



## AGENDA

Eau Claire County Board of Supervisors  
Wednesday, April 5, 2023, at 7 pm  
Eau Claire County Government Center  
721 Oxford Ave • Eau Claire, WI 54703  
County Board Room 1277

Join from meeting link:

<https://eauclairecounty.webex.com/eauclairecounty/j.php?MTID=m55086cf2172429d6bc4a37ee81f949ff>

Join from meeting number:

Meeting number: 2595 682 1307 Password: Kx2y3m5ngP2

Join from phone: 415-655-0001 Access Code: 2595 682 1307

Watch live on our website: <https://www.eauclairecounty.gov/our-government/county-board/meeting-agendas-minutes>

For those wishing to make public *written* comment must fill out your information on the following link and click “Submit” **at least 60 minutes prior** to the start of the meeting. Link: <https://bit.ly/3CEenwe2>

- (1) Indicates 1<sup>st</sup> Reading
- (2) Indicates 2<sup>nd</sup> Reading

1. Call to Order
2. Honoring of the Flag and Moment of Reflection by: Supervisor Robin Leary
3. Call of the Roll
4. Approval of the Journal of Proceedings from March 21, 2023 *Page 1*
5. **PUBLIC COMMENTS**
6. **REPORTS TO THE COUNTY BOARD UNDER 2.04.320**

### **Oral Reports**

- Comprehensive Zoning Code Update by Rod Eslinger, Director of Planning & Development
- The Rezoning Process by Rod Eslinger, Director of Planning & Development *Page 5*

### **Written Reports**

7. **PRESENTATION OF PETITIONS, CLAIMS AND COMMUNICATIONS**
  - Proclamation proclaiming, “National Public Health Week 2023” *Page 6*
8. **FIRST READING OF ORDINANCES BY COMMITTEES**

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

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

**Committee on Parks & Forest**

**File No.**

22-23/093 (2)

Resolution: Granting utility easements to Eau Claire Energy Cooperative in section 34, T27N, R6W, in the town of Ludington, section 24, T27N, R6W, in the town of Ludington and section 3, T26N, R6W, town of Bridge Creek *Page 7*

**Committee on Planning and Development**

**File No.**

22-23/097 (2)

Ordinance: Amending the 1982 official zoning district boundary map for the Town of Lincoln *Page 11*

**Committee on Finance & Budget**

**File No.**

22-23/090 (2)

Ordinance: To amend section 2.12.140 B. of the Code: Medical Examiner System *Page 33*

11. **APPOINTMENTS**

12. **ANNOUNCEMENTS**

*PLEASE NOTE: Upon reasonable notice, efforts will be made to accommodate the needs of individuals with disabilities through sign language, interpreters, remote access, or other auxiliary aids. Contact the clerk of the committee or Administration for assistance (715-839-5106). For additional information on ADA requests, contact the County ADA Coordinator at 839-6945, (FAX) 839-1669 or 839-4735, TTY: use Relay (711) or by writing to the ADA Coordinator, Human Resources, Eau Claire County Courthouse, 721 Oxford Avenue, Eau Claire, WI 54703.*

**OFFICIAL PROCEEDINGS OF THE COUNTY BOARD  
OF SUPERVISORS**

**Tuesday, March 21, 2023**

The County Board of Supervisors of the County of Eau Claire convened at the Courthouse in the City of Eau Claire on Tuesday, March 21st, 2023, and was called to order by Vice Chair Nancy Coffey at 7:00 p.m.

The Board honored the flag with the pledge of allegiance. Moment of Reflection by Supervisor Connie Russell

Roll Call: 25 present: Supervisors Todd Meyer, Amanda Babb, Joe Knight, Stella Pagonis, Larry Hoekstra, Dane Zook, Steve Chilson, Cory W. Sisk, Allen Myren, Nancy Coffey, Brett Geboy, Connie Russell, Judy Gatlin, Thomas Vue, James A. Dunning, Gerald “Jerry” Wilkie, John Folstad, Mark Beckfield, Katherine Schneider, Robin J. Leary, Heather DeLuka, Tami Schraufnagel, Kyle Johnson, Kimberly Cronk, Missy Christopherson  
4 absent: Supervisors Nathan Otto, Nick Smiar, David Hirsch, Jodi Lepsch

**JOURNAL OF PROCEEDINGS (March 7, 2023)**

On a motion by Supervisor Leary, seconded by Supervisor Gatlin, the Journal of Proceedings was approved via voice vote.

**PUBLIC COMMENT**

No public comments

**REPORTS TO THE COUNTY BOARD UNDER 2.04.320**

**Oral Reports** No oral reports were given.

**Written Reports**

- Reports from the Finance Department
  - 2022 ARPA Funding Summary
  - February 2023 Payments over \$10,000
  - 2023 Contingency Fund

**PRESENTATIONS OF PETITIONS, CLAIMS AND COMMUNICATIONS**

-A rezoning request from owner Vaughn & Lucille Lierman; and applicant, Steve, or Sandy Hanson for the Town of Lincoln was presented

-The clerk read a proclamation proclaiming April 2 through April 8, 2023, “Fair Housing Week” in the County of Eau Claire. On a motion by Supervisor Wilkie, seconded by Supervisor Russell, the proclamation was adopted via voice vote.

-The clerk read a proclamation proclaiming Severe Weather Awareness Week April 17-21, 2023. On a motion by Supervisor Leary, seconded by Supervisor Russell, the proclamation was adopted via voice vote.

**FIRST READING OF ORDINANCES BY COMMITTEES**

**Committee on Finance & Budget**

**Ordinance 22-23/090** TO AMEND SECTION 2.12.140 B. OF THE CODE: MEDICAL EXAMINER SYSTEM  
The ordinance was referred to a future meeting of the county board.

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

**Committee on Administration**

**Resolution 22-23/080** IN SUPPORT OF INCREASED COUNTY CHILD SUPPORT FUNDING

On a motion by Supervisor Schraufnagel, seconded by Supervisor Beckfield, the resolution was adopted via roll call vote as follows:

24 ayes: Supervisors Meyer, Babb, Knight, Pagonis, Hoekstra, Zook, Chilson, Sisk, Myren, Coffey, Geboy, Russell, Gatlin, Vue, Dunning, Wilkie, Folstad, Beckfield, Schneider, Leary, DeLuka, Schraufnagel, Johnson, Christopherson  
1 no: Supervisor Cronk  
4 absent: Supervisors Otto, Smiar, Hirsch, Lepsch

### **Committee on Administration and Highway Committee**

**Resolution 22-23/100** DESIGNATING AMERICAN RESCUE PLAN ACT (ARPA) FUNDS TO BE USED FOR VILLAGE OF FALL CREEK CTH AF AND CITY OF AUGUSTA CTH G HIGHWAY PROJECTS

On a motion by Supervisor Gatlin, seconded by Supervisor Pagonis, the resolution was adopted via roll call vote as follows:

23 ayes: Supervisors Meyer, Babb, Knight, Pagonis, Hoekstra, Zook, Chilson, Sisk, Myren, Coffey, Geboy, Russell, Gatlin, Vue, Dunning, Wilkie, Folstad, Beckfield, Schneider, Leary, DeLuka, Schraufnagel, Johnson,

2 noes: Supervisor Cronk, Christopherson

4 absent: Supervisors Otto, Smiar, Hirsch, Lepsch

### **Committee on Human Resources**

**Ordinance 22-23/074** TO AMEND SECTION 3.10.001 OF THE CODE: EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION POLICY; TO CREATE SECTION 3.10.002 OF THE CODE: EXCEPTIONS; TO AMEND SECTION 3.10.010 OF THE CODE: AFFIRMATIVE ACTION PROGRAM; TO REPEAL SECTION 3.10.020 OF THE CODE: AFFIRMATIVE ACTION OFFICER; TO AMEND SECTION 3.10.040 OF THE CODE: GRIEVANCES UNDER THIS CHAPTER

**Amendment to Ordinance 22-23/074** AMENDMENT CHANGES: LINE 47; CHANGE TO READ “ALL PERSONS” INSTEAD OF “WOMEN AND MEN” AND LINE 49; CHANGE TO READ “MINORITY, FEMALE AND TRANSGENDER.”

On a motion by Supervisor Christopherson, seconded by Supervisor Babb, the amendment was approved via roll call vote as follows:

19 ayes: Supervisors Meyer, Babb, Knight, Pagonis, Zook, Coffey, Geboy, Russell, Gatlin, Vue, Dunning, Wilkie, Schneider, Leary, DeLuka, Schraufnagel, Johnson, Cronk, Christopherson

6 noes: Supervisors Hoekstra, Chilson, Sisk, Myren, Folstad, Beckfield

4 absent: Supervisors Otto, Smiar, Hirsch, Lepsch

On a motion by Supervisor Chilson, seconded by Supervisor Christopherson, the ordinance, as amended once, was enacted via roll call vote as follows:

23 ayes: Supervisors Meyer, Babb, Knight, Pagonis, Hoekstra, Zook, Chilson, Sisk, Myren, Coffey, Geboy, Russell, Gatlin, Vue, Dunning, Wilkie, Schneider, Leary, DeLuka, Schraufnagel, Johnson, Cronk, Christopherson

2 noes: Supervisors Folstad, Beckfield

4 absent: Supervisors Otto, Smiar, Hirsch, Lepsch

### **Committee on Judiciary & Law Enforcement, Human Resources and Finance & Budget**

**Resolution 22-23/091** ABOLISHING ONE (1.0 FTE) JUDICIAL ASSISTANT AND CREATING ONE (1.0 FTE) SUPERVISING JUDICIAL ASSISTANT

On a motion by Supervisor Leary, seconded by Supervisor Sisk, the resolution was adopted via roll call vote as follows:

23 ayes: Supervisors Meyer, Babb, Knight, Pagonis, Hoekstra, Zook, Chilson, Sisk, Myren, Coffey, Geboy, Russell, Gatlin, Vue, Dunning, Wilkie, Folstad, Beckfield, Schneider, Leary, DeLuka, Schraufnagel, Johnson

2 noes: Supervisors Cronk, Christopherson

4 absent: Supervisors Otto, Smiar, Hirsch, Lepsch

### **Committee on Finance & Budget, Human Resources and ADRC Board**

**Resolution 22-23/092** CREATING 1.0 (FTE) NUTRITION PROGRAM COOK POSITION IN THE EAU CLAIRE COUNTY AGING & DISABILITY RESOURCE CENTER

On a motion by Supervisor Schraufnagel, seconded by Supervisor DeLuka, the resolution was adopted unanimously via roll call vote.

### **Highway Committee**

**Resolution 22-23/101** AUTHORIZING THE HIGHWAY COMMISSIONER TO APPLY FOR A GRANT AS PART OF THE WisDOT 2023-2026 TAP CYCLE TO FUND THE CONSTRUCTION OF THE MULTI-USE PATH ALONG MCKINLEY ROAD: AUTHORIZING THE HIGHWAY COMMISSIONER TO ACCEPT THE AWARD AND TO TAKE ALL NECESSARY ACTION TO EFFECTUATE THE GRANT INCLUDING ENTERING INTO ALL NECESSARY AND EXPENDING FUNDS

On a motion by Supervisor Leary, seconded by Supervisor Beckfield, the resolution was adopted unanimously via roll call vote.

#### **Committee on Parks & Forest**

**Resolution 22-23/093** GRANTING UTILITY EASEMENTS TO EAU CLAIRE ENERGY COOPERATIVE IN SECTION 34, T27N, R6W, IN THE TOWN OF LUDINGTON, SECTION 24, T27N R6W IN THE TOWN OF LUDINGTON AND SECTION 3, T26N, R6W IN THE TOWN OF BRIDGE CREEK

On a motion by Supervisor Schneider, seconded by Supervisor Beckfield, this resolution was postponed until April 5, 2023 meeting.

21 ayes: Supervisors Babb, Knight, Pagonis, Hoekstra, Zook, Chilson, Sisk, Myren, Coffey, Geboy, Russell, Vue, Dunning, Wilkie, Folstad, Beckfield, Schneider, Leary, DeLuka, Cronk, Christopherson

3 noes: Supervisors Myren, Gatlin, Schraufnagel

1 abstain; Johnson

4 absent: Supervisors Otto, Smiar, Hirsch, Lepsch

**Resolution 22-23/094** AUTHORIZING THE SUBMITTAL OF OUTDOOR RECREATION GRANT APPLICATION AND AGREEMENT WITH THE WISCONSIN DNR: DIRECTING THE PARKS & FOREST DIRECTOR TO TAKE ALL STEPS NECESSARY TO COMPLY WITH GRANT REQUIREMENTS

On a motion by Supervisor Cronk, seconded by Supervisor Schraufnagel, the resolution was adopted via roll call vote as follows:

24 ayes: Supervisors Meyer, Babb, Knight, Pagonis, Hoekstra, Zook, Chilson, Sisk, Myren, Coffey, Geboy, Russell, Gatlin, Vue, Dunning, Wilkie, Folstad, Beckfield, Schneider, Leary, DeLuka, Schraufnagel, Cronk, Christopherson

1 abstain: Supervisor Johnson

4 absent: Supervisors Otto, Smiar, Hirsch, Lepsch

**Resolution 22-23/095** AUTHORIZING THE PARKS & FOREST DIRECTOR TO SUBMIT AN APPLICATION TO THE STATE OF WISCONSIN DEPT. OF NATURAL RESOURCES FOR ANY FINANCIAL AID THAT MAY BE AVAILABLE FOR MAINTAINING, ACQUIRING, INSURING, OR DEVELOPING LANDS FOR PUBLIC OUTDOOR MOTORIZED TRAILS

On a motion by Supervisor Gatlin, seconded by Supervisor Beckfield, the resolution was adopted via roll call vote as follows:

24 ayes: Supervisors Meyer, Babb, Knight, Pagonis, Hoekstra, Zook, Chilson, Sisk, Myren, Coffey, Geboy, Russell, Gatlin, Vue, Dunning, Wilkie, Folstad, Beckfield, Schneider, Leary, DeLuka, Schraufnagel, Cronk, Christopherson

1 abstain: Supervisor Johnson

4 absent: Supervisors Otto, Smiar, Hirsch, Lepsch

#### **Committee on Finance & Budget**

**Resolution 22-23/096** AUTHORIZING A 2023 BUDGET AMENDMENT TO CREATE 1.0 FTE NUTRITION PROGRAM COOK POSITION IN THE EAU CLAIRE COUNTY AGING & DISABILITY RESOURCE CENTER (ADRC)

On a motion by Supervisor Myren, seconded by Supervisor Beckfield, the resolution was adopted unanimously via roll call vote.

**Resolution 22-23/098** AUTHORIZING A 2023 BUDGET AMENDMENT FOR FUNDING TO COVER THE 2023 EAU CLAIRE COUNTY CAPITAL PROJECT EXPENDITURES

On a motion by Supervisor Myren, seconded by Supervisor Chilson, the resolution was adopted via roll call vote as follows:

24 ayes: Supervisors Meyer, Babb, Knight, Pagonis, Hoekstra, Zook, Chilson, Sisk, Myren, Coffey, Geboy, Russell, Vue, Dunning, Wilkie, Folstad, Beckfield, Schneider, Leary, DeLuka, Schraufnagel, Johnson, Cronk, Christopherson

1 no: Supervisor Gatlin

4 absent: Supervisors Otto, Smiar, Hirsch, Lepsch

**Resolution 22-23/102 FINANCIAL POLICY: DEBT MANAGEMNET POLICY**

On a motion by Supervisor Russell, seconded by Supervisor Chilson, the resolution was adopted via roll call vote as follows:

22 ayes: Supervisors Meyer, Babb, Knight, Pagonis, Hoekstra, Zook, Chilson, Sisk, Myren, Geboy, Russell, Gatlin, Vue, Dunning, Wilkie, Folstad, Beckfield, Schneider, DeLuka, Schraufnagel, Johnson, Cronk,

3 noes: Supervisors Coffey, Leary, Christopherson

4 absent: Supervisors Otto, Smiar, Hirsch, Lepsch

**Resolution 22-23/103 FINANCIAL POLICY: FUND BALANCE POLICY**

On a motion by Supervisor Sisk, seconded by Supervisor Beckfield, the resolution was adopted via roll call vote as follows:

14 ayes: Supervisors Babb, Knight, Pagonis, Hoekstra, Zook, Chilson, Sisk, Myren, Geboy, Vue, Dunning, Wilkie, Folstad, Beckfield,

11 noes: Supervisors Meyer, Coffey, Russell, Gatlin, Schneider, Leary, DeLuka, Schraufnagel, Johnson, Cronk, Christopherson

4 absent: Supervisors Otto, Smiar, Hirsch, Lepsch

The Board adjourned at 9:23p.m.

Respectfully submitted,

Sue McDonald  
County Clerk



# Eau Claire County Rezoning Process

## 1. REZONE APPLICATION & STAFF REVIEW

- Application reviewed for completeness, including legal description, etc.
- P&D Staff generates a recommendation based on consistency with comprehensive plan Future Land Use Map and other applicable goals, objectives and policies.
- Review zoning ordinance consistency with proposed land use, proposed lot size, road frontage/access, etc. For example, is a rezone is for A-2 (5 ac. min. lot size) the legal description should include a minimum of 5 acres of land with 250' of road frontage.
- Rezoning analysis **does not** entail review of subdivision ordinance, erosion control, storm water management, soils, floodplains, POWTS systems, etc.
- Public input relating as it relates to rezoning evaluation criteria.

## 2. TOWN HEARING

- Most towns notice nearby property owners. Some utilize notification lists generated by the county.
- Town conducts public hearing to consider rezoning petition.
- Town considers consistency with town comprehensive plan and public input.
- Town board generates recommendation to approve or deny rezoning petition to County P&D Committee.

## 3. P&D COMMITTEE HEARING

- County P&D Dept. notices property owners within 700 feet.
- County P&D Committee conducts public hearing to consider rezoning petition.
- County P&D considers town recommendation, staff recommendation (based on comp. plan consistency and findings of fact), and public input.
- Issues relating to specific zoning requirements are reviewed later (see Step #5) and are not applicable to rezoning review. If project does not meet applicable requirements, the CSM/plat/site plan will not be approved, regardless of previous rezone approval.
- **Committee's Role:**
  1. Recommend Approval
  2. Recommend Denial
  3. Modify the petition (ex: recommend different zoning district than requested)
  4. Postpone the matter if more information is sought

## 4. COUNTY BOARD MEETING

- County Board conducts meeting to adopt or deny rezoning ordinance.
- Board considers P&D Committee recommendation, town recommendation, staff recommendation, and public input.
- Public has opportunity to provide input at beginning of meeting during public comment period.
- Board meeting is not a public hearing. It is expected that substantive issues will have been previously vetted by staff, the town board, and P&D Committee through staff review and two required public hearings.

## 5. NEXT STEPS

- For rezonings that require a land division, a Certified Survey Map (CSM) is required for land divisions of 4 or fewer lots.
- A subdivision plat is required for land divisions of 5 or more lots.
- County staff and outside agencies (City of EC, WisDOT, etc.) review CSM and subdivision plats for conformance to applicable requirements, including zoning ordinance, land conservation, and sanitation.
- Subdivision plats are reviewed by town and County P&D Committee to ensure conformance with all applicable code requirements.
- Additional information can be required, if needed, to review that plat (ex: traffic study).
- Commercial development requires a site plan review by County Staff and outside agencies.
- Rezonings that don't require a land division may proceed to permit the development of the property under the regulations of the new zoning district immediately following rezoning approval.



## National Public Health Week Proclamation 2023

**Whereas**, the week of April 3, 2023, is National Public Health Week, the theme is “Centering and Celebrating Cultures in Health”; and

**Whereas**, public health organizations use National Public Health Week to educate public policymakers and public health professionals on issues that are important to improving the health of the people of the United States, including the more than 106,000 residents of Eau Claire County; and

**Whereas**, in 2020, the life expectancy at birth for the population of the United States declined by 1.5 years, which is the largest drop in life expectancy since 1943; and

**Whereas**, many of the leading causes of death for individuals in the United States result from chronic conditions, which are among the most common, costly, and preventable of all health challenges; and

**Whereas**, there are significant differences in the health status of individuals living in the healthiest States and communities and those living in the least healthy States and communities, including differences in obesity rates, the prevalence of chronic disease, and the prevalence of infectious disease; and

**Whereas**, racial and ethnic minority populations in the United States continue to experience disparities in the burden of illness and death, as compared with the entire population of the United States; and

**Whereas**, women die from pregnancy-related complications in the United States at a higher rate than in many other developed countries, and an estimated 60 percent of these deaths in the United States are preventable; and

**Whereas**, there were an estimated 100,306 drug overdose deaths in the United States during the 12-month period ending in April 2021, the highest level ever recorded during a 12-month period, a 28.5 percent increase from the 78,056 deaths during the same period the year before. There were 1,765 drug overdose deaths in Wisconsin in 2021 and 11 opioid overdose deaths in Eau Claire County in 2021; and

**Whereas**, studies show that small strategic investments in prevention can result in significant savings in health care, education, social service, and law enforcement costs, Wisconsin remains near the bottom of US states in investing in public health measures; and

**Whereas**, public health professionals collaborate with partners outside of the health sector, including city planners, transportation officials, education officials, and private sector businesses, recognizing that other sectors can influence health outcomes across our community; and

**Whereas**, efforts to adequately support public health and the prevention of disease and injury can continue to transform a health system focused on treating illness into a health system focused on preventing disease and injury and promoting wellness but workforce and funding remain significant issues.

**NOW, THEREFORE, I**, Nick Smiar, on behalf of the Eau Claire County Board, do hereby proclaim the week of April 3-9, 2023, as **National Public Health Week 2023** and call upon the people of Eau Claire County to observe this week by helping our families, friends, neighbors, co-workers and leaders to better understand the value of public health, celebrate the power of cultural humility and prevention, advocate for healthy and fair policies, share strategies for increasing equity and champion the role of a strong public health system in light of this year’s theme, **“Centering and Celebrating Cultures in Health.”**

4/5/2023

Nick Smiar, Chair  
Eau Claire County Board

Date



FACT SHEET

TO FILE NO. 22-23/093

This Resolution concerns an easement request on County owned lands surrounding Lake Eau Claire. Eau Claire County Energy Cooperative (ECEC) is requesting an easement for use and service related to utility lines to improve services to their customers. The easement would cover two parcels along CTY NL; one in the town of Ludington and one in the town of Bridge Creek, and the third parcel covered by the easement is along CTY Rd ND in the town of Ludington.

ECEC is aware the Lake District conducts dredging in the area and has made assurances that the utilities will not interfere with dredging.

Fiscal Impact: \$25.00

Respectfully Submitted,

Charles R. Ellefsen, III

CRE/yk

2  
3 GRANTING UTILITY EASEMENTS TO EAU CLAIRE ENERGY COOPERATIVE IN  
4 SECTION 34, T27N, R6W, IN THE TOWN OF LUDINGTON, SECTION 24, T27N, R6W, IN  
5 TOWN OF LUDINGTON AND SECTION 3, T26N, R6W, TOWN OF BRIDGE CREEK  
6

7 WHEREAS, Eau Claire County owns lands surrounding Lake Eau Claire ; and  
8

9 WHEREAS, Eau Claire County lands are administered by the Parks and Forest  
10 Department; and  
11

12 WHEREAS, Eau Claire Energy Cooperative is requesting easements to the Lake Eau  
13 Claire area to remove overhead utility lines and to install new utility lines underground; and  
14

15 WHEREAS, the areas affected by the Ludington easement cover two parcels and  
16 Bridge Creek easement covers one parcel and are described and set forth in the proposed  
17 easement and attached as Exhibit "A;" and  
18

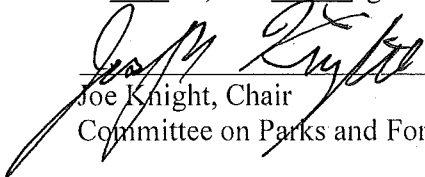
19 WHEREAS, Eau Claire Energy Cooperative offers to purchase the utility easement  
20 described for the sum of twenty-five dollars (\$25.00); and  
21

22 WHEREAS, the utility easement allows right of use and access for service.  
23

24 NOW, THEREFORE, BE IT RESOLVED that the Eau Claire County Board of  
25 Supervisors grant easements to Eau Claire Energy Cooperative for the purpose of removing  
26 overhead lines and installing underground utility lines in the Towns of Ludington and Bridge  
27 Creek for the sum of twenty-five dollars (\$25.00); and  
28

29 BE IT FURTHER RESOLVED that the County Clerk is authorized to sign all documents  
30 necessary to transfer the aforementioned easement to the Eau Claire Energy Cooperative.  
31

32 I hereby certify that the foregoing correctly  
33 represents the action of the Committee on Parks and  
34 Forest on March 13, 2023 by a vote  
35 of 4 for, and 0 against.  
36

37   
38 \_\_\_\_\_  
39 Joe Knight, Chair  
40 Committee on Parks and Forest  
41

# UTILITY EASEMENT AGREEMENT

## EAU CLAIRE COUNTY

(hereinafter called the "Grantor"), and any lienholder executing this easement, for a valuable consideration, does hereby grant, warrant and convey unto EAU CLAIRE ENERGY COOPERATIVE, 8214 US Highway 12, FALL CREEK, WISCONSIN, 54742, a cooperative organized under Chapter 185 Wisconsin Statutes, hereinafter called the "Cooperative",

its successors and assigns, with full right to lease, sublet, and license its rights hereunder, the perpetual right, privilege and easement to enter upon the rights of way described hereinafter, and to construct, operate, repair, maintain, relocate, reconstruct, and replace over and under the surface thereof, lines for the transmission and distribution of electric energy, petroleum products, and communications signals.

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

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

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

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

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

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

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

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

**UNDERGROUND SAFETY:** If any of said facilities are constructed in or under the ground, the Cooperative may excavate the soil within the easement described herein, and remove trees, rocks and other obstructions, as necessary,

Return to:

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

Parcel No: 014105906000  
014105909000  
002108003000  
W.O. Number: 23001

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

Service Easement      \_\_\_\_\_ Overhead      \_\_\_\_\_ Underground      \_\_\_\_\_ Easement Width      \_\_\_\_\_  
Distribution Easement      \_\_\_\_\_ Overhead      \_\_\_\_\_ Underground      \_\_\_\_\_ Easement Width      \_\_\_\_\_

for the construction, maintenance, repair, replacement, safety or operation of said line or lines. No owner or occupant of the land may dig or excavate within the easement, or permit others to do so, except as permitted by the Cooperative.

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

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

Additional space for legal description or special provisions:

Section 3/34, Township 26/27 North, Range 06 West

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

SE-SW EX FIRST ASSESSOR'S PLAT OF LAKE EAU CLAIRE NORTH ENTERED IN CFL BEG 1986 PER 637/706, LYING IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 27 NORTH, RANGE 6 WEST, TOWN OF LUDINGTON, EAU CLAIRE COUNTY, WISCONSIN

SW-SE CFL SINCE 1947, LYING IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 27 NORTH, RANGE 6 WEST, TOWN OF LUDINGTON, EAU CLAIRE COUNTY, WISCONSIN

FRAC NW-NE CONT 42.37 AC EX LAKE EAU CLAIRE & EX BLK 8 & PRT OF BLK 9 OF FIRST ASSR'S PLAT OF LAKE EAU CLAIRE NORTH ENTERED IN CFL BEG 1986 PER 637/706, BEG 2004 PER 1741/951 REV TO 24:92 AC SEE U-591 FOR SILT DEPOSIT SITE #3, LYING IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 3. TOWN 26 NORTH, RANGE 6 WEST, TOWN OF BRIDGE CREEK, EAU CLAIRE COUNTY, WISCONSIN

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

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

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

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

**ACKNOWLEDGMENT**

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

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

**ACKNOWLEDGMENT**

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

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

Drafted by: Nathan Karnes, an employee of Eau Claire Energy Cooperative

Rev. 03/2016

**FACT SHEET**  
**File No. 22-23/097**

**RE:** Rezone 18.72 acres +/- of land from A-P (Agricultural Preservation) District to A-2 (Agricultural-Residential) District to rezone the property consistent with minimum lot size. No additional land divisions or new development is proposed with this rezoning.

**Legal Description and Location:** Part of the NE¼ of the NE¼, Section 14, T 26 N, R 8 W, Town of Lincoln, Eau Claire County, Wisconsin (complete legal description attached)

**Size of area to be rezoned:** 18.72 acres +/-

**ADJACENT ZONING & LAND USES:**

LOCATION	ZONING	LAND USE
Subject	A-P	Single-family residence; Agricultural
North	A-P	Agricultural
East	A-P/A-R	Agricultural
South	A-P	Woodlands; Agricultural
West	A-P	Agricultural

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

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

**Staff Conclusions and Recommendation:** Staff finds that the proposed rezoning request substantially conforms with the Eau Claire County Comprehensive Plan. The Eau Claire County Comprehensive Plan recognizes that the proposed A-2 zoning district is consistent within the mapped future land use designation.

**Town Board Action:** The Lincoln Town Board considered the rezoning petition on Monday, March 13, 2023, and recommended approval of the rezoning (3-0 vote).

**Committee Action:** The Eau Claire County Committee on Planning & Development held a public hearing on Tuesday, March 28, 2023 regarding the proposed rezoning. On a vote of 5 in favor and 0 against, the Committee recommends approval of the rezoning to the County Board. The committee considered the applicant's testimony as well as the Town Board's and staff's recommendations in their deliberations.

**Fiscal Impact:** None

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



Matt Michels, AICP  
Senior Planner

2  
3 -AMENDING THE 1982 OFFICAL ZONING DISTRICT BOUNDARY MAP FOR THE  
4 TOWN OF LINCOLN -

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 Lincoln,  
9 described as follows:

10  
11 The Northeast Quarter of the Northeast Quarter of Section 14, Township 26 North, Range  
12 8 West, Town of Lincoln, Eau Claire County, Wisconsin.

13  
14 EXCEPT:

15  
16 Lot 1 of Certified Survey Map #1374, Volume 7, Page 174, Document # 717423.

17  
18 EXCEPT:

19  
20 The North 150 feet of the Northeast Quarter of the Northeast Quarter lying West of Echo  
21 Valley Road.

22  
23 EXCEPT:

24  
25 That East 110 feet of the Northwest Quarter of the Northeast Quarter and the West 460  
26 feet of the Northeast Quarter of the Northeast Quarter.

27  
28 EXCEPT:

29  
30 The North 150 feet of the Northwest Quarter of the Northeast Quarter and the Northeast  
31 Quarter of the Northeast Quarter all in Section 14, Township 26 North, Range 8 West,  
32 Town of Lincoln, Eau Claire County, Wisconsin.

33  
34 Said described parcel of land containing 18.72 acres +/-, land and is subject to the  
35 easements and restrictions of record to be reclassified from the A-P Agricultural  
36 Preservation District to the A-2 Agriculture-Residential District.

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

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ENACTED:

I hereby certify that the foregoing correctly represents the action taken by the undersigned Committee on March 28, 2023 by a vote of 5 for, 0 against.

*Robin J. Leary*  
\_\_\_\_\_  
*James O'Dunn*  
\_\_\_\_\_  
*Dane Zook*  
\_\_\_\_\_  
*Nancy J. Coffey*  
\_\_\_\_\_  
\_\_\_\_\_  
Planning and Development Committee

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

**APPROVED**  
By Sharon McIlquham at 3:13 pm, Mar 31, 2023

hp

Dated this 28th day of March 2023.



# EAU CLAIRE COUNTY PLANNING STAFF RECOMMENDATION

**REZONE NUMBER:** RZN-0002-23      **COMPUTER NUMBER:** 012110004000

**PUBLIC HEARING DATE:** March 28, 2023

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

**OWNER:** Lucille and Vaughn Lierman, E 10915 Echo Valley Rd, Fall Creek, WI 54742

**AGENT:** Steve & Sandy Hanson, E 10925 Echo Valley Rd, Fall Creek, WI 54742

**REQUEST:** Rezone 18.72 acres +/- of land from A-P (Agricultural Preservation) District to A-2 (Agricultural-Residential) District to rezone the property consistent with minimum lot size. No additional land divisions or new development is proposed with this rezoning.

**LOCATION:** E 10915 Echo Valley Rd.

**LEGAL DESCRIPTION:** Part of the NE¼ of the NE¼, Section 14, T 26 N, R 8 W, Town of Lincoln, Eau Claire County, Wisconsin (complete legal description attached)

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

## BACKGROUND

### SITE CHARACTERISTICS:

- The property to be rezoned is an existing lot that does not conform to the minimum lot size required in the A-P zoning district (35 acres). This rezoning will remedy the deficiency and will not result in additional lot splits or change of land use on the property.
- The property to be rezoned is developed with a house and several outbuildings. The remaining property is used for agriculture and will remain in agricultural production.
- The southern portion of the property contains a steeply sloped wooded area.

### EXISTING ZONING DISTRICT:

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

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



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

**REQUESTED ZONING DISTRICT:**

A-2 Agriculture-Residential District. *This district is established to “provide an area for limited residential and hobby farm development in a rural atmosphere.”*

**ZONING/LAND USE CONTEXT:**

LOCATION	ZONING	LAND USE
Subject	A-P	Single-family residence; Agricultural
North	A-P	Agricultural
East	A-P/A-R	Agricultural
South	A-P	Woodlands; Agricultural
West	A-P	Agricultural

**COMPREHENSIVE PLANS:**

The Eau Claire County Future Land Use Map includes the property in the Rural Lands (RL) planning area and the Town of Lincoln Future Land Use Map includes the property in the Rural Preservation (RP) planning area. Following are descriptions of the intent of the applicable County and Town comprehensive plan future land use categories and applicable policies.

**Eau Claire County:**

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

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

**Town of Lincoln:**

- Rural Preservation Intent and Description: *The primary intent of these areas is to preserve productive agricultural lands in the long-term, protect existing farm & forestry operations from encroachment by incompatible uses, promote further investments in farming, maintain farmer eligibility for incentive programs, and to preserve wildlife habitat and open spaces. In other words, to preserve the rural character of these areas. As mapped, this designation includes farmland, scattered open lands, woodlots, agricultural-related uses, cottage industries, mineral extraction operations, farmsteads, and existing non-farm single-family residences. Future development in the RP area is expected to be consistent with the existing pattern of development, and the policies specified below for RP areas.*
- Applicable Policies:
  1. *Farming and agricultural uses shall be established as the primary land uses within these areas. Non-farm development shall only be allowed if it will not interfere with, will not disrupt, or will not be incompatible with farming or agricultural use, and will not take significant tracts of land suitable for cultivation or other agricultural use out of production.*
  2. *Agriculturally related businesses, cottage industries, utility, recreation, mineral extraction, religious and government uses may be permitted based on the conditional use requirements of the appropriate Eau Claire County base zoning districts for RP areas.*
  3. *Proposals for any new non-farm residential development shall be consistent with the following policies:*
    - a. *The maximum gross density for non-farm residential lots shall be one (1) unit per five (5) acres held in single ownership, except as otherwise provided below for conservation subdivisions. The minimum lot size for non-farm residential lots shall be one (1) acre. The balance of the land not included for residential lots shall be placed in a permanent conservation easement for agriculture, forestry, and open space use.*
    - b. *Any new non-farm residential lot shall have a "Right to Farm" disclosure attached to it acknowledging that the potential non-farm owner has been informed that his lot has been established in an area where farming is the preferred land use, and stating that the owner understands that he must abide by the State of Wisconsin "Right to Farm" statute (WI Stat. 823.08). This language shall be recorded on the deed to the property, transferable to subsequent owners.*
    - c. *Non-farm residential development shall only occur on land that is marginal for agricultural productivity. At least 80% of any proposed new lot shall not contain Highly Productive Soils as defined in this plan. In addition, it is the preference of the Town of Lincoln that new non-farm residential lots that are approved in accord with these policies be located adjacent to or near existing non-farm development.*

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

FARMLAND PRESERVATION PLAN:

The property is included in the Farmland Preservation Plan Map, which potentially enables the property owner to claim Farmland Preservation tax credits. The proposed A-2 District is not a certified farmland preservation district and the proposed lots would not qualify for Farmland Preservation tax credits.

Comprehensive Plan Summary

The proposed A-2 zoning district is consistent with the intent and description and the applicable policies of the Eau Claire County Comprehensive Plan Rural Lands Planning Area as it is an agricultural district that generally limits non-farm residential development and associated land use conflicts.

**ANALYSIS**

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

A-P Rezoning Standards

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

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

- **Soil Types** – As depicted on the attached Soil Map, the property contains a mix of NRCS Capability Class III and lower-capability soil classes. According to the applicant, the tilled areas will continue to be farmed and no additional development is currently proposed.
- **Historical Productivity** – Portions of the property are utilized for agriculture and, according to the applicant will continue to be farmed.
- **Site Location** – The property is located on Echo Valley Road.
- **Adjacent Land Uses** – Uses in the area include a mixture of farmland, woodlands, and farm and non-farm single-family residences.

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

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

**Standard 3** - *The rezoning is substantially consistent with the certified Eau Claire County Farmland Preservation Plan.* The proposed rezoning is substantially consistent with the Farmland Preservation Plan, which recognizes that a limited amount of land will be rezoned from A-P to other agricultural districts.

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

Town Board Action: The Lincoln Town Board considered the rezoning petition on March 13, 2023 and recommended approval (3-0 vote).

The rezoning petition has been evaluated for consistency with the purpose of the A-2 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 substantially consistent with the intent and purpose of the Eau Claire County Future Land Use plan
- Existing uses in the area include agricultural fields, woodlands, and farm and non-farm single-family residences.
- Zoning in the area is predominantly A-P, with A-R, A-2, and A-3 in vicinity of 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 A-2 District

In addition, the following factors have also been considered:

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

## FINDINGS

Findings in Favor:

1. The request is generally consistent with the goals, objectives, and policies of the Eau Claire County Comprehensive Plan, as required by Section 19.01.020.B of the Eau Claire County Code; and Wisconsin Statutes §66.1001(1)(am) and §66.1001(3)(j), including the intent, description, and policies of the Rural Lands Future Land Use classification in Section 3.3 of the Eau Claire County Comprehensive Plan and Map 9 (Future Land Use) of the Eau Claire County Comprehensive Plan.
2. The proposed rezoning will render the existing lot compliant with the minimum lot requirements of the County Zoning Ordinance.
3. The property has required road frontage on Echo Valley Road.



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

Application Accepted:	03/07/2023
Accepted By:	Matt Michels
Receipt Number:	073046
Town Hearing Date:	03/13/2023
Scheduled Hearing Date:	03/28/2023
Application No:	RZN-0002-23
Application Status:	Applied

## Rezoning Petition

**Owner/Applicant Name(s):**

**Owner:** VAUGHN LIERMAN

**Applicant:** Lucille Lierman, E 10915 Echo Valley Rd, Fall Creek, WI 54742

**Telephone:** 715-225-9852

**EMail:** echo\_acres@yahoo.com

**RECEIVED**

**MAR 07 2023**

**COUNTY CLERK**

**Site Address(es):**

E 10915 ECHO VALLEY RD

**Property Description:**

Sec 14 Twn 26 Rge 08  
Town of Lincoln

**Zoning District(s):**

AP - Agricultural Preservation Distr

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

32.20

**Overlay District(s):**

**PIN**

1801222608141100001

**Legal (partial)**

NE-NE EX N 150' LYG W OF ECHO VALLEY RD, EX LOT 1 CSM 1374 (VOL 7 P 174 #71742)

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:

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.



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

**Office Use Only**

Application Accepted:	3/7/23
Accepted By:	nm
Application Number:	R2N-0002-23; 41613
Town Hearing Date:	3/13/23
Scheduled Hearing Date:	3/28/23

**REZONING APPLICATION**

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

Existing Zoning District: AP	Proposed Zoning District(s): A2
Acres to be rezoned: 20	

Property Owner Name: Lucille Lierman	Phone# 715-210-9281
Mailing Address: E10915 Echo Valley Rd.; Fall Creek, WI 54742	
Email Address:	

Agent Name: Steve or Sandy Hanson	Phone# 715-225-9852 or 715-225-1802
Mailing Address: echo-acres@yahoo.com	shanson387@gmail.com
Email Address: E10925 Echo Valley Rd.; Fall Creek, WI 54742	

**SITE INFORMATION**

Site Address:	
Property Description: NE 1/4 NE 1/4 Sec. 14, T26N, R8W, Town of Lincoln (see attached)	
Zoning District:	Code Section(s):
Overlay District: Check Applicable	<input type="checkbox"/> Shoreland <input type="checkbox"/> Floodplain <input type="checkbox"/> Airport <input type="checkbox"/> Wellhead Protection <input type="checkbox"/> Non-Metallic Mining
Computer #(s): or PIN #(s):	012-1101-02-000

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

<input type="checkbox"/> Complete attached information sheet	<input type="checkbox"/> Confirmed with the Town their submittal deadline and process.
<input type="checkbox"/> Provide legal description of property to be rezoned	<input type="checkbox"/> Provide \$620.00 application fee (non-refundable), (\$545.00 application processing fee and \$75.00 mapping surcharge fee). Send application to <a href="mailto:landusa@co.eau-claire.wi.us">landusa@co.eau-claire.wi.us</a> or to the address above.

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: Lucille N Lierman Date 3-6-23

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

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:

We sold 15 acres to a neighbor, Their property adjoins ours. That sale left us with 20 acres. This left us below the minimum acreage for A.P. The land sale will allow us the finances we need to stay in our home.

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

Nothing in how the land is used will change. The remaining 20 acres will remain as is.



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

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

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

1) No changes to the land will occur.  
The change to A2 will satisfy county + town requirements.  
It will allow the future sale of the property.  
The 15 acres that were sold will remain in the CRP program for the remainder of the contract (5 yrs)  
Property is in rural lands, future land use + A2 is appropriate for that area.

2) Since there are no changes to the remaining 20 acres, or the sold acres, there is no impact to existing county or town plans.

3) No changes to current property uses will occur.

4) The sold 15 acres is land locked with no access.  
It is enrolled in the CRP program. Contract expires in 5 years.  
The 20 acres to be rezoned will remain as is.  
\_\_\_\_\_ acres are enrolled in CRP program. The remaining acreage is where the home and outbuildings are located.

Legal Description for parcel to be rezoned

The Northeast Quarter of the Northeast Quarter of Section 14, Township 26 North, Range 8 West, Town of Lincoln, Eau Claire County, Wisconsin.

Except:

Lot 1 of Certified Survey Map # 1374, Volume 7 Page 174, Document # 717423.

Except:

The North 150 feet of the Northeast Quarter of the Northeast Quarter lying west of Echo Valley Road.

Except:

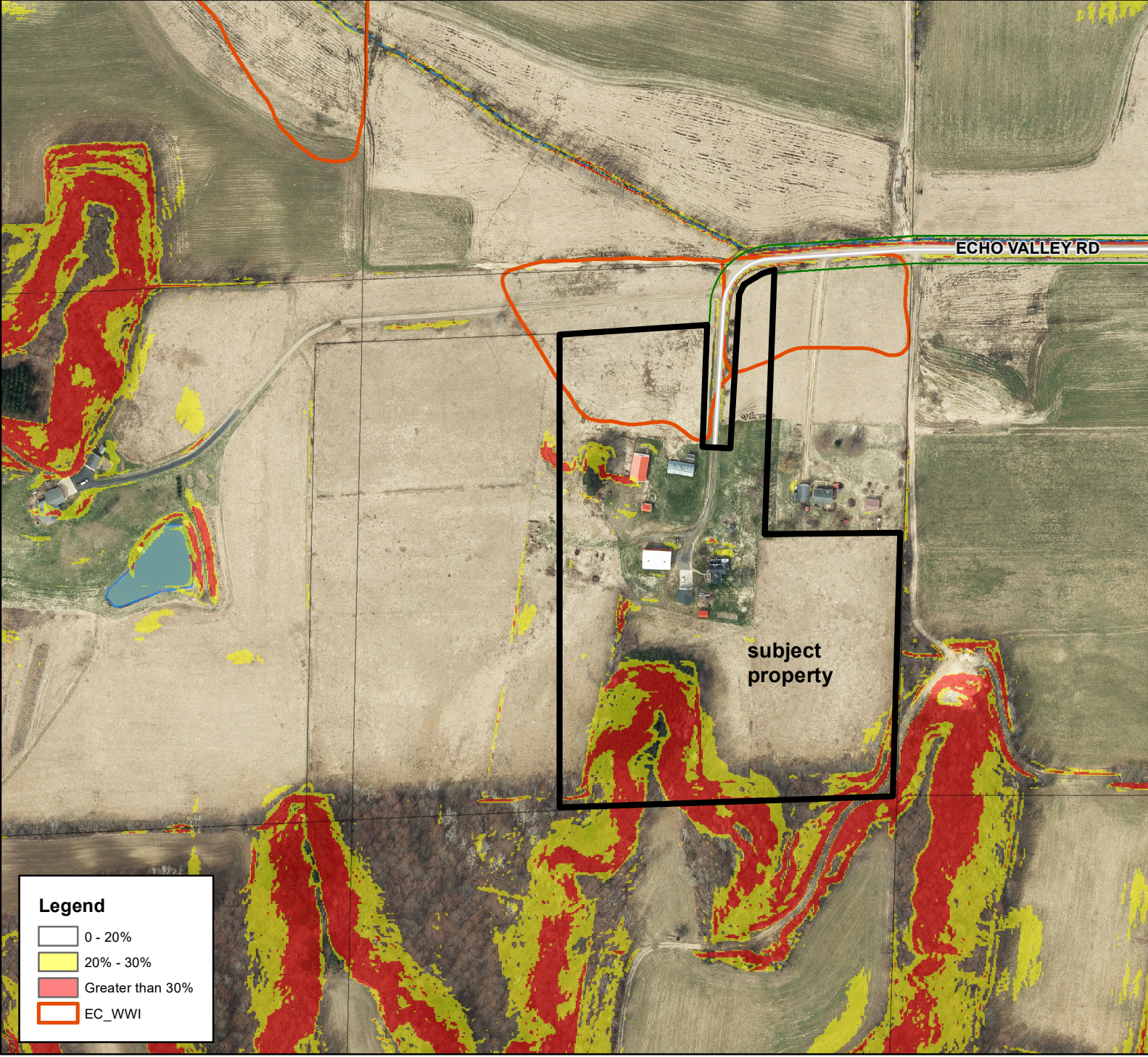
That East 110 feet of the Northwest Quarter of the Northeast Quarter and the West 460 feet of the Northeast Quarter of the Northeast Quarter.

Except :

The North 150 feet of the Northwest Quarter of the Northeast Quarter and the Northeast Quarter of the Northeast Quarter  
all in Section 14, Township 26 North, Range 8 West, Town of Lincoln, Eau Claire County, Wisconsin.

Said parcel is subject to easements and restrictions of record.

# LIERMAN REZONE AERIAL MAP



**Legend**

- 0 - 20%
- 20% - 30%
- Greater than 30%
- EC\_WWI

**Parcel Mapping Notes:**

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

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

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

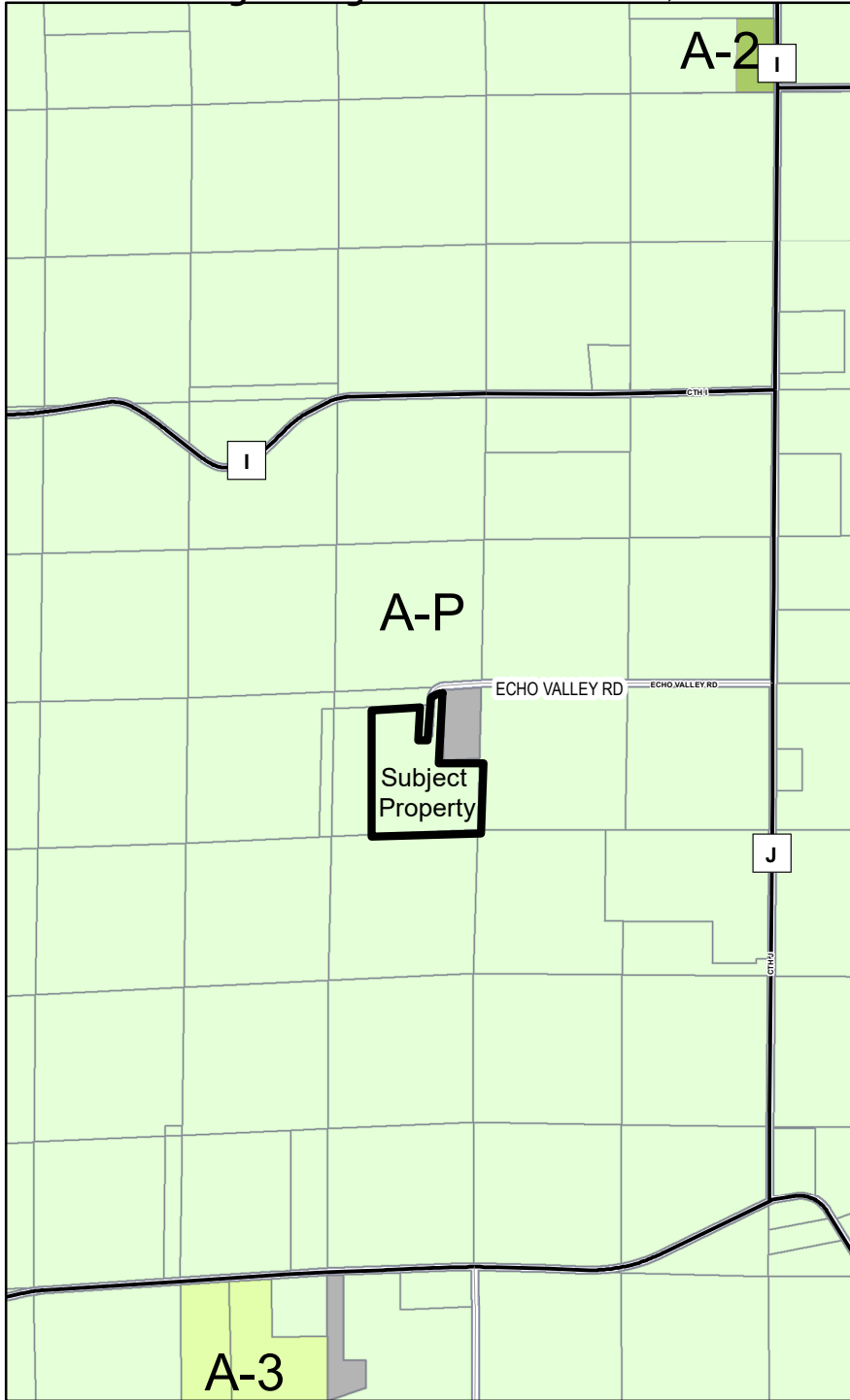




# Lierman Rezoning: RZN-0002-23

## Existing Zoning

1 inch = 1,666.666667 feet



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

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



### Parcel Mapping Notes:

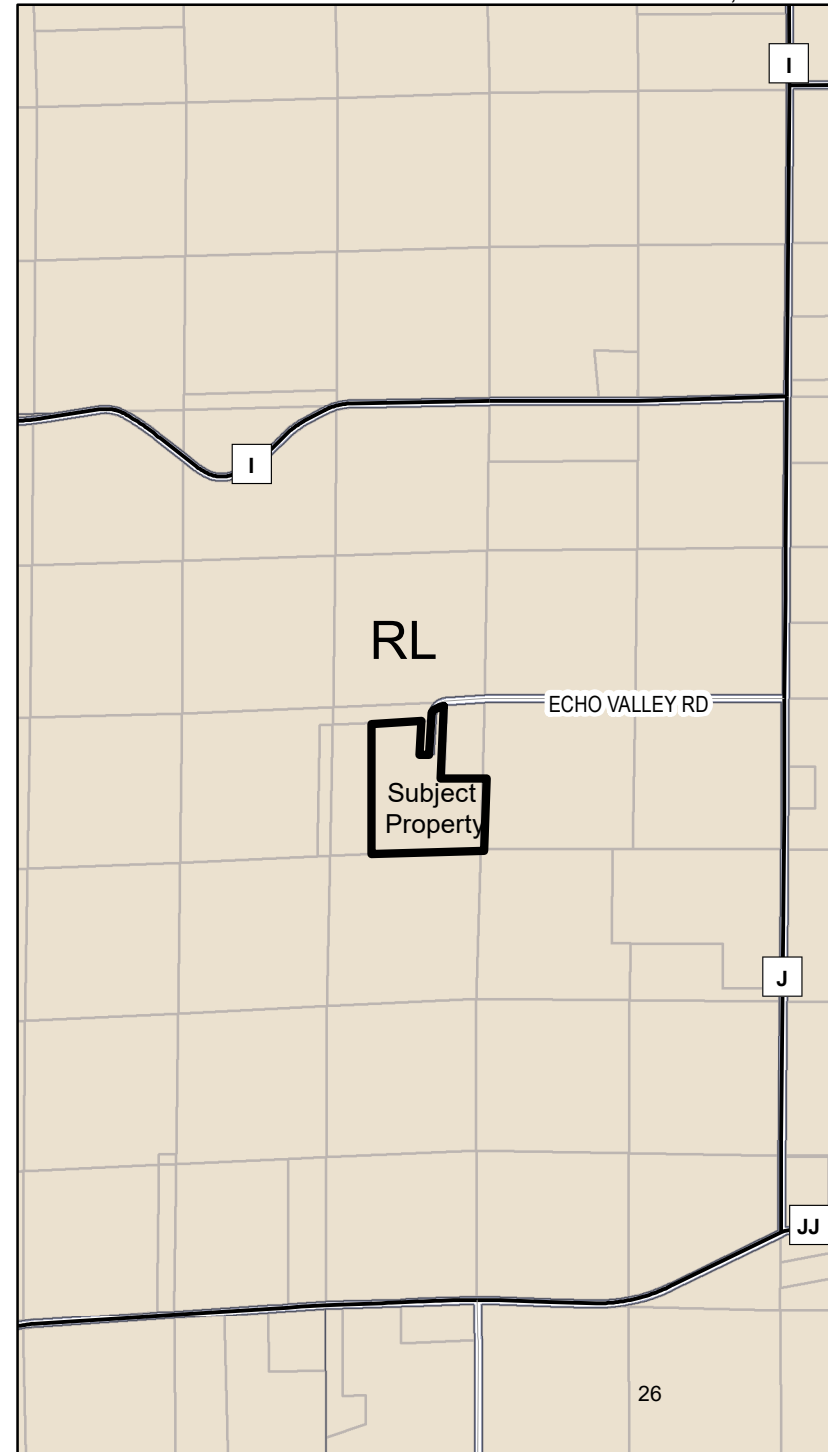
The horizontal datum is based on the Eau Claire County Coordinate System NAD\_1983\_HARN\_Adj\_WI\_EauClaire\_Feet

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## Future Land Use

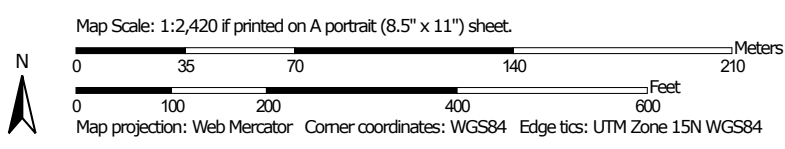
1 inch = 1,667 feet



Soil Map—Eau Claire County, Wisconsin



Soil Map may not be valid at this scale.




## MAP LEGEND

### Area of Interest (AOI)

 Area of Interest (AOI)

### Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

### Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

### Water Features



Streams and Canals

### Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

### Background



Aerial Photography

## MAP INFORMATION

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

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

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

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

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

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

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

Soil Survey Area: Eau Claire County, Wisconsin

Survey Area Data: Version 21, Sep 6, 2022

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

Date(s) aerial images were photographed: Aug 16, 2020—Sep 23, 2020

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

## Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
213C2	Hixton silt loam, 6 to 12 percent slopes, moderately eroded	7.2	36.7%
213D2	Hixton silt loam, 12 to 20 percent slopes, moderately eroded	3.9	19.6%
626A	Arenzville silt loam, 0 to 3 percent slopes, occasionally flooded	0.7	3.5%
628A	Orion silt loam, 0 to 3 percent slopes, occasionally flooded	2.0	10.0%
NtE2	Northfield silt loam, 20 to 30 percent slopes, eroded	5.9	30.1%
<b>Totals for Area of Interest</b>		<b>19.7</b>	<b>100.0%</b>



## Town of Lincoln Eau Claire County

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March 15, 2023

To: Department of Planning and Development Eau Claire County

**RE: RZN-0002-23**

**Property Owner:** Vaughn & Lucille Lierman

**Applicant:** Steve and Sandy Hanson

**Town:** Lincoln

**Site Address:** E 10915 Echo Valley Rd, Fall Creek, WI 54742.

**Legal Description:** Part of the NE 1/4 of the NE 1/4, Section 14, Township 26 North, Range 8 West, Town of Lincoln, Eau Claire County, Wisconsin.

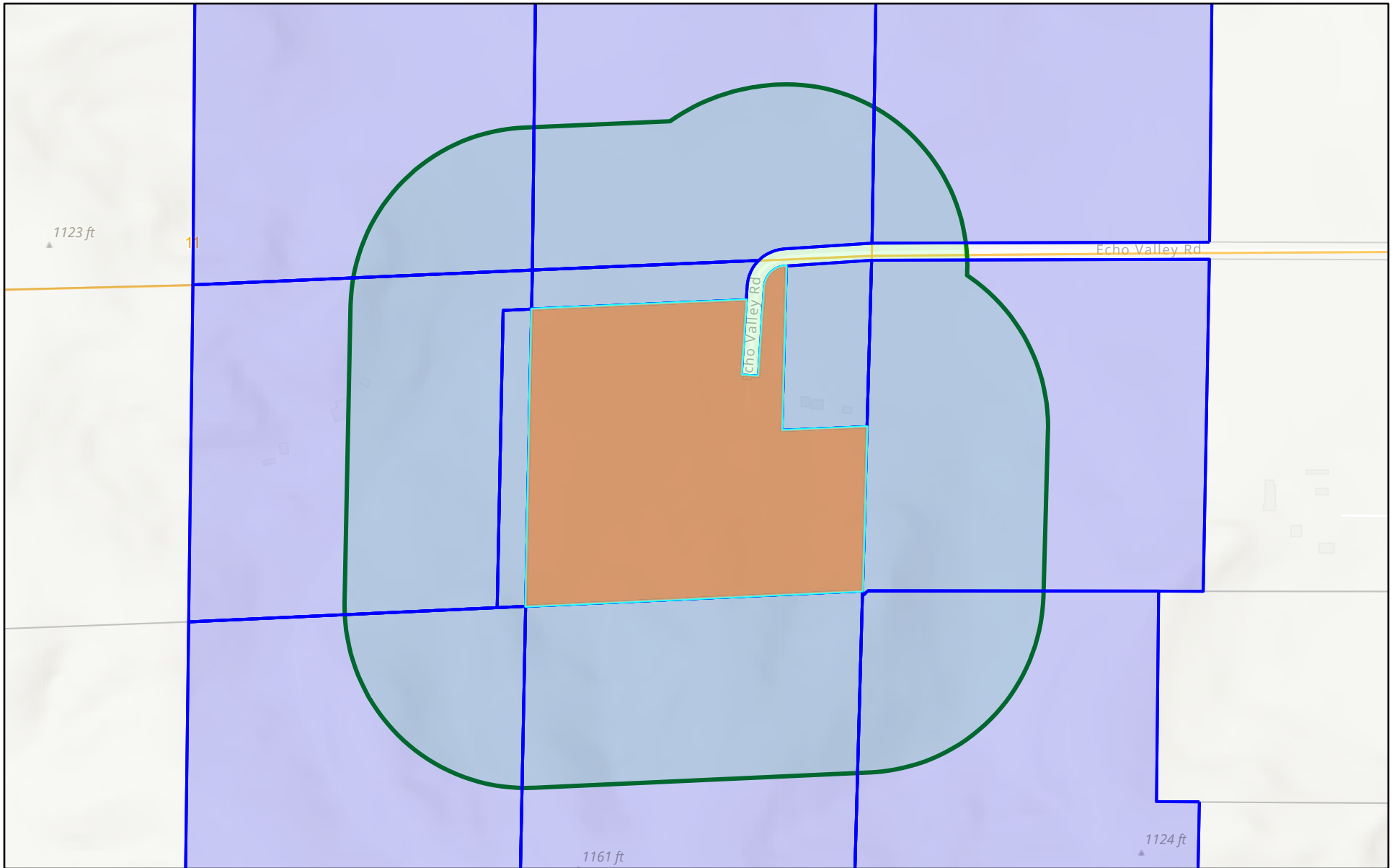
The Town of Lincoln board met and discussed the above Rezoning Petition. The full board was in attendance and was in full agreement to approve the applicant's request as outlined in the zoning petition.

Robert Dewitz, Chairman  
Dean Klingbeil, Supervisor  
Matt Krenz, Supervisor




Sherri McCormick, clerk  
On behalf of the Town of Lincoln Board

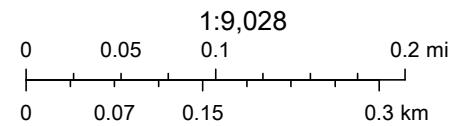


# Public Notification



3/7/2023, 10:55:42 AM

-  County Boundary
-  Tax Parcel
-  Section



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Eau Claire County, WI

FirstName LastName	Address	City State Zip
BENJAMIN BOOKS	S 6750 COUNTY ROAD J	FALL CREEK WI 54742-4024
JAMES BOOKS	S 6520 COUNTY ROAD J	FALL CREEK WI 54742-4024
STEVEN HANSON	E10925 ECHO VALLEY RD	FALL CREEK WI 54742-4022
BRIAN MANOR	E 10945 ECHO VALLEY RD	FALL CREEK WI 54742-4022
JOSEPH ZEILERMEIR	S6150 COUNTY ROAD J	FALL CREEK WI 54742-4021

**FACT SHEET**

**TO FILE NO. 22-23/090**

In compliance with 2015 Wisconsin Act 336, effective April 18, 2019 medical examiner fees will be adjusted by the annual percentage change in the US CPI for all Urban Consumers, U. S. City average for 12 months ending December 31<sup>st</sup>. Under the intergovernmental cooperative agreement with Dunn County for medical examiner services Eau Claire County is responsible for paying the actual cost of expenses incurred by Dunn County for Eau Claire County services. This amendment will change the amounts listed in the code that are currently being paid for these services.

Dunn County will bill the funeral homes directly for the fees and remits the collected fees to Eau Claire County.

2022 Statistics

136 death certificates signed  
983 cremation permits issued

Fiscal Impact: Will vary each year. Based on the 2022 results, the estimated additional annual revenue is approximately \$12,300. The fee increase would be effective May 1, 2023.

Respectfully Submitted,

Norbert Kirk  
Finance Director



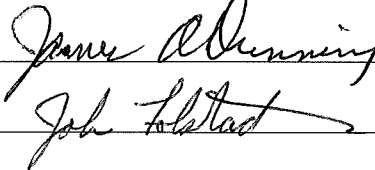
2  
3 TO AMEND SECTION 2.12.140 B. OF THE CODE: MEDICAL EXAMINER SYSTEM

4  
5 The County Board of Supervisors of the County of Eau Claire does ordain as follows:

6  
7 SECTION 1. That Subsection B. of Section 2.12.140 of the code be amended to read:

8  
9 B. Fees. The medical examiner and any deputies shall collect all such fees which  
10 they are entitled by law to receive, as provided in Wis. Stat. § 59.38(1). Except in situations  
11 involving indigents, or in cases where the funeral home or cremation society has waived their fee to  
12 perform a cremation, ~~\$173.56~~ \$184.84 shall be collected for the issuance of a cremation permit in  
13 accordance with Wis. Stat. § 59.36, ~~\$115.70~~ \$123.22 as the fee for signing death certificates and  
14 ~~\$55.77~~ \$59.40 for issuing a disinterment and reinterment permit pursuant to Wis. Stat. § 69.18.  
15 In compliance with 2015 Wisconsin Act 336, effective April 18, 2019 medical examiner fees  
16 will be adjusted by the annual percentage change in the US CPI for all Urban Consumers, U. S.  
17 City average for 12 months ending December 31<sup>st</sup>.

18  
19 ENACTED:

20  
21   
22 \_\_\_\_\_  
23   
24 \_\_\_\_\_  
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26 \_\_\_\_\_  
27 \_\_\_\_\_  
28 \_\_\_\_\_  
29 \_\_\_\_\_  
30 \_\_\_\_\_  
31 Committee on Finance & Budget

32  
33  
34 Dated this 9<sup>th</sup> day of March, 2023.

35  
36  
4 eyes, 0 nays