

## **AGENDA**

Eau Claire County

- BOARD OF LAND USE APPEALS •

**Date:** Monday, December 13, 2021

**Time:** 5:30 p.m.

\*via remote access **ONLY**.

\*Event link below can be used to connect to meeting and interact (by the chair) from computer or through the WebEx Meeting smartphone app.

**Join WebEx Meeting:** <https://eauclairecounty.webex.com> Meeting ID: **2597 954 7391** Password: **1aRMJ2cPN33**

\*Meeting audio can be listened to using this Audio conference dial in information.

**Audio conference:** 1-415-655-0001 Access Code: **25979547391##**

*\*Please mute personal devices upon entry*

***For those wishing to make public comment, you must e-mail Sam Simmons at [Samuel.Simmons@co.eau-claire.wi.us](mailto:Samuel.Simmons@co.eau-claire.wi.us) at least 30 minutes prior to the start of the meeting. You will be called on during the public comment period to make your comments.***

*\*Please mute personal devices upon entry*

1. Call to Order and confirmation of meeting notice
2. Roll Call
3. Public Comment **(15 minute maximum)**
4. Public Hearings
  - a. A variance request to disturb slopes in excess of 30 percent for the purpose of dredging the Eau Claire River. (Town of Washington) / Discussion – Action **PAGES 2 - 30**
5. Review/Approval of November 15, 2021 Meeting Minutes / Discussion – Action **PAGES 31 - 33**
6. Adjourn

EAU CLAIRE COUNTY BOARD OF LAND USE APPEALS  
STAFF ANALYSIS AND RECOMMENDATION - VAR-0003-21

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DATE PREPARED: December 8, 2021

PUBLIC HEARING DATE: December 13, 2021

PROPERTY OWNER: Robert & Rima DeFatta, 7213 & 7215 South Shore Dr, Altoona, WI 54720

AGENT: Lake Altoona Rehabilitation & Protection District

PROPERTY DESCRIPTION: Part of the SW ¼ of the NE 1/4, Section 19, T27N R8W Town of Wash.

PARCEL SIZE: 1.157 Acres

ZONING DISTRICT: R-1-L Single Family Residence, Large Lot

### EXHIBITS

1. Staff Report
2. Variance Application
3. PowerPoint with site pictures and video

### REQUEST AND BACKGROUND

The applicant is requesting a variance from the Board of Land Use Appeals (Board) to disturb slopes of more than 30% to construct an access road that will aid in dredging of sediment from the Eau Claire River. The purpose of the dredging is to restore channel access to upstream homeowners. Section 15.080 A. of the Eau Claire County Code prohibits land development or land disturbing activities on 30% slopes and greater.

After reviewing the plans submitted by Ayres Associates and talking with the applicant, the existing residential river access will be removed and is the location for the access road. The access road will be built by pushing the existing stable riverbank out into the water to create a 2:1 roadbed slope. As sediment is removed, the excavator will work back towards the bank removing river sediment and the road simultaneously. The applicant states that the site will be restored by creating a 0.5:1 riverbank slope and stabilizing with Class III turf reinforcement matting.

### ADJACENT LAND USE AND ZONING

The adjacent parcels consist of residential properties zoned R-1-L Single Family Residence, Large Lot and the Eau Claire River.

### AUTHORITY

#### **Chapter 17.05.010**

This ordinance is adopted by the county board under the authority granted by Wis. Stat. §§ 59.693, 92.07(6), 92.07(15) and Wis. Stat. Ch. 236.

**Section 17.05.030 Purpose**

- A. The general purpose of this ordinance is to establish regulatory requirements for land disturbing activities aimed to minimize the threats to public health, safety, welfare, and the natural resources of Eau Claire County from construction site erosion. Specific purposes are to:
1. Further the maintenance of safe and healthful conditions.
  2. Prevent and control the adverse effects of soil erosion; prevent and control water pollution; protect spawning grounds, fish and aquatic life; establish erosion control standards for building sites, placement of structures and land uses; and preserve ground cover and scenic beauty.
  3. Reduce sedimentation in existing drainage facilities and receiving water bodies; prevent undue channel erosion; control increases in the scouring and transportation of particulate matter; and prevent conditions that endanger property.
    - a. Through this erosion control permit process, this ordinance is intended to meet the current construction site erosion control regulatory requirements of Wis. Admin. Code ch. NR 151 on the effective date of this ordinance. Nothing in this ordinance prevents the Wisconsin Department of Natural Resources (WDNR) from adopting or enforcing more stringent soil erosion or storm water management requirements in future revisions of Wis. Admin. Code.
    - b. Provisions have also been incorporated to coordinate the erosion control permit requirements of this ordinance with other county and town zoning and land division regulations.

**Section 17.05.070 Applicability and Exemptions (Erosion Control)**

- B. Uniform Statewide Standards. Unless otherwise exempted under 17.05.070 D., an erosion control permit shall be required, and all erosion control provisions of this ordinance shall apply to all proposed land disturbing activity that meet the requirements of 17.05.070 A and any of the following:
1. Involves the grading, removal of protective ground cover or vegetation, excavation, land filling or other land disturbing activity which affects an area of 4,000 square feet or more; or
  2. Involves excavation or filling, or a combination of excavation and filling, which affects 400 cubic yards or more of soil, sand or other excavation or fill material; or
  3. Involves street, highway, road, access lane or bridge construction, enlargement, relocation or reconstruction.
  4. Involves the laying, repairing, replacing, or enlarging of an underground pipe, line or facility for a distance of 300 feet or more; or
  5. Requires a subdivision plat approval or a certified survey.
  6. Is a land disturbing activity, regardless of size, that is likely to cause an adverse impact to an environmentally sensitive area or other property.

**Section 17.05.080 Prohibited Activities.**

- A. Land disturbance activities on 30% slopes and greater, unless:
1. exempted in 17.05.070. D.; or
  2. for activities that require public improvements; or
  3. to correct a preexisting erosion problem.

B. No activity permitted under this ordinance shall cause contamination resulting in a public health hazard or other violation under Title 8.

**Section 17.05.060. Definitions**

“Environmentally Sensitive Area” means any area that, due to the natural resources present or the lack of filtering capacity, is more susceptible to the adverse impacts of sediment and other pollutants associated with erosion and urban runoff. Examples include environmental corridors, slopes of 20% and greater, direct hydrologic connections to lakes, streams, wetlands, groundwater or other water resources, or very coarse or shallow soils above groundwater or bedrock.

“Steep Slope” means 20% or greater. For the purpose of application of these regulations, slope shall be measured over a horizontal distance of 50 feet parallel to the direction of the existing slope and within the proposed “land disturbing activity”. Slopes shall be measured as the change in elevation over the horizontal distance between consecutive contour lines and expressed as a percent. Modeling software, where used, shall be adjusted to account for large areas with steep slopes.

**VARIANCE STANDARDS**

**17.05.150.C.3 Variances**

Upon appeal, the Board may authorize variances from the provisions of this ordinance which are not contrary to the public interest or the purposes of this ordinance, and where owing to special conditions beyond the control of the applicant, a literal enforcement of this ordinance will result in unnecessary hardship.

## STAFF RECOMMENDATION

In evaluating the variance application, the Board must consider the County Code's prohibited activities for granting a variance. An approval or denial requires that the board state its reasoning why an applicant did or did not meet the ordinance statutory criteria.

For the Board to authorize an approval of the variance, the Board will need to give their reasoning as to why a literal enforcement of the ordinance creates conditions that are beyond the control of the applicant. The Board may consider the written statements from the applicant and any testimony presented at the meeting.

The Land Conservation Division staff recommends denial of the variance request for the following reasons:

1. The applicant has not exhausted all options as to why a hardship is present.
2. Section 17.05.080 A. Land disturbance activities on 30% slopes and greater is a prohibited activity.
3. The applicant has not demonstrated that a 0.5:1 slope can be stabilized. Based on Land Conservation Division staff experience, slopes of 2:1 or steeper in sandy soil conditions are extremely difficult to stabilize. The Wisconsin Department of Transportation Product Acceptability List doesn't list a product for stabilizing a slope steeper than 1:1.

If variance approval is considered, Land Conservation Division staff recommends as a condition of variance approval, the following:

1. A slope stability analysis will be conducted, signed, and stamped by a Professional Engineer that demonstrates that the reconstructed slope will be stable prior to any slope disturbance.
2. The erosion control permit application will be updated to incorporate the slope stability analysis.
3. The applicant will provide copies of WI DNR and U.S Army Corps of Engineers permits.

## FINDINGS

If the Board denies the variance request, the Board may incorporate any or all the following findings in its decision:

- The applicant did not prove that a hardship is present.
- According to Title 17, disturbing slopes of 30% or greater is a prohibited activity.
- The applicant has not demonstrated through scientific evidence that a 0.5:1 slope can be permanently stabilized.

If the Board approves the variance request, the Board will need to state the findings in its decision.

**Department of Planning and Development**

Eau Claire County Courthouse  
721 Oxford Avenue, Room 3344  
Eau Claire, Wisconsin 54703  
715-839-4741

Application Accepted:	11/10/2021
Accepted By:	Chad Berge
Receipt Number:	7299545
Town Hearing Date:	
Scheduled Hearing Date:	12/13/2021
Application No:	VAR-0003-21
Application Status:	Pending

## Variance Request

**Owner/Applicant Name(s):****Owner:** ROBERT DEFATTA**Applicant:** Lake Altoona Rehabilitation and Protection District**Telephone:** 651-491-7222**Email:** altoonaboard@gmail.com**Site Address(es):**

7215 SOUTH SHORE DR  
7213 SOUTH SHORE DR

**Property Description:** Sec 19 Twn 27 Rge 08  
**Town of Washington**

**Zoning District(s):**

R-1-L District

**Lot Area(s) - Acres:**

1.18

**PIN**

1802422708191309002

**Legal (partial)**

LOT 1 CSM 3714 (VOL 21 P 167 #1221507)

**Request****Type:** Variance

**Description:** Variance request to disturb slopes in excess of 30 percent for the purpose of dredging the Eau Claire River.

, 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.



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

*Office Use Only*

Date Application Accepted:	11/11/2021
Accepted By:	Chad Berge
Receipt Number:	068625
Town Hearing Date:	
Scheduled Hearing Date:	12/13/2021

## VARIANCE APPLICATION

Property Owner Name: Robert & Rima DeFatta	Phone# 715-590-4887 and 715-828-2368
Mailing Address: N1706 945th St. Eau Claire, WI 54701-1823	
Email Address: robert.defatta@defattaent.com and rima.defatta@defattaent.com	

Agent Name: Lake Altoona Rehabilitation and Protection District	Phone# 651-491-7222
Mailing Address: PO Box 92 Altoona, WI 54720	
Email Address: altoonaboard@gmail.com	

### SITE INFORMATION

Site Address: 7213 & 7215 South Shore Dr. Altoona, WI 54720	
Property Description: <u>SW</u> $\frac{1}{4}$ <u>NE</u> $\frac{1}{4}$ Sec. <u>19</u> , T <u>27</u> N, R <u>8</u> W, Town of <u>Washington</u>	
Zoning District: R-1-L	Code Section(s): 17.05.080
Overlay District: Check Applicable <input checked="" type="checkbox"/> Shoreland <input type="checkbox"/> Floodplain <input type="checkbox"/> Airport <input type="checkbox"/> Wellhead Protection <input type="checkbox"/> Non-Metallic Mining	
PIN #(s): <u>18024</u> - <u>2</u> - <u>270819</u> - <u>130</u> - <u>2020</u> _____ - _____ - _____ - _____ - _____ <u>18024</u> - <u>2</u> - <u>270819</u> - <u>130</u> - <u>2019</u> _____ - _____ - _____ - _____ - _____	

### GENERAL APPLICATION REQUIREMENTS

- Applications will not be accepted until the applicant has met with department staff to review the application and determine if all necessary information has been provided. All information from the checklist must be included.**
- A detailed written statement that specifically identifies what is being requested.
  - Written argument that justifies the need for the variance and addresses the variance standards. It is the applicant's responsibility to prove that an "unnecessary hardship" exists and that a variance can be granted. (See reverse for additional information.)
  - The applicant must flag/stake the property/project corners and label them accordingly (e.g., NE Lot corner, NE building corner).
  - A scaled site plan of the site and surrounding area for a distance of 100 feet, including buildings and other structures. Also, include the proposed addition/structure/location of septic system, well, driveway, property lines, navigable water ways, wetlands, floodplains, slopes in excess of 20%, and any other unique limiting condition of the property. All maps and engineering data to be no larger than 11" x 17".
  - Provide a **\$525.00** application fee (**non-refundable**), make checks payable to the Eau Claire County Treasurer or [online payments](#).

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 \_\_\_\_\_

**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.**

## STANDARDS FOR VARIANCES

The Board of Land Use Appeals has the authority to issue variances only when the standards are met. The variance standards are located in Section 18.31.020 C. 6. Of the Eau Claire County Code. Those standards are as follows:

1. The burden is upon the appellant to prove the need for a variance.
2. Pecuniary hardship; loss of profit; self-imposed hardships, such as that caused by ignorance, deed restrictions, proceeding without a permit, or illegal sales; are not sufficient reasons for getting a variance.
3. The plights of the applicant must be unique, such as a shallow or steep parcel of land or a situation caused by other than his or her own action.
4. The hardship justifying a variance must apply to the appellant's parcel or structure and not general to other properties in the same district.
5. Variances allowing uses not expressly listed as permitted or conditional uses in a given zoning district shall not be granted.
6. The variance must not be detrimental to adjacent properties.
7. The variance must by standard be the minimum necessary to grant relief.
8. The variance will not be in conflict with the spirit of this subtitle or other applicable ordinances, nor contrary to state law or administrative order.
9. The variance shall not permit any change in established flood elevations or profiles.
10. Variances shall not be granted for actions, which require an amendment to Chapter 18.20, the Flood Plain Overlay District.
11. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE.
12. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances costs for rescue and relief efforts and shall not be contrary to the purpose of the ordinance.

The Wisconsin Supreme Court's opinion in State Ex. rel. Ziervogel v. Washington County Board of Adjustment, found that the property owner will have to prove unnecessary hardship utilizing the 1976 Snyder Wisconsin Supreme Court decision. In the 2004 Ziervogel decision, the Supreme Court reaffirmed the 1976 Snyder standard for determining the existence of an unnecessary hardship stated as "...whether compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome." (at pages 3-4) Whether the standard is met depends upon "...a consideration of the purpose of the zoning restriction in question, its effect on the property, and the effect of a variance on the neighborhood and the larger public interests." (at page 4) The hardship must be unique to the property and not self-created (at page 4). The burden of proving unnecessary hardship remains on the property owner (at page 4). In the Ziervogel decision the Supreme Court affirmed the following rules of unnecessary hardship:

1. The hardship must be based on conditions unique to the property rather than considerations personal to the property owner.
2. The hardship cannot be self-created.
3. The Board is to evaluate the hardship in light of the purpose of the zoning restriction at issue.
4. The variance cannot be contrary to the public interest.
5. The property owner bears the burden of proving unnecessary hardship.

If it is found that there is a hardship and that the other criteria are present, the Board can grant a variance. In that case, the variance should only provide for the minimum relief needed to overcome the hardship. (Anderson, American Law of Zoning 3d, (9189) Vol. 3, S.20.86, pp. 624-5).

A variance grants relief from a **numerical standard**, such as a setback, that allows development that is inconsistent with the dimensional standards contained in the ordinance. Variances cannot be issued to approve uses that are inconsistent with the ordinance. The Board of Land Use Appeals is authorized by statute to grant variances to the strict terms of the Eau Claire County Zoning Ordinance only when certain criteria exist. Those criteria are listed above. It is the applicant's responsibility to prove that those criteria exist at the site and that a variance can be granted.

If you believe your request meets the criteria necessary to grant a variance, please summarize your request, the facts that show those standards have been satisfied, and arguments that support this conclusion.





**Department of Planning and Development**

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Email Address: altoonaboard@gmail.com

**SITE INFORMATION**

Site Address: 7213 & 7215 South Shore Dr. Altoona, WI 54720

Property Description: SW  $\times$  NE  $\times$  Sec. 19, T 27 N, R 8 W, Town of Washington

Zoning District: Code Section(s): 17.05.080

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

PIN #(s): 18024 - 2 - 270819 - 130 - 2020  
18024 - 2 - 270819 - 130 - 2019

**GENERAL APPLICATION REQUIREMENTS**

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- Provide a \$525.00 application fee (non-refundable), make checks payable to the Eau Claire County Treasurer or

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

Owner/Agent Signature Michael J. DeFatta

Date 11-08-21

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.

## NARRATIVE

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To: Eau Claire County Land Conservation

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From: Lake Altoona Rehabilitation and Protection District, Chris Goodwin, PE

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Date: November 5, 2021

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Re: Eau Claire River Dredging

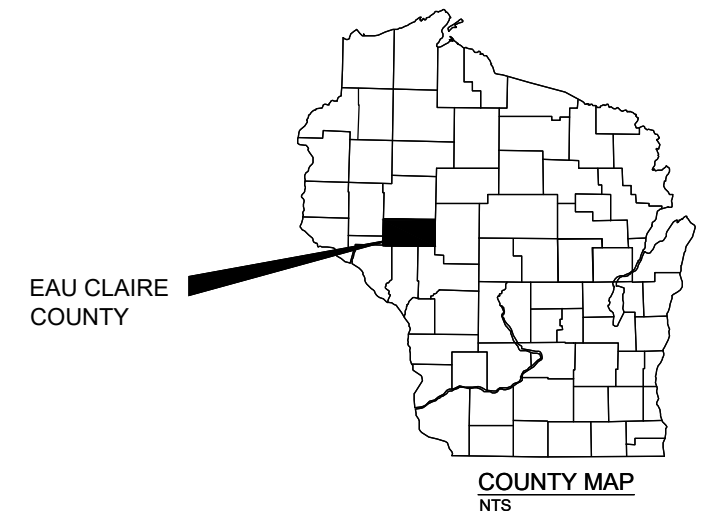
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In general, the project consists of dredging a point bar located in the Eau Claire River to restore channel access to homeowners on the lake. The existing disposal site used for previous dredging projects will be used. There were four options for access to the dredging location. The options included excavating from a barge that would be floating upriver or down the river, accessing through Andy Court's property to the east, using a long reach backhoe, or accessing through the Defatta's property that neighbors the point bar to the south. Barge access to the site is not possible because of the shallow water depth throughout the river. Accessing through Andy Court's property would also not be feasible without cutting and removing several trees, crossing potential wetlands, and substantially changing the landscape to allow for equipment travel. While this may be physically possible, it is not acceptable to the landowner. A long reach backhoe still cannot reach nearly far enough to access the dredge area from the shore. Accessing through the Defatta's property remains as the only feasible option.

To access the site through the Defatta property, an access road will need to be cut through the riverbank to allow dredging equipment to safely reach the point bar. This road will be 12-feet wide and have a 2 horizontal:1 vertical slope. The access road will take about 2 days to construct, and 4 days will be needed to dredge and remove the road. Temporary best management practices that will be utilized are a turbidity barrier downstream of the dredging to restrict the sediment from flowing downstream. It is likely that this work will be completed during the winter, and we have not required silt fence or other stormwater BMP's. Installing silt fence before construction begins would not be possible in frozen ground and considering the short duration for the project and low probability of precipitation during the winter, we are not requiring additional BMP's. If the project is delayed until spring, we could require additional more traditional stormwater BMP's.

Post dredging, the riverbank will be stabilized by the Contractor by flattening the slopes from the existing 0.25 horizontal:1 vertical slope to 0.5 horizontal:1 vertical. Riprap will be used at the toe of the slope for overall stability and lastly, WisDOT Class III turf reinforcement mat will be installed over the entire disturbed slope.

# EAU CLAIRE RIVER DREDGING LAKE ALTOONA DISTRICT EAU CLAIRE COUNTY, WISCONSIN MARCH 2021



DIGGERS HOTLINE  
1-800-242-8511 OR 811



Sheet Index	
Sheet Number	Sheet Title
1	TITLE
2	LEGEND
3	LOCATION
4	DREDGING-PLAN VIEW
5	DREDGING-CROSS SECTION
6	ACCESS ROAD - PLAN VIEW
7	ACCESS ROAD - CROSS SECTION



03/12/2021

EAU CLAIRE COUNTY, WISCONSIN



DES BY	CTG								
DR BY	ARR/RJW	PROJ NO	26-1215.00						
CHK BY	CTG	DATE	MARCH 2021	NO	DATE	REVISION	NO	DATE	REVISION

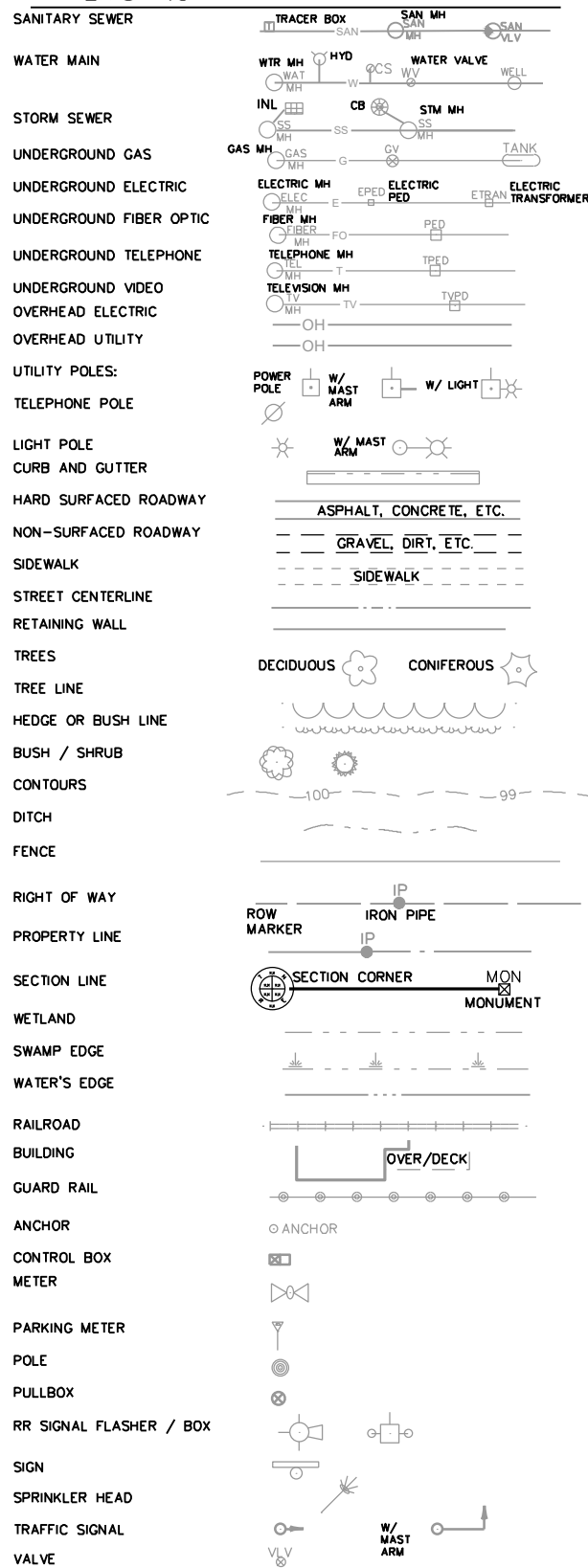
EAU CLAIRE RIVER DREDGING  
LAKE ALTOONA DISTRICT  
EAU CLAIRE COUNTY, WISCONSIN



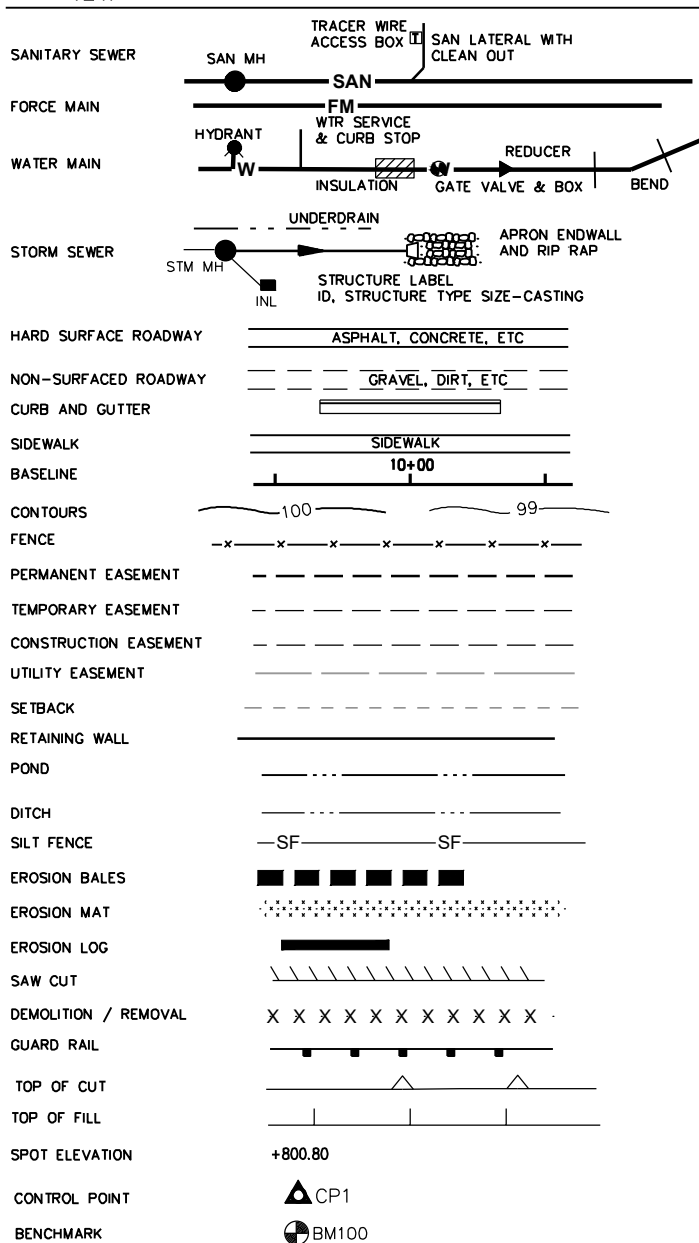
TITLE

SHEET NO.  
1

**EXISTING**



**NEW**



**ABBREVIATIONS:**

AB	ANCHOR BOLT	DEFL	DEFLECTION	ID	INSIDE DIAMETER	PC	POINT OF CURVE	T&B	TOP & BOTTOM
ABV	ABOVE	DEG / °	DEGREE	IF	INSIDE FACE	PE	PRIVATE ENTRANCE	TC	TOP OF CURB
ADJ	ADJUST	DF	DRINKING FOUNTAIN	IN (")	INCHES	PED	PEDESTAL	TELE	TELEPHONE
AFF	ABOVE FINISHED FLOOR	DI	DUCTILE IRON	INCL	INCLUDE	PERF	PERFORATE	THK	THICKNESS
AL	ALUMINUM	DIA	DIAMETER	INF	INFLUENT	PI	POINT OF INTERSECTION	THRU	THROUGH
ALT	ALTERNATE WITH	DIM	DIMENSION	INL	INLET	PKG	PARKING	TP	TELEPHONE POLE
ALT/	ALTERNATE	DISCH	DISCHARGE	INSUL	INSULATION	P	PLATE	TYP	TYPICAL
APPROX	APPROXIMATE	DN	DOWN	INT	INTERIOR	PL	PLACE	T/	TOP OF
ASPH	ASPHALT	DP	DEPTH	INV	INVERT	PL	PROPERTY LINE	UG	UNDERGROUND GAS
AUTO	AUTOMATIC	DR	DOOR	IP	IRON PIPE	PP	POWER POLE	UE	UNDERGROUND ELECTRICAL
AVE	AVENUE	DTL	DETAIL	IPS	IRON PIPE SIZE	PSF	POUNDS PER SQUARE FOOT	UNO	UNLESS NOTED OTHERWISE
@	AT	DW	DRIVEWAY	IP	IRON PIPE	PSI	POUNDS PER SQUARE INCH	UNEXC	UNEXCAVATED
B CRS	BASE COURSE	DWG	DRAWING	JT	JOINT	PT	POINT OF TANGENCY	USH	UNITED STATES HIGHWAY
BC	BACK OF CURB	E	EAST	KGV	KNIFE GATE VALVE	PV	PLUG VALVE	UT	UNDERGROUND TELEPHONE
BD	BOARD	EA	EACH	LAB	LABORATORY	PVC	POLYVINYL CHLORIDE	UV	UNDERGROUND VIDEO
BEL	BELOW	LAV	LAVATORY	LAV	LAVATORY	PVMT	PAVEMENT	V	VALVE
BETWN	BETWEEN	LC	LENGTH OF CURVE	LAV	LAVATORY	PW	POTABLE WATER	V&B	VALVE & BOX
BF	BACK FACE	LF	LINEAL FEET	LC	LENGTH OF CURVE	%	PERCENT	VAR	VARIABLE
BFV	BUTTERFLY VALVE	LG	LENGTH	LF	LINEAL FEET	QTY	QUANTITY	VC	VERTICAL CURVE
BIT	BITUMINOUS	LOC	LOCATION	LG	LENGTH	RAD	RADIUS	W	WEST
BLD	BLIND	LP	LIGHT POLE	LOC	LOCATION	RD	ROAD	W/	WITH
BLDG	BUILDING	LR	LONG RADIUS	LP	LIGHT POLE	RDWY	ROADWAY	W/O	WITHOUT
BLK	BLOCK	LS	LUMP SUM	LR	LONG RADIUS	RED	REDUCER	WD	WIDTH
BLKG	BLOCKING	LT	LEFT	LS	LUMP SUM	REF	REFERENCE	WM	WATER MAIN
BLVD	BOULEVARD	EW	EACH WAY	LT	LEFT	REINF	REINFORCING	WS	WATER SURFACE
BM	BENCHMARK	EWC	ELECTRIC WATER COOLER	MAS	MASONRY	REM	REMOVE	WTP	WATER TREATMENT PLANT
BO	BREAKOFF	EX	EXISTING	MECH	MECHANICAL	REPL	REPLACE	WTR	WATER
BRG	BEARING	EXH	EXHAUST	MFG	MANUFACTURER	REQD	REQUIRED	WWF	WELDED WIRE FABRIC
BRK	BRICK	EXP	EXPANSION	MH	MANHOLE	REV	REVISED	WWM	WOVEN WIRE MESH
BS	BACK OF SIDEWALK	EXT	EXTERIOR	MIN	MINIMUM	RM	ROOM	WWTP	WASTEWATER TREATMENT PLANT
BTM	BOTTOM	FD	FLOOR DRAIN	MISC	MISCELLANEOUS	RR	RAILROAD		
BV	BALL VALVE	FDN	FOUNDATION	MJ	MECHANICAL JOINT	RT	RIGHT		
B	BASILINE	FERT	FERTILIZER	MP	MID POINT	RW	RIGHT OF WAY		
B/	BOTTOM OF	F-F	FACE TO FACE	MTL	MATERIAL	S	SOUTH		
C&G	CURB AND GUTTER	FGL	FIBERGLASS	N	NORTH	NF	NEAR FACE		
CB	CATCH BASIN	FIN	FINISHED	NIC	NOT IN CONTRACT	NO	NUMBER		
CF	CUBIC FOOT	FL	FLOWLINE	NO	NUMBER	NOM	NOMINAL		
CHKD P	CHECKERED PLATE	FLG	FLANGED	NPW	NON-POTABLE WATER	NTS	NOT TO SCALE		
CI	CAST IRON	FLR	FLOOR	OC	ON CENTER	OD	OUTSIDE DIAMETER		
CJ	CONTROL JOINT	FM	FORCE MAIN	OE	OVERHEAD ELECTRIC	OF	OUTSIDE FACE		
CL / C	CENTERLINE	FN	FENCE	OH	OVERHEAD	OPG	OPENING		
CHL	CHLORINE	FT (")	FOOT	OT	OVERHEAD TELEPHONE	SPA	SPACE		
CLG	CEILING	FTG	FOOTING			SPEC	SPECIFICATION		
CLR	CLEAR	FUT	FUTURE			SQ	SQUARE		
CMP	CORRUGATED METAL PIPE	G	GAS			SS	STAINLESS STEEL		
CMU	CONCRETE MASONRY UNIT	GA	GAGE			SSMH	STORM SEWER MANHOLE		
CO	CLEANOUT	GAR	GARAGE			ST	STREET		
CONC	CONCRETE	GEN	GENERAL			STD	STANDARD		
CONN	CONNECTION	GRD	GRADE, GROUND			STH	STATE TRUNK HIGHWAY		
CONST	CONSTRUCTION	GV	GATE VALVE			STL	STEEL		
CONST JT	CONSTRUCTION JOINT	GRV	GRAVEL			STM	STORM		
CONT	CONTINUOUS	GRW	GROUNDWATER			STP	SEWAGE TREATMENT PLANT		
CONTR	CONTRACTOR	HB	HOSE BIB			SURF	SURFACE		
CONTR JT	CONTRACTION JOINT	HM	HOLLOW METAL			SW	SIDEWALK		
COR	CORNER	HORZ	HORIZONTAL			SWR	SEWER		
CP	CONTROL POINT	HSE	HOUSE			SY	SQUARE YARD		
CPLG	COUPLING	HT	HEIGHT			SYS	SYSTEM		
CRS	COURSE	HW	HOT WATER						
CSP	CORRUGATED STEEL PIPE	HWR	HOT WATER RETURN						
CTG	CASTING	HYD	HYDRANT						
CTH	COUNTY TRUNK HIGHWAY								
CULV	CULVERT								
CV	CHECK VALVE								
CW	COLD WATER								
CY	CUBIC YARD								



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DES BY	CTG				
DR BY	ARR/RJW	PROJ NO	26-1215.00		
CHK BY	CTG	DATE	MARCH 2021	NO	DATE
				REVISION	

EAU CLAIRE RIVER DREDGING  
LAKE ALTOONA DISTRICT  
EAU CLAIRE COUNTY, WISCONSIN



LEGEND

SHEET NO.	2
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CHK BY	CTG	DATE	MARCH 2021	NO	DATE	REVISION	NO	DATE	REVISION

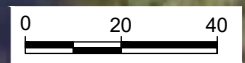
EAU CLAIRE RIVER DREDGING  
 LAKE ALTOONA DISTRICT  
 EAU CLAIRE COUNTY, WISCONSIN



LOCATION

SHEET NO.	3
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- NOTES:**
1. 11/30/2017 WATER SURFACE ELEVATION 803.45 (SEDIMENT TRAP TO THE EAST).
  2. CONTRACTOR TO VERIFY LOCATION OF SHORELINE AND DO NOT DREDGE WITHIN 10 FEET OF SHORELINE.
  3. DREDGE AT 3:1 SLOPES AT END OF DREDGE AREA NEAR SHORELINES. DO NOT DREDGE WITHIN 10 FEET OF SHORELINE
  4. ELEVATIONS ARE APPROXIMATE, CONTRACTOR TO COMPLETE PRE AND POST DREDGE SURVEY TO VERIFY ELEVATIONS.
  5. DREDGING INTENT IS TO REMOVE THE POINT BAR AND TO RESTORE 3 FOOT DEEP NAVIGATION CHANNEL.



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DES BY	CTG								
DR BY	ARR/RJW	PROJ NO	26-1215.00						
CHK BY	CTG	DATE	MARCH 2021	NO	DATE	REVISION	NO	DATE	REVISION

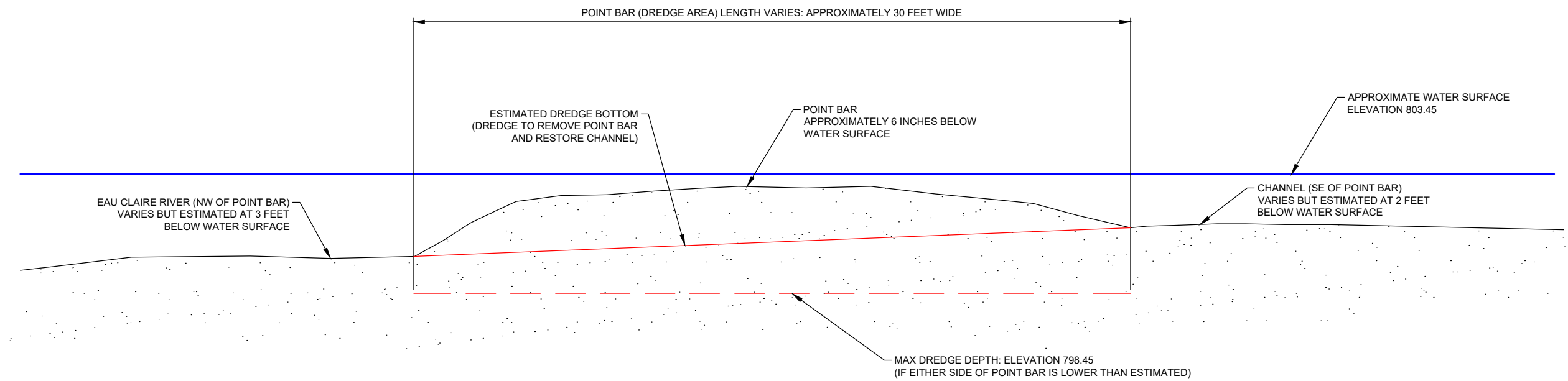
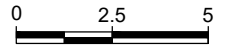
EAU CLAIRE RIVER DREDGING  
LAKE ALTOONA DISTRICT  
EAU CLAIRE COUNTY, WISCONSIN



DREDGING-PLAN VIEW

SHEET NO.  
**4**

- NOTES:
- 11/30/207 WATER SURFACE ELEVATION 803.45 (SEDIMENT TRAP TO THE EAST).
  - CONTRACTOR TO VERIFY LOCATION OF SHORELINE AND DO NOT DREDGE WITHIN 10 FEET OF SHORELINE.
  - DREDGE AT 3:1 SLOPES AT END OF DREDGE AREA NEAR SHORELINES. DO NOT DREDGE WITHIN 10 FEET OF SHORELINE.
  - ELEVATION ARE APPROXIMATE, CONTRACTOR TO COMPLETE PRE AND POST DREDGE SURVEY TO VERIFY ELEVATIONS.
  - DREDGING INTENT IS TO REMOVE THE POINT BAR AND TO RESTORE 3 FOOT DEEP NAVIGATION CHANNEL.



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DES BY	CTG								
DR BY	ARR/RJW	PROJ NO	26-1215.00						
CHK BY	CTG	DATE	MARCH 2021	NO	DATE	REVISION	NO	DATE	REVISION

EAU CLAIRE RIVER DREDGING  
LAKE ALTOONA DISTRICT  
EAU CLAIRE COUNTY, WISCONSIN



DREDGING-CROSS SECTION

SHEET NO.  
**5**



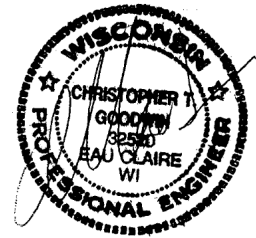
PHOTO TAKEN 11/3/2021 OF EXISTING SHORELINE CONDITION



REMOVE AND DISPOSE OF STAIRS/DOCK LEGALLY. SEE SPEC 31 05 10.



NORTH



12/07/2021

TURBIDITY BARRIER

SALVAGE AND REPLACE EXISTING RIPRAP ALONG TOE OF RESTORED SLOPE

BLEND RESTORED SIDE SLOPES WITH EXISTING EMBANKMENT

PLACE EROSION CONTROL FABRIC ON SIDE SLOEPS

SLOPES FOR TEMPORARY ACCESS ROAD

12' WIDE TEMPORARY ACCESS ROAD

PROTECT RESTORED RIVERBANK WITH WISDOT CLASS III TYPE B OR C TURF REINFORCEMENT MAT

ANCHOR MAT PER MANUFACTURER'S RECOMMENDATIONS ALONG TOP OF SLOPE AND UPSTREAM AND DOWNSTREAM ENDS

EAU CLAIRE COUNTY PARCELS

RUNOFF FLOW

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12/7/2021  
I:\261Lake Altoona\26-1215.00 2020 River Dredging\CAD\Lake Altoona Access Road2.dwg Layout: PLAN VIEW

DES BY	CTG	PROJ NO	26-1215.00	NO	DATE	REVISION	NO	DATE	REVISION
DR BY	ARR/RJW	DATE	MARCH 2021	NO	DATE	REVISION	NO	DATE	REVISION
CHK BY	CTG								

EAU CLAIRE RIVER DREDGING  
LAKE ALTOONA DISTRICT  
EAU CLAIRE COUNTY, WISCONSIN

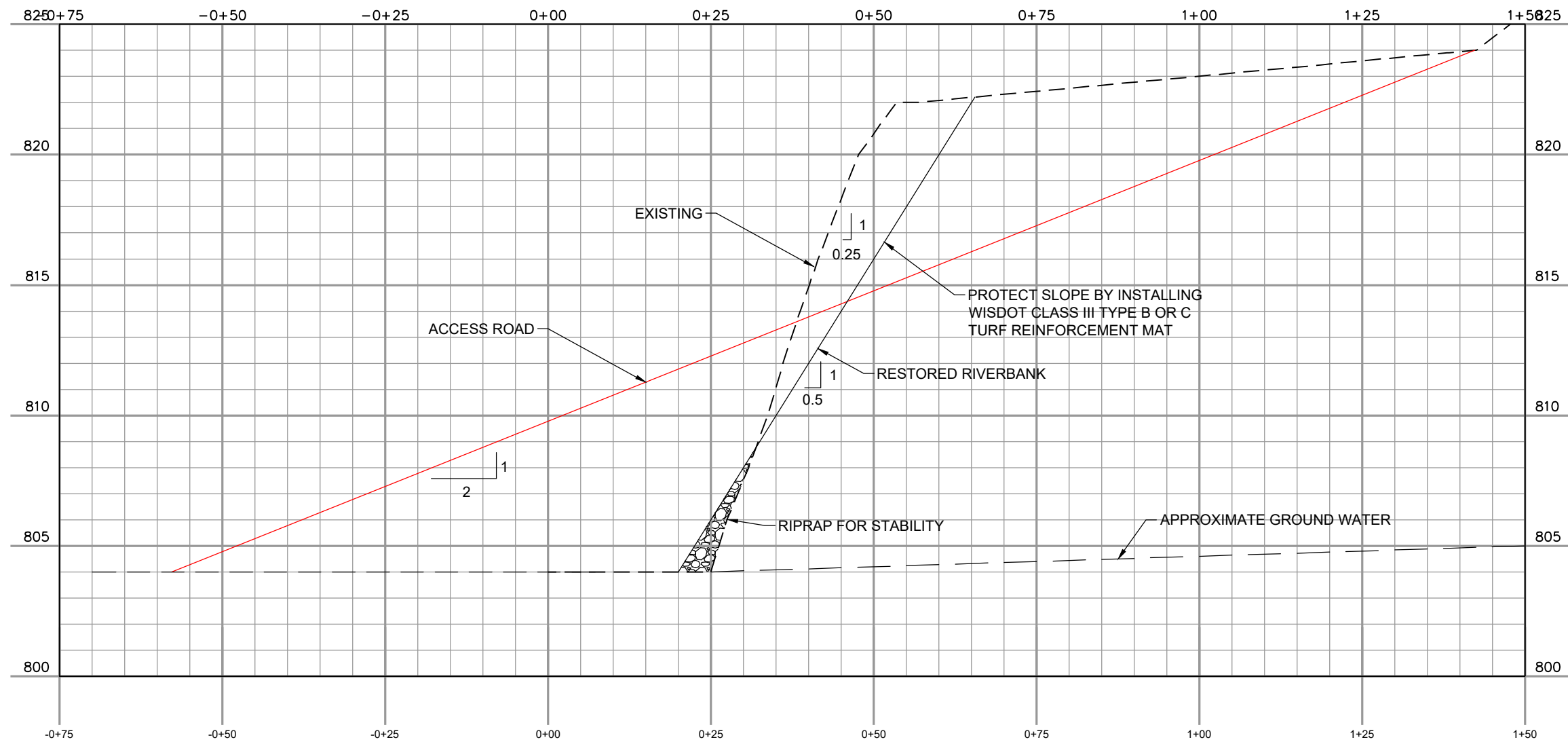


ACCESS ROAD - PLAN VIEW

SHEET NO.

6

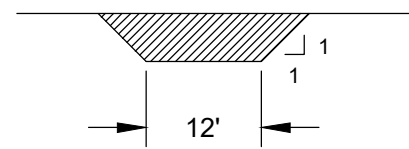




NOTE:  
4X VERTICAL EXAGGERATION  
FOR CLARITY



12/07/2021



**1** ACCESS ROAD CUT DETAIL  
N.T.S.

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12/7/2021  
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DR BY	ARR	PROJ NO	26-1215.00	---	---	---	---
CHK BY	CTG	DATE	NOV 2021	NO	DATE	REVISION	NO

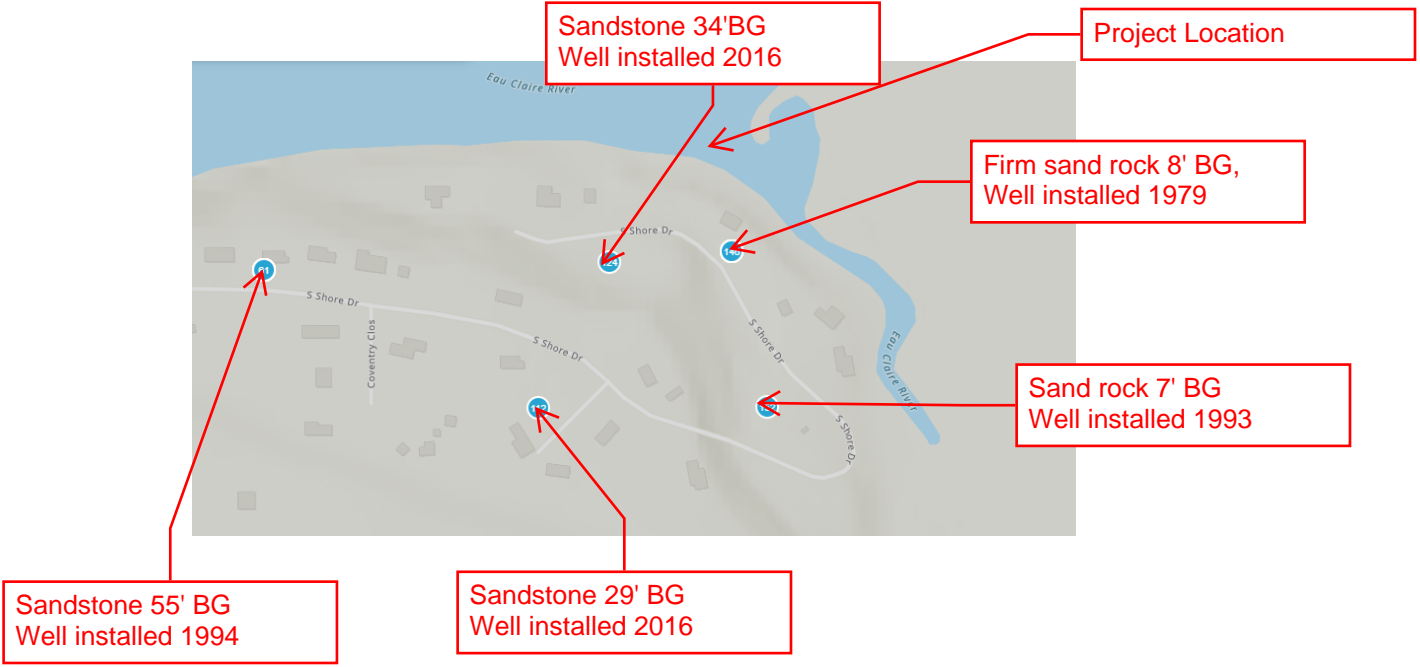
EAU CLAIRE RIVER DREDGING  
LAKE ALTOONA DISTRICT  
EAU CLAIRE COUNTY, WI



ACCESS ROAD-CROSS SECTION

SHEET NO

7



Document Number

# TEMPORARY EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT (*Agreement*) is granted by Robert J. Defatta and Rima A. Defatta, (the “*Grantor*”) for a good and valuable consideration, the receipt whereof is hereby acknowledged, does hereby grant and convey unto the Lake Altoona Rehabilitation & Protection District, a Wisconsin lake district authorized under Ch. 33, Wis. Stat., its agents, employees, contractors, licensees, successors, and assigns (“*Grantee*”), a temporary easement to move equipment and materials across certain property owned by Grantor, and perform necessary activities in connection with Grantee’s dredging of Lake Altoona, including the right to operate necessary equipment, and the right of ingress and egress on, over or through certain lands owned by the Grantor in the Town of Washington, Eau Claire County, Wisconsin, and described as:

THIS SPACE RESERVED FOR RECORDING DATA

RETURN TO:

Anders B. Helquist  
Weld Riley, S.C.  
PO Box 1030  
Eau Claire WI 54702-1030

All that part of Eau Claire County Parcel:

PIN: 18024-2-270819-130-2020

More particularly described as follows:

Lot 19, Sweet Water Oaks, Town of Washington, Eau Claire County, Wisconsin.

## RECITALS:

A. The Grantor is the fee holder of certain non-homestead real property in the Town of Washington, Eau Claire County, Wisconsin, as particularly described above (the “*Property*”).

B. The Grantee is seeking bids to dredge sediment from a portion of Lake Altoona during the fall of 2021 (the “*Dredge Project*”). To complete the Dredge Project, Grantee’s agents and contractors will require access to Lake Altoona. The Grantee has requested that the Grantor grant a temporary easement over the Property (the “*Easement Area*”) to allow the Grantee’s agents and contractors to access Lake Altoona with trucks and other dredge related equipment in order to complete the Dredge Project.

## AGREEMENT

For good and valuable consideration, the receipt and sufficiency of which are acknowledged, the parties agree as follows:

**1. Grant of Easement.** The Grantor grants to the Grantee, a temporary easement over the Property with the right of ingress and egress over the Easement Area along with other actions reasonably necessary to complete the Dredging Project (the “*Easement*”). This Easement shall also include the right for any and all agents or potential contractors of Grantee to use the Easement Area during the Dredge Project’s bid process for such potential contractors to determine bid specifications and estimates.

**2. Term of Easement.** This temporary easement shall be valid for the period of October 1, 2021 through December 1, 2021, unless a longer time is mutually agreed to by the Grantor and Grantee.

**3. Easement Fee.** As consideration for the grant of this Easement, Grantee shall pay to Grantor a fee (the “*Easement Fee*”) which shall be the following: A flat fee of One Hundred and 00/100 Dollars (\$100.00) per day, commencing on the day that Grantee’s agents or contractors use the Easement Area in performance of the Dredge Project through the earlier of December 1, 2021 or until completion of the Dredge Project (i.e., if the Dredge Project is completed prior to December 1, 2021), except that no Easement Fee shall be owed for the use of the Easement Area by Grantee’s potential contractors to the extent any such contractors inspect the Easement Area during the bid process.

To determine the Easement Fee, the Dredge Project engineer shall provide a written report within thirty (30) days after completion of the Dredge Project specifying when the Dredge Project was completed. A copy of said engineer’s report shall be mailed to Grantor upon Grantee’s receipt. The Grantee shall pay the Easement Fee to the Grantor in full within thirty (30) days of the Grantee’s receipt of said report from Grantee’s engineer.

**4. Indemnification.** The Grantee shall indemnify the Grantor from and against all loss, costs (including reasonable attorney’s fees), injury, death or damage to persons and property as a result of Grantee’s use of the property excluding any loss to the extent any such loss arises out of the negligence or intentional acts of the Grantor, Grantor’s agents, employees, or invitees.

**5. Consistent Uses Allowed.** The Grantor reserves the right to use the Easement for purposes that will not interfere with the Grantee’s full enjoyment of the Easement rights granted in this Agreement. Grantor agrees that no structure, obstruction, trees or other significant plantings will be erected or placed on the Easement Area during the Term of this Easement, nor will any act be performed by Grantor, which will unreasonably interfere with or prevent exercise of the easement rights granted by this Easement. Any structure, obstruction or planting erected or placed by Grantor in violation of this Paragraph 5 shall be removed within five (5) days of the date of written notice by Grantee to remove such structure, obstruction or planting. If Grantor fails to timely remove such structure, obstruction, or planting, Grantee may remove it, but is not obligated to do so, and will charge the cost of such removal back to Grantor.

**6. Restoration of Surface, Trees, and Lake Bed.** Grantee’s contractor or subcontractor shall clearly mark the Easement Area so work is conducted within the marked parameters of the Easement Area. Should Grantee’s contractor or subcontractor cause any part of the Easement Area to be disturbed by the performance of the Dredge Project, that area shall be reasonably restored in kind by Grantee’s contractor or subcontractor to a condition reasonably consistent with the condition such area was in prior to the performance of the Dredge Project. Grantee has no obligation to restore the Easement Area, and any restoration obligation of Grantee’s contractor or subcontractor shall exclude any disturbance or other change in the condition of the Easement Area which is caused by any person or entity other than the Grantee, Grantee’s agents, or contractors.

Grantor will noticeably mark or flag trees outside the Easement Area on the Property to be avoided by heavy equipment. Should marked or flagged trees be damaged or die by December 1, 2022 as a direct result of heavy equipment use on the Property (e.g., hitting or damaging marked trees and *not* the result of natural causes such as tree disease), Grantee is responsible for providing a replacement tree of the same genus. The replacement tree, if it is coniferous shall have a minimum height of six feet, and if the replacement tree is deciduous, it shall have a minimum 2 inch caliper at its base.

Grantee’s contractor or subcontractor shall remove temporary fill placed in the lake bed as part of the Dredge Project and shall return the lake bed that was temporarily filled to a reasonably similar level as existed on September 21, 2021. For the purpose of this Agreement, the lake bed leveling obligation shall extend out ten (10) feet from the shoreline of the Property into Lake Altoona and the grading shall be based on the following measurements: The lake

level on September 21, 2021 was at 801.7 feet above sea level, the water depth at the shoreline of the Property was 15 inches deep at the rip-rap and 10 feet extended from the shoreline, the water depth was 25 inches deep.

**7. Governing Law.** This Agreement shall be construed and enforced in accordance with the internal laws of the State of Wisconsin.

**8. Entire Agreement.** This Agreement sets forth the entire understanding of the parties and may not be changed except by a written document executed and acknowledged by all parties to this Agreement.

**9. Invalidity.** If any term or condition of this Agreement, or the application of this Agreement to any person or circumstance, shall be deemed invalid or unenforceable, the remainder of this Agreement, or the application of the term or condition to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby, and each term and condition shall be valid and enforceable to the fullest extent permitted by law.

**10. Waiver.** No delay or omission by any party in exercising any right or power arising out of any default under any of the terms or conditions of this Agreement shall be construed to be a waiver of the right or power. A waiver by a party of any of the obligations of the other party shall not be construed to be a waiver of any breach of any other terms or conditions of this Agreement.

**11. Enforcement.** Enforcement of this Agreement may be by proceedings at law or in equity against any person or persons violating or attempting or threatening to violate any term or condition in this Agreement, either to restrain or prevent the violation or to obtain any other relief. If a suit is brought to enforce this Agreement, the prevailing party shall be entitled to recover its costs, including reasonable attorney fees, from the non-prevailing party.

**12. No Public Dedication.** Nothing in this Agreement shall be deemed to be a gift or dedication of any portion of the easements granted under this Agreement to the general public or for any public purpose whatsoever.

*[Signature Pages to Follow]*

Dated this the \_\_\_\_\_ day of September, 2021.

By: \_\_\_\_\_  
Robert J. Defatta

By: \_\_\_\_\_  
Rima A. Defatta

STATE OF WISCONSIN    )  
  ) ss.  
COUNTY OF EAU CLAIRE )

Personally came before me this \_\_\_\_ day of September, 2021, the above-named Robert J. Defatta and Rima A. Defatta to me known to be the persons who executed the foregoing instrument, and to me known to be such persons and acknowledged that they executed the foregoing instrument.

\_\_\_\_\_  
\_\_\_\_\_  
Notary Public  
Eau Claire County, State of Wisconsin  
My commission expires: \_\_\_\_\_

**Lake Altoona Protection and Rehabilitation District**

By: \_\_\_\_\_  
\*Michele Skinner  
Its: Chairperson

STATE OF WISCONSIN    )  
  ) ss.  
COUNTY OF EAU CLAIRE )

Personally came before me this \_\_\_\_ day of September, 2021, the above-named Michele Skinner to me known to be the person who executed the foregoing instrument, and to me known to be the person who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
\_\_\_\_\_  
Notary Public  
Eau Claire County, State of Wisconsin  
My commission expires: \_\_\_\_\_





## SMALL SITE EROSION CONTROL PERMIT APPLICATION

LCD PERMIT #: EC –2021–\_\_\_\_\_

The following contacts are required at the time of application:

**Property Owner:** The person or entity holding title to the property or their legal representative. The applicant shall sign the permit application form in accordance with the items 1-5 listed below, after which the applicant may provide written authorization for others to serve as the applicant’s representative: **1)** In the case of a corporation, by a principal executive officer of at least the vice-president or by the officer’s authorized representative having overall responsibility for the operation of the site for which a permit is sought; **2)** In the case of a limited liability company, by a member or manager; **3)** In the case of a partnership, by the general partner; **4)** In the case of a sole proprietorship, by the proprietor, or; **5)** For a unit of government, by a principal executive officer, ranking elected official or other duly authorized representative.

**Erosion Control Planner:** The primary contact for the preparation of erosion control plans.

**Erosion Control Contractor:** The primary contact for implementing and maintaining all erosion control measures during the construction phase and final site stabilization.

OWNER/OPERATOR INFORMATION		
Project Name: Eau Claire River Dredging		
Name: Lake Altoona Rehabilitation and Protection District	Phone Number: 651-491-7222	
Mailing Address: PO Box 92		
City: Altoona	State: WI	Zip: 54720
E-mail Address: altoonaboard@gmail.com		

SITE LOCATION/INFORMATION		
Site Address: 7213 & 7215 South Shore Dr. Altoona, WI 54720		
City: Altoona	State: WI	Zip: 54720
Sec. 19, T 27 N, R 8 W, Town of Washington		Computer No. _____ - _____ - _____

MUNICIPALITY					
<input type="checkbox"/> Bridge Creek	<input type="checkbox"/> Brunswick	<input type="checkbox"/> Clear Creek	<input type="checkbox"/> Drammen	<input type="checkbox"/> Fairchild	<input type="checkbox"/> Lincoln
<input type="checkbox"/> Otter Creek	<input type="checkbox"/> Pleasant Valley	<input type="checkbox"/> Seymour	<input type="checkbox"/> Union	<input type="checkbox"/> Washington	<input type="checkbox"/> Wilson

CERTIFICATIONS & SIGNATURES	
I hereby certify that I meet the definition of “Property Owner” as stated above. I understand that I will become the “permit holder” once a permit is issued. I also understand by submitting this application, county staff may enter upon the subject site to obtain information necessary to administer the erosion control ordinance (Chapter 17.05 County Code of Ordinances).	
Signature of Applicant: _____	Date: _____
I hereby authorize (name) _____ to serve as my representative for purposes of this application.	





# SMALL SITE EROSION CONTROL PERMIT APPLICATION

LCD PERMIT #: EC -2021- \_\_\_\_\_

The following contacts are required at the time of application:

**Property Owner:** The person or entity holding title to the property or their legal representative. The applicant shall sign the permit application form in accordance with the items 1-5 listed below, after which the applicant may provide written authorization for others to serve as the applicant's representative: 1) In the case of a corporation, by a principal executive officer of at least the vice-president or by the officer's authorized representative having overall responsibility for the operation of the site for which a permit is sought; 2) In the case of a limited liability company, by a member or manager; 3) In the case of a partnership, by the general partner; 4) In the case of a sole proprietorship, by the proprietor, or; 5) For a unit of government, by a principal executive officer, ranking elected official or other duly authorized representative.

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Mailing Address: PO Box 92			
City: Altoona	State: WI	Zip: 54720	
E-mail Address: altoonaboard@gmail.com			

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Sec. 19, T 27 N, R 8 W, Town of Washington		Computer No. _____	

MUNICIPALITY					
<input type="checkbox"/> Bridge Creek	<input type="checkbox"/> Brunswick	<input type="checkbox"/> Clear Creek	<input type="checkbox"/> Drammen	<input type="checkbox"/> Fairchild	<input type="checkbox"/> Lincoln
<input type="checkbox"/> Otter Creek	<input type="checkbox"/> Pleasant Valley	<input type="checkbox"/> Seymour	<input type="checkbox"/> Union	<input type="checkbox"/> Washington	<input type="checkbox"/> Wilson

CERTIFICATIONS & SIGNATURES	
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Signature of Applicant:	Date: 11.08.21
I hereby authorize (name) _____ to serve as my representative for purposes of this application.	

EROSION CONTROL PLANNER		
Name: Chris Goodwin, PE	Phone Number: 715-829-6941	
Company Name: Ayres Associates	Company Phone Number: 715-831-7682	
Mailing Address: 3433 Oakwood Hills Parkway		
City: Eau Claire	State: WI	Zip: 54701
E-mail Address: GoodwinC@ayresassociates.com		

EROSION CONTROL CONTRACTOR		
Name: Brandon Haas	Phone Number: 715-773-0281	
Company Name: Haas Sons Inc.	Company Phone Number: 715-669-5469	
Mailing Address: 203 E. Birth Street		
City: Thorp	State: WI	Zip: 54771
Email Address: brandon@haas4.com		

MAKE CHECK PAYABLE TO: Eau Claire County LCD	
Application Fee:	\$290.00
Additional Fee:	\$
Total Fee:	\$

OFFICE USE ONLY
<input type="checkbox"/> Double Fee
<input type="checkbox"/> Fee Exemption

Date stamp here
-----------------

Receipt #: \_\_\_\_\_ Received By: \_\_\_\_\_

## Small Site Application Checklist

The following checklist will be used to meet the requirements of items 1, 2 and 3 below. To be deemed a complete application, all items listed shall be provided to the Department.

Page 4 of the application is a list of specific requirements that need to be considered in your plan.

### Item # 1

Please provide in a **narrative** format the following items:

- \_\_\_ 1. Describe the proposed land disturbing activity.
- \_\_\_ 2. Describe the construction timeline and sequencing of grading activity.
- \_\_\_ 3. Describe Temporary Best Management Practices (BMP's) to be used during construction.
- \_\_\_ 4. Describe the proposed methods to stabilize the site following completion of construction.
- \_\_\_ 5. Describe who is responsible for final stabilization.

### Item # 2

Please provide on a **survey map or scaled site plan drawing** of sufficient clarity the following items:

To find a scaled map of your property go to: <http://eauclairecowi.wgxtreme.com/>

- \_\_\_ 1. A north arrow and scale of 1 inch equals no more than 100 feet.
- \_\_\_ 2. Boundary of the proposed land disturbance.
- \_\_\_ 3. Direction of flow for runoff entering and leaving the disturbed area.
- \_\_\_ 4. Upslope drainage area entering the disturbed area.
- \_\_\_ 5. Location of proposed Best Management Practices (BMP's).
- \_\_\_ 6. Existing and proposed slopes.
- \_\_\_ 7. Existing and proposed ground cover.
- \_\_\_ 8. Existing and proposed buildings, roads, access drives, property boundaries.
- \_\_\_ 9. Existing and proposed drainage ways, water bodies, trees and culverts.
- \_\_\_ 10. Any other utility or structures within 50 feet of the proposed land disturbance.
- \_\_\_ 11. Show location of any surface water or wetlands
- \_\_\_ 12. Show all flow paths of onsite storm water
- \_\_\_ 13. Distance to groundwater table.

### Item # 3

(For Utility Installation)

- \_\_\_ 1. Show where utilities will be installed.
- \_\_\_ 2. Show location of the open cut and the topography in the area.
- \_\_\_ 3. List the total lineal feet to be installed and the lineal feet to be installed by open cut.

The following are minimum requirements that will need to be addressed in the erosion control plan. Use the following information to develop an erosion control plan specific to your site. Some of the items may not apply to your situation.

**Access Drives and Tracking:**

Provide access drive(s) for construction vehicles that minimize tracking of soil off site using BMPs such as stone tracking pads, tire washing or grates. Minimize runoff and sediment from adjacent areas from flowing down or eroding the access drive.

**Diversion of Upslope Runoff:**

Divert excess runoff from upslope land, rooftops, or other surfaces, if practicable, using BMPs such as earthen diversion berms, silt fence and downspout extenders. Prevent erosion of the flow path and the outlet.

**Inlet Protection:**

Protect inlets to storm drains, culverts, and other storm water conveyance systems from siltation until the site is stabilized.

**Soil Stockpiles:**

Locate soil stockpiles away from channelized flow and no closer than 25 feet from roads, ditches, lakes, streams, ponds, wetlands, or environmental corridors, unless otherwise approved by the LCD. Control sediment from soil stockpiles. Any soil stockpile that remains for more than 30 days shall be stabilized.

**Slopes:**

Minimize land disturbing construction activity on slopes of 20% or more. Construction is not allowed on slopes greater than 30%

**Channel Flow:**

Trap sediment in channelized flow before discharge from the site using BMPs such as sediment traps and sediment basins. Stabilize open channels in accordance with LCD standards as soon as practicable.

**Outlet Protection:**

Protect outlets from erosion during site dewatering and storm water conveyance, including velocity dissipation at pipe outfalls or open channels entering or leaving a permitted site.

**Overland Flow:**

Trap sediment in overland flow before discharge from the site using BMPs such as silt fence, vegetative filter strips, and temporary sediment ponds.

**Site Dewatering:**

Treat pumped water to remove sediment prior to discharge from the site, using BMPs such as sediment basins and portable sediment tanks. Discharge of pumped water to waters of the state shall not be permitted.

**Dust Control:**

Prevent excessive dust from leaving the construction site through construction phasing and timely stabilization or the use of BMPs such as site watering and mulch – especially with very dry or fine sandy soils.

**Topsoil Application:**

Save existing topsoil and reapply to all disturbed areas for final stabilization such as for temporary seeding or storm water infiltration BMPs.

**Waste Material:**

Recycle or properly dispose all waste and unused building materials in a timely manner. Control runoff from waste materials until they are removed or reused.

**Sediment Cleanup:**

By the end of each workday, clean up all offsite sediment deposits or tracked soil that originated from the permitted site. Flushing shall not be allowed unless runoff is treated before discharge from the site.

**Final Site Stabilization:**

Final site stabilization items shall be addressed in the erosion control plan.

**Existing vegetation:**

Maintain vegetation adjacent to surface water, whenever possible. All previous cropland areas or otherwise exposed soil surfaces where land disturbing activities will not be occurring under the proposed grading plans, shall be stabilized within 30 days of permit issuance.

**Stabilization:**

Stabilize all eroding soil stockpile areas within 7 days.

**Large sites:**

Permitted under 17.05.100 D.2 shall be treated in stages or phases as final grading is completed in each stage or phase.

**Ongoing Maintenance Plan:**

The erosion control plan shall identify the process for continued maintenance beyond the life of the permit. Any soil erosion that occurs after final grading or the application of stabilization measures must be repaired, and the stabilization work redone.

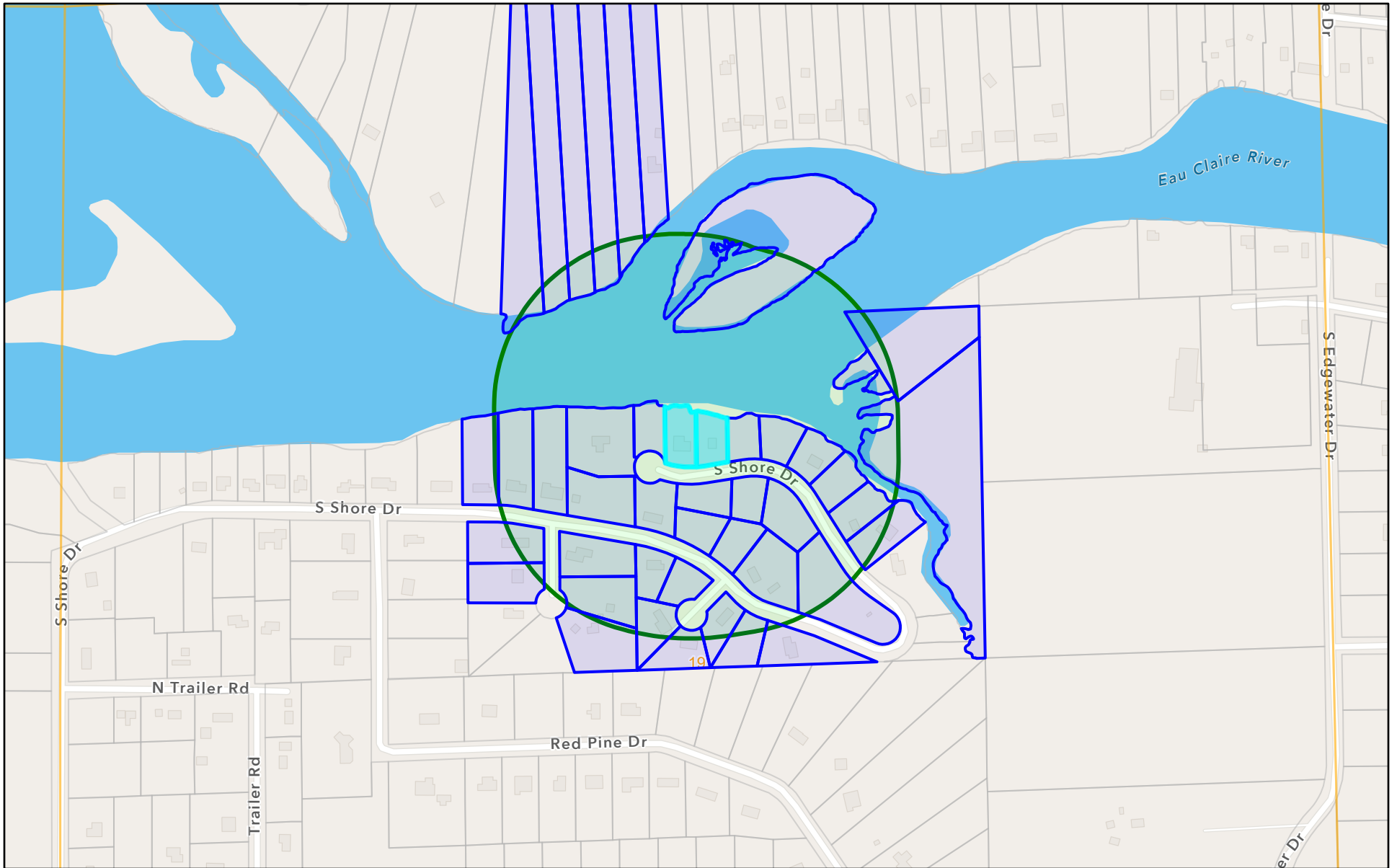
**Temporary Site Stabilization:**

Any disturbed site that remains inactive for greater than 14 days shall be stabilized with temporary stabilization measures such as soil treatment, temporary seeding or mulching unless the site is protected by other BMP's approved by the LCD. For purposes of this subsection, "inactive" means that no site grading, landscaping, or utility work is occurring on the site and that precipitation events are not limiting these activities. Frozen soils do not exclude the site from this requirement.




**Removal of Practices:**

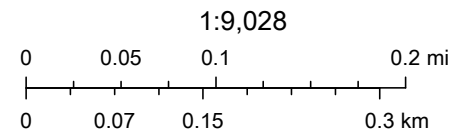
The permit holder shall remove all temporary BMPs such as silt fences, ditch checks and sediment traps as soon as all disturbed areas have been stabilized.

# Public Notification



11/18/2021, 9:26:30 AM

-  County Boundary
-  Tax Parcel
-  Section



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Eau Claire County, WI

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FirstName LastName	Address	City State Zip
TRENT ROFF	1132 SWEETWATER CLS	ALTOONA WI 54720-2313
NEIL HUNDT	6801 SOUTH SHORE DR	ALTOONA WI 54720-2377
JEFFREY MACHUSAK	6916 SOUTH SHORE DR	ALTOONA WI 54720-2378
RANDY D & JULIA M HARELSTAD	6928 SOUTH SHORE DR	ALTOONA WI 54720-2378
COURT FAMILY LEGACY FARM TRUST	1740 BRACKETT AVE	EAU CLAIRE WI 54701-4626
GREGORY L & MARY L BARNES	6925 SOUTH SHORE DR	ALTOONA WI 54720-2379
JAMES A & DONNA K MORGAN	6850 SOUTH SHORE DR	ALTOONA WI 54720-2376
JOHN W & ALICE A RIDGE	7000 SOUTH SHORE DR	ALTOONA WI 54720-2380
HUNT LACEY	7111 SOUTH SHORE DR	ALTOONA WI 54720-2383
JEFFREY J & BONNIE FISHER	7101 SOUTH SHORE DR	ALTOONA WI 54720-2383
KEVIN MAGRUDER	7071 SOUTH SHORE DR	ALTOONA WI 54720-2381
MICHAEL J & KRISTEN K PHILLIPS	6720 SOUTH SHORE DR	ALTOONA WI 54720-2374
RICHARD STAGE	6795 SOUTH SHORE DR	ALTOONA WI 54720-2375
WILLIAM BRICKHEIMER	6732 SOUTH SHORE DR	ALTOONA WI 54720-2374
DIESTELMEIER TRUST	6802 SOUTH SHORE DR	ALTOONA WI 54720-2376
DAVID BLAKELEY	1151 COVENTRY CLS	ALTOONA WI 54720-2311
EAU CLAIRE COUNTY	721 OXFORD AVE	EAU CLAIRE WI 54703-5481
PETER L & LINDA K JOHNSON	6571 W NORTH SHORE DR	EAU CLAIRE WI 54703-9734
STEVEN W & SHARON M UNDERWOOD	6573 W NORTH SHORE DR	EAU CLAIRE WI 54703-2044
ANDREA FIELD	1119 SWEETWATER CLS	ALTOONA WI 54720-2313
JONATHON JOHNSON	625 JEFFREY BLVD	CUMBERLAND WI 54829-9225
VICTOR PASTRANA	3607 E 3RD ST	DULUTH MN 55804-1815
ROBERT M & RAINA L PFUNDHELLER	1115 SWEETWATER CLS	ALTOONA WI 54720-2313
BRYAN ROFF	1140 SWEETWATER CLS	ALTOONA WI 54720-2313
ROBERT G & MICHELE J SKINNER	7121 SOUTH SHORE DR	ALTOONA WI 54720-2383
JUSTIN W & JILL W PATCHIN	7141 SOUTH SHORE DR	ALTOONA WI 54720-2383
DAVID FITZGERALD	7131 SOUTH SHORE DR	ALTOONA WI 54720-2383
RYAN GOTTFREDSSEN	6799 SOUTH SHORE DR	ALTOONA WI 54720-2375
TAMIRA MIRANOWSKI	7221 SOUTH SHORE DR	ALTOONA WI 54720-2384
JOHN P & MELISSA A LINN	3750 GARFIELD RD	EAU CLAIRE WI 54701-8958
JOHN N & DENISE A PETRICKA	6551 NORTH SHORE DR	EAU CLAIRE WI 54703-2044
DANIEL SULLIVAN	4551 OLSON DR	EAU CLAIRE WI 54703-8751
WILBERT T & PATRICIA A VETCH	6565 W NORTH SHORE DR	EAU CLAIRE WI 54703-2044

## **MINUTES**

Eau Claire County

- BOARD OF LAND USE APPEALS •

**Date:** Monday, November 15, 2021

**Time:** 5:30 p.m.

\*via remote access **ONLY**.

\*Event link below can be used to connect to meeting and interact (by the chair) from computer or through the WebEx Meeting smartphone app.

**Join WebEx Meeting:** <https://eauclairecounty.webex.com> Meeting ID: **2598 574 9598** Password: **ymVb5Uigp33**

\*Meeting audio can be listened to using this Audio conference dial in information.

**Audio conference:** 1-415-655-0001 Access Code: **25985749598##**

*\*Please mute personal devices upon entry*

***For those wishing to make public comment, you must e-mail Sam Simmons at [Samuel.Simmons@co.eau-claire.wi.us](mailto:Samuel.Simmons@co.eau-claire.wi.us) at least 30 minutes prior to the start of the meeting. You will be called on during the public comment period to make your comments.***

*\*Please mute personal devices upon entry*

**Members Present:** Randall Stutzman, Karen Meier-Tomesh, Patrick Schaffer, Gary Eslinger

**Members Absent:** None

**Staff Present:** Rod Eslinger, Jared Grande, Sam Simmons

1. Call to Order and confirmation of meeting notice

Chairman Stutzman called the meeting to order at 5:35 p.m. and confirmed the meeting was properly noticed.

2. Roll Call

Clerk Sam Simmons confirmed a quorum of members was present.

3. Public Comment **(15 minute maximum)**

None.

4. Public Hearings

- a. A request to appeal the conditional use permit (CUP-0019-21) granted to Christian Borntreger to operate a sawmill in the A-P Agricultural Preservation District. (Town of Lincoln) / Discussion – Action

Chairman Stutzman swore in Jared Grande, Land Use Manager for Eau Claire County Planning & Development, to provide background on the Appeal Application.

Prepared by: Samuel Simmons, Clerk, Board of Land Use Appeals

Please note: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through sign language, interpreters or other auxiliary aids. For additional information or to request the service, contact the County ADA Coordinator at 715-839-6945 (FAX) 715-839-1669 or (TDD) 715-839-4735 or by writing to the ADA Coordinator, Human Resources Department, Eau Claire County Courthouse, 721 Oxford Ave., Eau Claire, Wisconsin 54703

At this time, Chairman Stutzman declared the meeting to be a de novo hearing, meaning that this meeting will be considered a new hearing on the Conditional Use Permit request.

Mr. Grande then proceeded to outline the Committee on Planning & Development public hearing process, background on the Conditional Use Permit Application, and reasons the Appeal was made.

After providing background, Mr. Grande introduced "Exhibit F" to the Board. This Exhibit is a letter outlining concerns on water pollution of a navigable waterway received by staff on November 12, 2021 from Jarchow Law, LLC.

Chairman Stutzman swore in Adam Jarchow, of Jarchow Law, LLC. Mr. Jarchow outlined Wisconsin State Statute 59.69 which requires that any Conditional Use Permit requests must have supporting evidence in order to be approved. The Appellants, along with Mr. Jarchow, believe that conditions I, B, & E in the staff report were not able to be met by the Applicant. Mr. Jarchow also discussed concerns regarding water pollution and believes the Applicant is not conforming with zoning.

Chairman Stutzman swore in Terry & Susan Miller, speaking in favor of the Appeal. Mr. & Mrs. Miller's concerns are that neighbors would be dramatically affected by the sawmill.

Chairman Stutzman swore in Ed Acholla, speaking in favor of the Appeal. Mr. Acholla's concern is the nuisance that would potentially be caused by the sawmill.

Chairman Stutzman swore in Shawn Bochman, speaking in favor of the Appeal. Mr. Bochman agrees with the request to repeal the Conditional Use Permit.

Chairman Stutzman swore in Nicholas Krall, speaking in favor of the Appeal. Mr. Krall agrees with the request to repeal the Conditional Use Permit.

Chairman Stutzman swore in Randy Volbrecht, speaking in favor of the Appeal. Mr. Volbrecht agrees with all others speaking in favor and believes the proposed sawmill belongs in a commercial zoning district.

Chairman Stutzman swore in Kurt and Wendy Folkers, speaking in favor of the Appeal. Mr. & Mrs. Folkers were confused by the DNR determination on whether or not a navigable waterway was located on the property.

Nobody else spoke in favor of the Appeal.

None spoke in opposition of the Appeal.

Mr. Grande concluded with the Planning & Development staff recommendations. Staff recommends that the Board uphold the decision by the Committee on Planning & Development to approve the Conditional Use Permit request.



The Board entered deliberations at 6:40 p.m.

The Board exited deliberations at 6:57 p.m.

After deliberations, Christian Borntreger, the applicant for the proposed sawmill, spoke in opposition to the Appeal. Mr. Borntreger outlined reasons the sawmill is being requested and the proposed use for the sawmill.

**ACTION:** Motion by Randall Stutzman, seconded by Karen Meier-Tomesh, to approve the Appeal based on the determination that the applicant did not provide substantial evidence as required by Wisconsin State Statute 59.69 (5e) to address concerns raised by the Appellants regarding air pollution, water pollution, noise pollution and matters regarding deprivation and enjoyment of property within the vicinity of the proposed sawmill. Motion carried, 3-0-0. Member Gary Eslinger was present, but a vote was not recorded.

5. Review/Approval of June 14, 2021 Meeting Minutes / Discussion – Action

The Board reviewed the June 14, 2021 Meeting Minutes.

**ACTION:** Motion by Karen Meier-Tomesh, seconded by Patrick Schaffer, to approve the June 14, 2021 Meeting Minutes as presented. Motion carried, 3-0-0. Member Gary Eslinger was present, but a vote was not recorded.

6. Adjourn

**ACTION:** Motion by Karen Meier-Tomesh, seconded by Patrick Schaffer, to adjourn the meeting. Motion carried, 3-0-0. Member Gary Eslinger was present, but a vote was not recorded. Meeting adjourned at 7:02 p.m.

Respectfully submitted,

Samuel Simmons  
Clerk, Board of Land Use Appeals