



## AGENDA

Eau Claire County Board of Supervisors  
Tuesday, October 15, 2024, 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=mfb55b4786984d497a370bb656ca87278>

Join from meeting number:

Meeting number: 2537 703 3505 Password: H7rpPQuND84

Join from phone: 415-655-0001 Access Code: 2537 703 3505

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/3CEnwe2>

- (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 Connie Russell

3. Call of the Roll

4. Approval of the Journal of Proceedings from September 17, 2024 [Page 1](#)

5. **PUBLIC HEARING ON ANNUAL BUDGET (Link to online budget documents)**

*Section 2.04.010 C. The meeting on the 1st Tuesday of November in each year shall be the annual meeting at which time the board shall thereafter adopt the county budget and tax levy for the ensuing fiscal year, in addition to its regular business. The board shall hold a public hearing on the budget in accordance with Wis. Stats. 65.90(3), and Eau Claire County Code sections 2.04.010 C and 2.04.030 D, on an annual basis at its second October meeting and first November meeting.*

- Public Hearing on the Proposed 2025 County Budget
  - Presentation on the budget and budget process from Administrator Kathryn Schauf
- Close Public Hearing

6. **PUBLIC COMMENTS**

7. **REPORTS TO THE COUNTY BOARD UNDER 2.04.320**

### **Oral Reports**

- Placement and 2025 Budget Mitigation Update by Angie Weideman, Director of Human Services

## **Written Reports**

- Reports from the Finance Department
  - 2024 Contingency Report [Page 3](#)
  - September Vouchers over \$10,000

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

- Rezoning request from owner, Lyle and Carol Bien Revocable Trust; and applicant, Wild Turkey, LLC for the Town of Pleasant Valley [Page 4](#)
- Rezoning request from owner, John Anderson Estate, Duane Anderson, PR; and applicant, Jason Hiess, Hiess-Loken & Assoc., LLC for the Town of Seymour [Page 5](#)
- Rezoning request update: Withdrawal from the Committee on Planning & Development from JTH Enterprises in the Town of Seymour [Page 6](#)

### **9. FIRST READING OF ORDINANCES BY COMMITTEES**

### **10. FIRST READING OF ORDINANCES AND RESOLUTIONS BY MEMBERS**

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

### **12. APPOINTMENTS**

- Land Information Council
  - Mary Jo Bowe (new appointment) [Page 34](#)

### **13. 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 839-7335, (FAX) 839-1669 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, October 1, 2024**

The County Board of Supervisors of the County of Eau Claire convened at the Courthouse in the City of Eau Claire on Tuesday, October 1, 2024, and was called to order by Chair Nancy Coffey at 7:00 p.m.

The Board honored the flag with the pledge of allegiance. Moment of Reflection was given by Supervisor Gerald Wilkie.

Roll Call: 26 Present: Supervisors Deirdre Jenkins, Larry Hoekstra(v), Dane Zook, Steve Chilson, Cory Sisk, Allen Myren, Nancy Coffey, Michele Skinner, Brett Geboy, Connie Russell, Kirk Dahl, Nick Smiar, David Hirsch(v), Thomas Vue, James A. Dunning, Gerald "Jerry" Wilkie, John Folstad, Mark Beckfield, Katherine Schneider (v), Robin J. Leary, Heather DeLuka, Christy Tomczak(v), Tami Schraufnagel, Lorelee Clark, Jim Schumacher, Bob Swanson

3 Absent: Supervisors Caleb Aichele\*, Stella Pagonis, and Joe Knight\*

\*Arrived later in the meeting (v)-attended virtually

**JOURNAL OF PROCEEDINGS (September 17, 2024)**

\*Supervisor Knight arrived as this time (v).

On a motion by Supervisor Leary, seconded by Supervisor Beckfield, the Journal of Proceedings was approved unanimously via roll call vote.

**PUBLIC COMMENTS**

Judge Emily Long spoke about courthouse security.

**REPORTS TO THE COUNTY BOARD UNDER 2.04.320  
PRESENTATION OF PETITIONS, CLAIMS AND COMMUNICATIONS**

**Oral Reports**

- Overview of Timber Sales by Josh Pedersen, Parks & Forest Director
- Administrator Budget Preview by County Administrator, Kathryn Schauf

\*Supervisor Aichele arrived at this time (v).

**Written Reports**

- Eau Claire Area Economic Development Corporation Annual Report
- Reference the following reports for resolutions 24-25/078, 24-25/076, and 24-25/077
  - ARPA Summary
  - Potential ARPA options
  - Budget Projection
  - Eau Claire County Capital Project Status

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

**Committees on Administration and Finance & Budget**

**Resolution 24-25/078** INITIAL RESOLUTION AUTHORIZING THE BORROWING OF NOT TO EXCEED \$3,000,000; AND PROVIDING FOR THE ISSUANCE AND SALE OF GENERAL OBLIGATION PROMISSORY NOTES THEREFOR (Requires 3/4 vote of entire body)

On a motion by Supervisor Wilkie, seconded by Supervisor Russell, the resolution failed via roll call vote as follows:

19 Ayes: Supervisors Jenkins, Knight, Chilson, Coffey, Russell, Dahl, Smiar, Hirsch, Vue, Dunning, Wilkie, Schneider, Leary, DeLuka, Tomczak, Schraufnagel, Clark, Schumacher, Swanson

9 Noes: Aichele, Hoekstra, Zook, Sisk, Myren, Skinner, Geboy, Folstad, Beckfield

1 Absent: Supervisor Pagonis

**Resolution 24-25/076** DESIGNATING UNALLOCATED AND RETURNED ALLOCATED AMERICAN RESCUE PLAN ACT (ARPA) FUNDS TO BE APPLIED TOWARD THE CAPITAL EXPENDITURES FOR THE 2024 CAPITAL PROJECTS EXPENDITURES (Requires 2/3 vote of entire body)

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

**Resolution 24-25/077** TO REALLOCATE THE REMAINING AMERICAN RESCUE PLAN ACT (ARPA) FUNDS PREVIOUSLY ALLOCATED TO THE 2024 CAPITAL PROJECT FOR THE JAIL BOOKING AREA REMODELING PROJECT TO BE APPLIED TOWARD THE CAPITAL EXPENDITURES FOR CAPITAL PROJECTS EXPENDITURES (Requires 2/3 vote of entire body)

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

21 Ayes: Supervisors Aichele, Jenkins, Knight, Chilson, Coffey, Geboy, Russell, Dahl, Smiar, Vue, Dunning, Wilkie, Beckfield, Schneider, Leary, DeLuka, Tomczak, Schraufnagel, Clark, Schumacher, Swanson

7 Noes: Supervisor Hoekstra, Zook, Sisk, Myren, Skinner, Hirsch, Folstad

1 Absent: Supervisor Pagonis

**Committees on Human Resources, Finance & Budget and the Human Services Board**

**Resolution 24-25/074** ABOLISHING 1.0 (FTE) CRISIS SUPERVISOR POSITION AND CREATING 1.0 (FTE) COMPREHENSIVE COMMUNITY SERVICE (CCS) SUPERVISORS POSITION IN THE EAU CLAIRE COUNTY HUMAN SERVICES DEPARTMENT

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

**Committee on Planning & Development**

**Ordinance 24-25/065** TO AMEND SECTION 2.05.650 G. AND I. OF THE CODE: LOCAL EMERGENCY PLANNING COMMITTEE; TO AMEND SECTION 2.36.030 OF THE CODE: EMERGENCY INTERIM SUCCESSORS; TO AMEND

SECTION 2.36.070 A. 1. AND 2. OF THE CODE: DECLARED EMERGENCY; TO REPEAL SECTION 2.04.010 OF THE CODE: WISCONSIN EMERGENCY MANAGEMENT PLAN ADOPTED; TO AMEND SECTION 2.40.040 OF THE CODE: EMERGENCY MANAGEMENT COMMITTEE; TO AMEND SECTION 2.40.500 OF THE CODE: EMERGENCY MANAGEMENT COORDINATOR; TO AMEND SECTION 2.40.060 A. OF THE CODE: EMERGENCY MANAGEMENT PROGRAM COSTS; TO REPEAL AND RECREATE SECTION 2.40.070 OF THE CODE: DUTIES OF THE EMERGENCY MANAGEMENT COORDINATOR; TO REPEAL SECTION 2.40.080 OF THE CODE: AUTHORITY TO DECLARE EMERGENCIES; TO AMEND SECTION 2.40.090 OF THE CODE: APPLICANT'S AGENT; TO RENUMBER SECTIONS 2.40.020 THROUGH 2.40.110 TO 2.40.010 TO 2.40.090

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

**Resolution 24-25/075** AUTHORIZING THE DIRECTOR OF PLANNING AND DEVELOPMENT TO APPLY FOR A WISCONSIN DEPARTMENT OF NATURAL RESOURCES (DNR) MANAGEMENT STAFFING GRANT THROUGH THE DNR'S SURFACE WATER PROGRAM

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

**Committees on Human Resources and Finance & Budget**

**Resolution 24-25/070** AMENDING SECTIONS 2,3,4,5,6,7,8,10,11,12,13, AND 14 OF THE HUMAN RESOURCES POLICY 513 – TRAVEL AND REIMBURSEMENT POLICY TO UPDATE THE POLICY AND INCREASE CONSISTENCY AND ELIMINATE AMBIGUITY IN APPLICATION OF PROCESS

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

27 Ayes: Supervisors Aichele, Jenkins, Knight, Hoekstra, Zook, Chilson, Sisk, Myren, Coffey, Skinner, Geboy, Russell, Dahl, Hirsch, Vue, Dunning, Wilkie, Folstad, Beckfield, Schneider, Leary, DeLuka, Tomczak, Schraufnagel, Clark, Schumacher, Swanson  
1 No: Supervisor Smiar

1 Absent: Supervisor Pagonis

**Resolution 24-25/071** AMENDING SECTION 4, 10, 11, AND 13 OF THE HUMAN RESOURCES POLICY 425 – PAID TIME OFF (PTO) TO UPDATE THE POLICY REGARDING USE OF EAU CLAIRE COUNTY FMLA PTO, TO PROVIDE A STANDARD PTO BALANCE TO NEWLY HIRED EXEMPT SUPERVISORY PERSONNEL, TO MODIFY THE PTO SERVICE CREDIT AT HIRE PRACTICE, AND TO MODIFY THE PAYMENT UPON SEPARATION BASED ON YEARS OF CREDITABLE EMPLOYMENT

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

**Committee on Finance & Budget**

**Ordinance 24-25/066** TO AMEND SECTION 4.30.070 OF THE CODE: DOG LICENSE TAX; TO AMEND SECTION 4.30.080 OF THE CODE: PLANNING AND DEVELOPMENT PUBLICATIONS, PHOTOCOPIES, DIGITAL DATA ON CD-ROM AND PAPER COPIES FROM PLOTTER; TO AMEND SECTION 4.35.090 OF THE CODE: PERMIT, VARIANCE, REZONING, SPECIAL EXCEPTION, SIGN AND LAND USE FEES; TO AMEND SECTION 4.35.092 OF THE CODE: SHORELAND PROTECTION OVERLAY DISTRICT FEES; TO AMEND SECTION 4.35.095 OF THE CODE: AIRPORT ZONING FEES; TO AMEND SECTION 4.35.110 OF THE CODE: SUBDIVISION CONTROL CODE REVIEW FEES; TO AMEND SECTION 4.35.160 OF THE CODE: STORM WATER MANAGEMENT AND EROSION CONTROL FEES; TO AMEND SECTION 4.35.165 OF THE CODE: LAND CONSERVATION FEES; TO AMEND SECTION 4.35.170 OF THE CODE: PROPERTY ADDRESSING FEE; TO AMEND SECTION 12.06.020 A. OF THE CODE: FUEL FLOWAGE FEE; TO AMEND SECTION 12.34.320 OF THE CODE: ENTRANCE PERMITS; TO AMEND SECTION 15.01.110 OF THE CODE: PERMIT FEES; TO AMEND SECTION 16.30.040 OF THE CODE: FEES AND CHARGES; TO AMEND SECTION 16.30.520 OF THE CODE: COUNTY FOREST USE REGULATIONS; TO AMEND SECTION 16.33.020 OF THE CODE: RENTAL RATES FOR PRIVATE, OTHER ORGANIZATIONS AND INDIVIDUALS 4.02.040 – REFERRAL TO THE COMMITTEE ON FINANCE AND BUDGET

On a motion by Supervisor Beckfield., seconded by Supervisor Chilson, the ordinance was enacted via roll call vote as follows:

26 Ayes: Supervisors Jenkins, Knight, Zook, Chilson, Sisk, Myren, Coffey, Skinner, Geboy, Russell, Dahl, Smiar, Hirsch, Vue, Dunning, Wilkie, Folstad, Beckfield, Schneider, Leary, DeLuka, Tomczak, Schraufnagel, Clark, Schumacher, Swanson  
2 Noes: Supervisors Aichele, Hoekstra

1 Absent: Supervisor Pagonis

The Board adjourned at 10:02 p.m.

Respectfully submitted,

Sue McDonald

County Clerk

**TO:** Honorable Eau Claire County Board of Supervisors  
**FROM:** Finance Department  
**DATE:** October 15, 2024  
**SUBJECT:** 2024 Contingency Fund

Pursuant to Section 4.04 of the County Code of General Ordinances, the following is the status of the 2024 Contingency Fund as of October 15, 2024:

January 1, 2024	2024 Contingency Fund / Budget Allocation	\$ 500,000
May 21, 2024	File 24-25/029: 2024 Carryforward Allocated for Dam Repairs	95,400 (95,400)
June 18, 2024	File 24-25/044: Additional Amount to Complete Dam Repairs	(12,668)
	<b>Contingency Balance Available</b>	<b><u>\$ 487,332</u></b>

<b>Dam Project</b>		
23-24/064	Grant Use of Contingency for Dam Repairs	\$ 105,000
	2023 Expenditures	<u>(9,600)</u>
	Amount Available for Carryforward at 12.31.23	\$ 95,400
24-25/044	Authorizing Additional Amount to Complete Dam Repairs	12,668
	2024 Expenditures through 10.11.24	(16,790)
	<b>Remaining Contingency Allocation for Dam Repairs</b>	<b><u>\$ 91,278</u></b>



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

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

October 1, 2024

## Report to the Eau Claire County Board of Supervisors

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

**Owner:** Lyle and Carol Bien Revocable Trust

**Applicant:** Wild Turkey Ridge, LLC

**File Number:** 24-25/079

**Legal Description:** A parcel of land located in the SE ¼ of the SW ¼ and in the NE ¼ of the SW ¼, Section 27, Township 26 North, Range 9 West, Town of Pleasant Valley, Eau Claire County, WI

**Site Address:** Located West of Highway 93 and South of the Southern terminus of Stonebrook Drive

**Existing Zoning District:** A-P Agricultural Preservation

**Proposed Zoning District:** RH - Rural Homes

**Acres to be Rezoned:** 22.8 +/- acres

**Date Received:** 9/27/2024

Regards,

Heidi Pederson

Administrative Specialist, Planning and Development



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

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

October 1, 2024

## **Report to the Eau Claire County Board of Supervisors**

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

**Owner:** John Anderson Estate, Duane Anderson, PR

**Applicant:** Jason Hiess, Hiess-Loken & Assoc. LLC

**File Number:** 24-25/080

**Legal Description:** The NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$ , the NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$ , and the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , Section 10, T27N, R8W, Town of Seymour, Eau Claire County, Wisconsin.

**Site Address:** 9409 Burnell Drive, Chippewa Falls, WI 54729, 9015 Burnell Drive, Chippewa Falls, WI 54729, and a parcel of land North of Burnell Drive and East of North 90<sup>th</sup> Avenue

**Existing Zoning District:** A-P Agricultural Preservation

**Proposed Zoning District:** A-2 Agriculture-Residential

**Acres to be Rezoned:** 120 +/- acres

**Date Received:** 10/1/2024

Regards,

Holly Weigand  
Administrative Specialist, Planning and Development

TO THE HONORABLE EAU CLAIRE COUNTY BOARD OF SUPERVISORS

**Report of the Committee on Planning & Development  
File No. 24-25/051**

Rezoning Petition RZN-0019-24 of JTH Enterprises to rezone a parcel of land from the R-H Rural Homes District to the A-2 Agriculture-Residential District

**ANALYSIS**

On Tuesday, September 24, 2024 (matter was tabled at the August 13<sup>th</sup> and August 27<sup>th</sup> committee meetings at the applicant's request), the Committee on Planning and Development convened a public hearing to consider the rezoning petition of JTH Enterprises, to rezone a parcel of land from the R-H, Rural Homes District to the A-2 Agriculture-Residential District. The property is described as follows: A parcel of land (approximately 5.1 acres) being located in the Southwest ¼ of the Northeast ¼, Section 12, Township 27 North, Range 9 West, Town of Seymour, Eau Claire County, Wisconsin. The property is located of County Road Q.

Staff presented a staff report and recommended that the petition be placed on file due the applicant withdrawing its petition for consideration. Furthermore, on September 9, 2024, the Seymour Town Board reevaluated and amended their prior recommendation, and voted unanimously (3-0) to recommend denial of the rezoning petition.

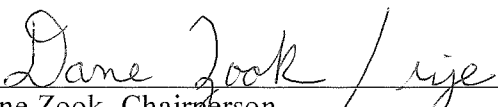
Under state statutes (§59.69(5)(e)3), when the Town Board recommends denial of the request prior to the public hearing, the Committee must either recommend denial of the rezoning request or recommend approval with changes to proposed rezoning. In other words, the Committee cannot recommend approval over the town's recommendation of denial.

On September 24, 2024, the Committee considered the applicant's request to withdrawal their application along with the Town Board action recommending denial of the petition, staff recommendation and voted to accept the applicant's withdrawal request. The committee's action is a denial of the petition.

**RECOMMENDATION**

BE IT RESOLVED by the Eau Claire County Board of Supervisors that the rezoning petition of JTH Enterprises to rezone a parcel of land (approximately 5.1 acres) from the R-H Rural Homes District to the A-2 Agriculture-Residential District be denied and is hereby placed on file.

I hereby certify that the foregoing correctly represents the action taken by the undersigned Committee on September 24, 2024, by a vote of 5 against rezoning, 0 for rezoning.

  
\_\_\_\_\_  
Dane Zook, Chairperson  
Committee on Planning and Development

RE



**From:** [Rod Eslinger](#)  
**To:** [Matt Michels](#)  
**Subject:** FW: Heritage Estates Final Plat  
**Date:** Tuesday, September 10, 2024 3:07:11 PM

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FYI –

Refer to the second bullet point below. The town no longer supports the Hurts rezoning petition.

**Rodney J. Eslinger**

*Planning and Development Director*

721 Oxford Ave., Suite 3344• Eau Claire, WI 54703

**Direct:** 715-839-1657 **Cell:** 715-210-3624 **Fax:** 715-831-5802

**Email:** [rod.eslinger@eauclairecounty.gov](mailto:rod.eslinger@eauclairecounty.gov)



## Planning and Development

"Success is not the key to happiness. Happiness is the key to success. If you love what you are doing, you will be successful." -- Albert Schweitzer

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**From:** Seymour Clerk Treasurer <seymour.town@att.net>  
**Sent:** Tuesday, September 10, 2024 2:47 PM  
**To:** Rod Eslinger <Rod.Eslinger@eauclairecounty.gov>; Ben Bublitz <Ben.Bublitz@eauclairecounty.gov>; Hannah Wirth <Hannah.Wirth@eauclairecounty.gov>  
**Cc:** Jessica Janssen <seymourchair@gmail.com>; Jeremy Skaw <jskaw@rlswi.com>  
**Subject:** Heritage Estates Final Plat

**WARNING!! This email originated outside Eau Claire County. Do not click any links or attachments unless you know the sender.**

The Town of Seymour held their Board meeting last night and after discussion of the wetland setback issue have the following recommendations:

- No issue with the wetland setback presented as a residential development with the condition that the cul-de-sac be made to the Town's specifications
- Re-evaluated and amend prior recommendation, the Town is not in favor of zoning lot 4 to Cottage Industry (A2)

Let me know if anything additional is needed from the Town. Thanks.

**Jean Eisold,**  
**Clerk/Treasurer**

Town of Seymour (Eau Claire County)  
6500 Tower Dr  
Eau Claire, WI 54703  
715.834.4999 Office; 715.834.3687 Fax

**From:** [Matt Michels](#)  
**To:** [Ben Bublitz](#)  
**Cc:** [Heidi Pederson](#); [Holly Weigand](#); [Rod Eslinger](#)  
**Subject:** RE: Heritage Estates Final Plat  
**Date:** Friday, September 20, 2024 9:19:20 AM  
**Attachments:** [image002.png](#)  
[image003.png](#)

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Thanks, Ben.

Heidi and Holly, see below. They wish to withdraw the JTH Enterprises rezoning.

Thanks,  
Matt

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**From:** Ben Bublitz <Ben.Bublitz@eau Clairecounty.gov>  
**Sent:** Friday, September 20, 2024 8:18 AM  
**To:** Matt Michels <Matt.Michels@eau Clairecounty.gov>  
**Subject:** FW: Heritage Estates Final Plat

**Ben Bublitz** | Land Use Manager  
721 Oxford Ave., Suite 3344 • Eau Claire, WI 54703  
**Office:** 715-839-4743 **Cell:** 715-829-2877 **Fax:** 715-831-5802  
**Email:** [ben.bublitz@eau Clairecounty.gov](mailto:ben.bublitz@eau Clairecounty.gov)



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**From:** Jeremy Skaw <[jskaw@rlswi.com](mailto:jskaw@rlswi.com)>  
**Sent:** Friday, September 20, 2024 8:00 AM  
**To:** Sue Larson <[seymour.town@att.net](mailto:seymour.town@att.net)>; Rod Eslinger <[Rod.Eslinger@eau Clairecounty.gov](mailto:Rod.Eslinger@eau Clairecounty.gov)>; Ben Bublitz <[Ben.Bublitz@eau Clairecounty.gov](mailto:Ben.Bublitz@eau Clairecounty.gov)>; Hannah Wirth <[Hannah.Wirth@eau Clairecounty.gov](mailto:Hannah.Wirth@eau Clairecounty.gov)>  
**Cc:** Jessica Janssen <[seymourchair@gmail.com](mailto:seymourchair@gmail.com)>  
**Subject:** RE: Heritage Estates Final Plat

**WARNING!! This email originated outside Eau Claire County. Do not click any links or attachments unless you know the sender.**

Morning all,

After internal discussions with the owners, they have decided to withdraw the rezone application of this project from consideration. They wish to move forward with the plat as presented.

Please call me with any questions. Have a great Friday!

**Jeremy Skaw, P.L.S.**

Field Supervisor

715.514.4116 Office

715.895.8211 Direct

715.225.4572 Mobile

[www.rlswi.com](http://www.rlswi.com)



**Out of the office 09/30-10/11**

CONFIDENTIALITY NOTICE: The information contained in this email and attached document(s) may contain confidential information that is intended only for the addressee(s). If you are not the intended recipient, you are hereby advised that any disclosure, copying, distribution or the taking of any action in reliance on the information is prohibited. If you have received this email in error, please immediately notify the sender and delete it from your system.

---

**From:** Seymour Clerk Treasurer <[seymour.town@att.net](mailto:seymour.town@att.net)>

**Sent:** Tuesday, September 10, 2024 2:47 PM

**To:** Rod Eslinger <[rod.eslinger@eauclairecounty.gov](mailto:rod.eslinger@eauclairecounty.gov)>; Ben Bublitz <[ben.bublitz@eauclairecounty.gov](mailto:ben.bublitz@eauclairecounty.gov)>; Hannah Wirth <[hannah.wirth@eauclairecounty.gov](mailto:hannah.wirth@eauclairecounty.gov)>

**Cc:** Jessica Janssen <[seymourchair@gmail.com](mailto:seymourchair@gmail.com)>; Jeremy Skaw <[jskaw@rlswi.com](mailto:jskaw@rlswi.com)>

**Subject:** Heritage Estates Final Plat

The Town of Seymour held their Board meeting last night and after discussion of the wetland setback issue have the following recommendations:

- No issue with the wetland setback presented as a residential development with the condition that the cul-de-sac be made to the Town's specifications
- Re-evaluated and amend prior recommendation, the Town is not in favor of zoning lot 4 to Cottage Industry (A2)

Let me know if anything additional is needed from the Town. Thanks.

**Jean Eisold,**

**Clerk/Treasurer**

Town of Seymour (Eau Claire County)

6500 Tower Dr

Eau Claire, WI 54703

715.834.4999 Office; 715.834.3687 Fax



# EAU CLAIRE COUNTY PLANNING STAFF RECOMMENDATION

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**REZONE NUMBER:** RZN-0019-24      **COMPUTER NUMBER:** 020110505000

**PUBLIC HEARING DATE:** September 24, 2024 (Note: Rezoning was tabled at the August 13, 2024 and the August 27 Committee meetings at applicant's request to provide opportunity to review staff findings)

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

**OWNER:** JTH Enterprises, 5972 Heathermoor Ln, Eau Claire, WI 54703

**AGENT:** Real Land Surveying, 1356 International Dr, Eau Claire, WI 54701

**REQUEST:** Rezone a 5.1-acre +/- lot in the proposed *Heritage Estates* subdivision (Lot 4) from RH - Rural Homes to the A-2 Agriculture-Residential District to operate a repair business for off-highway vehicles, which would be approved by a separate conditional use permit for a cottage industry. Cottage Industries are not permitted in the RH Zoning District.

*Note that the lot configuration has changed slightly (from 5.0 acres to 5.1 acres due to a reconfiguration of the subdivision plat to accommodate wetlands identified in the wetland delineation).*

**LOCATION:** North side of County Hwy Q approximately one-quarter mile west of County Hwy P

**LEGAL DESCRIPTION:** Portion of the SW ¼ of the NE ¼, Section 12, T27N, R9W, Town of Seymour, Eau Claire County, Wisconsin (Complete legal description attached).

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

On September 9, 2024, the Seymour Town Board reevaluated and amended their prior recommendation, and voted unanimously (3-0) to recommend denial of the rezoning petition (see attached correspondence from the Seymour Clerk/Treasurer).

Under state statutes (§59.69(5)(e)3), when the Town Board recommends denial of the request prior to the public hearing, the Committee must either recommend denial of the rezoning request or recommend approval with changes to the proposed rezoning. In other words, the Committee cannot recommend approval over the town's recommendation of denial.

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## BACKGROUND

### SITE CHARACTERISTICS:

- The property to be rezoned is mostly wooded.
- The property is generally flat and does not contain any environmentally sensitive areas.

**EXISTING ZONING DISTRICT:**

RH Rural Homes District. The RH Rural Homes District is established to “provide for suburban large-lot development with individual on-site water and sewage disposal facilities.”

Permitted principal uses include single-family detached residential dwellings. As noted, cottage industries are not allowed.

**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.”

Examples of permitted uses include agricultural uses and keeping and raising of animals, including livestock facilities up to 150 animal units. Examples of conditional uses include sawmills; bulk storage, processing, and/or distribution of local agricultural products; kennels, daycare & boarding facilities; private racetracks, RV parks & campgrounds; and commercial auctions and flea markets.

**ZONING/LAND USE CONTEXT:**

LOCATION	ZONING	LAND USE
Subject	RH	Undeveloped woodland
North	RH	Proposed <i>Heritage Estates</i> Outlot 1
East	RH	Vacant land
South	RH	Proposed <i>Heritage Estates</i> Lot 3 (future single-family residential)
West	RH	Proposed <i>Heritage Estates</i> Lot 5 (future single-family residential)

**COMPREHENSIVE PLANS:**

The Eau Claire County Future Land Use Map and the Town of Seymour Future Land Use Map both include the property in the Rural Residential (RR) 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 Residential Intent and Description: “The primary intent of this classification is to identify areas suitable for future non-farm residential development. Rural Residential areas include lands that are delineated as existing residential properties or vacant platted areas. In addition, some undeveloped land has been designated for RR development where subdivision expansion is likely to occur. These additional areas tend to be adjacent to existing rural subdivisions or where local roads and utilities exist to efficiently and economically serve the area.”
- Applicable Policies: The following policies are applicable to this rezoning petition:
  1. The preferred housing density is one (1) unit per two (2) acres; however, local comprehensive plans may be more or less restrictive than this guideline and generally range from one (1) unit per two (2) acres to one (1) unit per 10 acres.

2. *For those Towns under County Zoning, the following Eau Claire County Zoning Districts will be considered for approval within RR areas: RH Rural Homes District and the R-1-L Single Family Residential.*

Note that while neither the County nor the town comprehensive plan specifically list A-2 Agricultural-Residential as a zoning district to be considered for approval, past rezoning petitions for A-2 in the RR area have been approved based on the principle that the planning areas primarily establish maximum permissible density and intensity of development, and that lower density development, if demonstrated to be compatible with nearby uses and consistent with the intent of the planning area, may be approved.

**Town of Seymour:**

- **Rural Residential Intent and Description:** *“The primary intent of this classification is to identify areas suitable for future rural residential neighborhoods. Rural Residential areas include lands with existing residential properties or vacant platted areas. In addition, some undeveloped land has been designated for RR development where subdivision expansion is likely to occur. These additional areas tend to be adjacent to existing rural subdivisions or where local roads and utilities exist to efficiently and economically serve the area.”*
- **Applicable Policies:** The following policies are applicable to this rezoning petition:
  1. *Within the RR classification, limit new development to a maximum gross density of one residential dwelling unit per two (2) acres held in single ownership.*
  - ...
  4. *The following Eau Claire County zoning districts will be considered for approval within RR areas: RH Rural Homes District and the R-1-L Single Family Residential Large Lot (with approved conservation subdivisions).*

**Eau Claire County Farmland Preservation Plan**

The property is not included in the Farmland Preservation Plan Map since it is not planned or zoned for agricultural uses.

**ANALYSIS**

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

**Town Board Action:** The Seymour Town Board consider the rezoning petition on Monday, July 8, 2024 and recommended approval (3-0 vote). There were no speakers in opposition to the rezoning petition.

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 intent of the Rural Residential Future Land Use area is, *“to identify areas suitable for future non-farm residential development”*, which is not consistent with a number of the permitted, accessory, and conditional uses of the Agricultural-Residential (A-2) Zoning District.

## 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 of or opposition to the proposed rezoning has been received, to date.

## FINDINGS

Findings in Favor:

1. The Seymour Town Board recommended unanimous approval of the rezoning petition at the July 8 meeting (3-0 vote).
2. There are several A-2 zoned parcels in proximity to the subject property.
3. The impacts of the proposed Cottage Industry would be evaluated during the Conditional Use Permit review process and mitigation measures, such as screening and limitations on the maximum number of vehicles, equipment, etc. could be established by the Committee on Planning and Development to potentially reduce adverse impacts on future residents.

Findings Against:

1. The Town of Seymour Board recommends denial of the rezoning petition.
2. As previously stated, the applicant proposes to operate a business to repair off-highway vehicles, which would be approved by a separate conditional use permit for a cottage industry. Staff is concerned that the proposed non-residential accessory use, which is permitted in the A-2 District where lots are at least 5 acres, is potentially inappropriate in the *Heritage Estates* residential subdivision composed of 1-2 acre lots, where the proposed Cottage Industry would not be permitted.
3. Some of the permitted and conditional uses in the A-2 Zoning District may be incompatible with the residential use of the proposed *Heritage Estates* subdivision. As discussed, examples of permitted uses include agricultural uses and keeping and raising of animals, including livestock facilities up to 150 animal units. Examples of conditional uses include sawmills; bulk storage, processing, and/or distribution of local agricultural products; kennels, daycare & boarding facilities; private racetracks, RV parks & campgrounds; and commercial auctions and flea markets.
4. The proposed rezoning would create an island of A-2 zoning surrounded by RH zoning, which, as noted, could be incompatible with single family residential uses and character and could have adverse impacts on surrounding residential properties.





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

Application Accepted:	07/02/2024
Accepted By:	Matt Michels
Receipt Number:	077991
Town Hearing Date:	07/08/24
Scheduled Hearing Date:	08/13/2024
Application No:	RZN-0019-24
Application Status:	Applied

## Rezoning Petition

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

**Owner:** JTH ENTERPRISES LLC

**Applicant:** Real Land Surveying, 1356 International Dr, Eau Claire, WI 54701

**Telephone:** 715-514-4116

**Email:** jskaw@rlswi.com

**RECEIVED**

**JUL 03 2024**

**COUNTY CLERK**

**Site Address(es):**

5606 OLSON DR

**Property Description:**

Sec 12 Twn 27 Rge 09

Town of Seymour

**Zoning District(s):**

RH - Rural Homes District

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

29.50

**Overlay District(s):**

**PIN**

1802022709121300001

**Legal (partial)**

SW-NE EX 1/2 AC IN THE SE COR OF THE SW-NE, EX THE S 33' FOR RD R/W, EX R/W

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

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

**REZONING APPLICATION**

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

Existing Zoning District: RH	Proposed Zoning District(s): A2
Acres to be rezoned: 5.09	

Property Owner Name: JTH Enterprises	Phone# 715-271-7158
Mailing Address: 5972 Heathermoor Lane, Eau Claire, WI 54703	
Email Address: joshua_wnh@yahoo.com	

Agent Name: Real Land Surveying	Phone# 715-514-4116
Mailing Address: 1356 International Drive, Eau Claire, WI 54701	
Email Address: jskaw@rlswi.com	

**SITE INFORMATION**

Site Address: 5606 Olson Drive

Property Description: SW ¼ NE ¼ Sec. 12, T27 N, R9 W, Town of Seymour

Zoning District: RH Code Section(s):

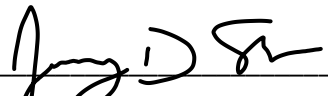
Overlay District:  Shoreland  Floodplain  Airport  Wellhead Protection  Non-Metallic Mining  
 Check Applicable

Computer #(s): or PIN #(s):	1802022709121300001		
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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 \$630.00 application fee (non-refundable), (\$550.00 application processing fee and \$80.00 mapping surcharge fee). Send application to <a href="mailto:landuse@eauclairecounty.gov">landuse@eauclairecounty.gov</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:  Date 08/30/24

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.

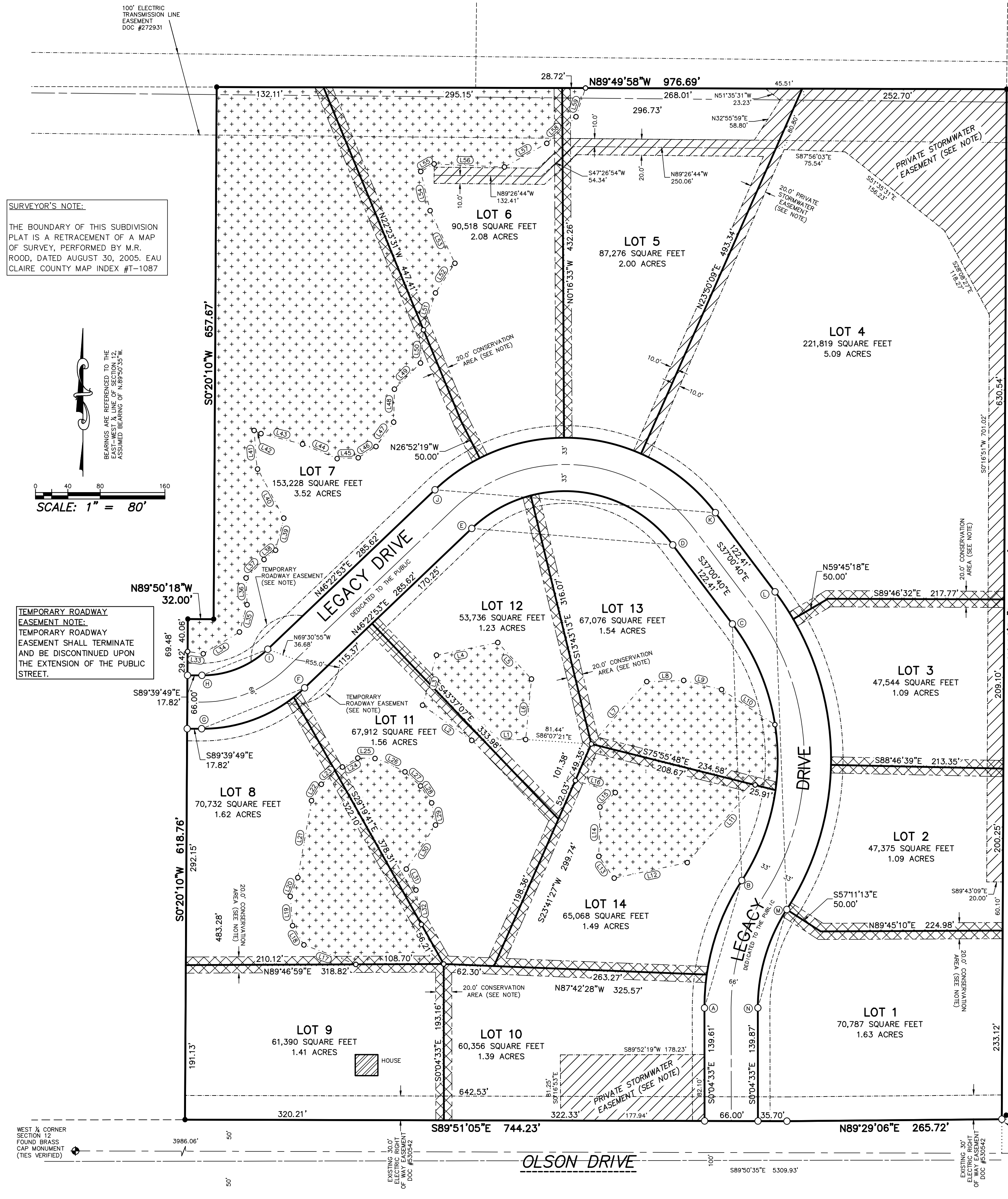
Describe the reason(s) for your rezoning request:

The request to zone the proposed 5-acre (proposed) lot 4, Heritage Acres to A2 is being requested with intentions of running a home based business that falls under the zoning code of 18.23.30 "cottage industries". Specifically, under 18.23.035 It states, "The repair of motor vehicles, small engines, and boat repair including the construction and operation of racing machines such as stock cars, snowmobiles, and tractors is considered a cottage industry." The owner would like to repair off-highway vehicles from my home. If approved to re-zone to A2, the owners understand and are aware that the next step for would be to obtain a conditional use permit.

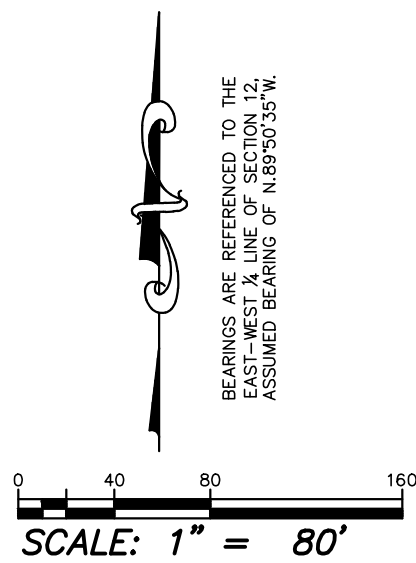
When evaluating a rezoning petition, staff from the Eau Claire County Department of Planning and Development consider whether the purpose of the proposed zoning district and the uses allowed in the district are appropriate for the selected location. Staff also considers whether the change in zoning will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

The A2 zoning district is not uncommon in this area of Seymour. Within 0.50 miles of the site, there are 12 different parcels that are also zoned A2. As this future lot contain a large/mature stand of white pines, the larger setbacks (primary and accessory structures) of the A2 district will help protect these trees and the intrinsic value they possess.

This would not be considered spot zoning as the A2 zoning district is still considered a low-density residential district, but with agricultural characteristics.



**SURVEYOR'S NOTE:**  
THE BOUNDARY OF THIS SUBDIVISION PLAT IS A RETRACEMENT OF A MAP OF SURVEY, PERFORMED BY M.R. ROOD, DATED AUGUST 30, 2005. EAU CLAIRE COUNTY MAP INDEX #T-1087



**TEMPORARY ROADWAY EASEMENT NOTE:**  
TEMPORARY ROADWAY EASEMENT SHALL TERMINATE AND BE DISCONTINUED UPON THE EXTENSION OF THE PUBLIC STREET.

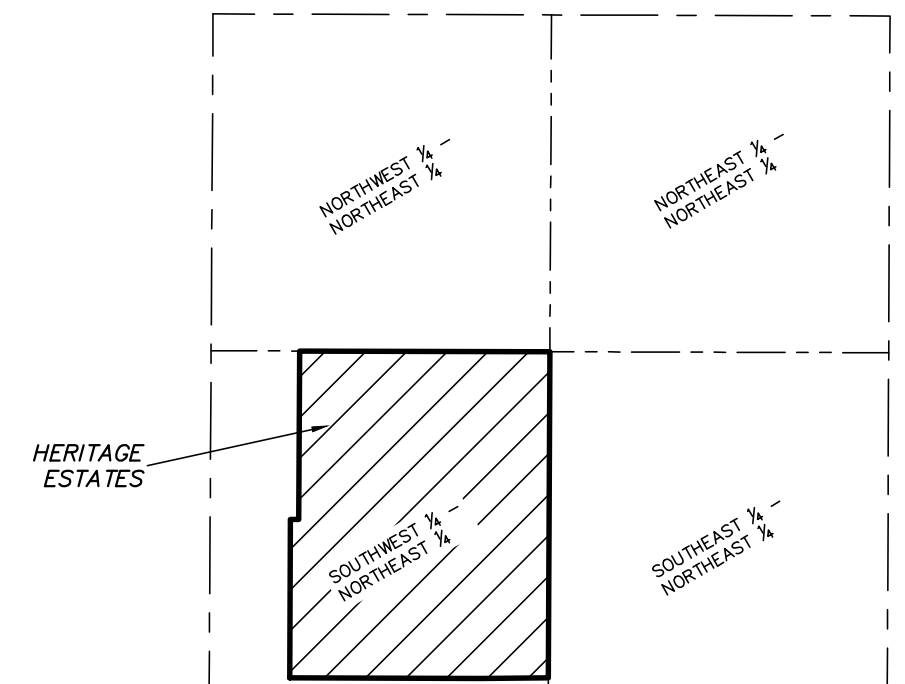
**PRIVATE STORMWATER EASEMENTS:**  
PRIVATE STORMWATER EASEMENTS ARE FOR THE BENEFIT OF LOTS 1-14 AND ARE MAINTAINED BY THE HOMEOWNERS ASSOCIATION FOR THIS SUBDIVISION. SAID EASEMENT IS FOR THE CONVEYANCE OF STORMWATER AND THE MAINTENANCE, ACCESS, AND STORAGE OF STORMWATER FACILITIES.

**CONSERVATION NOTE:**  
THESE AREAS SHOWN ON THE PLAT, BEING 20 FEET IN WIDTH AND 10 FEET ON EITHER SIDE OF A LOT LINE, ARE FOR THE PURPOSE TO PROTECT THE VEGETATION OF THE LAND BY PROHIBITING CLEARING OF ANY KIND WITHIN THE BOUNDS OF THE AREA SHOWN ON SHEET 1 OF THIS SUBDIVISION PLAT. THE REMOVAL OF DEAD VEGETATION IS PERMITTED.

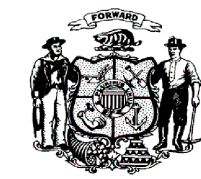
E.S.A Line Table			E.S.A Line Table		
Line #	Direction	Length	Line #	Direction	Length
L1	N89° 03' 21"E	66.71	L31	S24° 51' 45"E	28.52
L2	S54° 26' 19"E	74.72	L32	S08° 57' 46"E	43.02
L3	S15° 30' 48"W	64.29	L33	S81° 38' 33"E	19.55
L4	S78° 24' 36"W	77.45	L34	N59° 00' 21"E	52.27
L5	N42° 41' 46"W	61.35	L35	N15° 35' 09"E	35.03
L6	N05° 29' 14"E	75.12	L36	N02° 04' 32"W	33.04
L7	N41° 37' 20"E	103.05	L37	N44° 07' 44"E	31.80
L8	N88° 11' 34"E	45.66	L38	N50° 57' 51"E	18.34
L9	S76° 26' 42"E	48.35	L39	N14° 30' 09"E	40.80
L10	S56° 40' 00"E	78.84	L40	N27° 49' 07"W	71.19
L11	S41° 09' 52"W	127.45	L41	N04° 18' 48"W	45.61
L12	S77° 59' 36"W	92.38	L42	S65° 30' 18"E	9.33
L13	N35° 09' 53"W	33.00	L43	S75° 43' 53"E	52.98
L14	N01° 19' 58"E	61.00	L44	S67° 22' 04"E	46.34
L15	N46° 51' 04"E	26.06	L45	N87° 51' 23"E	26.05
L16	N73° 11' 47"W	51.62	L46	N57° 39' 36"E	26.05
L17	N70° 01' 48"W	48.76	L47	N36° 00' 40"E	37.24
L18	N30° 27' 28"W	27.58	L48	N01° 16' 49"E	40.81
L19	N04° 35' 35"W	36.43	L49	N44° 58' 14"E	45.61
L20	N22° 01' 57"E	24.95	L50	N05° 08' 09"E	41.18
L21	N10° 07' 11"E	96.60	L51	N18° 02' 22"E	47.94
L22	N30° 42' 22"E	23.61	L52	N33° 13' 03"E	43.63
L23	N50° 48' 13"E	33.75	L53	N25° 11' 07"W	71.91
L24	N59° 46' 08"E	21.98	L54	N13° 28' 35"W	49.73
L25	S88° 26' 30"E	21.31	L55	N60° 38' 08"E	18.99
L26	S62° 51' 13"E	25.80	L56	S87° 30' 58"E	86.99
L27	S47° 47' 15"E	25.95	L57	N60° 48' 42"E	59.97
L28	S33° 16' 28"E	25.06	L58	N47° 45' 31"E	48.68
L29	S09° 48' 36"E	27.80	L59	N18° 16' 52"E	37.34
L30	S33° 36' 03"W	65.30			

CURVE TABLE								
CURVE	LOT NO	LENGTH	RADIUS	DELTA	CHD	CHD BR	1ST TAN	2ND TAN
A-B		166.46'	289.98'	032°53'19"	164.18'	S16°22'07"W	S32°48'47"W	S00°04'33"E
	LOT 10	41.50'	289.98'	008°12'01"	41.47'	S04°01'28"W		
	LOT 14	124.95'	289.98'	024°41'18"	123.99'	S20°28'07"W		
B-C		337.87'	277.24'	069°49'26"	317.34'	S02°05'56"E	S37°00'40"E	S32°48'47"W
	LOT 14	120.24'	277.24'	024°50'53"	119.30'	S20°23'20"W		
	LOT 13	217.63'	277.24'	044°58'33"	212.08'	S14°31'23"E		
D-E		281.58'	167.00'	096°36'28"	249.39'	S85°18'53"E	N46°22'53"E	S37°00'40"E
	LOT 13	197.20'	167.00'	067°39'25"	185.94'	S70°50'22"E		
	LOT 12	84.38'	167.00'	028°57'03"	83.49'	N60°51'24"E		
F-G		140.39'	183.00'	043°57'18"	136.97'	N68°21'32"E	S89°39'49"E	N46°22'53"E
	LOT 11	17.63'	183.00'	005°31'07"	17.62'	N49°08'26"E		
	LOT 8	122.76'	183.00'	038°26'11"	120.47'	N71°07'05"E		
H-I		89.76'	117.00'	043°57'18"	87.57'	N68°21'32"E	S89°39'49"E	N46°22'53"E
	LOT 7	392.67'	233.00'	096°36'28"	347.95'	S85°18'53"E	N46°22'53"E	S37°00'40"E
J-K		68.10'	233.00'	016°44'49"	67.86'	N54°45'17"E		
	LOT 6	108.16'	233.00'	026°35'46"	107.19'	N76°25'34"E		
	LOT 5	98.05'	233.00'	024°06'42"	97.33'	S78°13'12"E		
	LOT 4	118.55'	233.00'	029°09'11"	117.28'	S51°35'15"E		
L-M		418.30'	343.24'	069°49'26"	392.89'	S02°05'56"E	S37°00'40"E	S32°48'47"W
	LOT 4	40.53'	343.24'	006°45'58"	40.51'	S33°37'41"E		
	LOT 3	188.51'	343.24'	031°28'03"	186.15'	S14°30'40"E		
	LOT 2	189.25'	343.24'	031°35'25"	186.86'	S17°01'04"W		
M-N		128.57'	223.98'	032°53'19"	126.81'	S16°22'07"W	S32°48'47"W	S00°04'33"E

LOCATION SKETCH OF THE NORTHEAST 1/4 OF SECTION 12 (NOT TO SCALE)



There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis Stats, as provided by s. 236.12, Wis. Stats.  
Certified \_\_\_\_\_  
20\_\_\_\_\_  
Department of Administration



**LEGEND**

- FOUND 1" OUTSIDE DIAMETER IRON PIPE
- SET 1" O.D. x 18" IRON PIPE WEIGHING 1.13 POUNDS/LINEAR FOOT
- SET 1-1/4" x 18" REBAR WEIGHING 4.30 POUNDS/LINEAR FOOT
- SET 1" O.D. x 18" IRON PIPE WEIGHING 1.13 POUNDS/LINEAR FOOT AT ALL OTHER LOT CORNERS.
- ENVIRONMENTALLY SENSITIVE AREAS (SEE NOTE)
- CONSERVATION AREAS (SEE NOTE)
- PRIVATE STORMWATER EASEMENT (SEE NOTE)

**ENVIRONMENTALLY SENSITIVE AREAS NOTE:**  
NO DEVELOPMENT OR LAND DISTURBANCE ACTIVITY SHALL BE ALLOWED WITHIN ANY ENVIRONMENTALLY SENSITIVE AREAS EXCEPT AFTER ISSUANCE OF A PERMIT FROM THE COUNTY. SUCH PERMIT ONLY TO BE ISSUED IF THE OWNER DEMONSTRATES THE PROPOSED DEVELOPMENT OR LAND DISTURBANCE ACTIVITY IS EXPRESSLY ALLOWED UNDER ANY OF THE FOLLOWING:  
- TITLE 17  
- TITLE 18

**UTILITY EASEMENTS:**  
UTILITY EASEMENTS ARE FOR THE USE OF THOSE GRANTED PERMISSION IN THE UTILITY EASEMENT PROVISIONS ON SHEET 2. NO UTILITY LINES OR FACILITIES SHALL BE PLACED WITHIN 3 FEET OF ANY LOT CORNER.

**LANDOWNER/SUBDIVIDER:**

- JTH ENTERPRISES  
5606 OLSON DRIVE  
EAU CLAIRE, WI 54701

**APPROVING AUTHORITIES:**

- CITY OF EAU CLAIRE  
- TOWN OF SEYMOUR  
- EAU CLAIRE COUNTY

**OBJECTING AUTHORITIES:**

- DEPARTMENT OF ADMINISTRATION

**SURVEYOR**

- PETER J. GARTMANN R.L.S. No. 2279  
REAL LAND SURVEYING  
1356 INTERNATIONAL DRIVE  
EAU CLAIRE, WI 54701

TOWN BOARD RESOLUTION:

RESOLVED THAT THIS THE PLAT OF HERITAGE ESTATES, IN THE TOWN OF SEYMOUR, IS HEREBY, APPROVED BY THE TOWN BOARD OF THE TOWN OF SEYMOUR, EAU CLAIRE COUNTY, WISCONSIN.

DATE APPROVED: \_\_\_\_\_ (PRINT NAME): \_\_\_\_\_  
TOWN CHAIRMAN

(SIGNATURE) \_\_\_\_\_ DATE: \_\_\_\_\_  
TOWN CHAIRMAN

I HEREBY CERTIFY THAT THE FOREGOING IS A COPY OF A RESOLUTION ADOPTED BY THE TOWN BOARD OF THE TOWN OF SEYMOUR, EAU CLAIRE COUNTY, WISCONSIN.

(SIGNATURE) \_\_\_\_\_  
TOWN CLERK

EAU CLAIRE COUNTY PLANNING AGENCY:

THIS PLAT KNOWN AS HERITAGE ESTATES IS APPROVED BY THE EAU CLAIRE COUNTY PLANNING AGENCY ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024. THERE ARE NO OBJECTIONS TO THIS PLAT WITH RESPECT TO SUBTITLE III, THE SUBDIVISION CONTROL, OF TITLE 18 OF THE COUNTY CODE OF GENERAL ORDINANCES.

CERTIFIED TO THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024

APPROVED: \_\_\_\_\_  
RODNEY J. ESLINGER, DEPARTMENT DIRECTOR

CERTIFICATE OF TOWN TREASURER:

STATE OF WISCONSIN  
COUNTY OF EAU CLAIRE §

I, JEAN EISOLD, BEING THE DULY APPOINTED, ACTING AND QUALIFIED TREASURER OF THE TOWN OF SEYMOUR, DO HEREBY CERTIFY THAT THE RECORDS IN MY OFFICE SHOW NO UNPAID TAXES OR UNPAID SPECIAL ASSESSMENTS AS OF THIS THE \_\_\_ DAY OF \_\_\_\_\_, 2024, ON ANY OF THE LANDS INCLUDED IN THE PLAT OF HERITAGE ESTATES IN THE TOWN OF SEYMOUR.

(SIGNATURE): \_\_\_\_\_ DATE: \_\_\_\_\_  
JEAN EISOLD, TOWN TREASURER

CERTIFICATE OF COUNTY TREASURER:

STATE OF WISCONSIN  
COUNTY OF EAU CLAIRE §

I, GLENDA J. LYONS, BEING THE DULY ELECTED, ACTING AND QUALIFIED TREASURER OF THE COUNTY OF EAU CLAIRE, DO HEREBY CERTIFY THAT THE RECORDS IN MY OFFICE SHOW NO UNREDEEMED TAX SALES AND NO UNPAID TAXES OR UNPAID SPECIAL ASSESSMENTS AS OF THIS \_\_\_ DAY \_\_\_\_\_, 2024, ON ANY OF THE LANDS INCLUDED IN THE PLAT OF HERITAGE ESTATES IN THE TOWN OF SEYMOUR.

(SIGNATURE): \_\_\_\_\_ DATE: \_\_\_\_\_  
GLENDA J. LYONS, COUNTY TREASURER

SURVEYOR'S CERTIFICATE:

I, PETER J. GARTMANN, PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY: THAT I HAVE SURVEYED, DIVIDED AND MAPPED THE PLAT OF HERITAGE ESTATES LOCATED IN THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4, AND THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4, AND THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4, AND THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4, OF SECTION 32, TOWNSHIP 26 NORTH, RANGE 9 WEST, TOWN OF SEYMOUR, EAU CLAIRE COUNTY, WISCONSIN AND BEING MORE PARTICULARLY DESCRIBED AS:

- COMMENCING AT THE EAST ¼ CORNER OF SECTION 12;
- THENCE N.89°50'35"W., ALONG THE EAST-WEST ¼ LINE OF SECTION 12, A DISTANCE OF 1323.87 FEET;
- THENCE N.00°16'51"E., A DISTANCE OF 42.15 FEET TO A POINT ON THE NORTH RIGHT WAY LINE OF OLSON DRIVE, ALSO BEING THE POINT OF BEGINNING;
- THENCE S.89°29'06"W., ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 265.72 FEET;
- THENCE N.89°51'05"W., ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 744.23 FEET;
- THENCE N.00°20'10"E., A DISTANCE OF 618.76 FEET;
- THENCE S.89°50'18"E., A DISTANCE OF 32.00 FEET;
- THENCE N.00°20'10"E., A DISTANCE OF 657.67 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHWEST ¼ OF THE NORTHEAST ¼ OF SECTION 12;
- THENCE S.89°49'58"E., ALONG SAID NORTH LINE, A DISTANCE OF 976.69 FEET TO THE NORTHEAST CORNER OF SAID SOUTHWEST ¼ OF THE NORTHEAST ¼;
- THENCE S.00°16'51"W., ALONG THE EAST LINE OF SAID SOUTHWEST ¼ OF THE NORTHEAST ¼, A DISTANCE OF 1273.02 FEET TO THE POINT OF BEGINNING.

BEING SUBJECT TO EXISTING EASEMENTS

THAT BY THE DIRECTION OF JTH ENTERPRISES., I HAVE SURVEYED, DIVIDED AND MAPPED THE LAND PARCEL WHICH IS REPRESENTED BY THIS PLAT OF HERITAGE ESTATES. THAT THE EXTERIOR BOUNDARY OF THE LAND PARCEL SURVEYED AND MAPPED IS AS SHOWN ON THE MAP AND DESCRIBED IN THE PROPERTY DESCRIPTION. THAT THIS PLAT OF HERITAGE ESTATES IS A CORRECT REPRESENTATION OF THE EXTERIOR BOUNDARY SURVEYED AND DESCRIBED, AND THE DIVISION OF IT. THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236 OF THE WISCONSIN STATUTES, A-E 7 OF THE WISCONSIN ADMINISTRATIVE CODE.

\_\_\_\_\_ DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024  
PETER J. GARTMANN, P.L.S. 2279

CONSENT OF CORPORATE MORTGAGEE:

CITIZENS COMMUNITY FEDERAL BANK, A CORPORATION DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, MORTGAGEE OF THE ABOVE DESCRIBED LAND, DOES HEREBY CONSENT TO THE SURVEYING, DIVIDING, MAPPING AND DEDICATION OF THE LAND DESCRIBED ON THIS THE PLAT OF HERITAGE ESTATES AND DOES HEREBY CONSENT TO THE ABOVE CERTIFICATE JTH ENTERPRISES, OWNER OF SAID LAND.

IN WITNESS THEREOF, THE SAID CITIZENS COMMUNITY FEDERAL BANK, HAS CAUSED THESE PRESENTS TO BE SIGNED BY,

(PRINT NAME) \_\_\_\_\_ AND (PRINT NAME) \_\_\_\_\_

AT \_\_\_\_\_, WISCONSIN AND ITS CORPORATE SEAL TO BE HEREIN AFFIXED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2024

(SIGNATURE) \_\_\_\_\_ (SIGNATURE) \_\_\_\_\_

(PRINT NAME/TITLE) \_\_\_\_\_ (PRINT NAME/TITLE) \_\_\_\_\_

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_ §

PERSONALLY APPEARED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024, THE ABOVE NAMED

(PRINT NAME) \_\_\_\_\_ AND (PRINT NAME) \_\_\_\_\_ TO ME KNOWN TO BE THE PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME TO BE THEIR OWN FREE ACT AND DEED.

\_\_\_\_\_, NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

OWNER'S CERTIFICATE OF DEDICATION:

JTH ENTERPRISES., AS OWNERS, WE HEREBY CERTIFY THAT IT CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE SURVEYED, DIVIDED, MAPPED AND DEDICATED AS REPRESENTED BY THIS PLAT.

IT ALSO CERTIFIES THAT THIS PLAT IS REQUIRED BY S.236.10 OR S.236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION:

---- EAU CLAIRE COUNTY

----TOWN OF SEYMOUR

----DEPARTMENT OF ADMINISTRATION

WITNESS THE HAND AND SEAL OF SAID OWNER THIS \_\_\_ DAY OF \_\_\_\_\_, 2024

\_\_\_\_\_  
JOSH HURT                      OWNER                      TRACY HURT                      OWNER

STATE OF WISCONSIN  
COUNTY OF \_\_\_\_\_ §

PERSONALLY CAME BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024, THE ABOVE NAMED JOSH HURT AND TRACY HURT, TO ME KNOWN TO BE THE PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME TO BE THEIR OWN FREE ACT AND DEED.

\_\_\_\_\_, NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

UTILITY EASEMENT PROVISIONS:

AN EASEMENT FOR ELECTRIC, NATURAL GAS, AND COMMUNICATIONS SERVICE IS HEREBY GRANTED BY

JTH ENTERPRISES, GRANTORS TO:  
XCEL ENERGY COMPANY, GRANTEE  
CHARTER COMMUNICATIONS, GRANTEE  
EAU CLAIRE ENERGY COOPERATIVE, GRANTEE

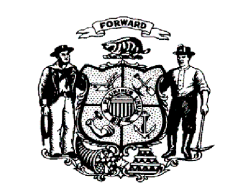
THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, TO CONSTRUCT, INSTALL, OPERATE, REPAIR, MAINTAIN AND REPLACE FROM TIME TO TIME, FACILITIES USED IN CONNECTION WITH UNDERGROUND TRANSMISSION AND DISTRIBUTION OF ELECTRICITY AND ELECTRIC ENERGY, GAS, TELEPHONE AND CABLE TV AND INTERNET FACILITIES FOR SUCH PURPOSES AS THE SAME IS NOW OR MAY HEREAFTER BE USED, ALL IN, OVER, UNDER, ACROSS, ALONG AND UPON THE PROPERTY SHOWN WITHIN THOSE AREAS ON THE PLAT DESIGNATED AS "UTILITY EASEMENT" TOGETHER WITH THE RIGHT TO INSTALL SERVICE CONNECTIONS UPON, ACROSS WITHIN AND BENEATH THE SURFACE OF EACH LOT TO SERVE IMPROVEMENTS, THEREON, OR ON ADJACENT LOTS; ALSO THE RIGHT TO TRIM OR CUT DOWN TREES, BRUSH AND ROOTS AS MAY BE REASONABLE REQUIRED INCIDENT TO THE RIGHTS HEREIN GIVEN, AND THE RIGHT TO ENTER UPON THE SUBDIVIDED PROPERTY OF ALL SUCH PURPOSES. NO FACILITY, PEDESTAL, CABLE OR ANY TYPE OF STRUCTURE SHALL BE INSTALLED CLOSER THAN THREE FEET FROM ANY LOT CORNER. THE GRANTEEES AGREE TO RESTORE OR CAUSE TO HAVE RESTORED, THE PROPERTY, AS NEARLY AS IS REASONABLE POSSIBLE, TO THE CONDITION EXISTING PRIOR TO SUCH ENTRY BY THE GRANTEEES OR THEIR AGENTS. THIS RESTORATION, HOWEVER, DOES NOT APPLY TO THE INITIAL INSTALLATION OF SAID UNDERGROUND ELECTRIC FACILITIES OR COMMUNICATION FACILITIES OR TO ANY TREES, BRUSH OR ROOTS WHICH MAY BE REMOVED AT ANY TIME PURSUANT TO THE RIGHTS HEREIN GRANTED. BUILDINGS SHALL NOT BE PLACED OVER GRANTEEES' FACILITIES OR IN, UPON OR OVER THE PROPERTY WITHIN THE LINES MARKED "UTILITY EASEMENT WITHOUT THE PRIOR WRITTEN CONSENT OF GRANTEEES.

THE GRANT OF EASEMENT SHALL BE BINDING UPON AND INURE TO THE BENEFIT OF THE HEIRS, SUCCESSORS AND ASSIGNS OF ALL PARTIES HERETO.

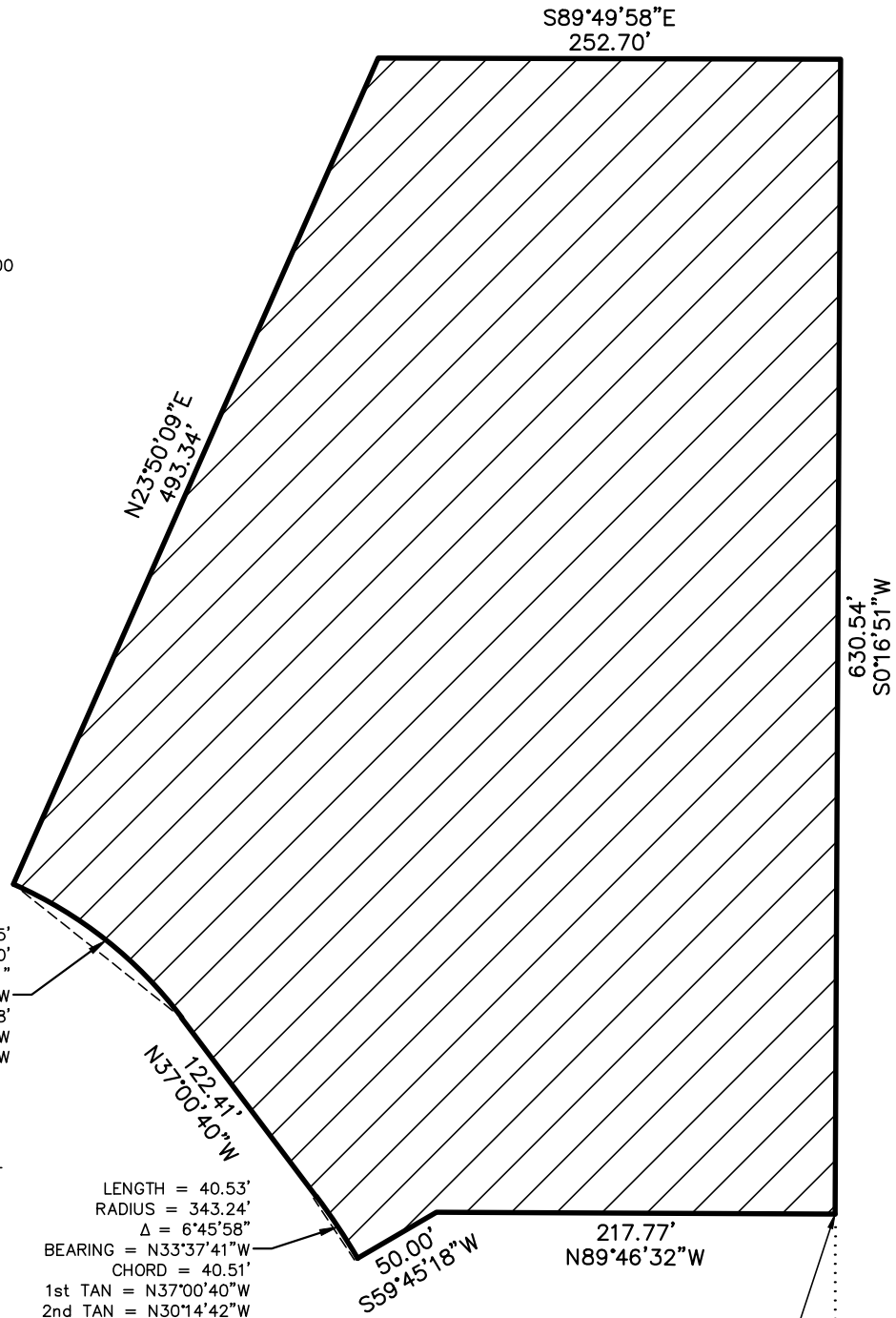
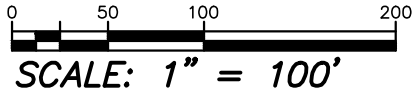
There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis Stats. as provided by s. 236.12, Wis Stats.

Certified \_\_\_\_\_,  
20\_\_\_\_

Department of Administration



**HERITAGE ESTATES**  
LOCATED IN THE SOUTHWEST ¼ OF THE NORTHEAST ¼,  
SECTION 12, TOWNSHIP 27 NORTH, RANGE 9 WEST,  
TOWN OF SEYMOUR, EAU CLAIRE COUNTY, WISCONSIN



LENGTH = 118.55'  
 RADIUS = 233.00'  
 $\Delta$  = 29°09'11"  
 BEARING = N51°35'15"W  
 CHORD = 117.28'  
 1st TAN = N66°09'51"W  
 2nd TAN = N37°00'40"W

LENGTH = 40.53'  
 RADIUS = 343.24'  
 $\Delta$  = 6°45'58"  
 BEARING = N33°37'41"W  
 CHORD = 40.51'  
 1st TAN = N37°00'40"W  
 2nd TAN = N30°14'42"W

**REZONE DESCRIPTION:**

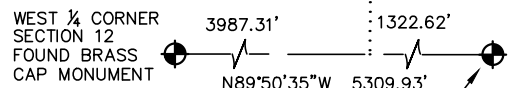
LOCATED IN THE SOUTHWEST ¼ OF THE NORTHEAST ¼, SECTION 12, TOWNSHIP 27 NORTH, RANGE 9 WEST, TOWN OF SEYMOUR, EAU CLAIRE COUNTY, WISCONSIN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST ¼ CORNER OF SECTION 12; THENCE N.89°50'35"W., ALONG THE EAST-WEST ¼ LINE OF SECTION 12, A DISTANCE OF 1322.62 FEET; THENCE N.00°10'08"E., A DISTANCE OF 684.62 FEET TO THE POINT OF BEGINNING; THENCE N.89°46'32"W., A DISTANCE OF 217.77 FEET; THENCE S.59°45'18"W., A DISTANCE OF 50.00 FEET; THENCE 40.53 FEET ALONG THE ARC OF A CURVE CONCAVE SOUTHWESTERLY, RADIUS OF 343.24 FEET, CENTRAL ANGLE OF 006°45'58", AND A CHORD BEARING AND DISTANCE OF N.33°37'41"W., 40.51 FEET; THENCE N.37°00'40"W., A DISTANCE OF 122.41 FEET; THENCE 118.55 FEET ALONG THE ARC OF A CURVE CONCAVE SOUTHWESTERLY, RADIUS OF 233.00 FEET, CENTRAL ANGLE OF 029°09'11", AND A CHORD BEARING AND DISTANCE OF N.51°35'15"W., 117.28 FEET; THENCE N.23°50'09"E., A DISTANCE OF 493.34 FEET; THENCE S.89°49'58"E., A DISTANCE OF 252.70 FEET; THENCE S.00°16'51"W., A DISTANCE OF 630.54 FEET TO THE POINT OF BEGINNING.

**LEGEND**



AREA TO REZONE FROM RH → A2  
 (5.09 ACRES)



**REZONE EXHIBIT**

LOCATED IN THE SOUTHWEST ¼ OF THE NORTHEAST ¼, SECTION 12, TOWNSHIP 27 NORTH, RANGE 9 WEST, TOWN OF SEYMOUR, EAU CLAIRE COUNTY, WISCONSIN



Real Land Surveying  
1356 International Drive  
Eau Claire, WI 54701  
(715) 514-4116

08/29/2024

## Rezone Request – Heritage Estates

Good afternoon,

The initial final plat and rezone applications were submitted on July 2, 2024. Since that submittal date, it was discovered that wetlands occur within the bounds of Heritage Estates. Since these wetlands have been unaccounted for at this juncture, we must alter the layout and rezone description of the previously submitted applications for Heritage Estates.

The Planning and Development department had some concerns about the permitted and conditional uses within the proposed A2 zoning district. To help address those concerns and truly show the intent of the developer, I've attached their *Declaration of Restrictions of Covenants* for the Heritage Estates subdivision.

Under use restriction under item #4, it clearly states that “...*the permitted, conditional, and accessory uses allowed on Lot 4 are as follows: dwelling, single-family & cottage industry home-based businesses*” Even though County zoning code would allow many other permitted, conditional or accessory type uses on this lot, the legally binding covenant document would prohibit all other uses, other than those listed within said covenants.

**Jeremy Skaw, P.L.S.**

Field Supervisor

715.514.4116 Office  
715.895.8211 Direct  
715.225.4572 Mobile

[www.rlswi.com](http://www.rlswi.com)



# DECLARATION OF RESTRICTIONS OF COVENANTS HERITAGE ESTATES

Parcel Identification Number(s): See Exhibit A attached hereto.

The undersigned, being the owner of all of the lands described in Exhibit A, which is attached hereto and incorporated by reference, has established a general plan for the improvement and development of such lands, and does hereby establish the covenants, conditions, reservations, and restrictions upon which, and subject to which the premises and all portions thereof shall be improved or sold and conveyed. All of these covenants, conditions, reservations, and restrictions are for the benefit of the owner and all future owners of the premises, or any interest therein, and shall inure to, and encompass each and every portion of said premises, and shall bind all successors in interest to the owner. These covenants, conditions, reservations, and restrictions are to be construed as restrictive covenants running with the premises, and all conveyances of the premises, or any portion thereof, shall be subject to said restrictive covenants, lo-wit:

1. Lot Size: All lots shall be of the size indicated on the plat for Heritage Estates. No lot shall be divided or redivided without the express written consent of the owner or its assigns.
2. Type of Buildings and Approval:
  - a. All buildings constructed on the premises shall have a full foundation, except as approved by the Architectural and Environmental Control Committee. Building size, shape, proportions, materials and colors must be compatible with all other buildings on the premises. No metal buildings are allowed, except as approved by the Architectural and Environmental Control Committee.
  - b. All walk-out basements or lower levels of dwellings must have siding or brick facing consistent with the rest of the dwelling. No cement walls or foundation walls shall be showing, except as approved by the Architectural and Environmental Control Committee. Outside fireplaces and chimneys must be faced with brick or stone.
  - c. All driveways must be blacktop or concrete.
  - d. All plans for the construction of any building, fence, wall or structure to be erected upon the premises, and the proposed location thereof upon any lot, and any changes after approval thereof, any remodeling, reconstruction, alteration, or addition to any building, road, driveway, or other structure upon any lot in such premises shall require the approval in writing of the Architectural and Environmental Control Committee. Before beginning the construction of any road, driveway, building, fence, mailbox or other structure whatsoever, or remodeling, reconstruction, or altering such road, driveway, or structure upon any lot, the person or persons desiring to erect, construct or modify the same shall submit to the Architectural and Environmental Control Committee two complete sets of road or driveway plans showing the locations, course, and width for same and two complete sets of all building plans and specifications for the building, fence, or other structure, as is applicable, so desired to be erected, constructed, or modified. All building plans and specifications shall be prepared by architects or capable draftsmen and shall be state or city approved, as required by law. No structure of any kind, the plans, elevations, and specifications of which have not received the

written approval of the Architectural and Environmental Control Committee, and which does not comply fully with such approved plans and specifications, shall be erected, constructed, placed, or maintained upon any lot. Approval of such plans and specifications shall be evidenced by written endorsement on such plans and specifications, a copy of which shall be delivered to the owner or owners of the lot upon which the prospective improvement is contemplated prior to the beginning of such construction. No changes or deviations in or from such plans or specifications as approved shall be made without the prior written consent of the Architectural and Environmental Control Committee. The Architectural and Environmental Control Committee shall not be responsible for any structural defects in such plans or specifications or in any building or structure erected according to such plans and specifications.

3. Architectural and Environmental Control Committee: The Architectural and Environmental Control Committee shall consist of two members. The original members of such committee shall be Waldemar N. Hurt III, and Tracy A. Hurt. Upon the death, resignation, or inability to act of any member of such committee, the remaining members of the committee shall appoint a member to fill the position. Such an appointment shall be effective by the filing of a document in recordable form in the office of the Eau Claire County Register of Deeds indicating the name of the appointee. Any decision made by both members of such committee shall be final and shall not be subject to review.
4. Use Restrictions: All lots, with the exception of Lot 4, shall be used for dwelling, single-family residential purposes only. No part of properties shall ever be used or cause to be used or allowed or authorized in any way directly or indirectly, for any business, commercial, civil, manufacturing, mercantile, storing, vending, or other such non-residential purposes excepting, home offices or occupations without external evidence thereof. Lot 4 is zoned A2. The permitted, conditional, and accessory uses allowed on Lot 4 are as follows: dwelling, single-family & cottage industry home-based businesses.
5. Minimum Building Sizes: The above-ground living area of the main structure on each lot, exclusive of open porches and garages, shall not be less than 1,800 square feet for a 1-story dwelling, or 2,200 square feet for a 2-story or split-level dwelling. Each dwelling shall have not less than 1 three-car garage, which must be attached. Any detached structure must be of the same quality and type as the dwelling on the premises. In computing square footage for the purposes of this paragraph, screened-in porches will be omitted from such computation. The Architectural and Environmental Control Committee may authorize variances from these minimum building sizes where the plans and specifications for any proposed dwelling provide assurance to the Committee that a high-quality dwelling in harmony with the exterior design of the other dwellings in Heritage Estates which are to be constructed. No such variance shall be effective unless it is in writing.
6. Surface Draining, Landscaping and Nuisances: The natural surface drainage patterns of any lot shall not be changed by grading, damming, filling, or the installation of conduits except with the permission of the Architectural and Environmental Control Committee. All portions of the premises shall be landscaped so as to be compatible with the overall plan and development of the premises. Maintenance of landscaping shall mean the exercise of regular fertilizing, irrigation and other garden management practice necessary to promote healthy, weed-free environment for optimum plant growth. No part of the premises shall be used for the dumping of garbage, trash, or refuse of any kind, except that debris may be temporarily present in connection with construction work. No livestock, or poultry other than chickens, shall be raised, bred, or maintained on any Lot provided they do not cause an odor or noise

such as would disturb the neighborhood. No Lot Owner may raise, breed, or maintain more than 7 chickens on their Lot. No noisy, hazardous, noxious, offensive, immoral or illegal activity shall be carried on upon any Lot or portion of the properties, nor shall anything be done or kept thereon which may be or may become an annoyance or nuisance to the neighborhood, or which shall in any way interfere with the quiet enjoyment of each of the Lot Owners of his respective Lot. This includes, but is not limited to, barking dogs, crowing roosters and loud music.

7. Commencement and Completion of Construction: All approved construction shall be commenced within nine months of approval by the Architectural and Environmental Control Committee. All buildings shall be completed within 12 months of the date of commencement of work.
8. Signs, Fences, and Other Structures:
  - a. No sign other than one sign of not more than one square foot, designating the name of the owner and the address of a specific property may be permanently displayed. One sign of not more than 5 square feet advertising the property "for sale" or "for rent" may be temporarily displayed. All signs shall be compatible with the overall design and development of the premises.
  - b. Boundary fences are prohibited except as approved by the Architectural and Environmental Control Committee.
  - c. All mail and delivery boxes shall be approved by the Architectural and Environmental Control Committee so as to conform to the overall plan and design of the premises.
  - d. No radio or television towers or antennas, storage sheds, or outbuildings are allowed except as approved by the Architectural and Environmental Control Committee. Each Lot owner may place one (1) satellite dish no greater than thirty (30) inches in diameter in a location approved by the Architectural and Environmental Control Committee. All refuse and trash receptacles shall be screened from general public view with materials compatible with the overall plan and design of the premises.
9. Boats, Trailers, Campers, RV Parking: All boats, trailers, campers, and RVs shall be permanently stored inside garages on the premises or off the premises. Boats, trailers, campers and RVs may be parked on driveways on a temporary basis, but in no event shall they be parked for more than 10 consecutive days. All motor vehicles must be parked in garages or on driveways; no motor vehicles may be parked on any lawn, flower beds, garden, or green belt area.
10. Setback: No building shall be located less than 40 feet from the front line of any lot or less than 40 feet from any adjoining street, and no building shall be located less than 15 feet from either side or rear lot line.
11. Term:
  - a. These covenants and restrictions shall run with and bind the land and shall inure to the benefit of and be enforceable by the undersigned owner and the assignees, successors, or heirs of the undersigned owner or any owner for period of twenty-five years from the date hereof.

- b. After the expiration of said twenty-five-year term, these covenants and restrictions shall automatically be extended for successive periods of ten years, unless an instrument signed by the then owners of two-thirds of the lots has been recorded, agreeing to terminate or modify these covenants and restrictions. However, no such agreement to terminate or modify shall be effective unless made and recorded two years in advance of the effective date of such termination or modification, and unless written notice of the proposed agreement is sent to every owner at least 90 days in advance of any action taken.

12. Landscaping and Green Space: The total ground area of each lot not covered by buildings, paved driveways, sidewalks or wood lots shall be maintained as a green area and landscaped with grass, trees, shrubs, or other appropriate plantings; and all such landscaping shall be completed within one year of the commencement of construction of the dwelling of each lot. A 10' No Cut setback from side and rear lot lines are indicated on the plat of Heritage Estates. It is intended that these areas be left in as natural a state as possible. Lot Owner shall be allowed to remove dead, down, or diseased trees from said area but may not cut or destroy any living trees in so doing.

13. Wetland Delineations and Retention Area: Wetland delineation and Storm Water Retention areas are indicated on the plat of Heritage Estates. It is intended that these areas be left in as natural a state as possible. No development or improvements shall be allowed on any Wetland or Retention area other than drainage facilities as constructed by the developers. No lot owner shall deposit any materials or debris in drainage facilities. It shall be the duty of lot owners with these areas on their lots to keep said area in as natural a setting as possible. Lot owners have the right to remove any dead, down or diseased trees from said area but may not cut or destroy any living trees in so doing. Lot owners shall be allowed to landscape the fringe areas of the Wetland delineation or drainage area but shall not be allowed to set, park or store items, materials or vehicles on same.

14. Maintenance of Retention Area: The Maintenance Committee set forth in Section 15© shall be responsible for maintaining the Storm Water Management Pond System shown on the plat of Heritage Estates.

- a. Until Developer begins selling the Lots, the Developer shall be liable for 100% of the cost of maintaining the Storm Water Management Pond System in the condition shown on the plat of Heritage Estates and as designed and constructed in any storm water management plan. The Maintenance Committee shall assess the cost of such maintenance against the Developer. An assessment may be made to pay for costs incurred or to be reasonably incurred in the future and for the maintenance fund as described in Section 16 the assessment shall be delivered personally to the Developer or sent to the Developer's last known mailing address. An assessment shall be paid to the Maintenance Committee within 30 days after it is delivered personally or is mailed to the Developer.
- b. As the Developer completes the sale of the Lots, each of the sold Lots and the owners of such Lots, shall be liable for a pro rata share of the cost of maintaining the Storm Water Management Pond System in the condition shown on the plat of Heritage Estates and as designed and constructed in any storm water management plan. The Maintenance Committee shall assess the cost of such maintenance against the Lots and the owners of the Lots as provided below. No owner of a Lot may exempt himself or herself or his or her Lot from liability for his or her contribution toward such costs by waiver or by abandonment of a Lot. No conveyance shall

relieve a Lot of such liability. The grantor shall be jointly, severally and personally liable along with his grantee in any such conveyance for the assessments levied up to the date of conveyance, until all such assessments charged to the Lot have been paid.

- c. The Maintenance Committee shall annually review, and if necessary, assess each Lot a pro rata share of the cost of maintaining the Storm Water Management System in the condition provided above. An assessment may be made to pay for costs incurred or to be reasonably incurred in the future and for the funding of a maintenance fund as described in Section 16. The assessment shall be delivered personally to the owner or sent to the Lot owner's last known mailing address. The assessment shall be a lien from the time it is so delivered or mailed. An assessment shall be paid to the Maintenance Committee within 30 days after it is delivered personally or is mailed to the Lot owner. All assessments, until paid, together with interest and actual costs of payment of an assessment, the Maintenance Committee may bring suit to enforce collection of such assessment or to foreclose the lien therefore, and there shall be added to the amount due, the costs of collection and interest, together with attorney's fees. The assessment shall also bear interest during such time as it is in default.

15. Maintenance Committee:

- a. The Maintenance Committee shall act as the agent of the Lot owners to contract for and oversee the repairs and maintenance authorized under this instrument.
- b. The Maintenance Committee shall send to the Lot owners, the Town of Seymour, and the County Land Conservation Division on or before July 1 each year, a written report of the maintenance and repairs undertaken, the costs and expenses incurred, and any assessments paid.
- c. The Maintenance Committee shall consist of a minimum of two members. The members of such Committee shall be the Directors of the Heritage Estates Home Owners Association. Upon the death, resignation, or inability to act of any member of such Committee, the remaining member of the Committee shall appoint a member to fill the position. If at any time there are no members of the Maintenance Committee, the then owners of two-thirds of the Lots or the Town of Seymour may appoint persons to serve as such members. Such appointment by the Town of Seymour shall be effective upon the filing of a document in recordable form in the office of the Eau Claire County Register of Deeds, setting forth the name of the successor member. The Maintenance Committee shall inform the Clerk of the Town of Seymour in writing of all such vacancies and appointment to the Maintenance Committee within 30 days of their occurrence.
- d. The duties of the Maintenance Committee shall include:
  - i. Visual inspection of existing berms, drainage ditches and ponds after 2 inches or more rainfall in six hours or less for damage to the structures, such as:
    1. Hills or gullies in drainage ditches and on front and back slopes or berms.
    2. Loss of vegetation.
    3. Excess sediment deposition in pond area.
  - ii. The ponds shall be maintained as required under applicable ordinances and regulations.

- iii. To the extent required by applicable laws, rules or regulations, periodic mowing of any berm, pond area and drainage ditches to maintain vegetation and to promote regrowth of vegetation. Required mowing should take place monthly from May through October.
  - iv. Visual inspection of berm for any animal damage (e.g. Burrowing) and to control tree growth.
  - v. Reseeding of any bare areas in ditches, pond, drainage easements and berm.
  - vi. Maintain road culverts and check for damage and debris buildup.
- e. The Maintenance Committee shall inspect the entire storm water drainage system and structures including but not limited to culverts, ponds and berms at least 9A) AS SET FORTH IN Section 15(D)(1)(A) above; and (b) annually during June of each year, after at least three days' advance written notice to the Town Clerk. A representative of the Town may accompany the inspectors. The Committee shall furnish copies of its inspection reports to each Lot owner and the Maintenance Committee if it reasonable believes that life or property are imperiled and the Town Clerk within 30 days of each inspection. If any inspection discloses the need for repairs or maintenance, the same shall be performed within 90 days of inspection. In the even the Committee does not perform its annual inspection, or if the Town Board receives information giving it probably cause to believe that further inspection should be undertaken, the Town Boards, after three days' notice to the Maintenance Committee, may order further or additional inspection of the drainage structure and berm. The Maintenance Committee shall pay for such inspection and shall receive a copy of the resulting report. Any failure of the Maintenance Committee to perform maintenance or repairs may be enforced by the Town pursuant to Section 20. However, the Town may perform emergency repairs, after 24 hours' notice to the Maintenane Committee if it reasonably believes that life or property are imperiled, and the Maintenance Committee shall pay for said emergency repairs from the maintenance fund.
- f. The Maintenance Committee may assess for and maintain a maintenance fund as described in Section 16.

16. Maintenance Fund:

- a. A maintenance fund in an amount of \$1,000 shall be initially funded by the Developer. Thereafter, through assessments, contributions or otherwise, it must be annually brought up to a balance of \$1,000, or to such greater value as the Maintenance Committee reasonable determines is needed to maintain the Drainage Structures and Berm as required in Section 15. The maintenance fund shall be accessible by the Town of Seymour for emergency repairs or where the Maintenance Committee does not act.
- b. Upon the request of any Lot owner or the Town of Seymour, the Maintenance Committee shall provide a financial report showing the opening balance, income, expenses, and the closing balance for the maintenance fund for the preceding calendar year.

17. **Enforcement:** Enforcement of these declarations shall be by any proceeding at law or in equity against any person violating or attempting to violate any such covenant, restriction or declaration to restrain violation, or to recover damages, and against the land to enforce any lien created by this declaration. Failure to enforce any covenant or restriction shall in no event be deemed a waiver of the right to do so thereafter.
  
18. **Severability:** Invalidation of any one of these restrictions shall in no way effect the enforceability or validity of any other restriction.
  
19. **Home Owners Association Membership:** Each Lot Owner shall be a member of the Heritage Estates Home Owners Association, an unincorporated association organized under the laws of the State of Wisconsin (the "Association"). Every Owner, upon acquiring such Lot ownership, shall automatically become a member of the Association and shall remain a member until the time of his or her ownership of such Lot ceases for any reason, at which time his or her membership in the Association shall automatically cease. Each Lot Owner shall be bound by the bylaws of the Association as amended from time to time.
  
20. **Interpretation and Enforcement:** Any interpretation of these restrictions and covenants made by Developer in good faith shall be final and binding upon all persons interested. In the event of a violation or threatened violation of these covenants and restrictions Developer may, but shall not be required to, provide written notice of same to such persons or persons violating same. If such a written notice is given, no action to enforce these restrictions and covenants may be brought or maintained until at least 30 days after such notice is given by Developer.

The Town of Seymour may enforce the provisions of Section 14, 15, and 16 of this agreement as follows: in the event landowners do not fulfill the obligations of this agreement, the Town of Seymour, after notifying landowners in writing, 30 days prior to its intent, shall contract with others to perform work necessary, then assess the landowners for repayment.

IN WITNESS WHEREOF, the undersigned have caused these presents to be duly executed on this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**JTH ENTERPRISES, LLC**

By: \_\_\_\_\_

Waldemar N. Hurt, III, Owner

And: \_\_\_\_\_

Tracy A. Hurt, Owner





## **EXHIBIT A**

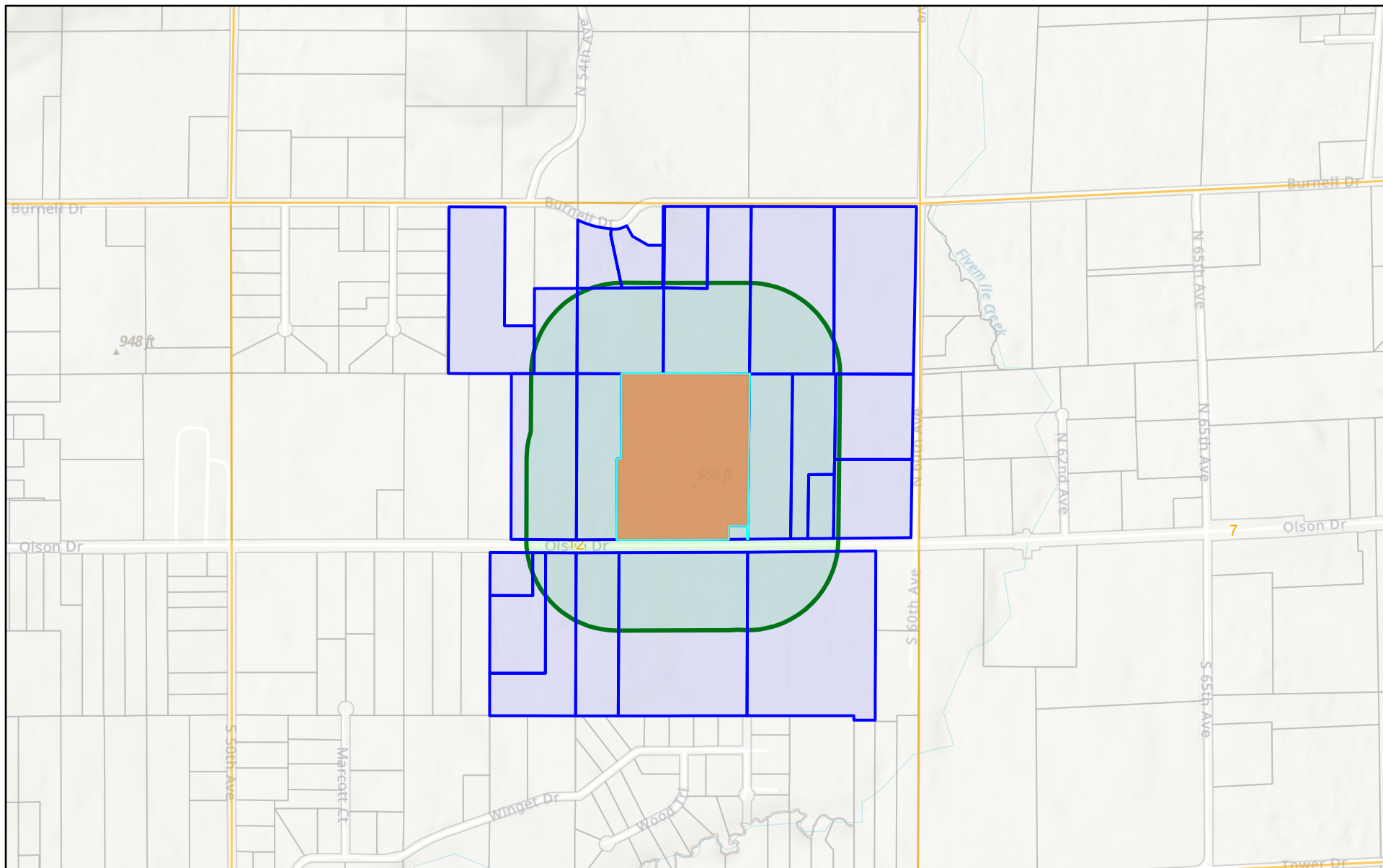
### Parcel 1:

Lots 1-15, Heritage Estates, being part of the Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4) of Section 12, Township 27 North, Range 9 West, Town of Seymour, Eau Claire County, Wisconsin; EXCEPT A one-half (1/2) acre off the Southeast corner of said forty deeded to Eau Claire County; ALSO EXCEPT the West 314 feet of the South Half (1/2) of the Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4) and the West 346 feet of the North Half (1/2) of the Southwest Quarter (SW 1/40 of the Northeast Quarter (NE 1/4) of Section 12, Township 27 North, Range 9 West; ALSO EXCEPT the South 33 feet for road right of way; ALSO EXCEPT the right of way described in Volume 195 of Deeds, Page 357 as Document no. 279100.




### Parcel 2:

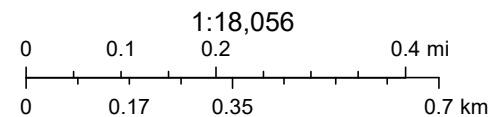
One-half (1/2) acre in the Southeast (SE) corner of the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4) of Section 12, Township 27 North, Range 9 West, Town of Seymour, Eau Claire County, Wisconsin.

# Public Notification



7/9/2024, 11:24:42 AM

-  County Boundary
-  Tax Parcel
-  Section



Esri, NASA, NGA, USGS, FEMA, Esri Community Maps Contributors, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS,

Eau Claire County, WI

FirstName LastName	Address	City State Zip
BRADLEY GOULET	2100 N 60TH AVE	EAU CLAIRE WI 54703-8765
GARY & BONNIE ESLINGER TRUST	5434 OLSON DR	EAU CLAIRE WI 54703-9716
JOEL JANSSEN	5591 BURNELL DR	EAU CLAIRE WI 54703-8702
ERIC ACKER	5557 BURNELL DR	EAU CLAIRE WI 54703-8702
DONALD J & LINDA M MAGADANCE	5550 OLSON DR	EAU CLAIRE WI 54703-9716
ROBERT L & DIANE C STEWART	1812 N 60TH AVE	EAU CLAIRE WI 54703-9728
JAMES GRAY	5910 OLSON DR	EAU CLAIRE WI 54703-8770
TROY TOLLEFSON	5730 OLSON DR	EAU CLAIRE WI 54703-9716
HIGHCLERE PROPERTIES LLC	6176 SANDSTONE RD	EAU CLAIRE WI 54701-5138
WAYNE & RHONDA HENNING TRUST	301 HEWITT ST	EAU CLAIRE WI 54703-1545
NICHOLAS SCHMOCK	5731 BURNELL DR	EAU CLAIRE WI 54703-8702
CECIL REITER JR	1900 N 60TH AVE	EAU CLAIRE WI 54703-9777
RYAN WERNER	5409 OLSON DR	EAU CLAIRE WI 54703-8706
CHARLES SCHUNK JR	5605 OLSON DR	EAU CLAIRE WI 54703-8746
JAMES J HANUS	5411 OLSON DR	EAU CLAIRE WI 54703-8706
BRIAN MARKOWSKI	10903 N O'BRIEN HILL RD	HAYWARD WI 54843-6026

Mary Jo Bowe – Land Information Council  
*(representing the Realtor’s Association)*



Current Managing Broker of 50 Realtors throughout NW Wisconsin and leading the State of WI Realtors Association. I have met with Political Leaders throughout Wi to speak on behalf of housing issues, growth and needs for NW WI and our entire state.

**If selected, how would you work to better our community?**

I would continue to advocate for our areas needs that help build our communities with services and education. The land information council committee is a great opportunity to educate myself and bring that knowledge back to the boards I serve on to help out communities.

**Potential Conflicts of Interest:**

Home address is Eau Claire, Chippewa County. I also have a residence in Cadott, WI, along with a home in Eau Claire. I work in Eau Claire City (*i.e. Eau Claire County*).

**Administration Analysis:** County Code Section 2.05.672 (A) (6): A realtor or member of the Realtor Association ***employed within the county.***