craig Wurzer Phone# (715) 839-8806
 Mailing Address: 1750 US-53 Business, Chippewa Falls, WI 54729
 Email Address: CRAIGWURZER@GMAIL.COM

SITE INFORMATION

Site Address: NW Corner of Mischler Road & Deerfield Road (CTH "II") Part of the Sections 8 and 9, Township 26 North, Range 9 West
 Property Description: ALL ¼ SW ¼ Sec. 9, T. 26 N, R. 9 W, Town of Washington (see legal description)
 Zoning District: Exclusive Agricultural A-1 Code Section(s): 18.04 and 18.07
 Overlay District: Shoreland Floodplain Airport Wellhead Protection Non-Metallic Mining
 Check Applicable
 Computer #(s): See Attached - - - - -

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 \$595.00 application fee (non-refundable), payable to the Eau Claire County Treasurer (\$525.00 application processing fee and \$70.00 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 04-27-2021

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:

See Orchard Hills Rezoning Description Attachment 1.

■ 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.

See Orchard Hills Rezoning Description Attachment 2.

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.

Not applicable to this site.

Orchard Hills Rezoning Description Attachment 1

CDPG Developers, LLC proposes to develop a combined 234 acre parcel into a 117 lot single-family residential subdivision near the intersections of Deerfield Road and Mischler Road in the Town of Washington. The lands are currently zoned Exclusive Agricultural District (A-1) and contain a mix of agricultural lands, wooded areas and wetlands intermixed within areas of steep topography. The developers desire to rezone the property to Rural Homes District (RH).

The creation of the Orchard Hills plat subsequent to the rezoning process will be done in full compliance with both the County and City of Eau Claire zoning and land division ordinances. Portions of the northern parcels are currently in the RH zoning district with the remaining parcels being entirely within the County's "Future Land Use" mapping designated as "Rural Transition". Abutting lands to the north are currently zoned RH along with lands to the east along the west side of the S.T.H. "93" corridor. Additional lands less than a mile northwest of this site are also zoned RH. The rezoning of these parcels to Rural Homes District is consistent with the gradual process of residential expansion in the Eau Claire area.

See attached zoning map for the locations of nearby Rural Homes District properties.

Orchard Hills Rezoning Description Attachment 2

The Orchard Hills development will be consistent with the Rural Homes District (RH) zoning requirements with one exception. The exception will be a Conditional Use Permit request to reduce the front yard setback from 50 feet down to 30 feet. The lesser setback would reduce total impervious area and land disturbance by allowing the homes to be placed closer to the roads. The lesser setback will also allow the homes to fit into the natural topography since the road segments either run along existing ridge lines or parallel to the existing topography. The reduced front yard setback to 30 feet is already allowed in R-1-L and R-1-M districts that offer public utilities similar to what this development's community-based wastewater systems offers.

Adjacent and nearby lands are currently zoned RH and contain single-family homes. Refer to the attached zoning map of the Orchard Hills vicinity which shows RH zoning.

Public health and safety will be maintained by the use of community-based wastewater systems in lieu of the typical individual on-site septic systems. A majority of the homes will be served by the community-based systems which will be continually monitored, regularly maintained and periodically upgraded as needed. Traffic safety and access will be met by a road network that limits the length of dead end roads in the project. Only one permanent cul-de-sac, Empire Drive, will limit the free flow of traffic. The site will have access from Deerfield road, Mischler Road and Cater Road. Protection of environmentally sensitive areas will occur by the creation of five outlots and conservation easements containing areas of steep slopes, wooded areas and wetlands. The outlots and conservation easements will protect the environmentally sensitive areas but will also provide long term beauty in the re-establishment of native vegetation. These areas will also provide passive open space for the residents. Storm water runoff will be addressed and will meet or exceed the requirements of the WI DNR and the Eau Claire County storm water ordinance.

The RH district zoning is appropriate for this development since it allows the residential lots to be a minimum one acre in size while protecting the natural features of the existing site. This development upholds the intent of the zoning ordinance by meeting the criteria of the RH district with the exception of the reduced setback. The reduced setback will be addressed through the Conditional Use Permit request.

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Orchard Hills

Planned Development - Narrative

Site Information:

The Orchard Hills Subdivision is located in the Town of Washington along the north side of Deerfield Road (C.T.H. "11") and the west side of Mischler Road. A future phase will have vehicular access to Cater Road. This proposed 238 acre project is situated within rolling hills with a mix of mature trees and agricultural fields. This subdivision will provide approximately 34 acres of non-buildable open space through a combination of outlots and conservation easements. This area will be protected and used for public passive recreational space while supplying an identifiable trail system throughout.

The development team's goal is to create a rural, affordable neighborhood that will positively serve our expanding community all while lessening the environmental impact and reducing the loss of open space and additional agricultural lands.

Development Team:

This land is being developed by CDPG Developers, LLC. CDPG is comprised of local developers and small business owners that are working as a team to develop this subdivision.

Craig Wurzer:	CE Wurzer Builders, Lake Hallie, WI
Damian Prince:	Chippewa Valley Excavating, Bloomer, WI
Paul Holzinger:	Holzinger Homes LLC, Altoona, WI
Grady Wold:	Trend Stone Surfaces, Eau Claire, WI

This group of professionals is collaborating for the first time on this development. Each member has many years of experience working in the Chippewa Valley and have often worked together on common projects.

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Development Plan / Process:

This project site is unique and large and therefore will be constructed in multiple phases. Work will commence in the northern and eastern limits (Phase 1) of the subdivision and it will progress south and west across the property over the next two to four years as Phase 2 and 3. The development process will include rezoning, planned unit development, conditional use permit, preliminary plat and final plat approvals at the Town and County levels.

This project is within the County's Future Land Use area designated as Rural Transition (RT). This RT area generally comprises areas currently identified as Rural Residential (Rural Homes or RH Zoning District) and Rural Lands. This project is also located within the City of Eau Claire Extraterritorial Jurisdictional Boundary and is subject to meeting the density requirement of lot areas being an average of two acres per proposed lot. This project will meet the two acre per lot density requirement.

Rezoning:

The County and Town will require this property to go through rezoning from Exclusive Agricultural District (A-1) to Rural Homes District (RH). Portions of the northern parcels are currently in the RH zoning district. The remaining area being entirely within the County's "Future Land Use" mapping designated as "Rural Transition" (RT). This zoning identification of this land as being RT has been mapped as such since 1979. Abutting lands to the north are currently zoned RH along with lands to the east along the west side of the S.T.H. "93" corridor. Additional lands less than a mile northwest of this site are also zoned RH. The rezoning of these parcels to Rural Homes District is consistent with the gradual process of residential expansion in the Eau Claire area. The RH District allows for single-family dwelling lots to be created with a minimum of one acre of land. The minimum lot width is 100 feet with a front yard setback of 50 feet from the right-of-way line.

Planned Unit Development:

The developers desire this development to be approved through the Planned Unit Development process for several reasons. The development will have a size, composition and arrangement that allows it to function as a unit (18.27.020 E). The development will also be marketed and operated as a unit. The community-based wastewater systems, the public common open space and the overall layout allow the project to be approved through the Planned Unit Development process (18.27.020 F).

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Additionally, the request for a reduced front yard setback from 50 to 30 feet requires this development to be considered a Planned Unit Development. The setback reduction is for the whole development except Lots 83 through 86 and Lots 116 & 117.

Conditional Use Permit:

The County and Town will require this development to be approved through the Conditional Use Permit process due to the project being approved through the Planned Unit Development process and the desire to reduce the front yard setback from 50 feet to 30 feet (18.07.040 D). The lesser setback would reduce total impervious area and land disturbance by allowing the homes to be placed closer to the roads. The lesser setback will also allow the homes to fit into the natural topography since the road segments either run along existing ridge lines or parallel to the existing topography. The reduced front yard setback to 30 feet is already allowed in R-1-L and R-1-M districts that offer public utilities similar to what this development's privately owned community-based wastewater systems offers.

This project is also seeking to have the Contiguous Buildable Area requirement of (18.82.060 M) reduced from one-half acre (21,780 s.f.) to approximately one-quarter acre. This code requirement of the contiguous buildable area is more suited for those lots that would provide on-site private waste treatment systems (POWTS). Since this project will be utilizing a Community Based Wastewater Treatment and Dispersion System, the majority of the 111 lots within the internal newly created lots will meet the requirements of 18.82.060 M. Such that 56 of the 111 Lots will meet the CBA requirement with a 50 foot front (right of way building setback) and 68 of the 111 Lots will meet the CBA requirement with a 30 foot front. The smallest CBA with a 30 foot front building setback is found on Lot 33 which will have a 10,163 square foot CBA. This will still provide adequate area for an approximate 2,100 square foot house and garage foot print, an accessory detached garage, and a private well all within the lot area provided. This request for a reduction in Contiguous Buildable Area is supported by laying out individual lots with possible improvements and showing that the lots can supply enough buildable area to substantiate home building. This request for a reduction in Contiguous Buildable Area is not uncommon when supporting documents are supplied to the County for review and approval. Some of the previously approved reductions have produced a Contiguous Buildable Area as small as 8,400 s.f.

Preliminary Plat:

The County and Town will review the Preliminary Plat for compliance to all applicable

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codes.

Final Plat:

The State, County and Town will review the Final Plat for compliance to all applicable codes and statutes.

Project Details:

This Planned Development will differ from typical subdivisions for the following reasons:

- 1) Nearly 34 acres of the project area will be preserved and will remain as unbuildable land. The unbuildable land will exist within the outlots and within conservation easements on the residential lots. Portions of the outlots will contain wetlands and areas of steep slopes. With this area approximately 5.3 miles of a variety of public passive walking paths will be improved for all to use.
- 2) The goal is to disturb as little land area as possible. Therefore, this project will be requesting a reduction in the front yard setback from 50 feet down to 30 feet. This will allow the subdivision to disturb less earth and to minimize tree removal when homes are positioned on the lots. The lesser setback will also reduce the overall amount of impervious surfaces created by driveways and therefore reduce the total amount of storm water runoff. This reduction in front yard setback will also create more of a neighborly and inviting feel in a community manner.
- 3) This subdivision will have three community-based wastewater systems that will provide service for most of the proposed lots. The intent of the community-based wastewater systems to provide a more reliable and environmentally friendly method of treating effluent from the homes.
- 4) Traffic impacts have been studied and it has been determined that the entire buildout of the subdivision will result in the level of service (LOS) of the adjacent roadways remaining at a LOS rating of "A". The current and buildout LOS "A" is the highest rating possible. This project has even taken the Traffic Impact Analysis to levels beyond what is typical to include even more of the adjacent roadways, perform studies on off-site intersections and potential improvements, and investigated a level of sensitivity analysis to under the project site and future traffic. Such that the adjacent roadway system will support an increase of 45% above what this project's and the existing

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conditions traffic without going below a Level of Service A. The adjacent roadway system could see an increase of 650% (or a 7.50 multiplier) of the project's and existing conditions traffic loading and would still maintain an acceptable Level of Service C.

- 5) This subdivision is also requesting a reduction in Contiguous Buildable Area that will still provide enough individual lot buildable area to build a single-family residence and in most case still be able to support an accessory structure with a private well with the Community Based Wastewater System.

Layout:

This project will be designed and developed to create a rural neighborhood feel while providing a safe network of roadway and passive open space. This subdivision is comprised of 238 acres of land inclusive of public road rights-of-way. It is proposed to create 117 single-family lots, eight outlots, and five public road rights-of-way. The lots will be a minimum of one acre but will vary in size up to five acres. The average lot size will be 1.3 acres. The developers are requesting a Conditional Use Permit for the reduction of the front yard setback from the typical 50 feet down to 30 feet. The rear and side yard setbacks will remain as defined in the Zoning Code (18.07.040).

The eight outlots will include sensitive areas, wetlands and steep slopes, along with areas reserved for storm water management, public passive trails, and the community-based wastewater systems. The total area of the outlots is 60.1 acres. The outlots will also provide passive recreational space.

The five road rights-of-way will have 66-foot widths and will comply with the Town design standards. The roads will have a rural cross section throughout the development with 22 foot wide asphalt surface, 3 foot wide shoulders, and roadside ditches. The roads will provide access to Deerfield Road, Mischler Road and Cater Road. An internal connector road, Crispin Lane, will reduce the overall cul-de-sac length of Empire Drive to 1,767 feet.

Storm water management will be designed to meet State and County requirements for peak flow, water quality and infiltration. The storm water design will minimize off-site

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impacts to neighboring properties and natural conveyances including cold water fisheries.

This project will be designed and developed to create a rural neighborhood feel while providing a safe network of roadway and passive open space. Each lot will be adjoined to conservancy easement or access easements that the public may utilize for leisure and recreation.

Wastewater Treatment:

Onsite Wastewater Treatment and Dispersal:

The Orchard Hills Subdivision will be served by a common, state of the art Onsite Wastewater Treatment and Dispersal Facility. The wastewater from the homes will be collected in a traditional common collection system and will be transferred to three centralized locations for treatment and dispersal onsite. The onsite treatment systems are designed with cutting edge technology providing wastewater treatment to levels exceeding most municipal wastewater facilities.

The developers have chosen this method of wastewater dispersal in order to prevent having 111 individual homes with troublesome progressively failing system with limited treatment of the wastewater. The selected method of wastewater treatment will utilize biological pretreatment of the wastewater removing 99% of all organic and pathogenic constituents in the wastewater before dispersing the treated effluent into the soil for final polishing. The clean water will then replenish the valuable underlying aquifer.

Wastewater Collection System:

The wastewater collection system will be a conventional gravity flow system similar to that of a municipality. Each home will utilize a sewer lateral which will feed to a common main that will flow to the treatment system location. If elevation increase is required then a lift station will be utilized to lift the wastewater to a higher elevation.

Wastewater Treatment System:

The wastewater treatment system will utilize settling, flow equalization, fix activated sludge treatment and recirculation to achieve highly treated levels of organics, pathogens and other constituents such as nitrogen. All constituents will be treated to levels far below the state mandated requirements for dispersal.

See exhibits for layouts.

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Wastewater Dispersal System:

Three subsurface soil dispersal system areas have been identified to disperse the treated effluent. Because of the highly treated effluent produced by the treatment system, the soil will only be used for the dispersal of the wastewater. The soil will not be needed for treatment, therefore should last indefinitely.

Monitoring and Management:

The homeowners association will maintain an ongoing management agreement with a licensed service provider and certified wastewater operator which will ensure ongoing system operation, routine maintenance and capital replacement budgeting. The onsite wastewater treatment control system will provide the operator 24 hour per day, 7 day a week, 365 days per year monitoring of the operations. The system will provide instantaneous notifications of any system alerts or alarms, allowing immediate response.

Water Supply:

Each home will have an individual on-site well to provide water to the residence. The individual wells will be designed by a professional and be permitted through the County as is required.

Affordability:

The developers will make every attempt to make the lots and homes affordable to County residents. The Homeowners Association will require an annual fee to cover the costs of the community-based wastewater systems for the lots served by said systems. These annual fees will be kept in line with what is needed to monitor, to operate and to upgrade the systems.

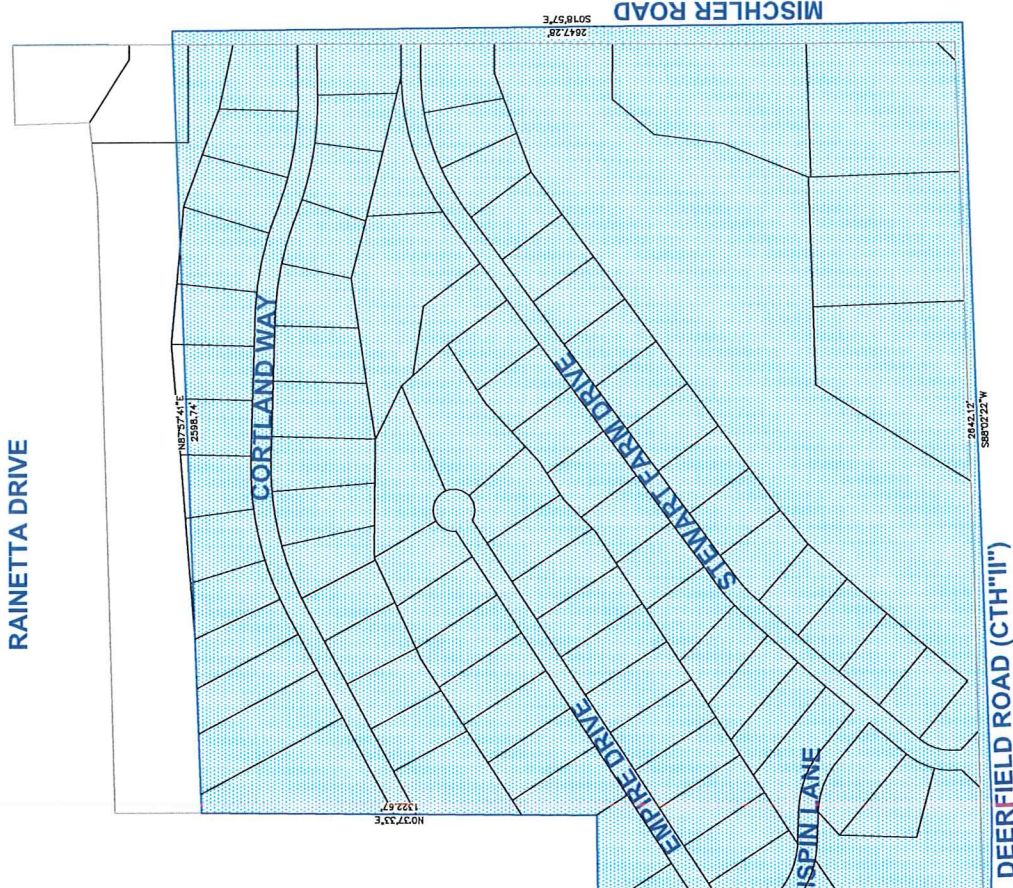
Homes:

The design, materials and appearance of the individual homes will follow the requirements contained within the Orchard Hills subdivision covenants. Homes will also comply with any Town of Washington and Eau Claire County building and zoning codes.

The lots will have a minimum width of 100 feet which will allow an additional attached garage without adjacent neighbors feeling encroached upon. All homes will be designed with energy efficiency ratings.

Orchard Hills
Lavern Stewart Properties
Parcel Computer Numbers

- 1) Parcel 1 18024-2-260909-230-0001 (Already zoned RH)
- 2) Parcel 2 18024-2-260909-240-0001 (Already zoned RH)
- 3) Parcel 3 18024-2-260909-310-0001
- 4) Parcel 4 18024-2-260909-320-0001
- 5) Parcel 5 18024-2-260909-330-0001
- 6) Parcel 6 18024-2-260909-340-0001
- 7) Parcel 7 18024-2-260908-440-0001
- 8) Parcel 8 18024-2-260908-430-0001

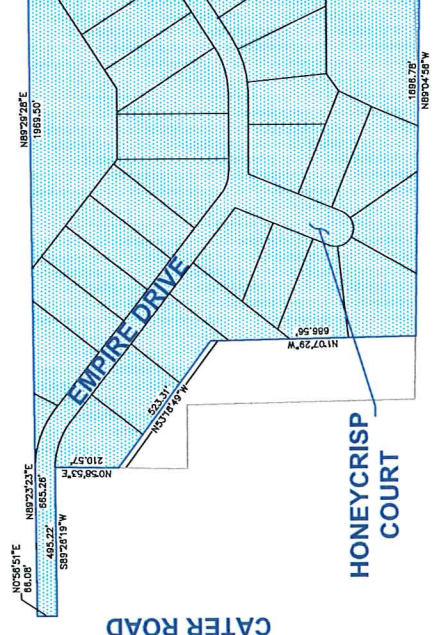


REZONE DESCRIPTION

All of the Southwest Quarter of the Southwest Quarter and the Southeast Quarter of the Southwest Quarter, and the Northwest Quarter of the Southwest Quarter of the Northwest Quarter of the Southwest Quarter, Township 26 North, Range 9 West, and all of the Southwest Quarter of the Southeast Quarter, and part of the Southwest Quarter of the Southeast Quarter, Section 8 Township 26 North, Range 9 West, all in the Town of Washington, Eau Claire County, Wisconsin.

Commencing at the South Quarter Corner of said Section 9;
 Thence S88°02'22"W, 2,642.12 feet to the Southwest Corner of said Section 9;
 Thence N89°04'56"W, 1,696.78 feet along the South line of the Southeast Quarter of said Section 8;
 Thence N01°07'29"W, 686.56 feet;
 Thence N53°18'49"W, 523.31 feet;
 Thence N00°58'53"E, 210.57 feet;
 Thence S89°26'19"W, 495.22 feet to the West line of the Southeast Quarter of said Section 8;
 Thence N00°56'51"E, 66.08 feet along said west line;
 Thence N89°23'23"E, 665.26 feet;
 Thence N89°29'28"E, 1,969.50 feet to the Southwest Corner of the Northwest Quarter of the Southwest Quarter of said Section 9;
 Thence S00°37'25"E, 1322.07 feet along the West line of the Southwest Quarter of said Section 9;
 Thence N89°57'41"E, 2598.74 feet to the East line of said Southwest Quarter;
 Thence S00°18'57"E, 5,647.28 feet to the point of beginning.

Said parcel contains 9.374,179 square feet or 215.20 total acres, more or less.

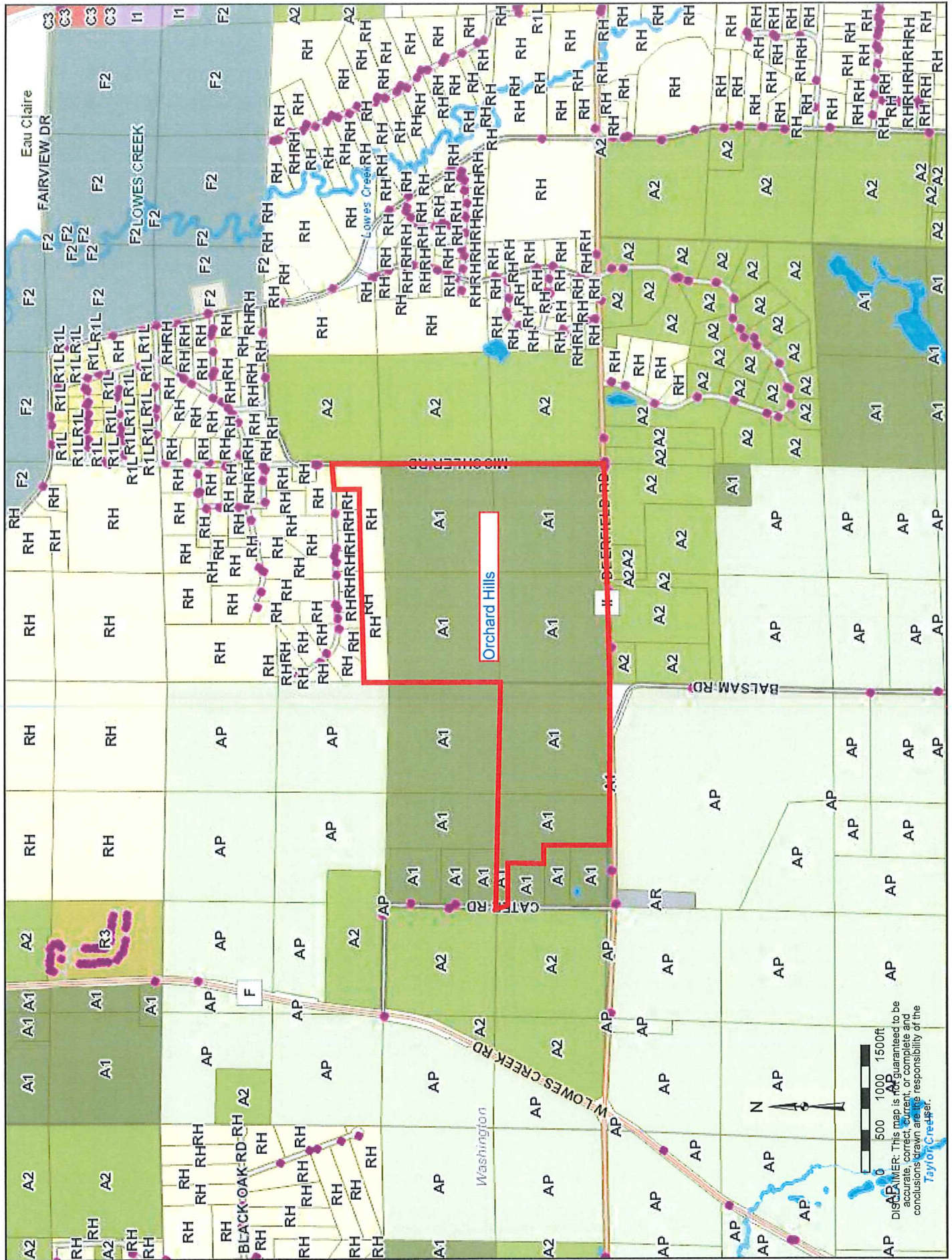


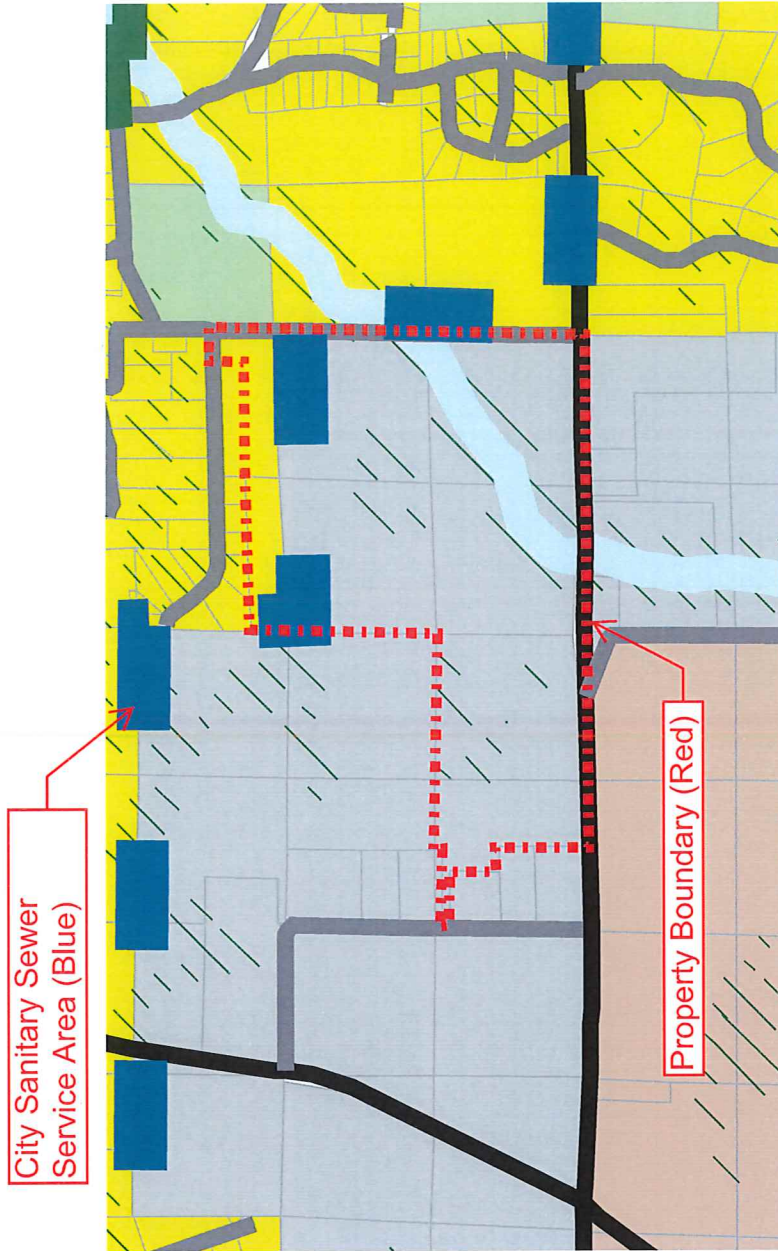
ORCHARD HILLS - RESIDENTIAL SUBDIVISION REZONING MAP TOWN OF WASHINGTON, EAU CLAIRE COUNTY, WI	SHEET NO. 109 REZ
PLAN NO. 20095 DATE: 04-23-2021 DRAWN BY: MJE CHECKED BY: MJE APPR'D BY: MJE	EVERYDAY SURVEYING & ENGINEERING 1815 PROBERT AVENUE • EAU CLAIRE, WI 54701 PH (715) 834-0654 • FAX (715) 834-0654

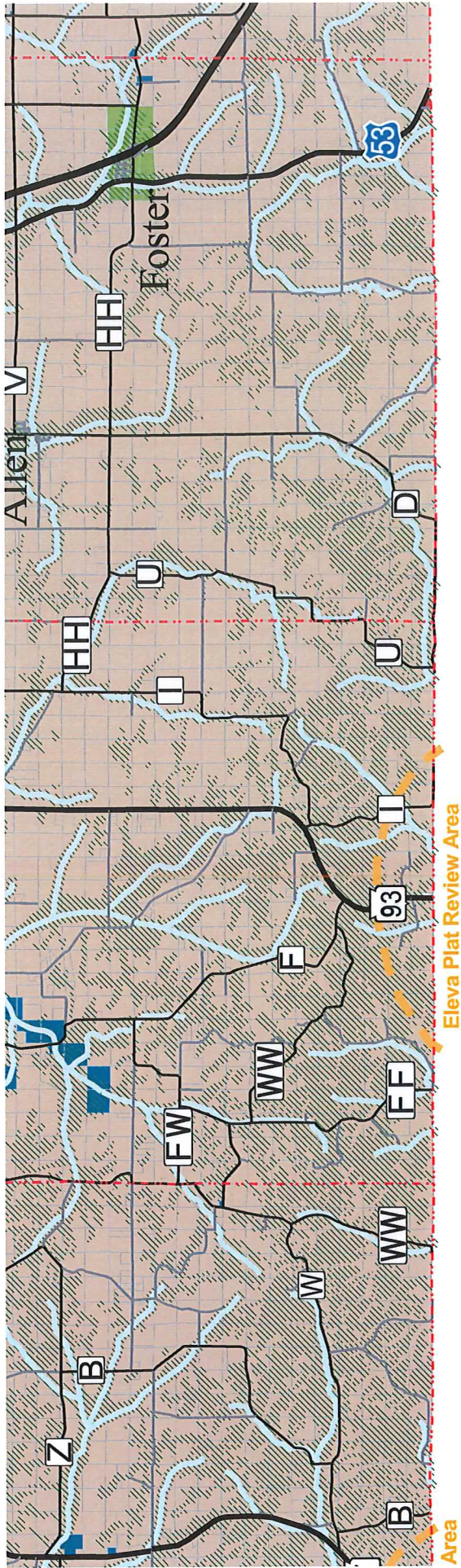
All of the Southwest Quarter of the Southwest Quarter and the Southeast Quarter of the Southwest Quarter, and the Northwest Quarter of the Southwest Quarter and the Northeast Quarter of the Southwest Quarter, Section 9, Township 26 North, Range 9 West, and all of the Southeast Quarter of the Southeast Quarter, and part of the Southwest Quarter of the Southeast Quarter, Section 8 Township 26 North, Range 9 West, all in the Town of Washington, Eau Claire County, Wisconsin.

Commencing at the South Quarter Corner of said Section 9;
Thence S88°02'22"W, 2,642.12 feet to the Southwest Corner of said Section 9;
Thence N89°04'56"W, 1696.78 feet along the South line of the Southeast Quarter of said Section 8;
Thence N01°07'29"W, 686.56 feet;
Thence N53°18'49"W, 523.31 feet;
Thence N00°58'53"E, 210.57 feet;
Thence S89°26'19"W, 495.22 feet to the West line of the Southeast Quarter of said Section 8;
Thence N00°56'51"E, 66.08 feet along said west line;
Thence N89°23'23"E, 665.26 feet;
Thence N89°29'28"E, 1,969.50 feet to the Southwest Corner of the Northwest Quarter of the Southwest Quarter of said Section 9;
Thence N00°37'33"E, 1322.67 feet along the West line of the Southwest Quarter of said Section 9;
Thence N87°57'41"E, 2598.74 feet to the East line of said Southwest Quarter;
Thence S00°18'57"E, 2647.28 feet to the point of beginning.

Said parcel contains 9,374,179 square feet or 215.20 total acres, more or less.





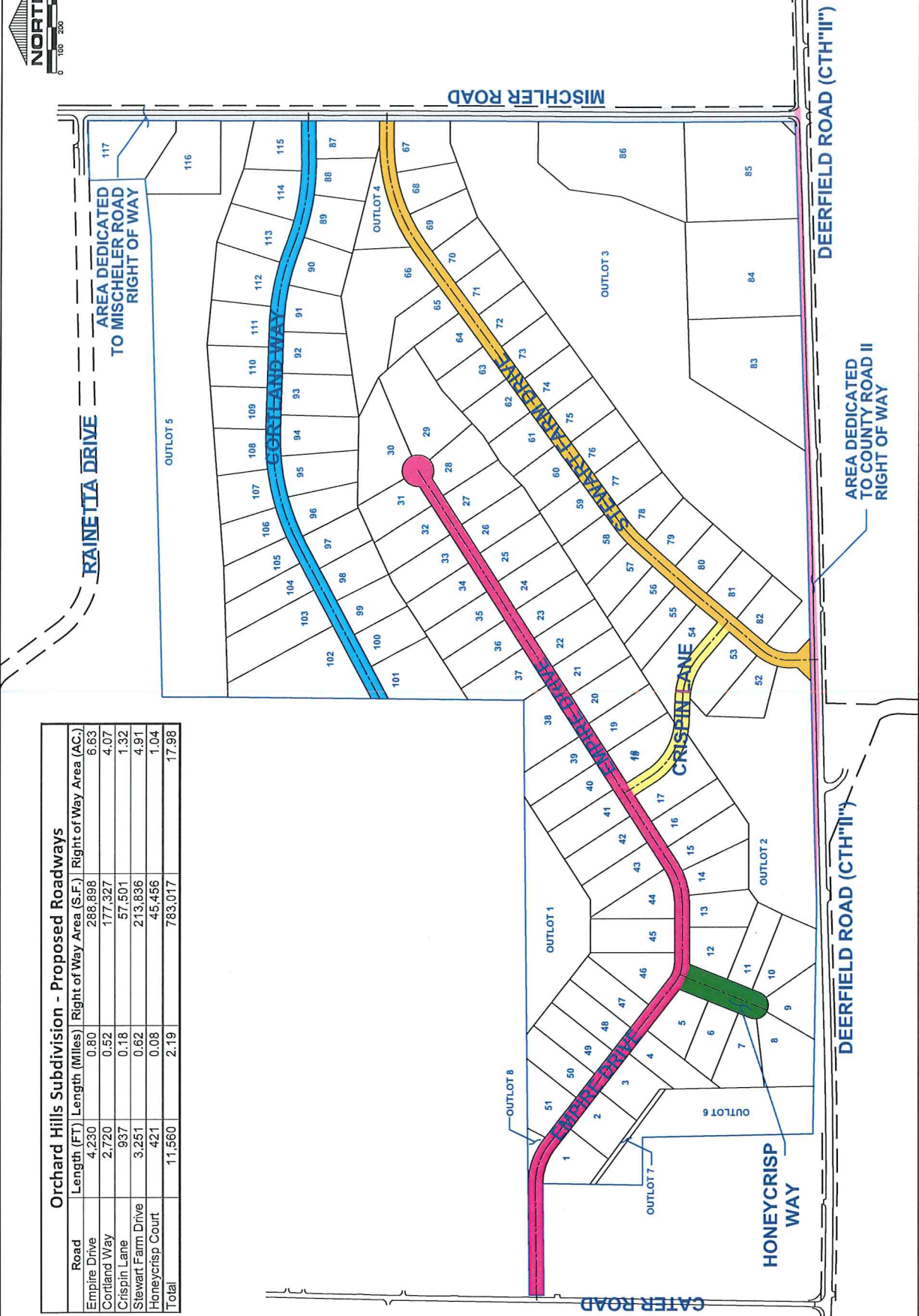


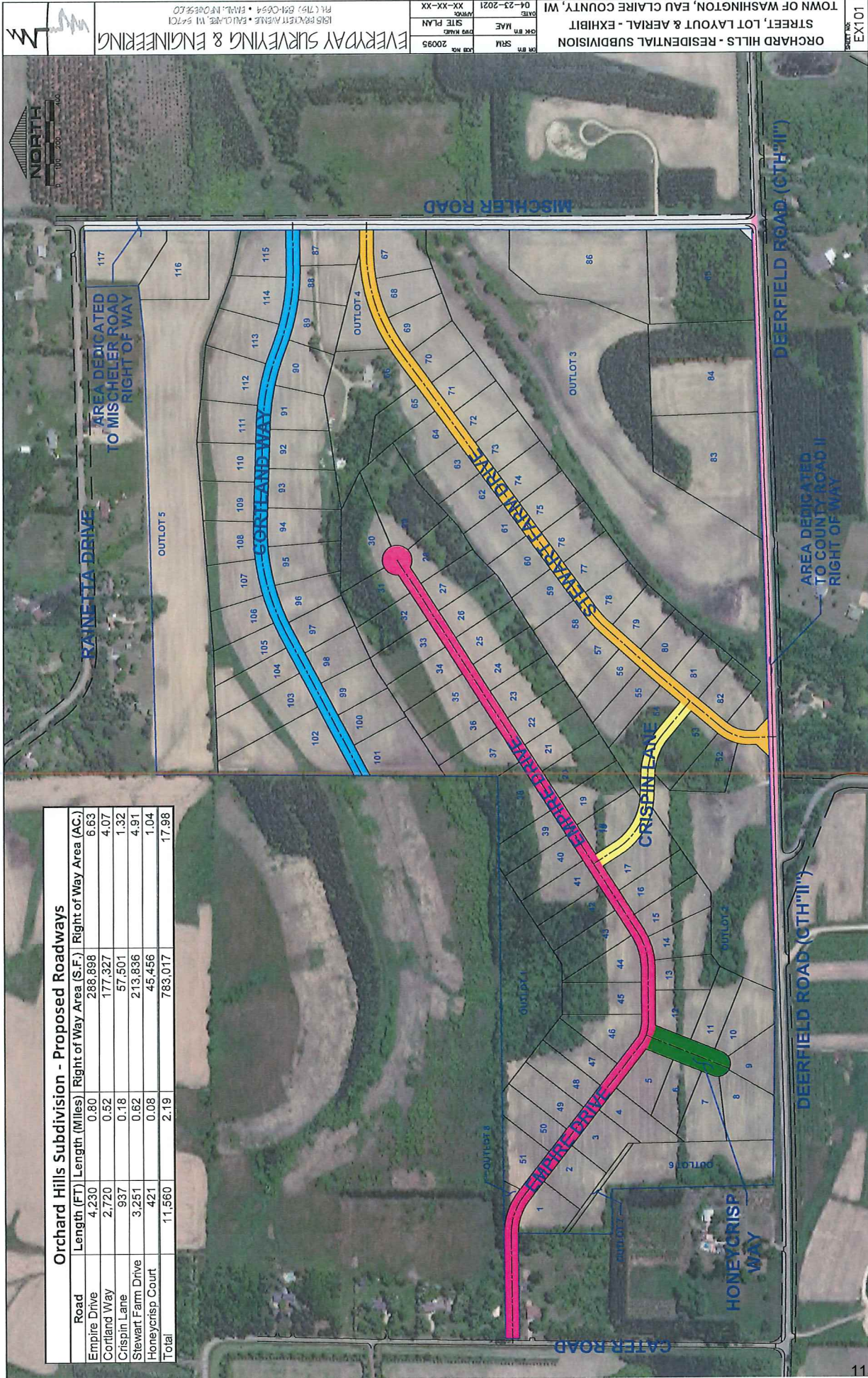
Future Land Use

	Eau Claire Sewer Service Area - 2025 Plat Review Area		Natural Resource Protection		Rural Commercial
	Altoona Plat Review Area		Rural Lands		Commercial/Industrial
	Lake Hallie Plat Review Area		Rural Transition		Rural Industrial
	Unzoned Town		Rural Residential		Public/Institutional
	Unzoned Village		Rural Residential Mobile Home		Recreational Commercial
			Rural Hamlet		Park & Recreational
			Urban Mixed Use		County Forest



Road	Length (FT)	Length (Miles)	Right of Way Area (S.F.)	Right of Way Area (AC.)
Empire Drive	4,230	0.80	288,898	6.63
Cortland Way	2,720	0.52	177,327	4.07
Crispin Lane	937	0.18	57,501	1.32
Stewart Farm Drive	3,251	0.62	213,836	4.91
Honeycrisp Court	421	0.08	45,456	1.04
Total	11,560	2.19	783,017	17.98



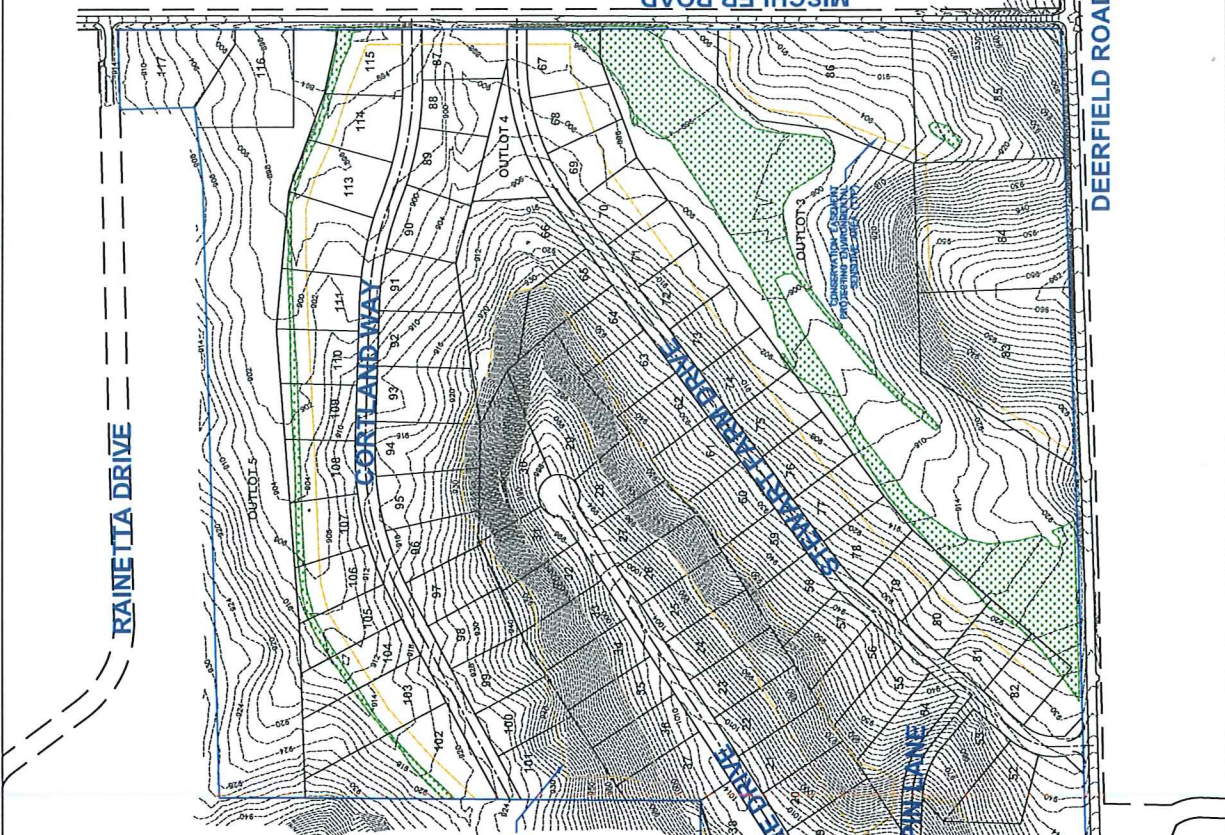


Orchard Hills Subdivision - Proposed Roadways			
Road	Length (FT)	Length (Miles)	Right of Way Area (AC.)
Empire Drive	4,230	0.80	288,898
Cortland Way	2,720	0.52	177,327
Crispin Lane	937	0.18	57,501
Stewart Farm Drive	3,251	0.62	213,836
Honeycrisp Court	421	0.08	45,456
Total	11,560	2.19	783,017

ORCHARD HILLS - RESIDENTIAL SUBDIVISION
 STREET, LOT LAYOUT & AERIAL - EXHIBIT
 TOWN OF WASHINGTON, EAU CLAIRE COUNTY, WI
 DATE: 04-23-2021
 DRAWN BY: JAE
 CHECKED BY: JAE
 PROJECT NO: 20095
 SHEET NO: EX101

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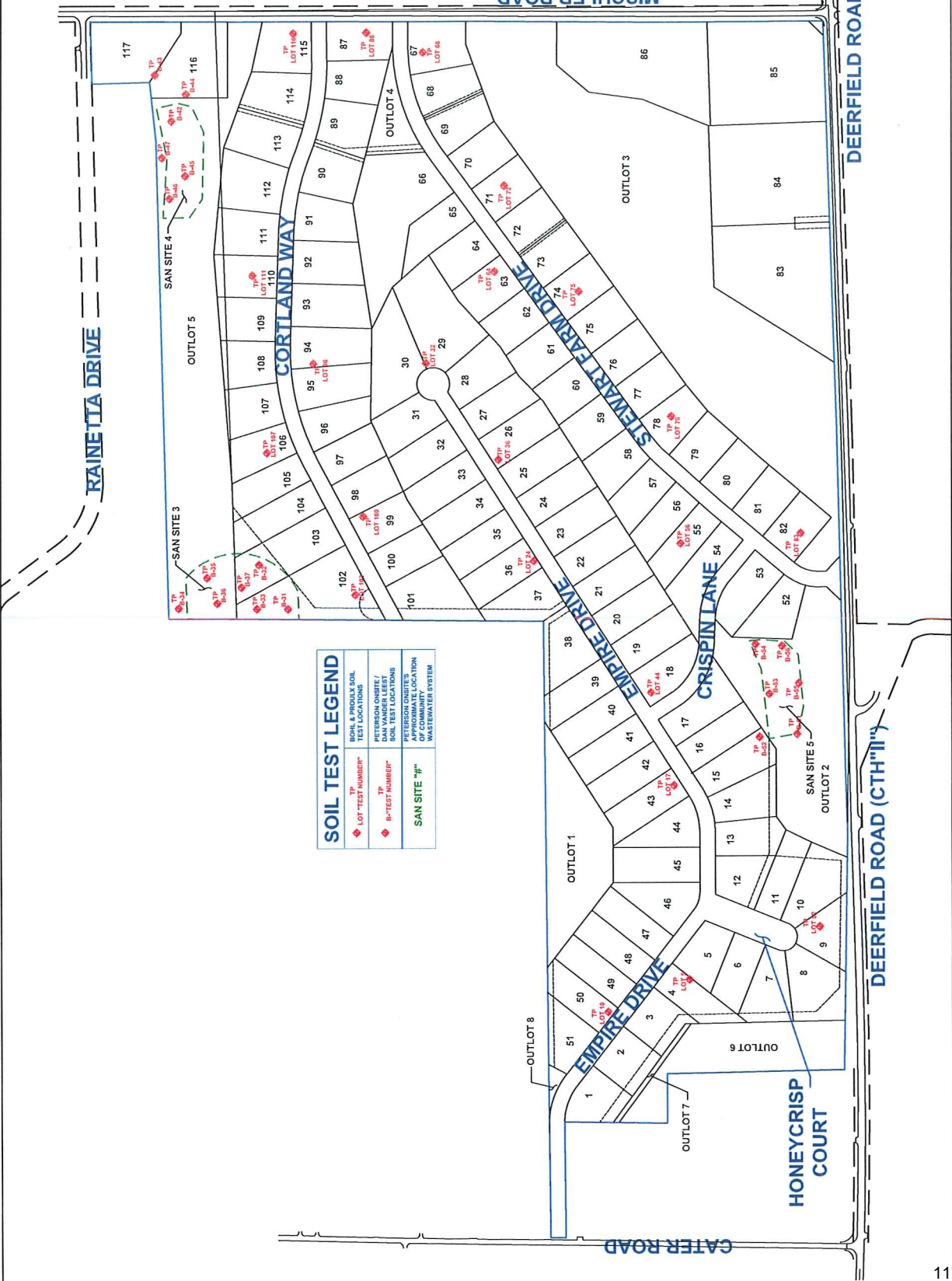


DESCRIPTION	COLOR	AREA	AREA
DELINEATED WETLANDS		507,112.5 S.F.	11.6 AC
STEEP SLOPES (>20%)		621,042.5 S.F.	14.3 AC
TOTAL SENSITIVE AREA	N/A	1,128,155.0 S.F.	25.9 AC
PERCENT OF SENSITIVE AREA COMPARED TO PLAT BOUNDARY	N/A	10.9%	

CONTOUR INFORMATION:
 THE CONTOUR INFORMATION SHOWN IS FROM AN ON-SITE TOPOGRAPHIC SURVEY AND IS AT TWO (2) FOOT INTERVALS.

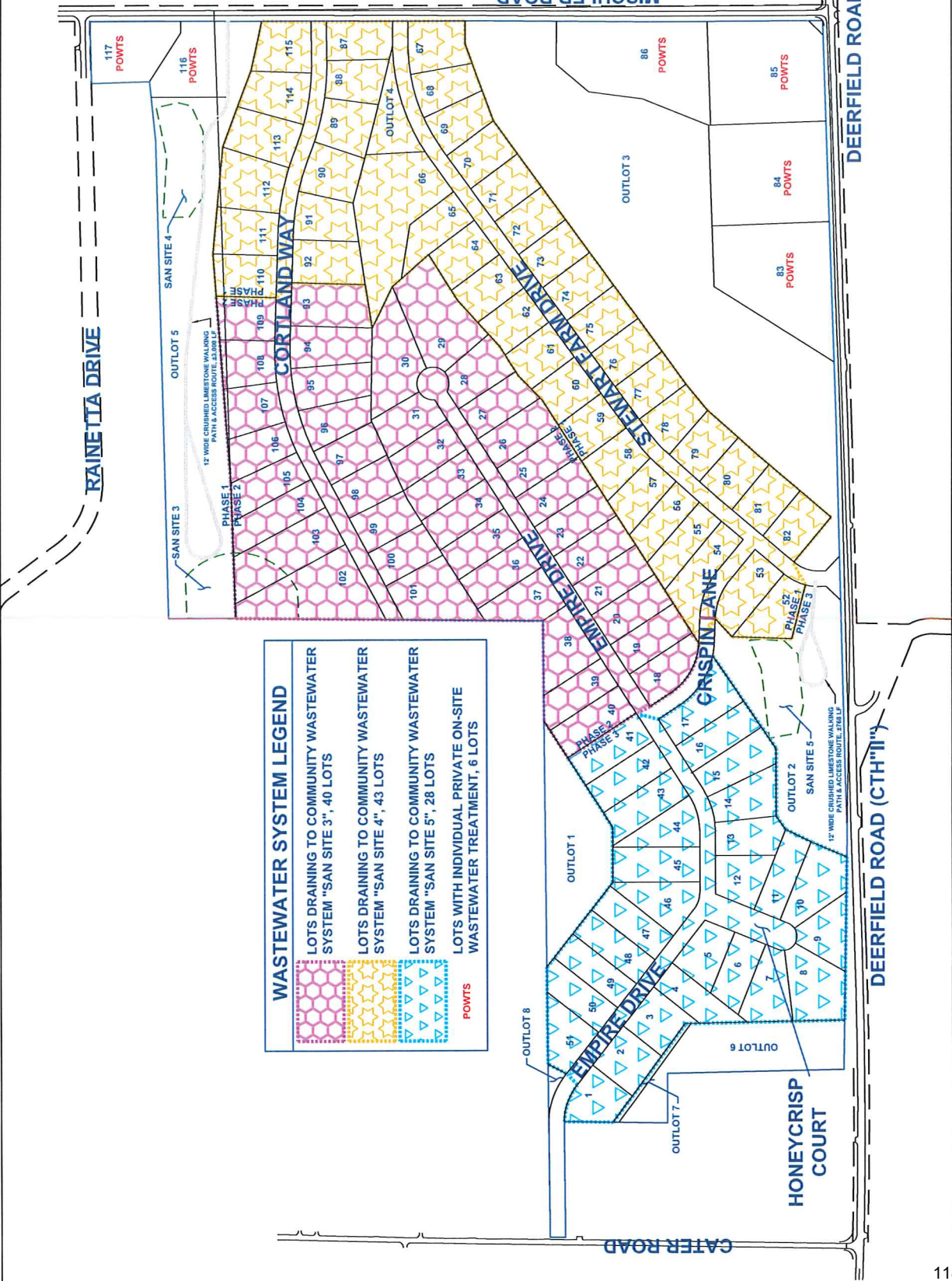
CONSERVATION EASEMENT PROTECTIVE AREA (TYPE)





SOIL TEST LEGEND

TP	SOIL & PERMITS SOIL TEST LOCATIONS
LOT "TEST NUMBER"	PETERSON OWNER / DAN VANDER LIEST SOIL TEST LOCATIONS
B-"TEST NUMBER"	PETERSON OWNER'S LOCATION OF COMMUNITY WASTEWATER SYSTEM
SAN SITE "S"	



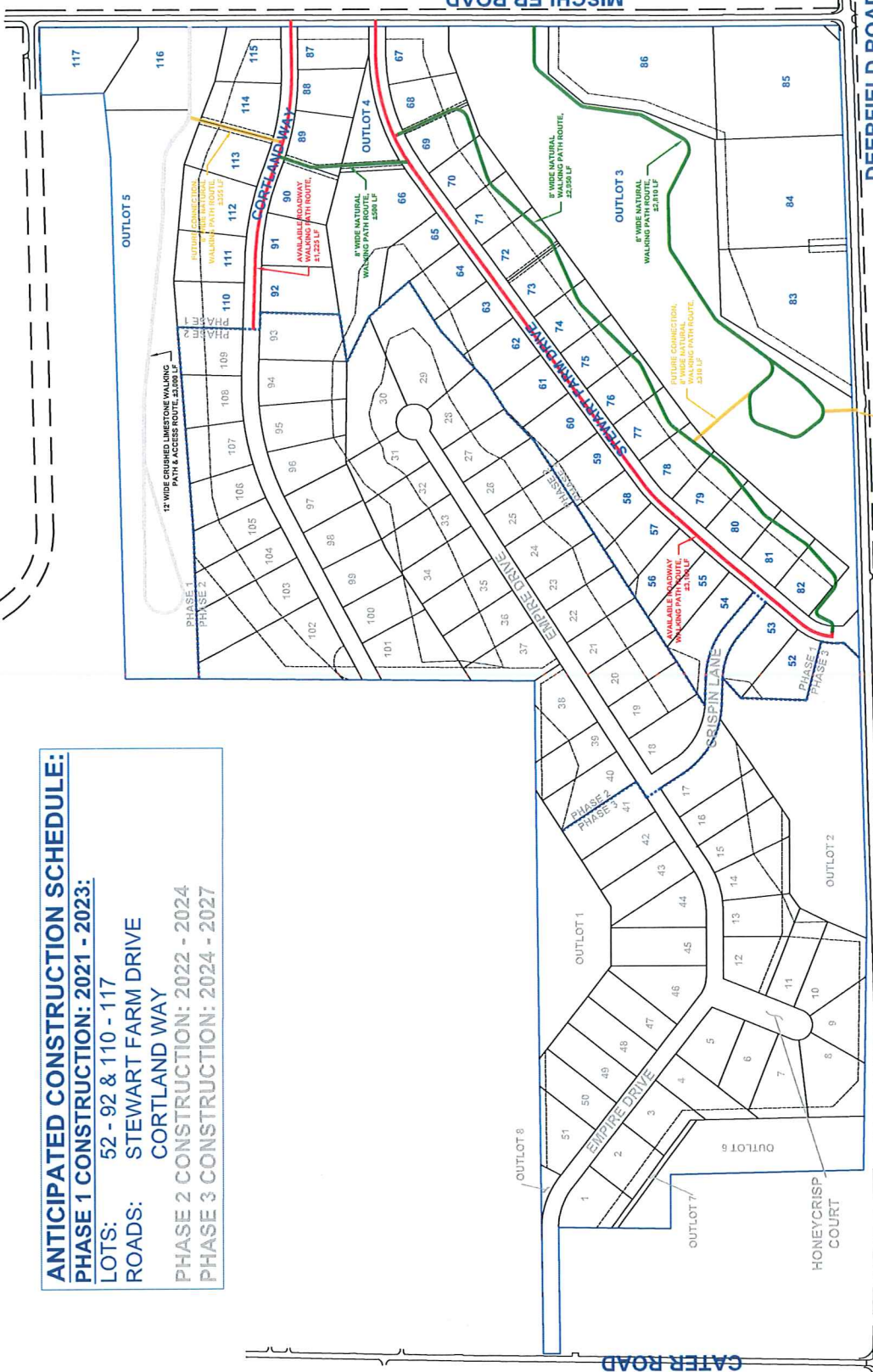
WASTEWATER SYSTEM LEGEND

- LOTS DRAINING TO COMMUNITY WASTEWATER SYSTEM "SAN SITE 3", 40 LOTS
- LOTS DRAINING TO COMMUNITY WASTEWATER SYSTEM "SAN SITE 4", 43 LOTS
- LOTS DRAINING TO COMMUNITY WASTEWATER SYSTEM "SAN SITE 5", 28 LOTS
- LOTS WITH INDIVIDUAL PRIVATE ON-SITE WASTEWATER TREATMENT, 6 LOTS

POWTS



ANTICIPATED CONSTRUCTION SCHEDULE:
PHASE 1 CONSTRUCTION: 2021 - 2023:
 LOTS: 52 - 92 & 110 - 117
 ROADS: STEWART FARM DRIVE
 CORTLAND WAY
PHASE 2 CONSTRUCTION: 2022 - 2024
PHASE 3 CONSTRUCTION: 2024 - 2027



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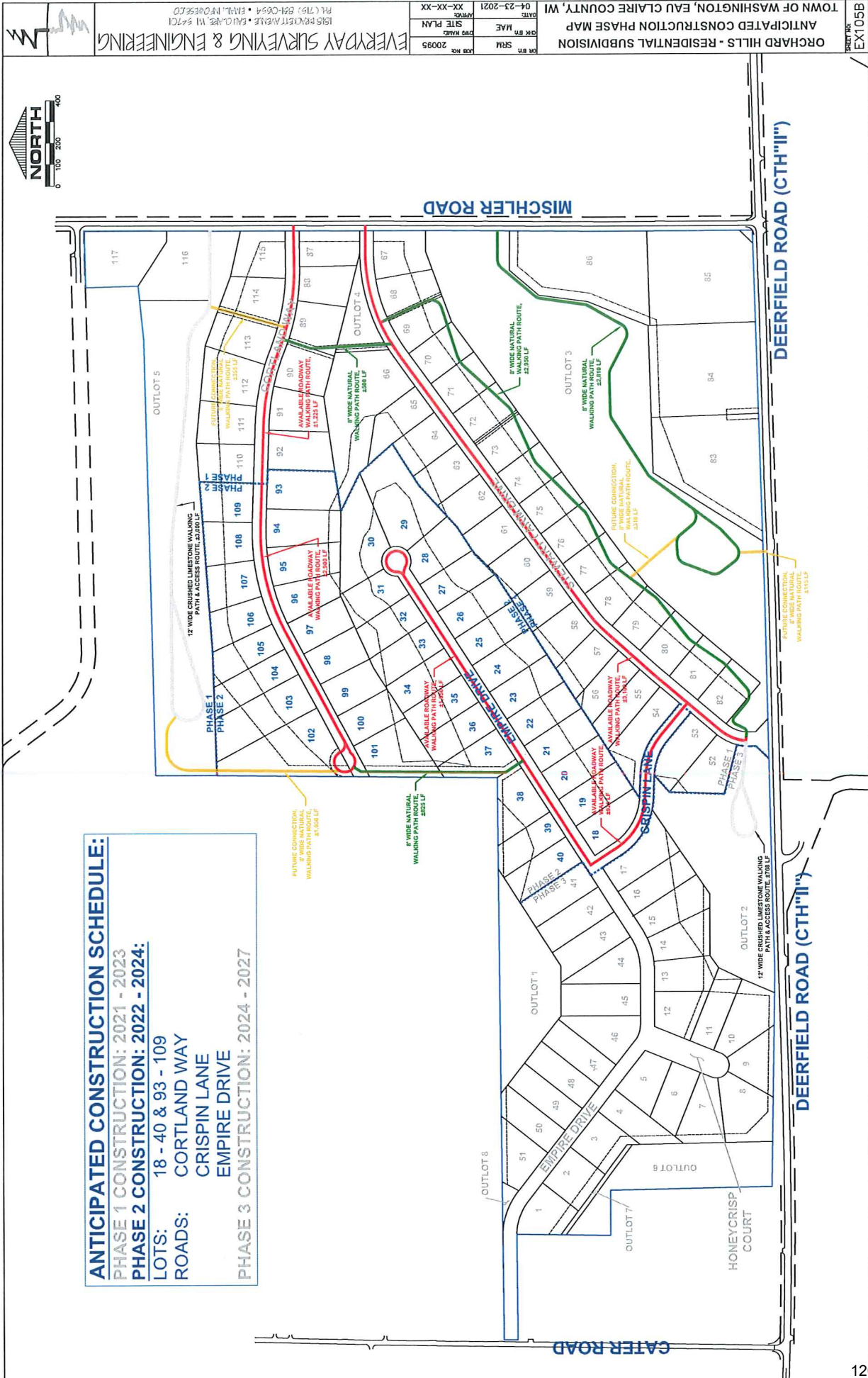
DATE	04-23-2021
PROJECT	XX-XX-XX
DRG NO.	20093
DATE	04-23-2021
PROJECT	XX-XX-XX
DRG NO.	20093

ORCHARD HILLS - RESIDENTIAL SUBDIVISION
 ANTICIPATED CONSTRUCTION PHASE MAP
 TOWN OF WASHINGTON, EAU CLAIRE COUNTY, WI

SHEET NO.
 EX105A



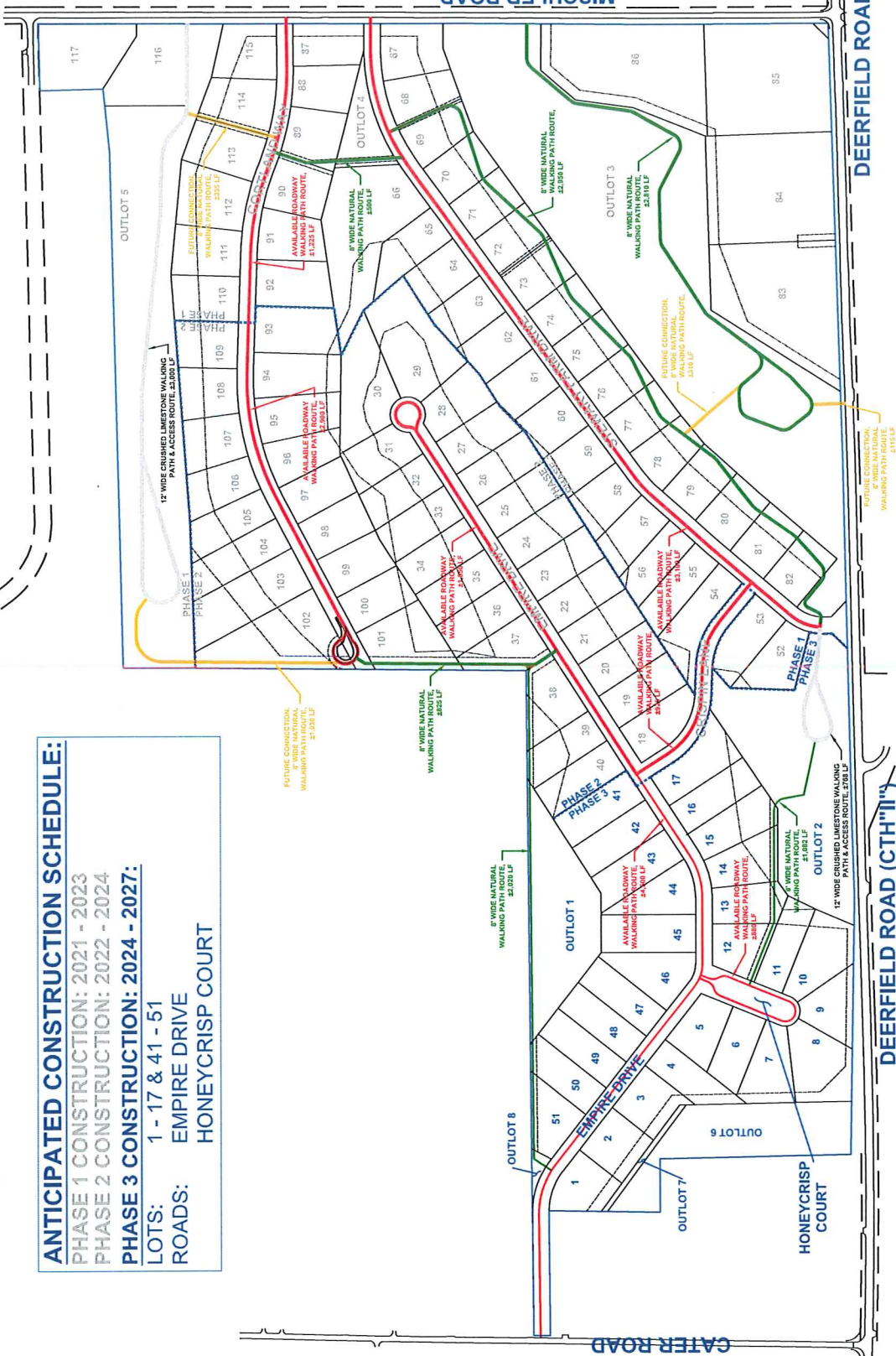
ANTICIPATED CONSTRUCTION SCHEDULE:
PHASE 1 CONSTRUCTION: 2021 - 2023
PHASE 2 CONSTRUCTION: 2022 - 2024:
 LOTS: 18 - 40 & 93 - 109
 ROADS: CORTLAND WAY
 CRISPIN LANE
 EMPIRE DRIVE
PHASE 3 CONSTRUCTION: 2024 - 2027

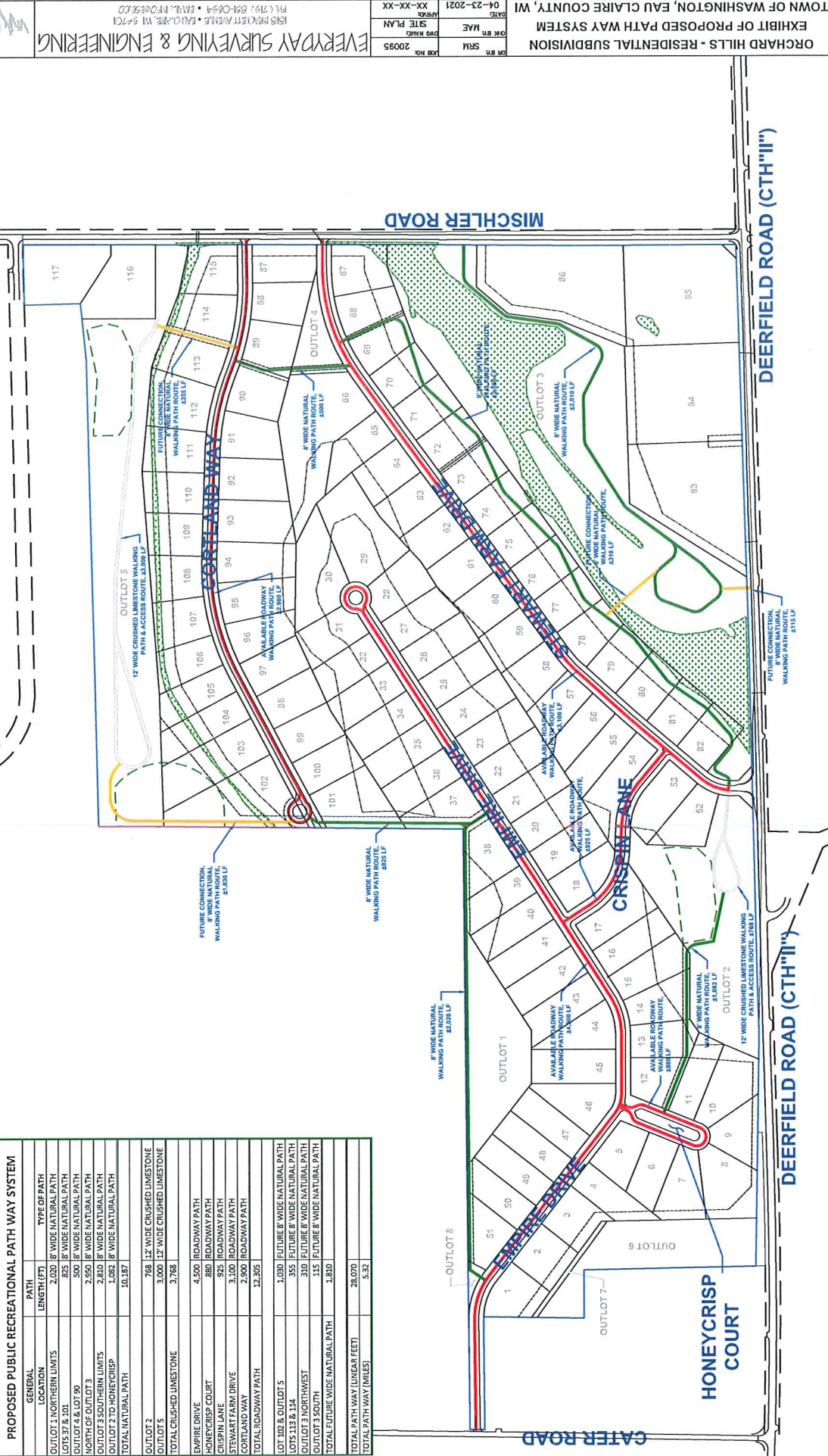


DATE	04-23-2021
REVISED	XX-XX-XX
PROJECT	TOWN OF WASHINGTON, EAU CLAIRE COUNTY, WI
DATE	04-23-2021
REVISED	XX-XX-XX
PROJECT	TOWN OF WASHINGTON, EAU CLAIRE COUNTY, WI
DATE	04-23-2021
REVISED	XX-XX-XX
PROJECT	TOWN OF WASHINGTON, EAU CLAIRE COUNTY, WI
DATE	04-23-2021
REVISED	XX-XX-XX
PROJECT	TOWN OF WASHINGTON, EAU CLAIRE COUNTY, WI



ANTICIPATED CONSTRUCTION SCHEDULE:
 PHASE 1 CONSTRUCTION: 2021 - 2023
 PHASE 2 CONSTRUCTION: 2022 - 2024
 PHASE 3 CONSTRUCTION: 2024 - 2027:
 LOTS: 1 - 17 & 41 - 51
 ROADS: EMPIRE DRIVE
 HONEYCRISP COURT

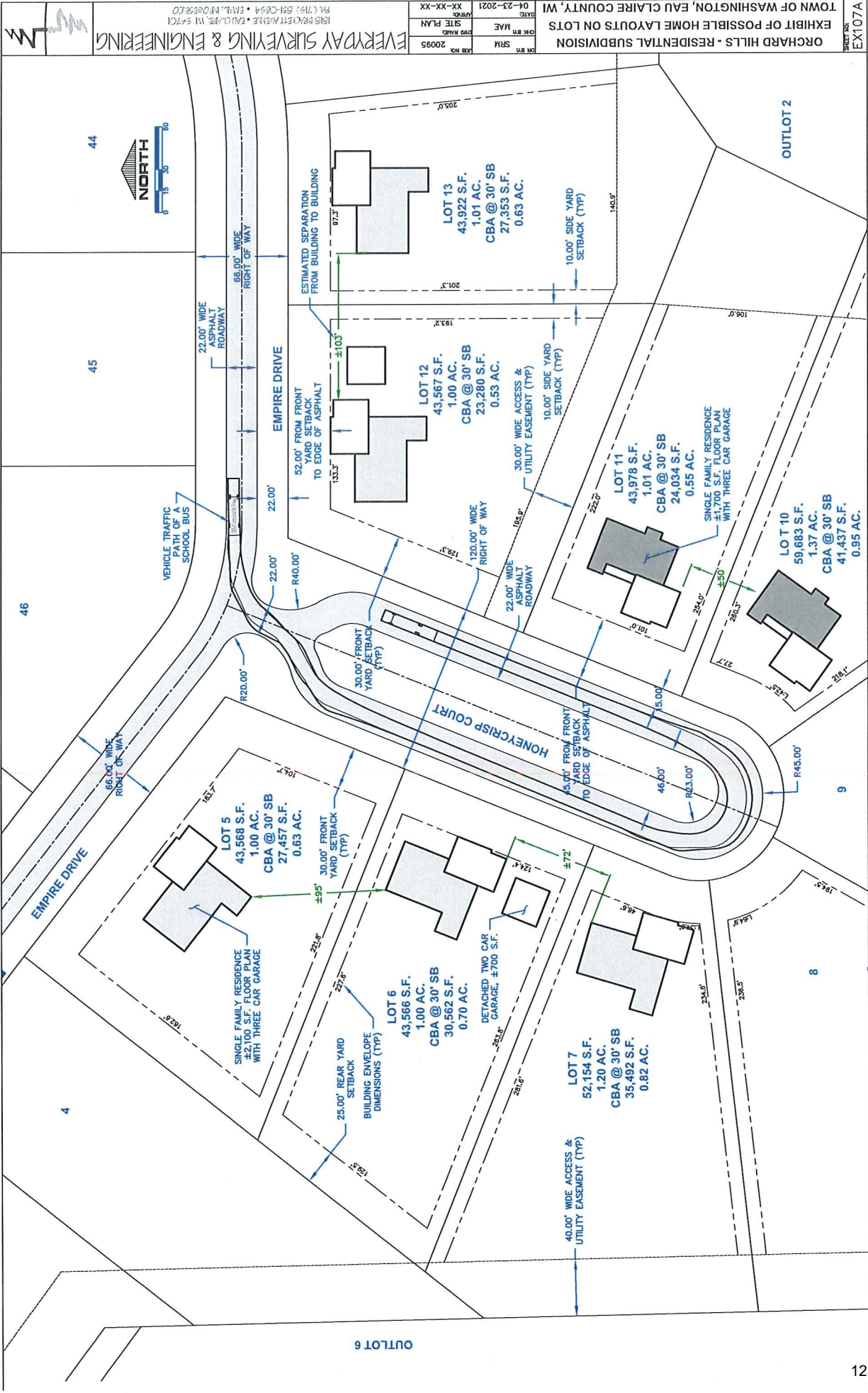




ORCHARD HILLS SUBDIVISION
PROPOSED PUBLIC RECREATIONAL PATH WAY SYSTEM

GENERAL		PATH	TYPE OF PATH
LOCATION	LENGTH (FT)		
OUTLOT 1 NORTHERN LIMITS	2,020	8' WIDE NATURAL PATH	
LOTS 37 & 101	825	8' WIDE NATURAL PATH	
OUTLOT 4 & LOT 90	500	8' WIDE NATURAL PATH	
NORTH OF OUTLOT 3	2,950	8' WIDE NATURAL PATH	
OUTLOT 3 SOUTHERN LIMITS	2,810	8' WIDE NATURAL PATH	
OUTLOT 7 TO HONEYCRISP	1,082	8' WIDE NATURAL PATH	
TOTAL NATURAL PATH	10,187		
OUTLOT 2	768	12' WIDE CRUSHED LIMESTONE	
OUTLOT 5	3,000	12' WIDE CRUSHED LIMESTONE	
TOTAL CRUSHED LIMESTONE	3,768		
EMPIRE DRIVE	4,500	ROADWAY PATH	
HONEYCRISP COURT	880	ROADWAY PATH	
CRISPIN LANE	925	ROADWAY PATH	
STEWART FARM DRIVE	3,100	ROADWAY PATH	
CORTLAND WAY	2,800	ROADWAY PATH	
TOTAL ROADWAY PATH	12,305		
LOT 102 & OUTLOT 5	1,090	FUTURE 8' WIDE NATURAL PATH	
LOTS 113 & 114	355	FUTURE 8' WIDE NATURAL PATH	
OUTLOT 3 NORTHWEST	310	FUTURE 8' WIDE NATURAL PATH	
OUTLOT 3 SOUTH	115	FUTURE 8' WIDE NATURAL PATH	
TOTAL FUTURE WIDE NATURAL PATH	1,870		
TOTAL PATH WAY (LINEAR FEET)	28,070		
TOTAL PATH WAY (MILES)	5.32		

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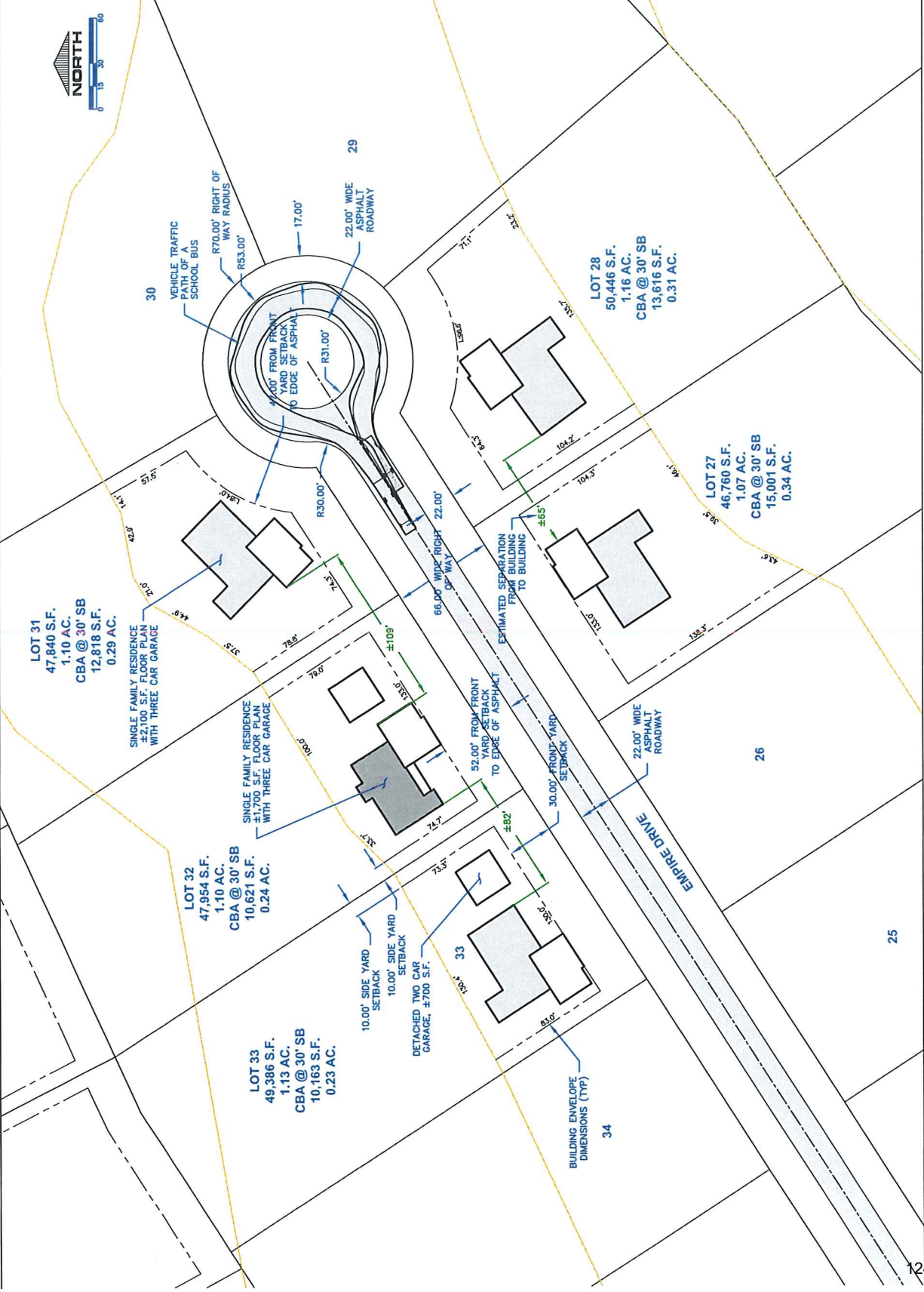
EVERDAY SURVEYING & ENGINEERING
 1615 BRECKENRIDGE • EVANSTON, IL 60201
 PH (708) 681-0654 • FAX (708) 681-0656
 2009S SRM
 04-23-2021
 XX-XX-XX
 DATE
 04-23-2021
 XX-XX-XX

ORCHARD HILLS - RESIDENTIAL SUBDIVISION
 EXHIBIT OF POSSIBLE HOME LAYOUTS ON LOTS
 TOWN OF WASHINGTON, EAU CLAIRE COUNTY, WI
 SHEET NO. EX107A



DATE	04-23-2021
BY	XX-XX-XX
DATE	09/20/20
BY	XX-XX-XX
DATE	09/20/20
BY	XX-XX-XX
DATE	09/20/20
BY	XX-XX-XX

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EAU CLAIRE COUNTY PLANNING STAFF RECOMMENDATION

REZONE NUMBER: RZN-0009-21 **COMPUTER NUMBERS:** (see attached list)

PUBLIC HEARING DATE: May 25, 2021

STAFF CONTACT: Matt Michels, Senior Planner

OWNER: LaVern Stewart, 5902 Mischler Rd., Eau Claire, WI 54701

AGENT: Craig Wurzer, 1750 US-53 Business, Chippewa Falls, WI 54729

REQUEST: Rezone 215 acres +/- of land from A-1 (Exclusive Agricultural) District to RH (Rural Homes) District to enable the development of a single-family residential subdivision on 234 acres +/- of land. Note that the northern portion of the property to be subdivided was previously rezoned RH (approx. 14.3 acres) and, therefore, is not included in the subdivision petition.

LOCATION: Northwest corner of Mischler Road and Deerfield Rd. (CTH II)

LEGAL DESCRIPTION: Portion of Sections 8 and 9, Township 26 North, Range 9 West, Town of Washington, Eau Claire County, Wisconsin (complete legal description attached).

RECOMMENDATION Approval of request based on findings outlined on Pages 9 & 10 of this report

BACKGROUND

PREVIOUS TOWN AND P&D COMMITTEE ACTION (RZN-0002-21)

Town Board Action: The Washington Town Board considered the previous rezoning petition on Thursday, January 21, 2021, and recommended approval of the rezoning (5-0 vote).

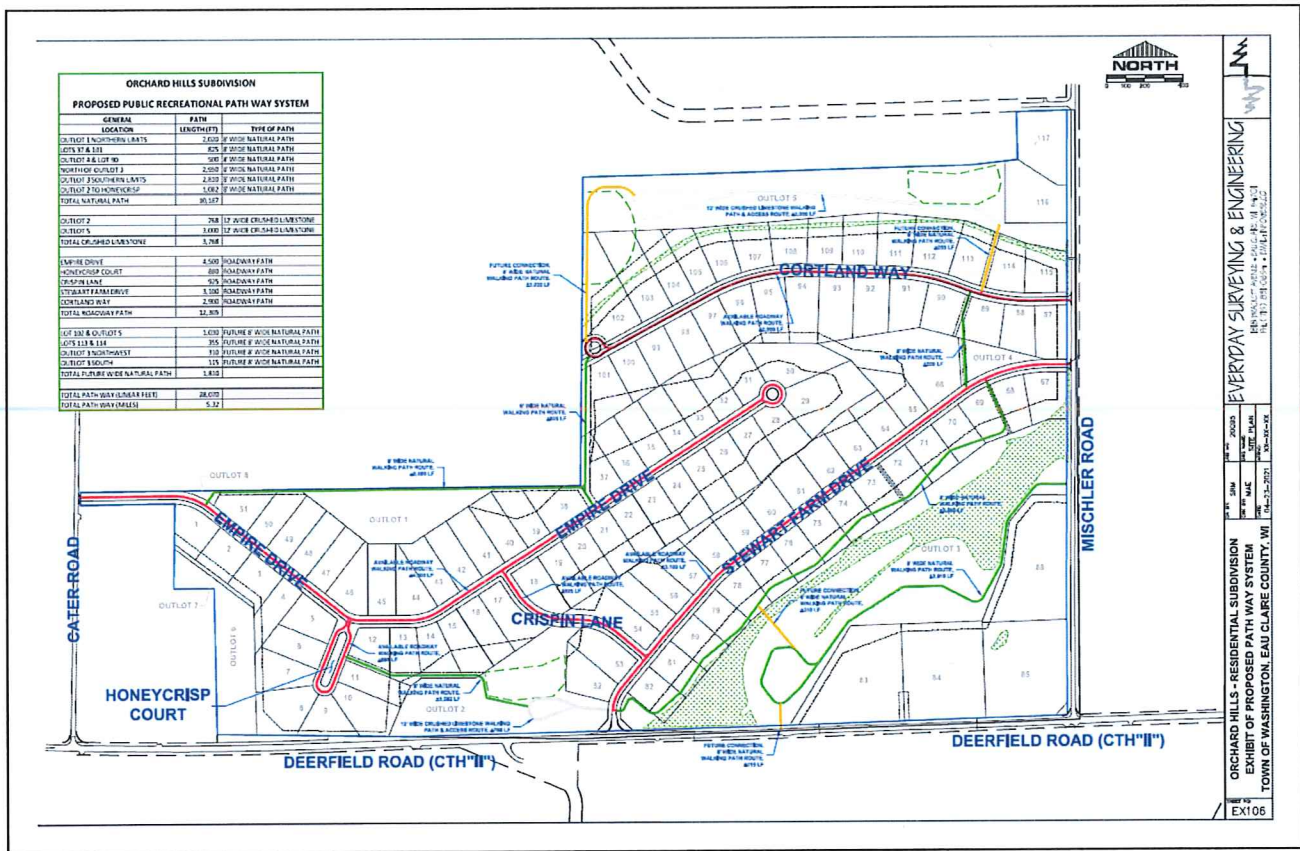
Committee on Planning & Development Action: The Eau Claire County Committee on Planning and Development conducted the required public hearing on Tuesday, January 26, 2021 regarding the proposed rezoning. On a vote of 2 in favor and 3 against, the Committee recommended denial of the rezoning from A-1 to RH to the County Board.

Note: The applicant withdrew the application prior to the County Board meeting in order to evaluate issues raised at the public hearings, which included traffic impacts and pedestrian and bicycle safety; environmental impacts, including groundwater impacts from community septic systems and loss of farmland; maintenance of "rural character", including proposed lot sizes and density; and consistency with the Town of Washington and Eau Claire County Comprehensive Plans. Please refer to the attached meeting minutes for a more complete list of issues raised at the public hearings.

CHANGES TO PROPOSED DEVELOPMENT FROM PREVIOUS SUBMITTAL (RZN-0002-21)

The proposed development is fundamentally unchanged from the first submittal, with the following notable changes:

- The applicant has completely revised the Traffic Impact Analysis (TIA). The County Highway Department has reviewed and accepted the TIA with conditions for off-site improvements (see attached correspondence).
- The submittal depicts three (3) anticipated phases of construction: Phase 1 from 2021-2023; Phase 2 from 2022-2024; and Phase 3 from 2024-2027.
- Honeycrisp Way no longer connects to Deerfield Road and is now a loop road.
- The subdivision narrative indicates that the outlots will be used as passive recreational space, although no specific details have been provided.
- As depicted below, publicly accessible walking paths will be provided through the outlots and within the subdivision. Note that the applicant depicts 2.33 miles of pedestrian paths (43.8% of the total 5.32 miles proposed) along the internal roadway network, which are vehicular roadways without separate pedestrian facilities, such as sidewalks or multi-use/shared use paths.



SITE CHARACTERISTICS:

- There is an existing single-family residence and outbuildings on the eastern portion of the property.
- Four of the lots on the south side of Rainetta Dr. were previously part of the Stewart farmstead and were rezoned and divided approximately 15 years ago.
- There are scattered woodlands throughout the property.
- Approximately 10.9% of the property is designated as Environmentally Sensitive Areas (ESAs), including steep (20%+) slopes and mapped wetlands. Note that the applicant has conducted a wetland delineation on the property.
- The property has frontage on three roadways – Deerfield Rd. (COH II), Cater Rd., and Mischler Rd.
- Most of the property has been cultivated for agricultural uses.



PROPOSED SINGLE-FAMILY RESIDENTIAL SUBDIVISION DEVELOPMENT

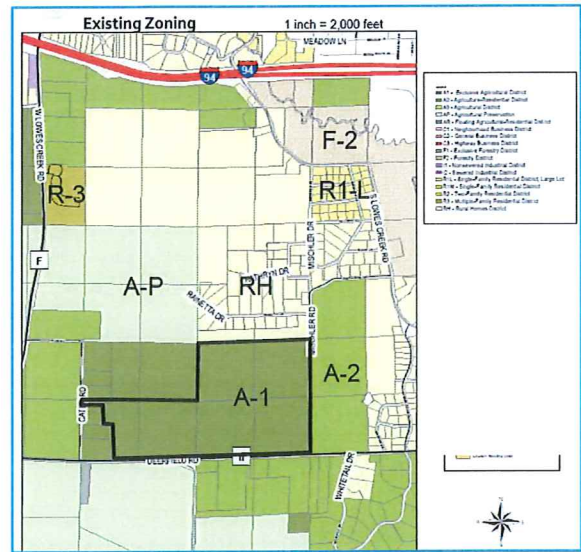
- Proposed lot sizes range from 1 to 5 acres.
- Proposed gross density = 0.5 dwelling units (d.u.)/acre, in conformance with the 0.5 d.u./acre (1 d.u. per 2 acres) standard of the Intergovernmental Agreement (IGA) between the Town of Washington and City of Eau Claire for subdivisions within the Extraterritorial Jurisdiction (ETJ) but outside the Sewer Service Area (SSA).
- For context, the overall density of residential lots in the vicinity of the proposed development, excluding the large undeveloped 20-40-acre parcels lying between Deerfield Rd. and Evergreen Terrace, is approximately 0.45 d.u./acre. These parcels are not included in the calculation as there is currently no residential development on the parcels. Note that several larger (5+ acre) lots exist in this area, which is significantly larger lot size than the proposed subdivision and also serves to skew the overall density of the area somewhat lower.
- Property will be restricted from development through conservation easements and outlots for common open space and stormwater retention basins.
- 5 internal subdivision roads will be provided (2.19 miles/17.98 acres)

EXISTING ZONING DISTRICT:

A-1 Exclusive Agricultural District. The A-1 Exclusive Agricultural District is established to “preserve areas for farming or agricultural use and to minimize land use conflicts between farms and non-farms.” Permitted principal uses include agricultural uses, livestock facilities, and nurseries.

REQUESTED ZONING DISTRICT:

RH Rural Homes District. The RH Rural Homes District is established to “provide for suburban large-lot development with individual on-site water and sewage disposal facilities.” Permitted principal use include single-family detached residential dwellings.



ZONING/LAND USE CONTEXT:

LOCATION	ZONING	LAND USE
Subject	A-1	Single-Family Residence; Agricultural Fields; Woodlands; Wetlands
North	RH, A-1	Single-Family Residences
East	A-2	Single-Family Residences; Woodlands
South	A-2, A-P	Commercial Apple Orchard
West	A-1, A-2	Single-Family Residences; Agricultural Fields

COMPREHENSIVE PLANS:

The Eau Claire County and Town of Washington Future Land Use Maps both include the property in the Rural Transition (RT) planning area.

Following are descriptions of the intent of the applicable Town and County comprehensive plan future land use categories and applicable policies. Staff analysis is provided below each policy, as applicable.

Town of Washington:

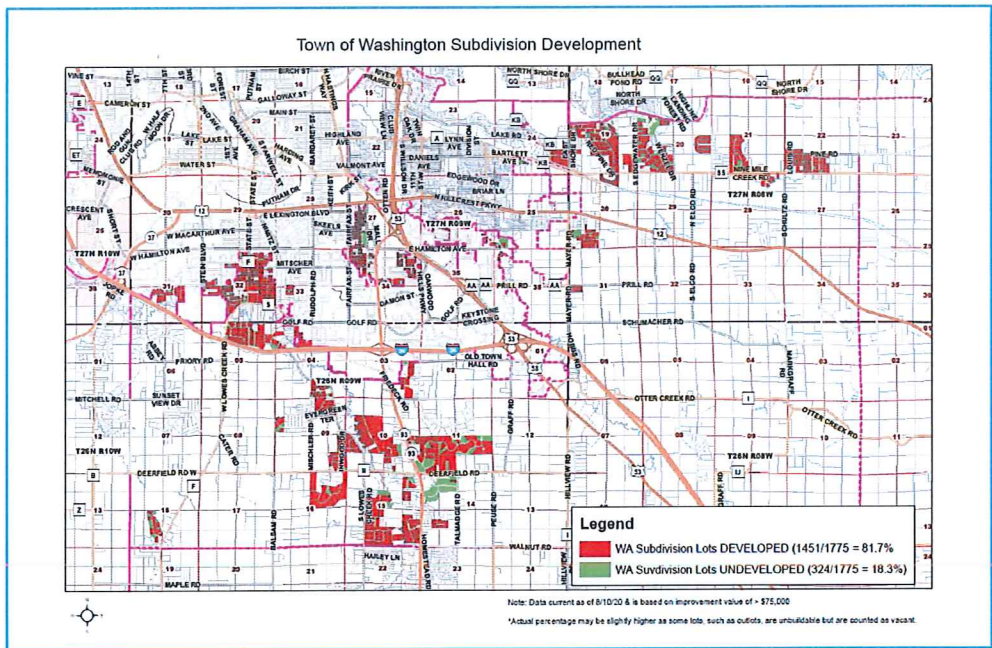
- Rural Transition Comprehensive Plan Intent and Description:** *The primary intent of this classification is to manage residential growth and reduce sprawl, with its attendant infrastructure costs, by identifying lands in proximity to developed areas to be maintained in mainly agricultural and open 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 Lands 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.*

As shown in the map below and attached, the proposal conforms to this standard, with approximately 81.7% of the existing subdivision lots developed and occupied. The map was generated based on a GIS analysis of the improvement status of all



lots within existing residential subdivisions in the Town of Washington. Note that this includes platted subdivisions and excludes lots created without a subdivision plat and does not reflect development in the Trilogy subdivision, which would slightly increase the overall percentage from 81.7% developed.

- 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.* Not applicable to this rezone petition as Rural Residential uses are not intended to require a separate amendment to the Future Land Use Map prior to approval of a rezone petition, but rather should be updated “as part of annual of decennial updates to this Plan” to correctly reflect transitions in land use in RT areas deemed warranted and appropriate by the Town.

- 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.*

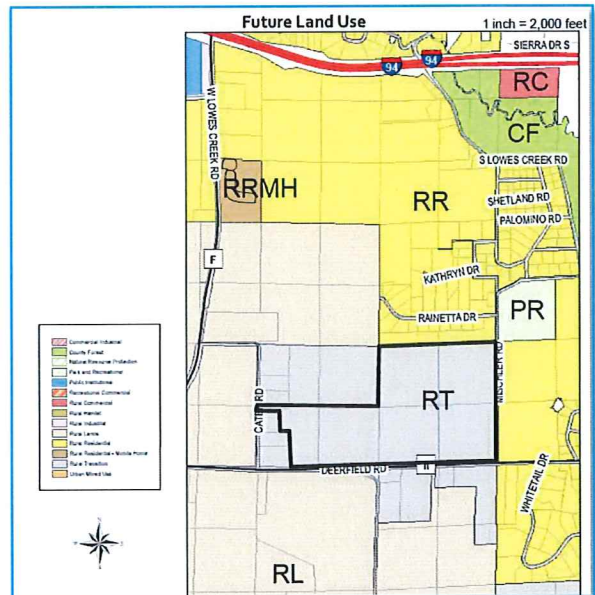
It appears unlikely that the property would be annexed to the City of Eau Claire, and they have not requested arrangement for potential re-subdivision as described above. The City of Eau Claire Community Development Department has reviewed the proposal and finds it to be consistent with the Intergovernmental

Agreement (IGA) between the Town of Washington and the City of Eau Claire. According to Ryan Petrie, Associate Planner at the City of Eau Claire, the preliminary plat has been placed on the City's February 15 Plan Commission agenda for review.

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:* As noted under Policy 1.b, above, the intention is not to require a separate Future Land Use Map amendment prior to rezoning; but rather to require that the Town consider a "transition to the Rural Residential Future Land Use classification", subsequent to rezoning to reflect the transition in land use if found to be warranted and appropriate by the Town through a public hearing process and consideration of all applicable comprehensive plan goals, objectives, and policies.
 - a. *Areas to be transitioned to Rural Residential should be contiguous to existing Rural Residential properties.*
The proposal conforms to this standard as property to adjacent to the north and east are designated Rural Residential.
 - 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 preliminary plat depicts open space buffers in the form of conservation easements around the perimeter of all lots. Some larger (approx. 5 acres) lots are provided in the southeast portion of the property in proximity to agricultural uses.
 - c. *Single-family residential subdivisions should be located along major collector or arterial roadways.*
The proposal conforms to this standard.

Eau Claire County:

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



- Applicable Policies:

1. *Continue to maintain and support farming and other agriculture uses, agricultural-related businesses, cottage industries, forestry, mineral extraction, open space, and utility uses until such time as it has been determined by local plans that these areas are needed for additional non-farm development.*
2. *For those Towns under County Zoning, density and zoning districts to be considered for new development shall be limited in accordance with all policies applicable to the Rural Lands classification, until such time as it has been determined by local officials in accordance with local plans, and the County Plan, that these areas are needed for additional non-farm development.*

These policies defer to the Town of Washington Board to determine if the property is appropriate for more intensive residential development, as stipulated in the Town’s Rural Transition Future Land Use designation. The Washington Town Board will hold a public hearing to consider the proposed rezone petition at their May 20, 2021 meeting.

Based on the above review, the application has been found to be substantially consistent with the intent, description, and the applicable policies of the Eau Claire County Rural Transition Future Land Use designation. As discussed, the Town of Washington will determine if the proposed rezone and associated development is “warranted” and “appropriate”, consistent with the Town’s Comprehensive Plan. If findings are made in support of a recommendation for approval, and the rezoning petition is ultimately approved by the County Board, the Town’s Future Land Use Map should be updated as part of the Town’s next comprehensive plan review to reflect the approved transition in land use.

RURAL LAND USE & RURAL CHARACTER

As shown in the table to the right, the county comprehensive plan designates approximately 90.24% of the total land area of unincorporated Eau Claire County as Rural Lands (RL), County Forest, or Park & Recreational. The RL designation (76.37% of the unincorporated land area, or 284,776 acres) denotes areas where agricultural uses are the primary land use and non-farm residential development is highly restricted to conserve highly productive farmland and maintain the rural land use and “Rural Character” described in the comprehensive plan.

Future Land Use	Acres	% of Total
Rural Lands (RL)	284,776.12	76.37
County Forest (CF)	48,830.34	13.09
Rural Residential (RR)	20,899.92	5.60
Rural Transition (RT)	7,382.70	1.98
Park and Recreational (PR)	2,923.26	0.78
Commercial Industrial (CI)	2,809.84	0.75
Public Institutional (PI)	1,645.77	0.44
Urban Mixed Use (UM)	805.70	0.22
Rural Commercial (RC)	747.48	0.20
Recreational Commercial (RCM)	740.55	0.20
Rural Industrial (RI)	664.77	0.18
Rural Hamlet (RH)	601.09	0.16
Rural Res. Mobile Home (RRMH)	76.09	0.02
TOTAL	372,903.63	100.00

These areas are contrasted with other future land use designations, such as Rural Residential (RR) and Rural Transition (RT), which are sometimes in close proximity or adjacent to rural agricultural uses that contribute to “Rural Character”. However, these lands – even when currently utilized for agricultural uses - are planned for eventual transition to residential uses to accommodate growth demand consistent with the Future Land Use Map and goals, objectives, and policies of the plan.

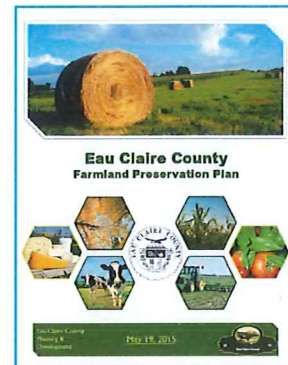
RR and RT areas are referred to as “growth areas” in the county comprehensive plan and include areas in proximity to the City of Eau Claire and along and in proximity to major transportation corridors

including WI 93 Trunk Highway and U.S Highway 12, generally in areas of less prime agricultural productivity when compared to prime farmland in other areas of the county.

Collectively, the RR and RT growth areas account for only 7.58% of the total unincorporated land area of the county.

COUNTY FARMLAND PRESERVATION PLAN:

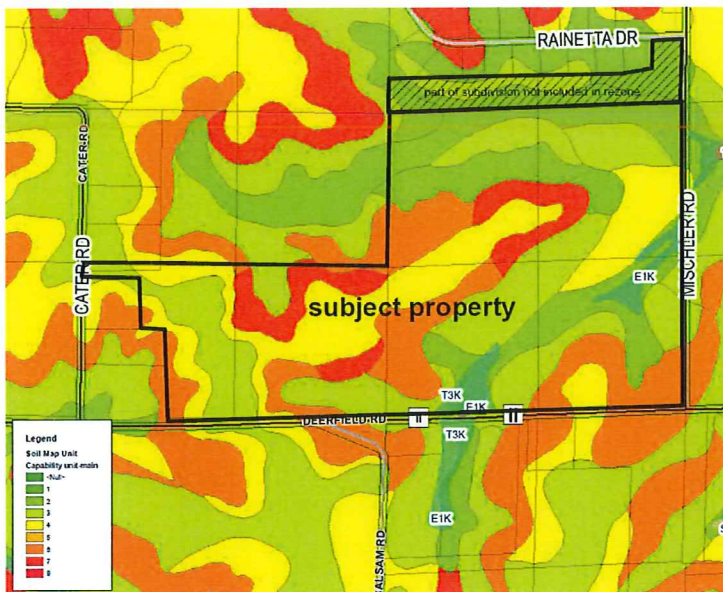
A primary purpose of the County Farmland Preservation Plan, which is certified with Wisconsin DATCP, is to designate the most productive, capable, and appropriately situated agricultural lands for preservation and provide eligibility for state Farmland Preservation Tax Credits. The subject property is designated Transition in the Farmland Preservation Plan Map, which correlates to the comprehensive plan Rural Transition (RT) future land use designation, and the property is ineligible for Agricultural Preservation (A-P) zoning and Farmland Preservation tax credits as the aforementioned designations indicate that the property may be considered for non-farm development.



According to the Plan, the County shall “Encourage higher density non-agricultural housing (inclusive of conservation subdivisions) in areas where necessary utility infrastructure exists or can be efficiently provided. Areas designated for future development (mapped as both Transition and Excluded areas on Map 1 of Appendix D) and away from Preservation Areas.”

SOIL TYPES & CAPABILITY

While soil types and agricultural productivity is not a formal evaluation criterium when rezoning from the A-1 Zoning District and any other non-certified district, several residents and elected officials have made inquiries regarding the soil capability of the subject property. Based on a review of the USDA Natural Resources Conservation Service (NRCS) soil capability map (left), the property contains a mix of prime (defined as Capability Unit 1, 2 & 3) and non-prime soils (Capability Unit 4-8).



The northern portion of the subject property generally contains the best agricultural soils on the subject property. Other areas, such as along the drainageway on the eastern side of the property and the residentially developed lots along Cater Road and on the south side of Rainetta Dr., contain areas of prime agricultural soils but are encumbered by non-farm residential development or wetlands and slopes that obviate their viability for agricultural use.

Summary

As discussed above, the proposed RH zoning district is consistent with the intent and description and the applicable policies of the Town of Washington and Eau Claire County Comprehensive Plan Rural Transition Planning Area and nearby properties in the immediate vicinity of the subject property.

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.

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 generally 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 residential subdivisions, scattered woodlands, and agricultural uses.
- Zoning in the area is predominantly RH and A-2, with some A-1, R1-L and A-P in proximity to the subject property.

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 RH District.

In addition, the following factors have also been considered:

- Input of surrounding property owners. Several nearby property owners contacted staff with concerns regarding the previous rezoning submittal, although county staff has not received any correspondence from neighbors regarding this submittal, to date.

FINDINGS

Findings in Favor:

1. The request is substantially consistent with the intent, description, and policies of the Rural Transition Future Land Use classification and other applicable goals, objectives, and policies of the plan including Town of Washington Rural Transition Policy 1.a, which requires at least 75% of platted lots to be developed and occupied at the time of application.
2. Town of Washington staff concurs that the proposed rezone is substantially consistent with the Town's Comprehensive Plan Rural Transition Future Land Use Designation.
3. The proposed development will utilize professionally monitored and maintained community wastewater collection and treatment systems for the majority of lots, which will provide a significantly higher degree of groundwater protection when compared to conventional septic systems on individual lots.
4. The proposed density of the proposed development (.5 dwelling units (d.u.)/acre, or 1 d.u. per 2 acres) is similar to that of existing residential development in the vicinity of the subject property.

5. The Eau Claire County Farmland Preservation Plan designates this property as Transition, which denotes lands that are planned for transition from agricultural use to another land use (typically Rural Residential) to accommodate anticipated growth rather than long-term agricultural preservation. The Executive Summary of the Town of Washington Comprehensive plan states, "Reinforce the rural character of the Town by...Directing new non-farm residential development to appropriate areas designated for Rural Residential and Rural Transition land uses".
6. The proposed development conserves Environmentally Sensitive Areas (ESA), including steep slopes, mapped wetlands, and adjacent areas.
7. A significant proportion of the property will be restricted from development through outlots and conservation easements.
8. The open space arrangement provides open space access from each lot and allows passive recreational opportunities.
9. A publicly accessible trail system will be provided through the subdivision outlots.
10. The applicant has provided a new Transportation Impact Analysis (TIA), which has been reviewed and conditionally accepted by the Eau Claire County Highway Department.

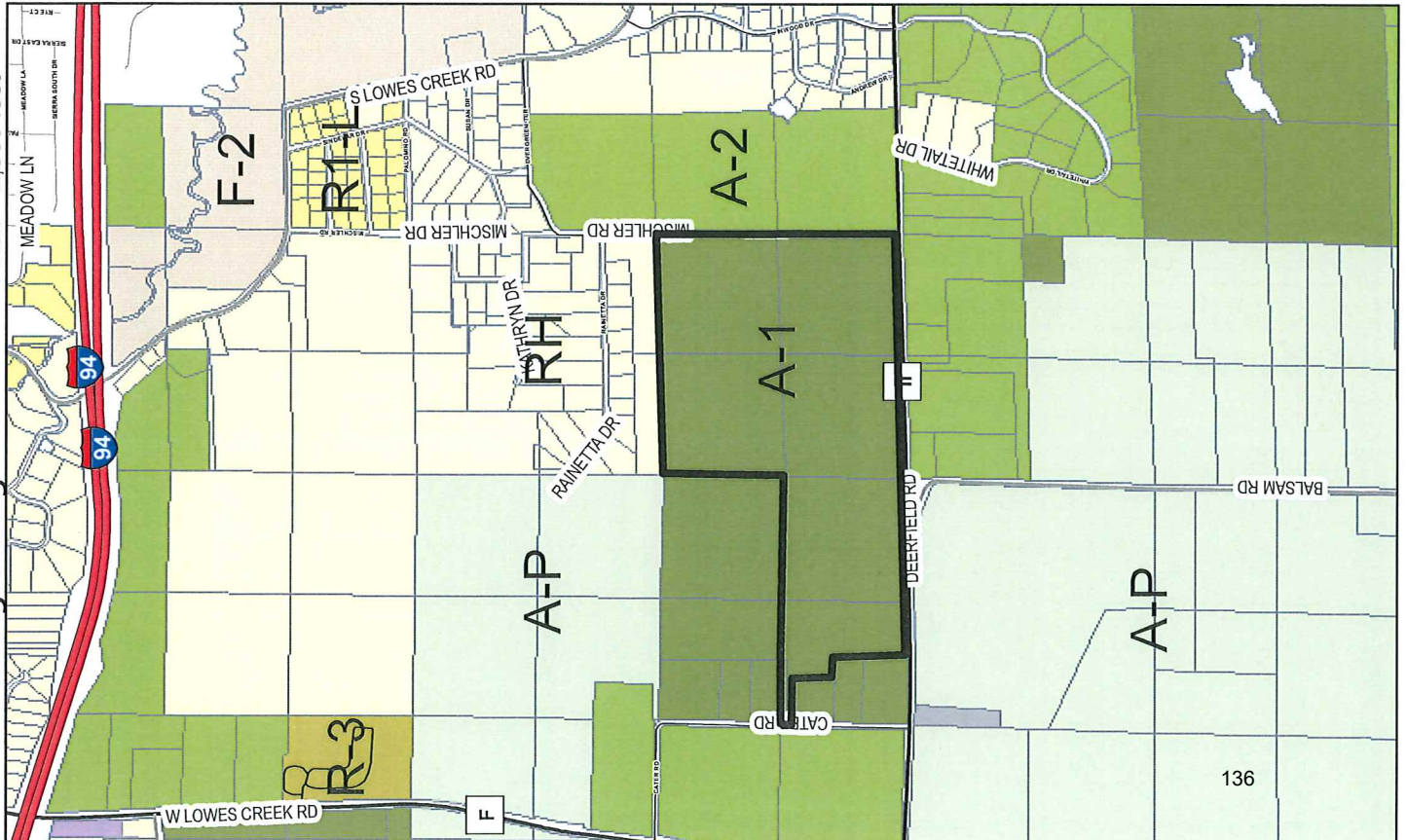
Finding Against:

1. There are other undeveloped parcels within the Rural Residential (RR) planning area that could potentially be developed prior to the subject property, which is within the Rural Transition (RT) planning area. However, most of the undeveloped RR properties lie within the City of Eau Claire Sewer Service Area and will likely be annexed prior to development to connect to city sewer and water as the Intergovernmental Agreement restricts unsewered development to 1 dwelling unit per 10 acres, which is not economically viable.

Orchard Hills Rezoning: RZN-0009-21

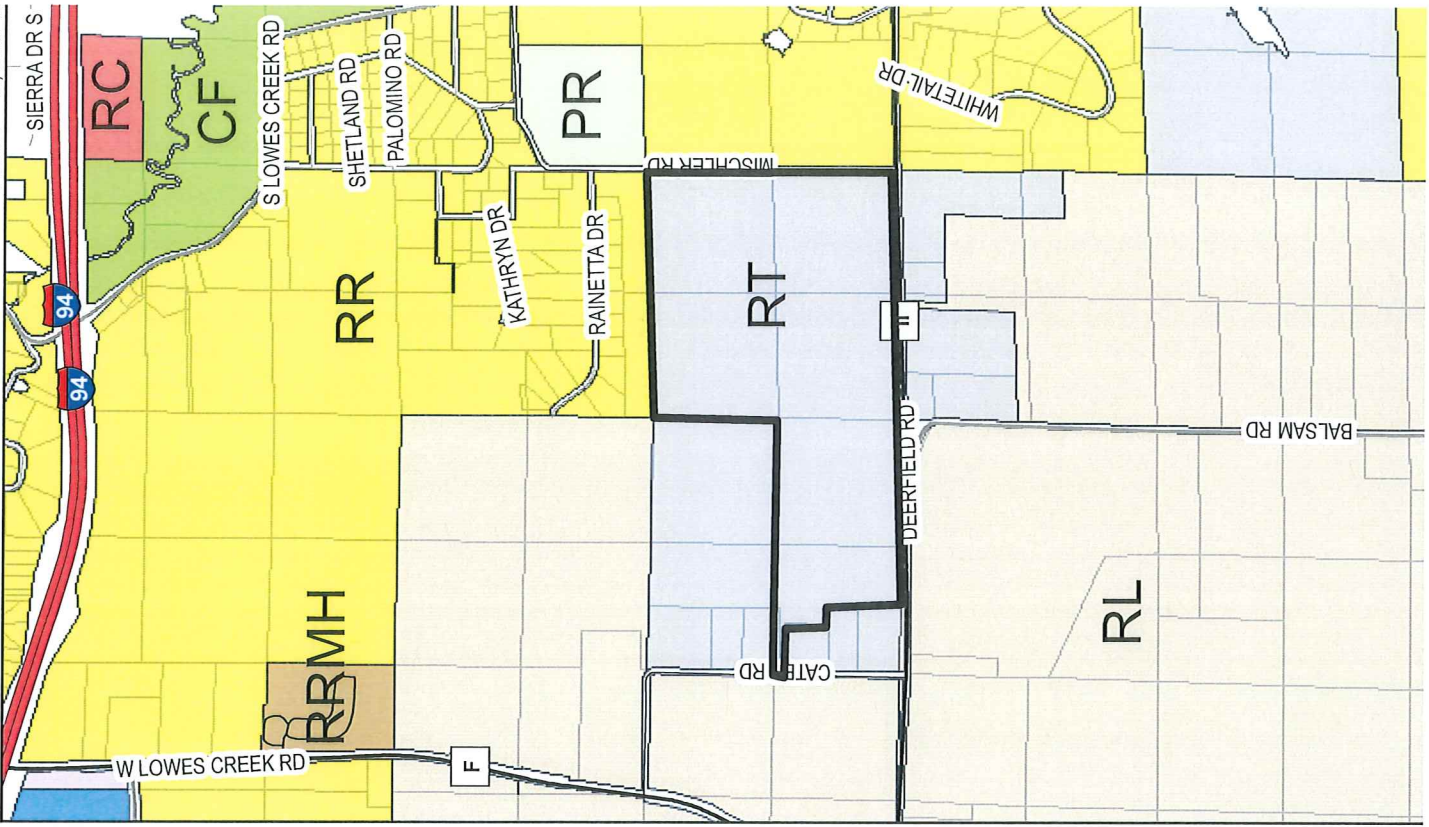
Existing Zoning

1 inch = 2,000 feet



Future Land Use

1 inch = 2,000 feet



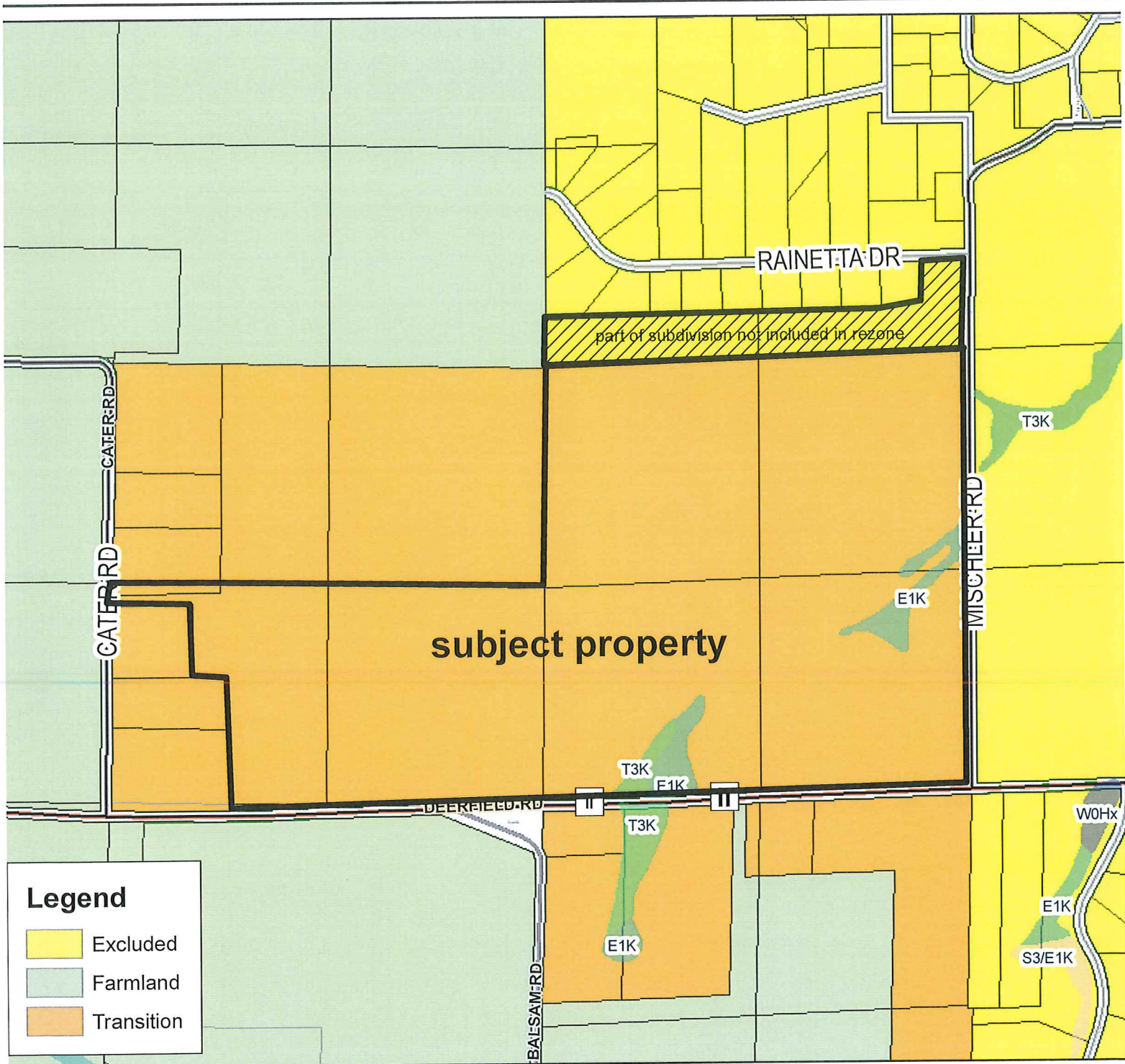
- A1 - Exclusive Agricultural District
- A2 - Agriculture-Residential District
- A3 - Agricultural District
- AP - Agricultural Preservation
- AR - Floating Agricultural-Residential District
- C1 - Neighborhood Business District
- C2 - General Business District
- C3 - Highway Business District
- F1 - Exclusive Forestry District
- F2 - Forestry District
- F3 - Nonsewered Industrial District
- RRMH - Single-Family Residential District, Large Lot
- RR - Single-Family Residential District
- RL - Multiple-Family Residential District
- RC - Rural Homes District

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



Parcel Mapping Notes:
 The horizontal datum is based on the Eau Claire County Coordinate System NAD_1983_HARN_48_W_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. While every effort is made to ensure the accuracy of the information, the user assumes all responsibility for the use of the information. Although significant care has been exercised to produce maps that satisfy mapping accuracy standards, these maps are not guaranteed to be accurate as the source data from which they were compiled may not be accurate. The information is provided for informational purposes only and is not 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 information. The user assumes all responsibility for the use of the information and the user relies on the map and results solely at their own risk.

ORCHARD HILLS REZONE FARMLAND PRESERVATION PLAN



Legend

- Excluded
- Farmland
- Transition

Parcel Mapping Notes:

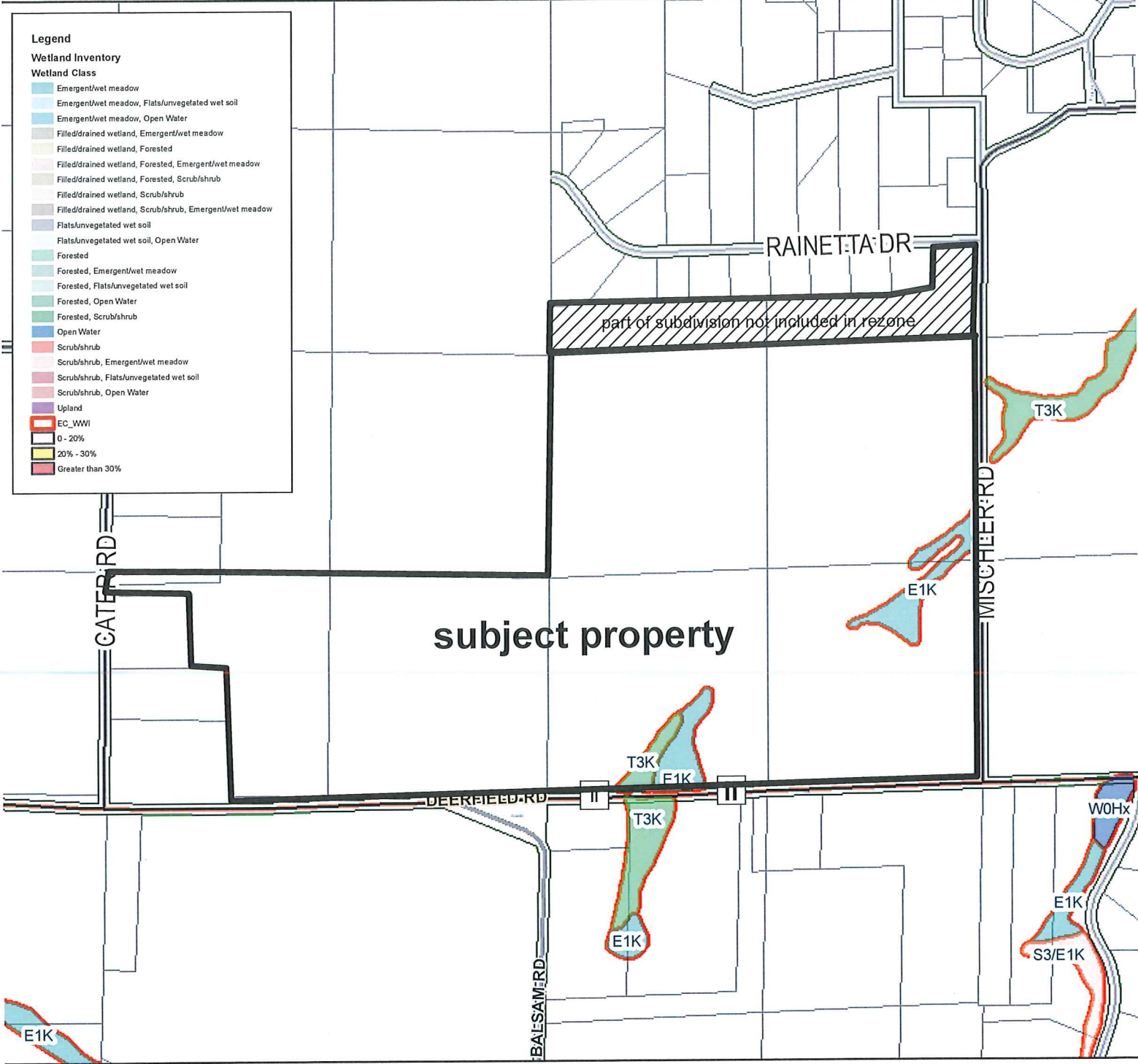
The horizontal datum is based on the Eau Claire County Coordinate System NAD_1983_HARN_Adj_WI_EauClaire_Feet

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ORCHARD HILLS REZONE FLOODPLAIN-SLOPE 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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