

AGENDA

Eau Claire County Board of Supervisors
Wednesday, April 6, 2016 / 7 pm

Location:
Courthouse, County Boardroom (Room 1277)
721 Oxford Ave. Eau Claire, WI

Eau Claire County Mission Statement:

"To provide quality, innovative and cost-effective services that safeguard and enhance the well-being of residents and resources"

- (1) Indicates 1st Reading
- (2) Indicates 2nd Reading

1. Call to Order
2. Honoring of the Flag and Moment of Reflection (Supervisor Kathy Clark)
3. Call of the Roll
4. Approval of the Journal of Proceedings (March 15, 2016) (pg. 4-6)
(pg. 4-6)
5. **PUBLIC COMMENT**
6. **REPORTS TO THE COUNTY BOARD UNDER 2.04.320**

Conference Call from Lynn Parins and Andy Guzikowski of Von Briesen Roper / re: PACE (File No. 15-16/135 & 136).

Oral Reports

- Criminal Justice Collaborating Council / Tianna Glenna, CJCC Manager
- Clerk of Courts, Susan Schaffer, Clerk of Courts

Annual Liaison Reports

- Western Dairyland (pg. 7-10)
- Lake Altoona Rehabilitation and Protection District ((pg. 11)
- Eau Claire Area Economic Development Corporation (pg. 12)
- West Central Wisconsin Regional Planning Commission (pg. 13-14)
- Eau Claire City-County Board of Health (pg. 15-16)

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

- **Proclamation: April 2016 / National Government Month**
"Safe and Secure Counties" (pg. 17)

8. **FIRST READING OF ORDINANCES BY COMMITTEES**

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

File No.

- 15-16/150 (1) To Repeal and Recreate Section 4.40.010 of the Code; Cash on Hand
**(Committee on Finance & Budget to meet prior to the County Board
to review Ordinance)** (pg. 18-19)
- 15-16/156 (1) To Create Section 2.04.320 I. of the Code: Rule 32-Reports to the
County Board (pg. 20-21)
- 15-16/135 (1) To Create Chapter 4.25 of the Code; Property Assessed Clean Energy
Financing Ordinance (It is requested that this agenda item be taken
up under suspension of the rules) (pg. 22-34)
- 15-16/136 (1) Approving the Attached PACE Commission Agreement; Authorizing
the County Board Chair to Designate a Supervisor as “Representative
Director” of the PACE Commission Board of Directors (pg. 35-50)

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

Committee on Administration

File No.

- 15-16/083 (1) Authorizing Legislation in Matters Referred to be Carried Over to the
Next Legislative Session **(Committee to meet prior to the county
board meeting to review Resolution).** (pg. 51-52)
- 15-16/148 (2) Repeal and Recreate Section 2.90.110 of the Code; District Attorney
(from March 15, 2016 County Board meeting) (pg. 53-54)
- 15-16/151 (2) To Amend Section 2.04.340 B. of the Code; Rule 34 -- Consideration
and Confirmation of Appointments (from March 15, 2016 County
Board meeting) (pg. 55-56)
- 15-16/157 (1) Recognizing, Commending and Thanking Eau Claire County Board
Supervisors Upon Their Dedicated Years of Service **(Committee to
meet prior to the county board meeting to review Resolution).**

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

Committee on Planning & Development

File No.

- | | |
|---------------|--|
| 15-16/137 (1) | Adopting the Eau Claire County Outdoor Recreation Plan for 2016-2020 (see link here for entire plan) (pg. 57-60) |
| 15-16/144 (1) | Requesting the Legislature Discontinue the Practice of Putting Forth and Fast-Tracking Piecemeal Bills Regarding Planning, Zoning and Land Use (pg. 61-63) |
| 15-16/132 (1) | Amending the 1982 Official Zoning District Boundary Map for the Town of Pleasant Valley (pg. 64-77) |
| 15-16/146 (1) | Amending the 1982 Official Zoning District Boundary Map for the Town of Drammen (pg. 78-95) |
| 15-16/149 (1) | Amending the 1982 Official Zoning District Boundary Map for the Town of Clear Creek (pg. 96-112) |

11. APPOINTMENTS

PLEASE NOTE: Upon reasonable notice, efforts will be made to accommodate the needs of individuals with disabilities through sign language, interpreters or other auxiliary aids. For additional information or to request the service, contact the County ADA Coordinator at 839-4710, (FAX) 839-1669 or 839-4735, tty: use Relay (711) or by writing to the ADA Coordinator, Human Resources, Eau Claire County Courthouse, 721 Oxford Avenue, Eau Claire, WI 54703.

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

March 15, 2016

The County Board of Supervisors of the County of Eau Claire convened at the Courthouse in the City of Eau Claire on Tuesday, March 15, 2016, and was called to order by Chair Gregg Moore at 7:00 p.m.

The Board honored the flag with the pledge of allegiance.

Moment of reflection was presented by Supervisor Mark Olson.

Roll Call: 27 present: Supervisors Gary G. Gibson, Douglas Kranig, Stella Pagonis, Corey S. Bauch, Katy Forsythe, Steve Chilson, Kevin Stelljes, Gordon C. Steinhauer, Mike Conlin, Ray L. Henning, Colleen A. Bates, Kathleen Clark, Jean D. Schlieve, Nick Smiar, Joel Mikelson, Gregg Moore, James A. Dunning, Gerald L. Wilkie, Bruce Willett, Mark Beckfield, Robin J. Leary, John F. Manydeeds, Mark Olson, Tami Schraufnagel, Paul A. Lokken, Sr., Stephannie Regenauer, Patrick L. LaVelle
2 absent: Supervisor Paul Reck, Sue Miller

JOURNAL OF PROCEEDINGS (March 1, 2016)

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

PUBLIC COMMENT

No one wished to speak.

REPORTS TO THE COUNTY BOARD UNDER 2.04.320

Judy Enders, Consulting Manager of CliftonLarsonAllen, LLP presented an oral report on Internal Controls.

Gregg Moore, Eau Claire County Board Chairman presented an oral report summarizing the Lokken/Onarheim Embezzlement, with Victim Statements, Embezzlement of County Funds Press conference statement. The Board members asked questions and had discussion.

On a motion by Supervisor Willett, seconded by Supervisor Conlin the Board recessed for a 10 minute break.

The following written reports were presented to the Board:

- Alternate Care Report ending January 31, 2016
- Adult Mental Health Residential and Institutional Expenses/Revenues, December and January
- 2016 Contingency Fund Report

The following annual liaison reports were presented to the Board:

- County Housing Authority
- Chippewa-Eau Claire Metropolitan Planning Organization

There was no objection to take up the proclamation at this time.

PRESENTATION OF PETITIONS, CLAIMS AND COMMUNICATIONS

Chair Moore, read a proclamation proclaiming March 21 through March 25, 2016, "Fair Housing Week" in the County of Eau Claire.

On a motion by Supervisor Smiar, seconded by Supervisor Lokken, the proclamation was adopted on a voice vote.

FIRST READING OF ORDINANCES BY COMMITTEE

Ordinance 15-16/148 REPEAL AND RECREATE SECTION 2.90.110 OF THE CODE: DISTRICT ATTORNEY

Action on said ordinance was referred to the April 6 County Board meeting.

Ordinance 15-16/151 TO AMEND SECTION 2.04.340 B. OF THE CODE: RULE 34 – CONSIDERATION AND CONFIRMATION OF APPOINTMENTS

Action on said ordinance was referred to the April 6 County Board meeting.

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

Committee on Administration

Resolution 15-16/143 WITHDRAW FROM THE LOCAL GOVERNMENT PROPERTY INSURANCE FUND

Motion by Supervisor Smiar, seconded by Supervisor Conlin for adoption.

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

Committee on Human Resources

Resolution 15-16/153 CREATION OF ONE .73 FTE (29 HOURS) CRISIS RESPONSE COORDINATOR POSITION

Motion by Supervisor Clark, seconded by Supervisor Willett for adoption.

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

Committee on Judiciary & Law Enforcement

Resolution 15-16/154 SUPPORTING A CHANGE IN STATE LAW TO MAKE COUNTY CIVILIAN CORRECTIONAL OFFICERS PROTECTIVE STATUS UNDER THE WISCONSIN RETIREMENT SYSTEM

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

On a motion by Supervisor Manydeeds, seconded by Supervisor Conlin to refer the resolution to the Committee on Human Resources. The motion to refer was unanimously approved.

Committee on Parks and Forest

Resolution 15-16/152 DESIGNATING MAY 13 AND 14, 2016 AS A FREE CAMPING WEEKEND FOR ALL EAU CLAIRE COUNTY OPERATED CAMPGROUNDS

Motion by Supervisor Lokken, seconded by Supervisor Gibson for adoption.

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

Committee on Finance and Budget

Resolution 15-16/138 DISALLOWING THE CLAIM OF JODI VOS FILED ON FEBRUARY 1, 2016 AGAINST EAU CLAIRE COUNTY; DIRECTING THE COUNTY CLERK TO NOTIFY THE CLAIMANT OF SAID DISALLOWANCE

Motion by Supervisor Henning, seconded by Supervisor Schraufnagel for adoption.

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

Resolution 15-16/140 AUTHORIZING THE SALE OF TAX DEED PROPERTY TO THE CITY OF ALTOONA, FOR \$192.95; DIRECTING CORPORATION COUNSEL TO PREPARE A QUIT CLAIM DEED ON THE DESCRIBED PROPERTY; DIRECTING THE COUNTY CLERK TO EXECUTE SAID QUIT CLAIM DEED ON BEHALF OF EAU CLAIRE COUNTY

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

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

Resolution 15-16/142 AWARDING BID FOR SALE OF TAX DEED PROPERTY TO MELVIN MORK FOR THE SUM OF \$5,000.00; DIRECTING CORPORATION COUNSEL TO PREPARE QUIT CLAIM DEED ON THE DESCRIBED PROPERTY; DIRECTING THE COUNTY CLERK TO EXECUTE SAID QUIT CLAIM DEED ON BEHALF OF EAU CLAIRE COUNTY

Motion by Supervisor Chilson, seconded by Supervisor Conlin for adoption.

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

Resolution 15-16/147 AUTHORIZING PAYMENT OF VOUCHERS OVER \$10,000 ISSUED DURING THE MONTH OF FEBRUARY 2016

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

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

Offered by Supervisor Schlieve

Resolution 15-16/125 REQUESTING THE WISCONSIN LEGISLATURE TO START THE PROCESS OF CHANGING THE ELECTED COUNTY TREASURER POSITION TO AN APPOINTED POSITION

Motion by Supervisor Schlieve, seconded by Supervisor Conlin for adoption.

On a motion by Supervisor Conlin, seconded by Supervisor Schlieve, amendment No. 1 was presented as follows:

On Page 1, lines 3 through 5 Strike "REQUESTING THE WISCONSIN LEGISLATURE TO START THE PROCESS OF CHANGING THE ELECTED COUNTY TREASURER POSITION TO AN APPOINTED POSITION", Insert "REQUESTING THE WISCONSIN LEGISLATURE TO START THE PROCESS OF AMENDING THE WISCONSIN CONSTITUTION TO PROVIDE COUNTIES WITH THE OPTION OF ELECTING OR APPOINTING THE COUNTY TREASURER"

On Page 1, lines 20 and 21, Strike "WHEREAS, counties are best served if the county treasurer is appointed after the process of review of applications and interviews of the most qualified applicants; and" Insert "WHEREAS, counties are best able to determine whether they are best served by having a county treasurer elected, or appointed after a review of applications and interviews of the most qualified applicants; and"

On Page 1, lines 27-30, Strike "NOW THEREFORE BE IT RESOLVED by the Eau Claire County Board of Supervisors that it requests state legislature begin the process of changing the position of county treasurer from elected to appointed ultimately giving the voters of the State of Wisconsin the opportunity to make the final decision.", Insert "NOW THEREFORE BE IT RESOLVED by the Eau Claire County Board of Supervisors that the state legislature begin the process of amending the Wisconsin Constitution to give counties the option of electing or appointing county treasurers and ultimately giving the voters of the State of Wisconsin the opportunity to make the final decision."

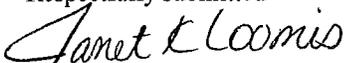
On a motion by Supervisor Olson, seconded by Supervisor Clark to lay question on the table.

On a roll call vote, the motion to lay question on the table was adopted as follows:

22 ayes: Supervisors Gibson, Pagonis, Bauch, Chilson, Stelljes, Steinhauer, Henning, Bates, Clark, Smiar, Mikelson, Moore, Dunning, Wilkie, Beckfield, Leary, Manydeeds, Olson, Schraufnagel, Lokken, Regenauer, LaVelle
5 noes: Supervisors Kranig, Forsythe, Conlin, Schlieve, Willett
2 absent: Supervisors Reck, Miller

The Board adjourned at 10:12 p.m.

Respectfully submitted


Janet K. Loomis, County Clerk

Annual Report
Western Dairyland EOC, Inc.
April 1, 2016

Programs and Services:

Business Development: The Western Dairyland Business Center assists individuals in attaining economic self-sufficiency through starting, expanding, and improving small businesses. This is primarily accomplished by providing group training, networking events, and one-on-one business counseling. Western Dairyland also hosts a Women's Business Conference each spring, which attracts more than 500 entrepreneurs and aspiring business owners from across the state. In 2014, 43 new businesses started.

- Women's Business
- Business Training and Classes
- Women's Business Network Meetings
- Women's Business Conference
- One-on-One Business Counseling

Child Care Partnership:

Child Care Resource & Referral strives to enhance the quality of child care by offering early childhood education, technical consulting, and resources for caregivers; by connecting parents with child care through referrals; and by collecting data to inform local, state, and national decision making.

The YoungStar Quality Rating System is a program to help Wisconsin parents make an informed child care choice. Regulated group and family-based programs are evaluated on a consistent set of quality standards and rated from 1 to 5 stars.

The Child & Adult Care Food Program (CACFP) is a federal program offering reimbursement to regulated family child care centers for serving healthy foods to enrolled infants and children. According to the most recent monthly report (January, 2016), a total of 6,618 meals were served.

Continuing Education

Skills Enhancement: The Skills Enhancement program offers financial assistance to individuals who are working while pursuing post-secondary education. Low-wage earners who are working at least 20 hours per week and are attending a university or technical school may qualify for assistance designed to fill the gaps not covered by student loans and other programs. Financial assistance may include help with books, tuition, parking fees, child care and school supplies.

Project Advance

Head Start and Early Head Start:

Head Start: Western Dairyland's Head Start program offers education, health programs, and social services to income-eligible families with children ages 3 to 5. Western Dairyland Head Start is in the third year of a five-year grant cycles which ends on April 28, 2018. Currently, there are 413 children enrolled in the four centers (244 from Eau Claire County), 33 in home-based services (11 in Eau Claire County), 22 enrolled in a home-based service combination, and 17 enrolled with a child care partner (all 17 from Eau Claire County).

Early Head Start: NEW PROGRAM. This is a free program for pregnant women and families with children **ages birth to three** in Jackson, Eau Claire, Buffalo and Trempealeau counties. Families receive a weekly home visit from a Family Services Specialist who brings activities and materials to promote the child's health, development and nutrition. Currently there are 33 children enrolled in Early Head Start.

Home Ownership:

Fresh Start helps build strong communities by involving at-risk young adults, ages 16 to 24, in the construction and rehabilitation of homes in western Wisconsin. When completed, the houses are sold to income-eligible families in the community. Fresh Start combines classroom instruction to help the youth complete studies for their high school diplomas with other educational goals including independent living skills and the actual hands-on construction work. All program participants are AmeriCorps members, and an hourly wage is paid for construction work. There are currently two homes for sale from this program.

Housing: In order to receive HUD funding, the agency must participate in the Wisconsin Homeless Management Information System. This system collects basic information about clients receiving services from this agency to get a more accurate count of individuals and families who are homeless and to identify the need to provide different services.

Housing First: NEW PROGRAM. A homeless individual's primary need is stable housing, so Western Dairyland provides housing first. Clients are given an assessment by a case manager, and those who are deemed most vulnerable are placed directly into apartments. Western Dairyland's Housing First program, funded by the U.S. Department of Housing & Urban Development (HUD), provides long-term housing for nine individuals and six families. Currently, 25 persons are being served in this program, in its first year of operation.

Homeless Shelters: Western Dairyland operates seven homeless shelters in Buffalo, Eau Claire, Jackson, and Trempealeau counties for families with children. Shelters are single-family units which may be occupied for up to 30 days. Each shelter is a completely furnished apartment with bedding, furniture, cooking utensils and cleaning supplies donated by the community.

Section 8 Housing Choice: CHANGING PROGRAM. Section 8 is the federal government's major program for assisting very low-income households, the elderly, and people with disabilities afford decent, safe, and sanitary housing in the private rental market. Starting August 1, 2015, the Section 8 program will be administered by the Central Wisconsin Community Action Council (CWCAC).

Home Buyer Education

Down Payment Assistance

First-Time Home Buyer Loans

Home Re-Hab Loans

Home Repair and Accessibility

RSVP Volunteer Program: RSVP connects individuals age 55 or older with meaningful volunteer opportunities in their communities. Volunteers are matched with volunteer opportunities that best reflect their interests, available time, and preferences. Western Dairyland currently partners with 60 different organizations throughout Buffalo, Jackson, Trempealeau, and Eau Claire counties. Volunteer sites are varied and may include food distribution, tutoring or

mentoring children, providing transportation services, assisting at local nursing home and rehabilitation centers, working with environmental groups, schools, libraries and museums.

RSVP Volunteer Caregivers

Birthday Boxes

Weekend FOOD 4 KIDS

The Emergency Food Assistance Program (TEFAP): The Emergency Food Assistance Program (TEFAP) is a federal program that provides assistance to low-income families through the distribution of food available through the U.S. Department of Agriculture (USDA). Western Dairyland operates the TEFAP program and provides supplemental food to four food pantries in our service area of Eau Claire, Buffalo, Trempealeau and Jackson Counties. These pantries are open monthly and provide an emergency supply of food that should last a household two to three days. Many of the volunteers who run the food pantries come from Western Dairyland's RSVP Volunteer Program.

Thrift Store: Cents and Sensibility, a non-profit thrift store, offers a rotating stock of men's, women's and children's clothing, along with shoes, housewares, books, toys, jewelry and accessories. New merchandise donated by community members arrives at the store every week, and 100 percent of sales helps Western Dairyland in assisting less-fortunate families residing in Buffalo, Eau Claire, Jackson and Trempealeau counties.

Transportation:

Work-n-Wheels: The Work-n-Wheels auto loan program is designed to help low-income families and individuals obtain affordable and dependable vehicles. If a person has poor credit or no credit, this program may be for that person. The maximum amount loaned is \$4,000. This is a no-interest loan with a 5% administrative fee paid at the time of loan signing. Monthly loan payments are set at \$150 for all loans.

Paratransit: Under contract with Eau Claire Transit, Western Dairyland is the paratransit certifier for the city and county of Eau Claire in accordance with the Americans with Disabilities Act (ADA). The program assists people who are unable to utilize the fixed route bus system due to cognitive and/or physical disabilities.

Transit Ambassadors

Veterans' Services:

Economic Empowerment: The Veteran's Economic Empowerment Program provides free financial literacy education to U.S. military veterans and their families. Program participants receive bi-monthly counseling sessions for up to a year depending on need (many veterans will only require four sessions). In these sessions, a counselor works with veterans to negotiate their debt and make payment plans as well as prepare a household budget, helping them make sound financial choices.

Veteran Transportation: Free transportation is available on a bus provided by the Trempealeau County Department of Veterans Affairs. Transportation is available on all even-numbered weekdays.

Weatherization and Energy:

WHEAP: The Wisconsin Home Energy Assistance Program (WHEAP) provides eligible households with assistance for their home heating and energy costs. This program can

offer a one-time per heating season (October 1 to May 15) benefit to help with fuel and electrical expenses and is generally paid directly to the fuel or electrical supplier.

Energy Crisis Assistance: Energy Crisis Assistance is available to eligible homeowners and renters. This program supplements the Wisconsin Home Energy Assistance Program (WHEAP) which provides emergency funding to help with no-heat situations, bill payment arrearages, and furnace repair and replacement.

Weatherization: The Weatherization program helps eligible families improve the energy efficiency of their homes, thereby reducing energy costs. Common services include installing attic, sidewall and foundation insulation, sealing major air leaks, repairing and/or replacing furnaces, installing energy efficient appliances, installing water saving aerators and compact fluorescent light bulbs. In 2014, 213 homes were weatherized.

Financial Information:

The last financial audit of Western Dairyland CAA was for FY 2014. It was a “clean” audit, with no major concerns expressed in the management letter. A summary of audited revenues and expenses is printed below. The agency has not used its line of credit in the past year and has sufficient reserves to cover operations when cash flow temporarily decreases.

FOR THE YEAR ENDING DECEMBER 31, 2014

REVENUES

Federal.....	\$9,396,821
State/Local	\$1,895,341
In-Kind Match.....	\$482,247
Total Revenues.....	\$11,774,409

EXPENDITURES

Child Education	\$4,997,881
Energy & Housing	\$2,541,940
Food Programs.....	\$1,476,166
Economic Development.....	\$915,925
Youth Development	\$549,598
Homeless Services	\$549,480
Community Services.....	\$351,469
Transportation Services.....	\$211,191
Senior Services.....	\$98,509
Health Services	\$50,385
Job Training	\$31,865
Total Expenditures.....	\$11,774,409

* *In-Kind Match is the value of goods and services donated by the community in support of projects.*

Submitted by:
 Nick Smiar
 County Board Supervisor, District 15

Great News for Lake Altoona and All Other County Residents
Annual report to Eau Claire County Board from Lake Altoona District – 2016

The Lake District is in the process of completing a lake management plan. It should be completed by June, 2016. Along with several members of the Lake District, consultants were hired to assist with the completion of the management plan. Jeannette Kelly, the Executive Director of the Citizen Science Center, Beaver Creek Reserve, was contracted to conduct a sociological survey in an attempt to determine the core audience the Lake District wants to include in the outreach program to help with funding lake maintenance. Jeanette will also assist with the development of the plan related to water quality, sediment management and lake habitat – fisheries. There will be committees of Lake District members to address those issues, too.

Dr. Rod Zika, President of GO Environmental Services is also under contract to address issues related to sedimentation and up river sand trap designs and wetland management strategies.

Kelly Jacobs, Supervisor of the Eau Claire Land Conservation Division is a valuable resource and has been involved in the lake management plan development related to obtaining grants and other aspects of water quality and sediment management.

The WI DNR is committing some matching funds to help identify upriver erosion hot spots and Eau Claire County has committed matching funds over two years in the amount of \$162,500, a 50% match toward the dredging of the sand trap up river from the lake. The plan is to complete this hydraulic dredge project in the spring of 2016.

With the recent drawn down of the lake due to necessary damn repairs, the members of the lake district agreed to borrow \$1.4 million to mechanically dredge five areas of the lake. The major areas of dredge were the delta area, where the Eau Claire river enters the lake and the area where five mile creek enters the lake. The dredge project is complete with the removal of approximately 185,000 cubic yards of sand being removed from the lake bed.

Paul Johnson, President of the Lake Altoona District, has been instrumental in coordinating the lake management plan and was responsible, along with Ayres Associates people, for getting the mechanical dredge project completed while the lake was drawn down.

The Lake Altoona District Board of Directors is continuing to work toward keeping Lake Altoona as a valuable resource for recreation and other activities for the residence of Eau Claire County.

Thanks for your support.

Respectfully submitted,

Bruce Willett, County Board Representative to the Lake Altoona District
Douglas Knäüg, CHäir, Town of Seymour

Received
MAR 11 REC'D
Eau Claire County
Administration

Eau Claire Area Economic Development Corporation

Annual Liaison Report by Gregg Moore
March 2016

The Eau Claire Area Economic Development Corporation (EDC) is a non-profit organization that consists of public and private sector organizations that have joined together for the purpose of promoting growth and expansion of businesses to enhance the general economic well-being of the residents in the communities of Eau Claire County. Its mission is “Advancing economic prosperity through business and job growth.”

The county board chair and county administrator serve on the EDC Board, along with nineteen others representing businesses, local governments and academic institutions. To sign-up for the free e-newsletter or for more information about EDC activities, go to the EDC website: www.eauclaire-wi.com.

Highlights of the past year include the following:

1. Hosted a successful first Startup Weekend, a 54-hour event where developers, designers, marketers, product managers and startup enthusiasts come together to share ideas, form teams, build products and launch startups.
2. Supported entrepreneurs through the annual Idea Challenge. The Idea Challenge is designed to assist local entrepreneurs and innovators to further their ideas. Grand Prize winner this year was Gorilla Dumpster, the biggest, toughest and strongest dumpster bag now available in the U.S. (<http://www.gorilladumpsterbag.com/>).
3. Launched the “Your Future Chippewa Valley” website that connects students and local employers, a free online portal that is a collaboration of the EDCs in Eau Claire, Chippewa and Dunn Counties.
4. Started hosting periodic Economic Updates, breakfast events for local business leaders.
5. Relocated EDC offices to co-locate with the Wisconsin Small Business Development Center (SBDC) for better alignment of services and cost-savings. SBDC is a business resource that is available through the UW-Eau Claire.

Finally, the EDC played a key role in the creation of 250 new jobs in Eau Claire County.

West Central Wisconsin Regional Planning Commission

Liaison Report

March, 2016

Kathy Clark, County Board Rep.

Gordon Steinhauer, County Board Rep.

The plate at WCWRPC is very full as the staff works through a wide range of projects and plans throughout the region. A few of the projects currently underway are:

- Community Development Block Grant application information regarding Public Facility and Planning programs is being distributed to communities that qualify. Communities with a population of 50,000 or less with at least 51% defined as low or moderate income are eligible to apply.
- CDBG construction projects in Augusta, Curtiss and New Auburn are currently being assisted by WCWRPC.
- Investigations into EDA infrastructure funding for the Confluence Project
- Placemaking programs in a number of towns and cities.
- Safe Routes to School projects
- Broadband funding options being studied.
- Regional Business Fund is alive and active after defederalized status was re-established.
- Red Cedar Watershed Project
- Long range transportation planning
- Bike and hiking trail planning
- Natural Hazards Mitigation plan update in Barron County
- City of Eau Claire Transit Center site selection study
- Outdoor Recreation Plans for various counties within the region

- Eau Claire River Watershed Coalition Plan
- Zoning Assistance in Luck
- Transportaion Alternatives Program (TAP) applications

This is not a complete listing of projects underway, but we think it gives a glimpse into the variety of work in which the organization is involved.

Eau Claire City-County Board of Health
Liaison Report – March 2016
Gerald Wilkie - County Board Supervisor, Board of Health Member

The mission of the Health Department is to keep people in all Eau Claire communities safe and healthy. The Health Department is overseen by an 8 member Board of Health (BOH) that meets monthly. By county ordinance the BOH has “complete and exclusive control over the management and operations of the department”. One county board member is appointed to sit on the BOH. 2015 highlights of BOH action include:

Oversight to assure leadership capacity of Health Department:

- Provided oversight for Health Department director with development of performance objectives and coordination of review of performance in July.
- Completed self-evaluation process for Board of Health.
- Framed each Board of Health monthly meeting using the Board strategic plan with the 2015-2020 goals: Focus on long term fiscal planning, and Support health department in development of agency and facility long term planning.

Oversight of fiscal and administrative policy decisions for Health Department program and services:

- Continued support of shared services model with City and County including review of funding and support services arrangements.
- Updated all fees and BOH regulations in August to assure connection to annual budget process.
- Reviewed and continued to support policy on Health Department use of fund balance.
- Passed annual budget approval policy stating that the BOH shall provide oversight and direction to the budget process throughout the course of development.
- Passed policy to ensure BOH approves all health department policies with a fiscal or budgetary impact or that have the potential for controversial implications.
- Passed policy on education reimbursement to support health department staff development.

Leadership in Community Health Policy:

- Participated in *Eau Claire Healthy Communities* annual legislative meeting (30+ policy makers) and celebration (100+community members).
- Participated in Community conversations to determine top health priorities and to discuss root causes resources and gaps related to community Health priorities.
- Signed the National Public Health Week Proclamation
- Signed the Parents Who Host Proclamation
- Participated as BOH members in WI Public Health Association/WALHDAB Public Affairs Committee, Eau Claire City 2015 Comprehensive Plan update and Eau Claire Built/Environment Fit Forum.
- Board members and the Health Department Director sent several letters to government officials communicating the importance of state and federal funding for prevention and public health efforts. This policy education included topics related to environmental health, reproductive health, communicable disease, and prevention funding.

The Board supported the Strategic Plan for the Eau Claire City-County Health Department which has four goals. Highlights of 2015 activities include:

Goal 1: Continue to build a cohesive health department team

- Completed Strengths Finder assessment for all staff
- Held monthly all-staff meetings with training and activities related to improving cohesion.
- Hired nursing, environmental health and community health education staff
- Implemented employee run Worksite Wellness plan

- Hosted an Americorp member, a UW Population Health Fellow, Area Health Education Center summer interns, and dietetic, nursing, environmental, and health education students.

Goal 2: Improve and Prioritize health department services and operations

- Performance Management team was developed and an inventory of programs, projects, services and activities was completed
- Nursing cubicles and other offices were redesigned to meet staffing, privacy and efficiency needs
- QI Core Team continued implementation of quality improvement plan for agency
- Nurse Family Partnership program implemented with Chippewa County as evidence-based service
- Completed FDA Voluntary National Food Safety Regulatory Standards to measure and improve inspection program
- Added laboratory capacity related to testing for ehrlichia and methamphetamine
- Partnerships continued to assure regional public health services including HIV partner services in 14 counties, colposcopy/women's health services in the Chippewa Valley, public health laboratory services and lead investigation in multiple jurisdictions.
- Addressed high rate of Chlamydia through participation in state-wide Get Yourself Tested program
- Successfully competed for local, state, and regional grants focused on agency priorities.

Goal 3: Increase health department visibility, accessibility, and external communication.

- Rural outreach plan developed to focus on reaching populations throughout county
- Branding guide completed to support consistent and effective use of health department brand
- Media training provided to staff to improve skills in messaging
- Participated in numerous community outreach and education events to support prevention and public health services throughout the county.
- Expanded work to promote use of data web-portal www.ehealthycommunities.org
- Worked with UWEC on messaging related to methamphetamine prevention and EC Healthy Communities

Goal 4: Continue to engage the community in collaborative public health action.

- Community health assessment completed with 1200 residents surveyed and 6 community meetings held.
- Successfully partnered with area grocery stores to transition to new e-WIC debit card system for more than 3,000 women, infants, and children in WIC program
- Trained 80 student athletes from area high schools in mentoring peers related to healthy living for Life of an Athlete Program.
- Provided leadership to the *Eau Claire Healthy Communities* Council for collaborative action in the areas of Chronic Disease Prevention, High-Risk Alcohol Use, Mental Health, Oral Health, and Domestic Violence.
- More than 200 community members participated in Eau Claire Healthy Communities celebration
- Area legislators and policy makers participated in annual legislative event focused on alcohol misuse
- Partnered with healthcare and Medical Reserve Corp to provide Question, Persuade, Refer (QPR) training to community residents to prevent suicide.
- Participated in EC County Meth Response Committee to respond to increasing meth related arrests
- Provided community leadership through incident command for ebola related activities

The Health Department and BOH continue to find ways to work efficiently and effectively but they also recognize challenges in meeting all population health needs because of fiscal constraints. The cost effectiveness of prevention is clear – many expensive treatment and care dollars are saved for every dollar spent for providing public health prevention services. Investing in prevention makes sense.

The Eau Claire City-County Board of Health and Health Department are honored to serve all people in the county to assure that they have a healthy place to live, work, play and learn.

PROCLAMATION

NATIONAL COUNTY GOVERNMENT MONTH - APRIL 2016
“Safe and Secure Counties”

WHEREAS, the nation’s 3,069 counties serving more than 300 million Americans provide essential services to create healthy, safe, vibrant and economically resilient communities; and

WHEREAS, Eau Claire County and all counties take pride in our responsibility to protect and enhance the health, well-being and safety of our residents in efficient and cost-effective ways; and

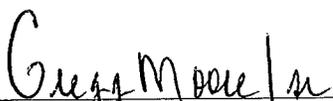
WHEREAS, through National Association of Counties (NACo) President Sallie Clark’s “Safe and Secure Counties” initiative, NACo is encouraging counties to focus on strengthening the safety and security of their communities; and

WHEREAS, in order to remain healthy, vibrant, safe, and economically competitive, America’s counties provide public health, justice, emergency management and economic services that play a key role in everything from residents’ daily health to disaster response; and

WHEREAS, each year since 1991 the National Association of Counties has encouraged counties across the country to actively promote programs and services to the public we serve; and

WHEREAS, Eau Claire County provides public health, justice, emergency management and economic services that play a key role in everything from residents’ daily health to disaster response ensuring a safe and secure community; and

NOW, THEREFORE, BE IT RESOLVED THAT I, Gregg Moore, Eau Claire County Board Chair, do hereby proclaim April 2016 as National County Government Month.



Gregg Moore, Chair
Eau Claire County Board of Supervisors

FACT SHEET

TO FILE NO. 15-16/150

The current cash on hand provision in county code limits cash on hand to \$3,000 a day with exceptions during certain time periods throughout the year, in which the cash on hand can be up to \$20,000. The cash on hand is used for over the counter and departmental petty cash needs. The county treasurer believes the \$3,000 restriction is too restrictive and impractical.

This ordinance establishes a maximum daily amount of cash on hand in the treasurer's office of \$20,000. The county treasurer would only retain the amount she feels is necessary to do business on any given day.

Fiscal Impact: None
Respectfully Submitted,



Keith R. Zehms
Corporation Counsel

KRZ/yk

Ordinance/15-16.150 Fact

1 Enrolled No.

ORDINANCE

File No. 15-16/150

2
3 - TO REPEAL AND RECREATE SECTION 4.40.010 OF THE CODE: CASH ON
4 HAND -

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

7
8 SECTION 1. That Section 4.40.010 of the code be repealed and recreated to
9 read:

10
11 4.40.010 Cash on Hand. The maximum amount of cash maintained in the county
12 treasurer's office shall not exceed \$20,000 in any one day after daily balancing.

13
14
15
16
17 ADOPTED:

18
19 _____
20 _____
21 _____
22 _____
23 _____
24 _____
25 _____
26 _____
27 _____

28 Committee on Finance & Budget

29 KRZ/yk

30
31
32 Dated this _____ day of _____, 2016.

33
34
35 ORDINANCE/15-16.150

APPROVED BY
CORPORATION COUNSEL
AS TO FORM

Reviewed by Finance Dept.
for Fiscal Impact

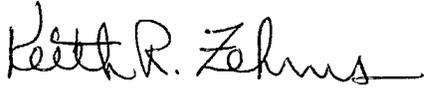
FACT SHEET

TO FILE NO. 15-16/156

This ordinance requires an annual report to the county board by the auditor the board has retained for review and acceptance by the board. The term “prior year audit results” encompasses all reports the auditor provides.

Fiscal Impact: None

Respectfully Submitted,

A handwritten signature in black ink that reads "Keith R. Zehms". The signature is written in a cursive style with a long horizontal stroke at the end.

Keith R. Zehms
Corporation Counsel

KRZ/alh

1 Enrolled No.

ORDINANCE

File No. 15-16/156

2
3 - TO CREATE SECTION 2.04.320 I. OF THE CODE: RULE 32—REPORTS TO
4 THE COUNTY BOARD -

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

7
8 SECTION 1. That Subsection I. of Section 2.04.320 of the code be created to
9 read:

10
11 I. The auditor retained by the county will annually present the prior year
12 audit results to the county board for review and acceptance.
13

14
15
16 ADOPTED:

17
18
19 I certify that the foregoing correctly represents the
20 action taken by the undersigned committee on
21 March 29, 2016 by a vote of 5 for, 0 against.
22

23
24 APPROVED BY
25 CORPORATION COUNSEL
26 AS TO FORM
27

28
29 Gregg Moore/alk
30 Gregg Moore, Chair
31 Committee on Administration

KRZ/yk

ORDINANCE/15-16/156

FACT SHEET
TO FILE NO. 15-16/135

This ordinance creates the Property Assessed Clean Energy program and outlines authority, loan approval, remittance of special charges, sale of foreclosed property, distribution of foreclosure proceeds, etc.

PACE (Property Assessed Clean Energy) is an innovative program that enables property owners to obtain low-cost, long-term loans for energy-efficiency and water conservation improvements. PACE loans help property owners overcome financial barriers that typically discourage investment in water conservation and energy efficiency retrofits to existing properties. Improvements financed using PACE can generate positive cash flow upon completion with no up-front, out-of-pocket costs to property owners. The PACE statute enables the county to impose a special charge on real property to secure loans made for energy efficiency, water conservation and renewable energy improvements.

There is no fiscal impact to the county.

Respectfully submitted,



Sharon Rasmusson
County Administrator's office

2
3 - TO CREATE CHAPTER 4.25 OF THE CODE: PROPERTY ASSESSED CLEAN
4 ENERGY FINANCING ORDINANCE -
5

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

8 CHAPTER 1. That Chapter 4.25 of the code is created to read:
9

10 Chapter 4.25
11

12 PROPERTY ASSESSED CLEAN ENERGY FINANCING
13

14
15
16 Chapters:
17

- 18
- 19 4.25.001 Purpose.
- 20 4.25.010 Definitions.
- 21 4.25.020 Statutory authority.
- 22 4.25.030 PACE loans as special charges; delinquent amounts as liens.
- 23 4.25.040 Wisconsin Pace Commission.
- 24 4.25.050 Loan approval.
- 25 4.25.060 Supplemental agreement.
- 26 4.25.070 Annual installments added to tax rolls.
- 27 4.25.080 Remittance special charges.
- 28 4.25.090 Property tax foreclosure procedures.
- 29 4.25.100 Sale of foreclosed property.
- 30 4.25.110 Distribution of foreclosure proceeds.
- 31 4.25.120 Ordinance electing to proceed under Wis. Stat. § 75.521, in relation to
32 enforcement of collection of tax liens.
33
34
35

36 4.25.001 Purpose. The County finds that renovations or additions to premises located in
37 the County made to improve energy efficiency, improve water efficiency, and/or use renewable
38 resource applications, increase property values, stimulate local economic activity, provide local
39 and global environmental benefits, and promote the general welfare of County residents. The
40 purpose of this Chapter is to facilitate loans arranged by property owners or lessees to make such
41 improvements by treating loan principal and interest, fees, and other charges as special charges
42 eligible for inclusion on the tax roll for these properties.
43

44 4.25.010 Definitions.

- 45 A. "Annual installment" means the portion of the PACE loan that is due and payable
46 for a particular year under the supplemental agreement.
- 47 B. "Borrower" means the property owner or lessee of the subject property that
48 borrows the proceeds of a PACE loan.

1 C. "Default loan balance" means the outstanding balance, whether or not due, of a
2 PACE loan at the time that the County receives foreclosure proceeds.

3 D. "Foreclosure proceeds" means the proceeds received by the County from the
4 disposition of a subject property through an in rem property tax foreclosure.

5 E. "Loan amount" means the principal, interest, administrative fees (including the
6 Program Administrator's fees) and other loan charges to be paid by the borrower under the
7 PACE loan.

8 F. "PACE" means the acronym for property assessed clean energy.

9 G. "PACE default provisions" means:

10 1. The delinquent annual installment(s) due when the County initiates the in
11 rem property tax foreclosure on the subject property;

12 2. Any additional annual installment(s) that become due between the time
13 that the County initiates in rem property tax foreclosure on the subject property and the date the
14 County receives the foreclosure proceeds;

15 3. Any default interest charges applied to unpaid annual installments
16 referenced in subs. (1) and (2) above, as provided in the supplemental agreement; and

17 4. Any default loan balance.

18 H. "PACE lender" means any person that makes a PACE loan, and which may
19 include an affiliate of the borrower.

20 I. "PACE loan" means a loan made by a PACE lender to a borrower under this
21 Chapter for energy efficiency improvements, water efficiency improvements, or renewable
22 resource applications made to or installed on a subject property.

23 J. "Person" means any individual, association, firm, corporation, partnership,
24 limited liability company, trust, joint venture or other legal entity, or a political subdivision as
25 defined in Wis. Stat. § 66.0627.

26 K. "Program Administrator" means the person retained by the Wisconsin PACE
27 Commission as provided in 4.25.040 B.

28 L. "Subject property" means any premises located in the County on which energy
29 efficiency improvements, water efficiency improvements, or renewable resource applications are
30 being or have been made and financed through an outstanding PACE loan.

31 M. "Supplemental agreement" means a written agreement among a borrower, a
32 PACE lender and the County, as provided for in 4.25.060.

33 N. "Wisconsin PACE Commission" means the Wisconsin PACE Commission to be
34 formed under Wis. Stat. § 66.0301, as amended, by the County and one or more other political
35 subdivisions as defined in Wis. Stat. § 66.0627, pursuant to a Joint Exercise of Powers
36 Agreement relating to the Wisconsin PACE Commission, as amended.

37
38 4.25.020 Statutory authority. This Chapter is enacted pursuant to Wis. Stat. § 66.0627, as
39 amended, which authorizes a county to make a loan or enter into an agreement regarding loan
40 repayments to a 3rd party for owner-arranged or lessee-arranged financing, to an owner or a
41 lessee of a premises located in the County for making or installing an energy efficiency
42 improvement, a water efficiency improvement or a renewable resource application to a premises.

43
44 4.25.030 PACE Loans as Special Charges; Delinquent Amounts as Liens. Any PACE
45 loan made and secured pursuant to this Section shall be considered a special charge on the
46 subject property. Any annual installment or portion of a PACE loan made and secured pursuant

1 to the Section that becomes delinquent according to the terms of the PACE loan shall be a lien
2 against the subject property and placed on the tax roll, as permitted pursuant to Wis. Stat. §
3 66.0627 as amended.

4
5 4.25.040 Wisconsin PACE Commission.

6 A. Any of the powers and duties of the County under this Chapter, except for those
7 under 4.25.080, may (but are not required to) be delegated to the Wisconsin PACE Commission.

8 B. The Wisconsin PACE Commission is further authorized to retain a Program
9 Administrator to act as its agent and administer the PACE program, subject to adherence with
10 PACE program requirements consistent with this Chapter and in Wis. Stat. § 66.0627, as
11 amended.

12
13 4.25.050 Loan approval.

14 A. A prospective borrower applying for a PACE loan shall comply with the loan
15 application process set forth in the program manual approved by the County.

16 B. The County shall approve the financing arrangements between a borrower and
17 PACE lender.

18
19 4.25.060 Supplemental agreement.

20 A. The County, the borrower and the PACE lender shall execute the supplemental
21 agreement which, without limitation:

22 1. Shall inform the participants that the PACE loan amount shall be imposed
23 as and considered a special charge, and each year's annual installment may be included on the
24 property tax roll of the subject property as a special charge and an annual installment that is
25 delinquent shall be a lien against the subject property pursuant to Wis. Stat. § 66.0627, as
26 amended;

27 2. Shall recite the amount and the term of the PACE loan;

28 3. Shall provide for the amount, or a method for determining the amount, of
29 the annual installment due each year;

30 4. Shall provide whether default interest may be applied to unpaid annual
31 installments;

32 5. Shall require the PACE lender and the borrower to comply with all
33 federal, state and local lending and disclosure requirements;

34 6. Shall provide for any fees payable to the County and/or Program
35 Administrator;

36 7. Shall recite that the supplemental agreement is a covenant that runs with
37 the land;

38 8. May provide for prepayments of annual installments by the borrower with
39 a resulting reduction in the special charge for the prepayment, subject to any prepayment
40 premium charged by the PACE lender, if any; and

41 9. May allow for amendment by the parties.

42 B. Prior to executing the supplemental agreement, the owner of the subject property,
43 if different from the borrower, and any existing mortgage holder(s) on the subject property must
44 have executed a separate writing acknowledging the borrower's use of PACE financing for the
45 subject property and the special charge that will be imposed under this Chapter and its
46 consequences, including the remedies for collecting the special charge.

47 C. Each PACE loan shall be amortized over the term of the PACE loan as provided
48 in the supplemental agreement.

49 D. The annual payments of a PACE loan may be payable in installments as

1 authorized by Wis. Stat. § 66.0627, as amended.

2
3 4.25.070 Annual installments added to tax rolls. Upon the request of the Program
4 Administrator the County shall place each year's annual installment on the tax roll for the subject
5 property as permitted pursuant to Wis. Stat. § 66.0627, as amended.

6
7 4.25.080 Remittance of special charges. The County shall promptly remit to the
8 Wisconsin PACE Commission any payment(s) for a special charge imposed under this Chapter,
9 including penalties, interest and charges thereon, it may receive from any taxing district or the
10 County treasurer pursuant to Wis. Stat. Ch. 74, as amended.

11
12 4.25.090 Property tax foreclosure procedures.

13 A. The County elects to utilize the provisions of Wis. Stat. § 75.521, as amended, for
14 the purpose of enforcing tax liens if a subject property owner fails to pay any special charges
15 imposed on the subject property under this Chapter as required.

16 B. The County shall begin an in rem property tax foreclosure proceeding on the
17 subject property at the earliest time allowed under Wisconsin Statutes, unless the County
18 determines that subject property is a "brownfield" (as defined in Wis. Stat. § 75.106, as
19 amended) or that in rem property tax foreclosure is not in the best interests of the County due to
20 the condition of the property or for other reasons.

21 C. If the County has determined that it will not commence an in rem property tax
22 foreclosure proceeding, then the PACE lender may request that the County, pursuant to Wis.
23 Stat. § 75.106, as amended, assign the County's right to take judgment against the subject
24 property, provided that the PACE lender and the County fully comply with all provisions of Wis.
25 Stat. § 75.106, as amended, concerning the subject property and the PACE lender agrees to pay
26 the amounts required by Wis. Stat. § 75.36(3)(a)1 and 1m, as amended.

27
28 4.25.100 Sale of foreclosed property. If the County prevails in an in rem property tax
29 foreclosure action against a subject property, the County shall diligently proceed to sell the
30 subject property pursuant to the procedures set forth in Wis. Stat. § 75.69, as amended.

31
32 4.25.110 Distribution of foreclosure proceeds. The County treasurer shall follow the
33 procedures set forth in Wis. Stat. § 75.36, as amended, to distribute the proceeds from the sale of
34 a subject property.

35
36 4.25.120 Ordinance electing to proceed under Wis. Stat. § 75.521, in relation to
37 enforcement of collection of tax liens. From and after January 1, 2017 the County elects to adopt
38 the provisions of Wis. Stat. § 75.521, as amended, for the purpose of enforcing tax liens in such
39 County in the cases where the procedure provided by such Chapter is applicable.
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ADOPTED:

Gregg Brown
Donald Wilkie
John Mungall
Colleen Bates
Kathleen Clark

Mark R. Cole
James ...
James ...
Rubin J. ...
Steve ...

Committee on Administration
Date: 3/8/16

Committee on Finance & Budget
Date: 3/9/2016

KRZ/yk

ORDINANCE/15-16.135

APPROVED BY
CORPORATION COUNSEL
AS TO FORM

Reviewed by Finance Dept.
for Fiscal Impact

Wisconsin PACE Commission Overview

What is Property Assessed Clean Energy (PACE)?

PACE, or property assessed clean energy, is an innovative program that enables property owners to obtain low-cost, long-term loans for energy-efficiency and water conservation improvements. PACE loans help property owners overcome financial barriers that typically discourage investment in water conservation and energy efficiency retrofits to existing properties. Improvements financed using PACE can generate positive cash flow upon completion with no up-front, out-of-pocket cost to property owners.

What is the legal authority for PACE in the State of Wisconsin?

PACE financings are authorized in the State of Wisconsin pursuant to Section 66.0627(8), (the "PACE Statute"). The PACE Statute enables "political subdivisions" (counties, cities, towns and villages) to impose a special charge on real property to secure loans made for energy efficiency, water conservation and renewable energy improvements.

What is the Wisconsin PACE Commission Joint Powers Agreement?

For an individual unit of government, creating a PACE program from the ground up can be time consuming and resource-intensive. Fortunately, local governments have available a more efficient option to collectively administer a single statewide PACE program in a more cost effective manner. Wisconsin counties and municipalities have the option to enter into a joint exercise of powers agreement under Wisconsin Statute § 66.0301 (the "JPA"), by which they agree to form a Wisconsin PACE Commission (the "PACE Commission"). County members agree to adopt a Model PACE Ordinance (discussed below), and to delegate to the PACE Commission the ability to impose PACE special charges according to a single, uniform statewide PACE program in the County members' jurisdiction. Municipal members (cities, villages, and towns) join the PACE Commission, participate in its governance, and agree to support the uniform statewide PACE program.

How does the Model PACE Ordinance work?

County members agree to adopt a Model PACE Ordinance as a condition of joining the PACE Commission. Among other powers, this ordinance authorizes the County to impose a PACE special charge, collect payments for the special charge in installments, place those installments on the tax roll at its discretion, and delegate that authority to the PACE Commission.

What powers are given to the Wisconsin PACE Commission?

Participating Counties and Municipalities will delegate to the PACE Commission the power to administer a PACE program in their jurisdictions, which will include creating PACE program guidelines, PACE Project qualification and general program oversight. County Members will delegate the additional powers to impose special charges as part of PACE Projects and collect the installments for the PACE Project loans. The statewide PACE program is then administered by a third party, Wisconsin nonprofit organization,

responsible for handling day-to-day PACE financing application reviews and approvals, as well as payment collections on behalf of the PACE Commission.

Overview of a County Member's Responsibilities as a Member of the Wisconsin PACE Commission

Can a County impose a PACE Special Charge on real property?

Yes, see above: **What is the legal authority for PACE in the State of Wisconsin?**

Who is the PACE Lender?

The PACE Statute authorizes two sources for financing PACE loans – third-party financing (including banks and other private lenders) and public financing by a political subdivision. There is private capital available for PACE Loans and it is anticipated that this will be the predominant source of financing. Local governments retain the option to make available public funds to fund PACE Loans for qualified PACE Projects, though this will not be a requirement for the Wisconsin PACE Commission.

Once a PACE Loan is closed who imposes the PACE Special Charge?

The PACE Program Administrator will approve PACE transactions pursuant to the Program Guidelines, which guidelines will be subject to approval by the Wisconsin PACE Commission board of directors. The Program Administrator will then record a Supplemental Loan Agreement with the register of deeds in which the subject real property sits. The Supplemental Loan Agreement is a contract between the PACE Commission, the PACE Lender and the Borrower that memorializes for the public record that there is a PACE Loan and Special Charge outstanding against the Borrower's real property, among other terms.

How is the annual installment of the PACE Special Charge calculated?

The annual installment of a PACE Loan is equal to the annual repayment obligation under the terms of the PACE Loan, which amount may include interest and other fees pursuant to a Loan Agreement between the PACE Lender and Borrower. The PACE Loan may have a loan term up to the useful life of the equipment and improvements being financed.

Where is the annual installment for the PACE Loan collected?

The PACE Statute provides for a "direct billing" system in which the PACE Lender may collect payments for the PACE Loan directly from the Borrower without involving the political subdivision that imposed the Special Charge. Following the close of a PACE Loan, the PACE Lender would certify to the Program Administrator the annual PACE installments that are due. The Program Administrator then works with a Servicer to bill for and collect the annual installment payments from the PACE Borrower. Upon each installment payment, the Program Administrator's Servicer would certify that payments have been made and remit the installment payments collected directly to the PACE Lender.

What happens if the PACE special charge is delinquent?

The PACE Statute establishes that a delinquent PACE Special Charge becomes a lien on the property, with same priority as a special assessment. Upon a default, the Servicer and PACE Lender would certify the amount of the delinquency to the Program Administrator, who would then work with the appropriate County and municipality to place the amount of the PACE Loan delinquency on the next available tax roll for collection pursuant to the existing Wisconsin statutory tax collection procedures in Wisconsin Statutes Chapters 74 and 75.

Does the County have to settle the Special Charge with the PACE Lender.

No. To participate in the program, PACE Lenders recognize that neither the Wisconsin PACE Commission nor its Members have an obligation to settle or reimburse PACE Special Charges to PACE Lenders.

Does the County have to settle delinquent PACE Special Charges to the municipality?

No. Since the source of funds for the PACE Loan secured by the Special Charge will be a private third-party, the County will have no basis to settle the PACE Special Charges with the municipality in which the encumbered property is located.

When is a Tax Certificate issued for a delinquent PACE Special Charge?

A Tax Certificate for a delinquent PACE Special Charge is issued at the same time that a Tax Certificate would be issued for any other delinquent property taxes. If there are multiple tax delinquencies that would be the subject of a Tax Certificate (which would likely be the case in the event of a PACE Special Charge delinquency), all delinquent amounts would be evidenced by the same Tax Certificate. The redemption period for a special charge Tax Certificate is the same two year redemption period for any other Tax Certificate.

What does the County have to do if the delinquent PACE Special Charge reaches a tax foreclosure?

If after the two year redemption period the Special Charge delinquency evidenced by the Tax Certificate is not paid, then the County would be responsible for instituting foreclosure proceedings on the tax certificate, except in the case of a "brownfield" or other concerns with the property leading the County to a good faith determination that it would not be in the County's best interest to foreclose.

What if the County determines that it will not bring a foreclosure on the property?

If the County does not bring a foreclosure action against the subject property, then the PACE Lender is authorized by the PACE Ordinance to bring a foreclosure on the PACE Special Charge in place of the County. To assume this authority, the PACE Lender must agree to comply with all of the statutory procedures for a tax foreclosure.

Why does the PACE Ordinance favor the In REM tax foreclosure process?

The *in rem* foreclosure procedure is an electable procedure pursuant to Wis. Stat. § 75.521. In addition to uniformity, the PACE Ordinance requires that the County utilize this procedure to foreclose upon a PACE Special Charge because of the statutory presumption Wis. Stat. § 75.521(12) gives to the validity of special charges (as well as all special assessments and taxes) and the liens thereof.

How does the County sell tax delinquent property?

The County follows the procedure for the sale of delinquent real estate as laid out in Wis. Stat. § 75.69

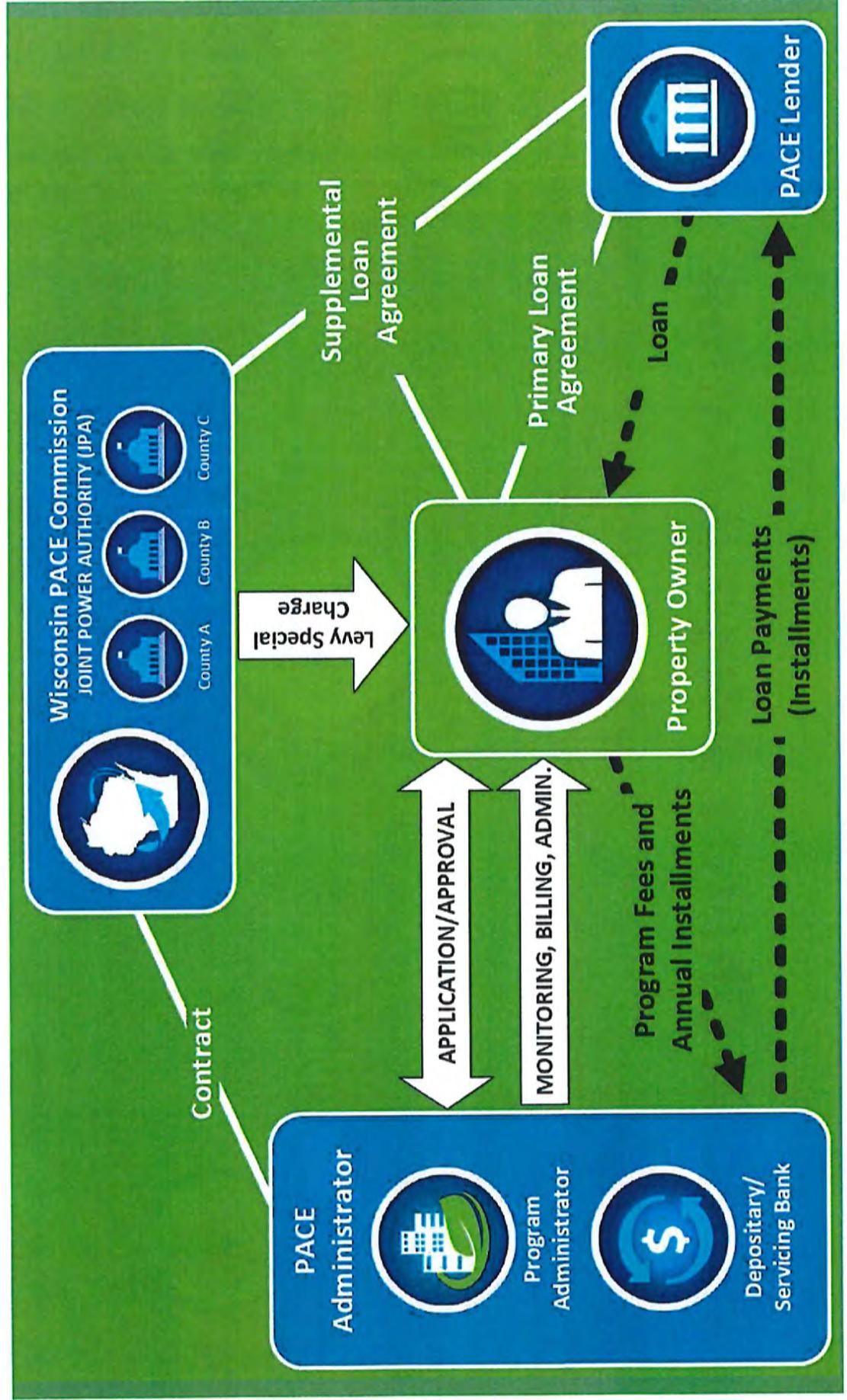
What is the priority of distribution of the proceeds of the sale of the real property from a tax foreclosure sale?

The County follows the procedure for the distribution of proceeds as laid out in Wis. Stat. § 75.36.

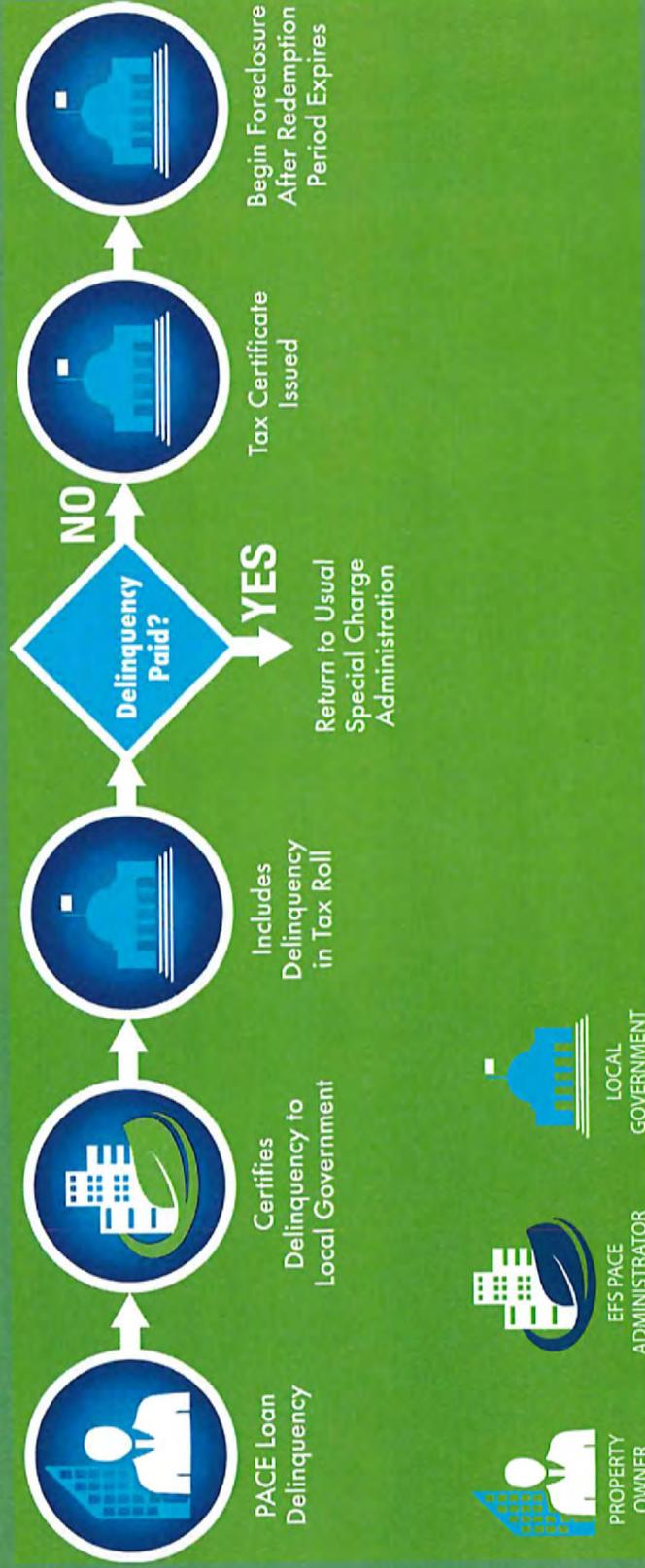
Following the County's tax foreclosure sale what happens to the outstanding balance of the PACE Loan?

The PACE Special Charge is foreclosed out. Therefore, the PACE Loan no longer encumbers the real property. The Supplemental Loan Agreement, however, may contain terms which require the County to pay over any surplus proceeds from a foreclosure sale to the PACE Lender, up to the deficiency balance of the PACE Loan.

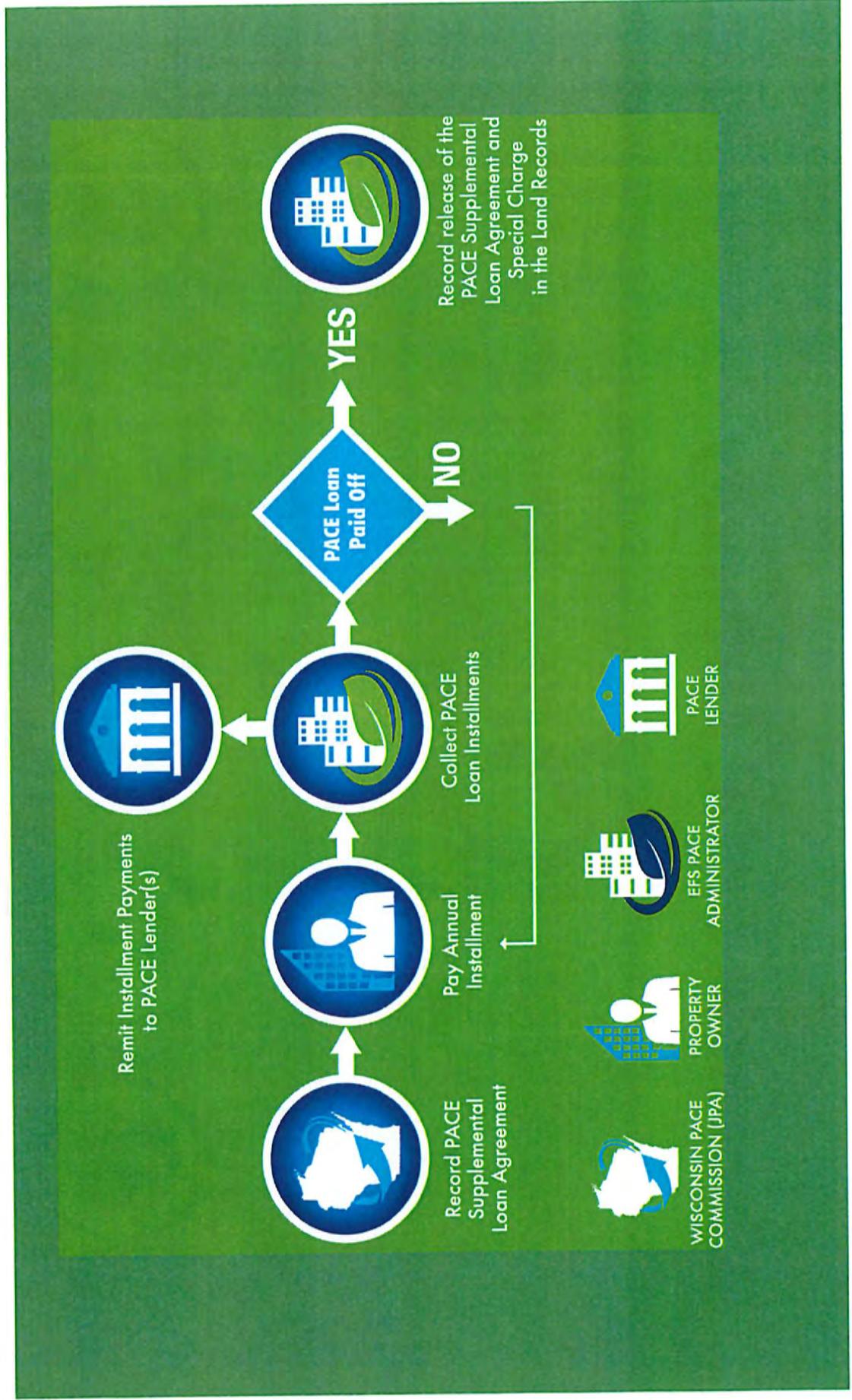
Wisconsin PACE Authority



PACE Loan Delinquency, Collection and Foreclosure Process



Special Charge Administration



FACT SHEET
TO FILE NO. 15-16/136

This resolution is partnered with the ordinance which creates the Property Assessed Clean Energy Ordinance. The resolution authorizes appointment of an elected official to the PACE (Property Assessed Clean Energy) Commission which is responsible for creating by-laws and providing governance to the PACE program.

PACE (Property Assessed Clean Energy) is an innovative program that enables property owners to obtain low-cost, long-term loans for energy-efficiency and water conservation improvements. PACE loans help property owners overcome financial barriers that typically discourage investment in water conservation and energy efficiency retrofits to existing properties. Improvements financed using PACE can generate positive cash flow upon completion with no up-front, out-of-pocket costs to property owners. The PACE statute enables the county to impose a special charge on real property to secure loans made for energy efficiency, water conservation and renewable energy improvements.

There is minimal to no fiscal impact to the county.

Respectfully submitted,



Sharon Rasmusson
County Administrator's office

4 **- APPROVING THE ATTACHED PACE COMMISSION AGREEMENT:**
5 **AUTHORIZING THE COUNTY BOARD CHAIR TO DESIGNATE A SUPERVISOR**
6 **AS "REPRESENTATIVE DIRECTOR" OF THE PACE COMMISSION**
7 **BOARD OF DIRECTORS-**

8 **WHEREAS**, pursuant to Wis. Stat. § 66.0301, two or more municipalities of the State of
9 Wisconsin, may by contract create a commission for the joint exercise of any power or duty required
10 or authorized by law; and

11 **WHEREAS**, Eau Claire County is a "municipality" as that term is defined in Wis. Stat. §
12 66.0301 and a political subdivision located in the State; and

13 **WHEREAS**, Eau Claire County is empowered by law to promote economic, cultural and
14 community development, including, without limitation, the promotion of opportunities for the creation or
15 retention of employment, the stimulation of economic activity, the increase of the tax base, and the
16 promotion of opportunities for education, cultural improvement and public health, safety and general
17 welfare, which may be accomplished by various means; and

18 **WHEREAS**, Wis. Stat. § 66.0627(8) authorizes a city, a village, a town and a county in this
19 State to, among other things, make a loan to or otherwise arrange, participate in or facilitate the financing
20 of an energy improvement, a water efficiency improvement or a renewable resource application to a real
21 property within its jurisdiction and to provide for such financing through the imposition of a special
22 charge against the property benefitted by the energy or water efficiency improvement or renewable
23 resource project; and

24 **WHEREAS**, such financings are commonly referred to as "Property Assessed Clean Energy"
25 or "PACE" financings and

26 **WHEREAS**, Eau Claire County has determined that it is in the public interest to provide
27 real property owners, lessees, lenders and other transaction parties in Eau Claire County with access
28 to a uniformly-administered program for PACE financing; and

29 **WHEREAS**, Eau Claire County and other counties, with the support and counsel of the
30 Wisconsin Counties Association, League of Wisconsin Municipalities, Green Tier Legacy
31 Communities and other stakeholders, have studied the possibility of creating a commission pursuant
32 to Wis. Stat. § 66.0301 to be known as the Wisconsin PACE Commission ("Commission"); and

33 **WHEREAS**, the Wisconsin PACE Commission would be formed and operated in
34 accordance with a Joint Exercise of Powers Agreement Relating to Wisconsin PACE Commission
35 ("Commission Agreement") of which a substantially final draft is attached to this Resolution; and

36 **WHEREAS**, it is in Eau Claire County's best interests to join the Wisconsin PACE
37 Commission and authorize the execution of the Commission Agreement; and

1 **WHEREAS**, in accordance with Wis. Stat. § 66.0627 and the provisions of the Commission
2 Agreement, Eau Claire County must adopt an Ordinance relating to the administration of PACE
3 financings in Eau Claire County and throughout the State (“PACE Ordinance”); and

4 **WHEREAS**, attached to this Resolution is proposed Ordinance No. 15-16/135, which will be
5 considered at the same meeting at which this Resolution is being considered (“PACE Ordinance”);
6 and

7 **WHEREAS**, adoption of the PACE Ordinance is a necessary condition to Eau Claire County
8 entering into the Commission Agreement; and

9
10 **WHEREAS**, it is the intent of this Resolution to authorize Eau Claire County to become a
11 member of the Commission and authorize a duly-appointed representative of Eau Claire County to
12 finalize and execute the final Commission Agreement in substantially the form of the draft
13 Commission Agreement attached to this Resolution;

14 **SO, NOW, THEREFORE, BE IT RESOLVED** that the Eau Claire County Board of
15 Supervisors hereby approves the draft Commission Agreement, a copy of which is attached to this
16 Resolution, and authorizes and directs the Eau Claire County Board Chair to sign such document
17 after receipt of preliminary approval from the other participating municipalities, approval from the
18 Eau Claire County official duly-appointed to approve the final form of the Commission Agreement
19 and approval of the Eau Claire County Corporation Counsel; and

20
21 **BE IT FURTHER RESOLVED** that the Chair of the Eau Claire County Board of
22 Supervisors is hereby directed to appoint a board supervisor to act as Eau Claire County’s official
23 representative in relation to the final approval of the form of the Commission Agreement and to
24 otherwise take all action necessary to effectuate the intent of this Resolution; and

25
26 **BE IT FURTHER RESOLVED** that Eau Claire is designated as the Eau Claire County
27 “Representative Director” of the Board of Directors of the Commission in accordance with the
28 Commission Agreement, he or she to serve at the pleasure of the Eau Claire County Board of
29 Supervisors.

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35 **APPROVED BY**
36 **CORPORATION COUNSEL**
37 **AS TO FORM**

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39
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41
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Committee on Administration

Gregg Snow

Kathleen Clark

Colleen Bates

Donald Gilkie

John Thompson

Committee on Administration

KRZ/yk

Dated this 8 day of Eau Claire March 2016.

ORDINANC/15-16/136
Reviewed by Finance Dept.
for Fiscal Impact

JOINT EXERCISE OF POWERS AGREEMENT

relating to

WISCONSIN PACE COMMISSION

a Joint Powers Commission under Section 66.0301 of the Wisconsin Statutes

THIS AGREEMENT (*“Agreement”*), dated as of _____, 2016 among the parties hereto (all such parties, except those which have withdrawn as provided herein, being referred to as the *“Members”* and those parties initially executing this Agreement being referred to as the *“Initial Members”*):

WITNESSETH

WHEREAS, pursuant to Section 66.0301 of the Wisconsin Statutes (as in effect as of the date hereof and as the same may from time to time be amended or supplemented, the *“Joint Powers Law”*), two or more municipalities of the State of Wisconsin (the *“State”*), may by contract create a commission for the joint exercise of any power or duty required or authorized by law; and

WHEREAS, each of the Members is a *“municipality”* as that term is defined in the Joint Powers Law and a political subdivision located in the State; and

WHEREAS, each of the Members is empowered by law to promote economic, cultural and community development, including, without limitation, the promotion of opportunities for the creation or retention of employment, the stimulation of economic activity, the increase of the tax base, and the promotion of opportunities for education, cultural improvement and public health, safety and general welfare, which may be accomplished by various means; and

WHEREAS, Section 66.0627(8) of the Wisconsin Statutes (as the same may from time to time be amended or supplemented, the *“PACE Statute”*) authorizes a city, a village, a town (a *“Municipality”*) or a county (a *“County”*) in this State to, among other things, make a loan to or otherwise arrange, participate in or facilitate the financing of an energy improvement, a water efficiency improvement or a renewable resource application to a real property within its jurisdiction and to provide for such financing through the imposition of a special charge against the property benefitted by the energy or water efficiency improvement or renewable resource project; and

WHEREAS, such financings are commonly referred to as *“Property Assessed Clean Energy”* or *“PACE”* financings; and

WHEREAS, the Members have determined that it is in the public interest to provide real property owners, lessees, lenders and other transaction parties (collectively, *“Participants”*) in their respective jurisdictions with access to a uniformly-administered program for PACE financing; and

WHEREAS, each Member has authorized entering into this Agreement by its governing body.

NOW, THEREFORE, the Members, for and in consideration of the mutual promises and agreements herein contained, do agree as follows:

Section 1. Creation. Pursuant to the Joint Powers Law, there is hereby created a commission to be known as the "**Wisconsin PACE Commission**" (the "*Commission*").

Section 2. Purpose. This Agreement is a contract entered into pursuant to the provisions of the Joint Powers Law. The purpose of this Agreement is to establish a joint powers commission for the joint exercise of any power or duty of the Members under applicable law. In particular, the purpose of the Commission is to adopt, implement and administer a uniform program for the qualification for, and approval, granting, administration and collection of, PACE loans (the "*PACE Program*"). Such purposes shall be accomplished in the manner provided in this Agreement.

Section 3. Effectiveness; Term. This Agreement shall become effective and be in full force and effect and a legal, valid and binding agreement of each of the Members on the date that the Board shall have received from at least two of the Initial Members an executed counterpart of this Agreement, together with a certified copy of a resolution of the governing body of each such Initial Member approving this Agreement and the execution and delivery hereof. This Agreement shall continue in full force and effect until such time as it is terminated by written instrument executed by all of the Members.

Section 4. Powers. The Commission shall have the power, in its own name, to exercise any powers or duties of the Members required or authorized by law and to exercise all additional powers given to a joint powers commission under any law, including, but not limited to, the Joint Powers Law, for any purpose authorized under this Agreement. Such powers shall include the power to make loans or otherwise arrange, participate in or facilitate the financing of energy or water efficiency improvement projects or renewable resource applications as provided in the PACE Statute including, without limitation, the exercise of the power and authority, without further action by the Member, to impose special charges pursuant to the PACE Statute on real property within the Members' jurisdictions. The Commission is hereby authorized to do all acts necessary or convenient for the exercise of such power and authority, including, but not limited to, any or all of the following: (i) to make and enter into contracts; (ii) to employ agents and employees; (iii) to acquire, construct, provide for maintenance and operation of, or maintain and operate, any buildings, works, improvements, equipment or furnishings; (iv) to acquire, hold or dispose of property wherever located; (v) to incur debts, liabilities or obligations; (vi) to receive gifts, contributions and donations of property, funds, services, and other forms of assistance from persons, firms, corporations or any governmental entity; (vii) to sue and be sued in its own name; (viii) to make grants to governmental and nonprofit organizations to accomplish any of its purposes; (ix) to establish and collect fees; and (x) generally to do any and all things necessary or convenient to accomplish its purposes.

Section 5. Contractors and Subcontractors. The Commission may enter into a contract with a third-party contractor for the provision of services related to the PACE Program. Such contractor shall be a nonstock corporation organized under Ch. 181 of the Wisconsin Statutes with its principal place of business located in the State of Wisconsin. The participant fee schedule established by the Board (as defined below) shall make provision for reasonable compensation and payment of the expenses of such contractor as may be set forth in the contract. A contractor may subcontract for any of its services to the extent permitted by the contract. The Board is also authorized to hire counsel or other consultants or advisers as it deems necessary in carrying out his functions.

Section 6. Members' Obligations. Each Member by its execution hereof acknowledges and agrees that it shall do all things necessary and appropriate in respect of the collection of special charges (or installments thereof), the certification of special charges on the tax rolls, the remittance of special charges collected as directed by the Commission and otherwise as such Member would perform in connection with special charges imposed by it on real property within its jurisdiction; and further shall cooperate with the Commission in respect of the enforcement of the liens of special charges on such properties.

Section 7. Governance; Administration

(a) Board of Directors. The Commission shall be governed by a Board of Directors (the "*Board*"). The Board shall oversee all functions of the Commission under this Agreement and, as such, shall be vested with the powers set forth herein, shall administer this Agreement in accordance with the purposes and functions provided herein and shall otherwise exercise all powers set forth in the Joint Powers Law on the Commission's behalf.

(b) Classes of Directors. The Board shall be divided into two classes known as the "*Representative Director Class*" and the "*Nominee Director Class*" consisting of the number of members (each a "*Director*") serving for the terms as provided in this Section 7. In this Agreement, the term "*Board*" shall mean the entire Board (comprising all Representative Directors and Nominee Directors) and the term "*Director*" shall be used to refer generally to either a Representative Director or a Nominee Director).

(1) *Representative Directors.* The number of Representative Directors shall correspond to the number of Members of the Commission from time to time. Each Member of the Commission shall designate, by name or *ex officio*, one public official to serve as its representative on the Board. The term "public official" means an individual who holds a local public office, as that term is defined in Section 19.42(7w) of the Wisconsin Statutes, for the Member of the Commission designating him or her as its Representative Director. Each Representative Director shall serve at the pleasure of the Member designating him or her to such position; *provided*, that a Representative Director shall be deemed to have resigned upon withdrawal from the Commission of the Member designating him or her to such position. A majority of the Directors shall at all times be Representative Directors ex-

cept that such requirement shall not apply until the Commission has at least four (4) Members.

(2) *Nominee Directors.*

(i) The number of Nominee Directors shall initially be three (3), nominated one each by the Wisconsin Counties Association, the League of Wisconsin Municipalities and the Green Tier Legacy Communities (the "*Supporting Organizations*"). Thereafter, so as to insure that at all times Representative Directors comprise a majority of the Board, at such time as the Commission has at least seven (7) Members, the number of Nominee Directors shall be increased to six (6) and at such time as the Commission has at least ten (10) Members, the number of Nominee Directors shall be increased to nine (9), in each case with the additional directors nominated by the Sponsoring Organizations as provided above.

(ii) Nominee Directors may but need not be public officials.

(iii) Each Nominee Director shall serve for an initial term expiring at the first annual Board meeting held after December 31, 2016. The successors to such Nominee Directors shall be selected by majority vote of the entire Board consistent with a nomination process to be established by the Board. Thereafter, Nominee Directors shall serve staggered three (3) year terms expiring at the Annual Board Meeting in every third year or until their respective successors are appointed. Any appointment to fill an unexpired term, however, shall be for the remainder of such unexpired term. The term of office specified herein shall be applicable unless the term of office of a Nominee Director is terminated as hereinafter provided, and provided that the term of any Nominee Director shall not expire until a successor thereto has been appointed as provided herein.

(iv) The number of Nominee Directors may be increased or decreased by resolution adopted by the Board from time to time, *provided*, that any decrease in the number of Nominee Directors shall not decrease the term of any current director at the time of such decrease.

(v) A Nominee Director may be removed and replaced at any time by a majority vote of the Board.

(3) *Executive Committee.* The Board shall by resolution create an Executive Committee which shall be charged with carrying out the supervisory functions of the Board in such manner as the Board so directs. A majority of the members of the Executive Committee shall be Representative Directors.

(4) *Expenses.* Directors shall be entitled to reimbursement for any actual and necessary expenses incurred in connection with serving as a Director, if the Board shall determine that such expenses shall be reimbursed and there are unencumbered funds available for such purpose. The Board may establish a per diem and/or expense reimbursement policy by resolution.

(c) Meetings of the Board.

(1) *Meetings Generally.* All meetings of the Board, including, without limitation, regular, adjourned regular, special, and adjourned special meetings shall be called, noticed, held and conducted in accordance with the provisions of the Wisconsin Open Meetings Law, Wis. Stat. § 19.81 *et seq.* (the "*Open Meetings Law*"). To the extent permitted by the Open Meetings Law, Board meetings may be held by telephone conference or other remote access technology as approved by the Board. A director shall be "present" at any regular or special meeting if he or she participates in person or telephone conference or other remote access technology as approved by the Board.

(2) *Proxy Voting.* Directors may not vote by proxy.

(3) *Regular Meetings.* The Board shall from time to time establish a schedule for its regular meetings; *provided, however,* it shall hold at least one regular meeting each year. The date, hour and place of the holding of regular meetings shall be fixed by resolution of the Board.

(4) *Special Meetings.* Special meetings of the Board may be called in accordance with the provisions of the Open Meetings Law. The date, hour and place of the holding of special meetings shall be fixed by resolution of the Board.

(5) *Minutes.* The Secretary of the Commission shall cause to be kept minutes of the regular, adjourned regular, special, and adjourned special meetings of the Board and shall, as soon as possible after each meeting, cause a copy of the minutes to be forwarded to each Director.

(6) *Quorum and Voting, Generally.* Except as provided in Sub. 6, below: (i) a majority of the Directors shall constitute a quorum for the transaction of business; (ii) Representative Directors and Nominee Directors shall vote as a single class on all matters to come to a vote of the Board; and (iii) no action may be taken by the Board except upon the affirmative vote of a majority of the Directors present (or, with respect to any matter, such greater number as may be provided by the By-Laws or resolution of the Board), except that less than a quorum may adjourn a meeting to another time and place.

(7) *Special Quorum and Voting Requirements.* With respect to any vote to approve the imposition of a special charge on real property pursuant to the PACE Statute, the following shall apply:

(i) A quorum with respect to such vote shall exist only if (A) a majority of the Directors are present, and (B) a majority of the Directors who are present are Representative Directors.

(ii) No imposition of a special charge on real property shall be approved except upon the affirmative vote of (A) a majority of the Directors present and (B) a majority of the Representative Directors present.

(d) Officers; Duties; Official Bonds. The officers of the Commission shall be the Chair, Vice-Chair, Secretary and Treasurer, such officers to be elected by the Board from among the Directors, each to serve until such officer is re-elected or a successor to such office is elected by the Board. Each officer shall have the following general duties and responsibilities in addition to any further specific duties and responsibilities set forth herein, in the By-Laws or by resolution of the Board.

(1) The Chair shall be the chief executive officer of the Commission and shall be responsible for the calling of, and shall preside at, meetings of the Board.

(2) The Vice-Chair shall exercise the duties and functions of the Chair in the Chair's absence.

(3) The Secretary shall cause to be kept minutes of the regular, adjourned regular, special, and adjourned special meetings of the Board and shall, as soon as possible after each meeting, cause a copy of the minutes to be forwarded to each Director.

(4) The Treasurer shall be the depository of the Commission to have custody of all money of the Commission, from whatever source derived and shall have the powers, duties and responsibilities specified in by-laws or by resolution, and is designated as the public officer or person who has charge of, handles, or has access to any property of the Commission.

(e) Committees; Officers and Employees. The Board shall have the power to appoint such other committees, officers and employees as it may deem necessary.

(f) Delegation of Authority. The Board shall have the power, by resolution, to the extent permitted by the Joint Powers Law or any other applicable law, to delegate any of its functions to one or more of the Directors or officers, employees, administrators or agents of the Commission (including, without limitation, the contactor and any counsel or consultant hired or appointed pursuant to Section 5) and to cause any of said Directors, officers, employees or agents to take any actions and execute any documents or instruments for and in the name and on behalf of the Board or the Commission.

(g) By-Laws. The Commission may adopt, from time to time, by resolution of the Board such by-laws for the conduct of its meetings and affairs as the Board may determine to be necessary or convenient.

Section 8. Fiscal Year. The Commission's fiscal year shall be the period from January 1 to and including the following December 31, except for the first fiscal year which shall be the period from the date of this Agreement to December 31, 2016.

Section 9. Disposition of Assets. At the end of the term hereof or upon the earlier termination of this Agreement as set forth in Section 3, after payment of all expenses and liabilities of the Commission and provision for the continuing administration of all PACE financings that have been completed and are outstanding at the time of such termination, all property of the Commission both real and personal shall automatically vest in the Members in the manner and amount determined by the Board in its sole discretion and shall thereafter remain the sole property of the Members; *provided, however*, that any surplus money on hand shall be returned in proportion to any contributions made by the Members and not previously repaid.

Section 10. Accounts and Reports; Audits. All funds of the Commission shall be strictly accounted for. The Commission shall establish and maintain such funds and accounts as may be required by good accounting practice. The books and records of the Commission shall be open to inspection at all times by each Member. The Treasurer of the Commission shall cause an annual audit to be made of the books of accounts and financial records of the Commission by a certified public accountant or public accountant. Any costs of the audit, including contracts with, or employment of, certified public accountants or public accountants in making an audit pursuant to this Section 10, shall be borne by the Commission and shall be a charge against any unencumbered funds of the Commission available for that purpose.

Section 11. Funds. The Treasurer shall receive, have the custody of and disburse Commission funds pursuant to the accounting procedures developed under Section 10, and shall make the disbursements required by this Agreement or otherwise necessary to carry out any of the provisions of purposes of this Agreement.

Section 12. Notices. Notices and other communications hereunder to the Members shall be sufficient if delivered to the clerk of the governing body of each Member.

Section 13. Additional Members; Withdrawal of Members.

(a) Counties. Any County in this State may be added as a party to this Agreement and become a Member upon: (i) the filing by such County with the Commission an executed counterpart of this Agreement, together with a certified copy of the resolution of the governing body of such County approving this Agreement and the execution and delivery hereof; (ii) adoption by the County of the Model PACE Ordinance in accordance with Section 14(a) hereof and a certified copy of the resolution adopting same; and (iii) adoption of a resolution of the Board approving the addition of such County as a Member. Upon satisfaction

of such conditions, the Board shall file such executed counterpart of this Agreement as an amendment hereto, effective upon such filing.

(b) Municipalities. Any Municipality in this State may be added as a party to this Agreement and become a Member upon: (i) the filing by such Municipality with the Commission an executed counterpart of this Agreement, together with a certified copy of the resolution of the governing body of such Municipality approving this Agreement and the execution and delivery hereof; and (ii) adoption of a resolution of the Board approving the addition of such Municipality as a Member. Upon satisfaction of such conditions, the Board shall file such executed counterpart of this Agreement as an amendment hereto, effective upon such filing.

(c) Withdrawal. A Member may withdraw from this Agreement upon written notice to the Board; *provided, however*, that no such withdrawal shall reduce the number of Members to fewer than two (2). Any such withdrawal shall be effective only upon receipt of the notice of withdrawal by the Secretary which shall acknowledge receipt of such notice of withdrawal in writing and shall file such notice as an amendment to this Agreement effective upon such filing. Withdrawal by a Member shall not affect any outstanding PACE loans within such Member's jurisdiction or the Member's obligations, if any, with respect to the certification, collection and remittance of special charges in accordance with the PACE Program, nor shall withdrawal entitle any former Member to impose a tax, fee or charge prohibited to the remaining Members under Section 17.

Section 14. Model PACE Ordinance for County Members.

(a) As a condition to membership in the Commission, each County Member shall have adopted an ordinance (the "Model PACE Ordinance") in substantially the form, and substantively to the effect, set forth in EXHIBIT A to this Agreement.

(b) As a condition to continued membership in the Commission, a County Member shall not have repealed its Model PACE Ordinance or amended its Model PACE Ordinance unless such amendment has been submitted to and approved by the Board (a "Conforming Amendment") prior to its adoption. The Board shall not unreasonably withhold approval of such an amendment but shall not approve any amendment to a County Member's Model PACE Ordinance that, in the opinion of the Board, would frustrate or unreasonably interfere with the uniform application and administration of the PACE Program. Approvals or non-approvals by the Board shall be final and conclusive.

(c) The repeal of or adoption of an amendment (other than a Conforming Amendment) to a County Member's Model PACE Ordinance shall be deemed to be a voluntary withdrawal by such County Member with the effects set forth in Section 13(c).

Section 15. Indemnification. To the fullest extent permitted by law, the Board shall cause the Commission to indemnify any person who is or was a Director or an officer, employee of other agent of the Commission, and who was or is a party or is threatened to be

made a party to a proceeding by reason of the fact that such person is or was such a Director or an officer, employee or other agent of the Commission, against expenses, including attorneys' fees, judgments, fines, settlements and other amounts actually and reasonably incurred in connection with such proceeding, if such person acted in good faith in a manner such person reasonably believed to be in the best interests of the Commission and, in the case of a criminal proceeding, had no reasonable cause to believe the conduct of such person was unlawful and, in the case of an action by or in the right of the Commission, acted with such care, including reasonable inquiry, as an ordinarily prudent person in a like position would use under similar circumstances. The Board may purchase a policy or policies of insurance in furtherance of any indemnification obligation created.

Section 16. Contributions and Advances. Contributions or advances of public funds and of the use of personnel, equipment or property may be made to the Commission by Members for any of the purposes of this Agreement. Payment of public funds may be made to defray the cost of any such contribution or advance. Any such advance may be made subject to repayment, and in such case shall be repaid, in the manner agreed upon by the Commission and the Member making such advance at the time of such advance. It is mutually understood and agreed to that no Member has any obligation to make advances or contributions to the Commission to provide for the costs and expenses of administration of the Commission or otherwise, even though any Member may do so.

Section 17. Prohibition on Charges. No Member may impose upon or demand or collect from any Participant any tax, fee, charge or other remuneration as a condition to a Participant's obtaining PACE financing through, or with the assistance of the Commission, except that Members may be permitted to do so pursuant to a uniform participant fee schedule established from time to time by the Board as part of the PACE Program.

Section 18. Immunities. To the fullest extent permitted by law, all of the privileges and immunities from liabilities, exemptions from laws, ordinances and rules, and other benefits which apply to the activity of officers, agents or employees of Members when performing their respective functions, shall apply to the same degree and extent to the Directors, officers, employees, agents or other representatives of the Commission while engaged in the performance of any of their functions or duties under this Agreement.

Section 19. Amendments.

(a) Amendments to the Agreement may be proposed by the Board or by any two Members. Except as provided in Section 13 and in Subsection (c), below, this Agreement shall not be amended, modified, or altered, without the affirmative approval of the Board and the affirmative written consent of each of the Members; *provided*, that if the number of Members exceeds ten (10) in number, this Agreement may also be amended with the affirmative approval of the Board and negative consent of each Member. To obtain the negative consent of the Members, the following procedure shall be followed: (i) the Commission shall provide each Member with a notice at least sixty (60) days prior to the date such proposed

amendment is to become effective explaining the nature of such proposed amendment and this negative consent procedure; (ii) the Commission shall provide each Member who did not respond a reminder notice at least thirty (30) days prior to the date such proposed amendment is to become effective; and (iii) if no Member objects to the proposed amendment in writing within sixty (60) days after the initial notice, the proposed amendment shall become effective with respect to all Members. No amendment may impose a direct financial obligation on any Member without that Member's affirmative written consent.

(b) The Board may, without the consent of the Members, amend this Agreement if, in its reasonable opinion and upon the advice of counsel, if deemed appropriate, upon which advice the Board may rely, such amendment is technical or clarifying in nature and does not substantively affect the rights and responsibilities of the Members. Notice of such amendment shall be provided to the Members at least twenty (20) but not more than sixty (60) days prior to the date such proposed amendment is to become effective explaining the nature of such proposed amendment and, upon the written request of any two (2) Members, the Board shall submit the proposed amendment for ratification by the Members in accordance with the procedure otherwise set forth in this Section 19.

Section 20. Partial Invalidity. If any one or more of the terms, provisions, promises, covenants or conditions of this Agreement shall to any extent be adjudged invalid, unenforceable, void or voidable for any reason whatsoever by a court of competent jurisdiction, each and all of the remaining terms, provisions, promises, covenants and conditions of this Agreement shall not be affected thereby, and shall be valid and enforceable to the fullest extent permitted by law.

Section 21. Successors. This Agreement shall be binding upon and shall inure to the benefit of the successors of the parties hereto. Except to the extent expressly provided herein, no Member may assign any right or obligation hereunder without the consent of the other Members.

Section 22. Miscellaneous.

(a) This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

(b) The Section headings herein are for convenience only and are not to be construed as modifying or governing the language in the Section referred to.

(c) Wherever in this Agreement any consent or approval is required, the same shall not be unreasonably withheld.

(d) This Agreement shall be governed under the laws of the State of Wisconsin.

(e) Any future amendments to the Joint Powers Laws shall be automatically incorporated into the terms of this Agreement and any terms of this Agreement inconsistent with future amendments to the Joint Exercise of Powers Laws shall, only to the extent necessary, be reformed in a manner consistent with the amendments.

(f) This Agreement is the complete and exclusive statement of the agreement among the Members, which supersedes and merges all prior proposals, understandings, and other agreements, whether oral, written, or implied in conduct, between and among the Members relating to the subject matter of this Agreement.

[SIGNATURES ON FOLLOWING PAGE]

DRAFT

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and attested by their duly authorized representatives as of the day and year first above written.

On behalf of _____ COUNTY / CITY / VILLAGE / TOWN: By: _____ Its: _____	On behalf of _____ COUNTY / CITY / VILLAGE / TOWN: By: _____ Its: _____
On behalf of _____ COUNTY / CITY / VILLAGE / TOWN: By: _____ Its: _____	On behalf of _____ COUNTY / CITY / VILLAGE / TOWN: By: _____ Its: _____
On behalf of _____ COUNTY / CITY / VILLAGE / TOWN: By: _____ Its: _____	On behalf of _____ COUNTY / CITY / VILLAGE / TOWN: By: _____ Its: _____

Joint Exercise of Powers Agreement
relating to
WISCONSIN PACE COMMISSION

EXHIBIT A
Model Pace Ordinance

DRAFT

FACT SHEET

TO FILE NO. 15-16/083

The county code requires that all matters referred and not acted on by the end of a county board session year are to be placed on file unless the board orders them to be carried over. There are two matters previously referred or introduced, 15-16/125 and amendment number 1 which requests the Wisconsin legislature to start the process of amending the Wisconsin Constitution to provide counties the option of electing or appointing the county treasurer and 15-16/154 which supports a change in state law to make county civilian correctional officers protective status under the Wisconsin Retirement System. Also, additional items that will be referred or introduced for first reading at the April 6, 2016 county board meeting will also be carried over to the 2016-2017 legislative session.

Respectfully submitted,



Keith R. Zehms
Corporation Counsel

KRZ/yk

Ordinance/15-16.083 Fact

1 Enrolled No.

2 RESOLUTION

3 File No. 15-16/083

4 - AUTHORIZING LEGISLATION IN MATTERS REFERRED TO BE CARRIED OVER
5 TO THE NEXT LEGISLATIVE SESSION -

6 WHEREAS, Section 2.04.160 E. of the code provides that all matters referred to committee
7 and not acted on by the end of the session year shall be placed on file unless ordered by the board.

8
9 NOW THEREFORE, BE IT RESOLVED by the Eau Claire County Board of Supervisors
10 that the following matters previously referred or introduced be carried over to the 2016-2017
11 legislative session:

12 15-16/125 and Amendment No. 1
13 15-16/154

14
15
16 BE IT FURTHER RESOLVED that all calendar items referred or introduced for first reading
17 at the April 6, 2016 county board meeting shall be carried over to the 2016-2017 legislative session.

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19 OFFERED BY:

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32 Committee on Administration

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34 Dated this _____ day of _____, 2016.

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37 KRZ/yk

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40 APPROVED BY
41 CORPORATION COUNSEL
42 AS TO FORM
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FACT SHEET

TO FILE NO. 15-16/148

The records retention/disposition authorization schedules for the district attorney have been updated on a regular basis by the Public Records Board, most recently in December 2015. When this happens, the records retention language in the county code becomes outdated. This ordinance will mean changes approved by the Public Records Board will automatically be implemented, as coordinated between the district attorney's office and the records center.

Fiscal Impact: No fiscal impact.

Respectfully Submitted,



Keith R. Zehms
Corporation Counsel

KRZ/yk

Ordinance/15-16.148 Fact

1 Enrolled No.

2 ORDINANCE

3 File No. 15-16/148

4 - REPEAL AND RECREATE SECTION 2.90.110 OF THE CODE: DISTRICT
5 ATTORNEY-

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

7
8 SECTION 1. That Section 2.90.110 of the code be repealed and recreated to
9 read:

10
11 2.90.110 District Attorney. The records retention/disposition authorization schedules for
12 the district attorney approved by the Public Records Board will be followed.

13 ADOPTED:

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21 APPROVED BY
22 CORPORATION COUNSEL
23 AS TO FORM
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Dated this 8 day of March, 2016.

ORDINANCE/15-16.148

FACT SHEET

TO FILE NO. 15-16/151

This ordinance changes the language regarding the committee role in county board chair appointments that have to be confirmed by the county board. The committee role is one of consideration prior to confirmation and a resolution will not be required.

Fiscal Impact: None

Respectfully Submitted,

A handwritten signature in cursive script that reads "Keith R. Zehms".

Keith R. Zehms
Corporation Counsel

KRZ/yk

Ordinance/15-16.151 Fact

1 Enrolled No.

ORDINANCE

File No. 15-16/151

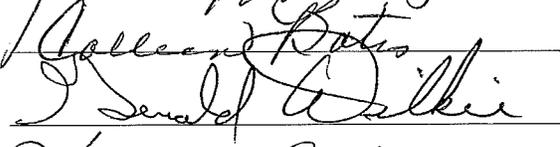
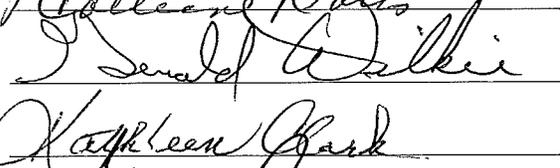
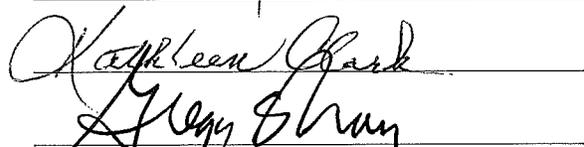
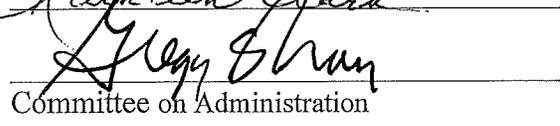
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3 - TO AMEND SECTION 2.04.340 B. OF THE CODE: RULE 34—
4 CONSIDERATION AND CONFIRMATION OF APPOINTMENTS-

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

7
8 SECTION 1. That Subsection B. of Section 2.04.340 of the code be amended to
9 read:

10
11 B. ~~Every n~~Nominations by the chair of the county board for any appointment to any
12 governmental body or position which requires the confirmation of the county board shall be
13 considered prior to submittal for confirmation by the committee on administration, or such other
14 committee or governmental body provided by ordinance. ~~Confirmation action shall be by~~
15 ~~resolution introduced by the committee or governmental body.~~

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18 ADOPTED:

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28 Committee on Administration
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30 KRZ/yk

31
32 Dated this 8 day of March, 2016.

33 APPROVED BY
34 CORPORATION COUNSEL
35 AS TO FORM
36

ORDINANCE/15-16.151

FACT SHEET

TO FILE NO 15-16/137

The first Eau Claire County Outdoor Recreation Plan (CORP) was adopted in 1973. Since that time, the County has routinely updated the CORP every 5 years to meet the requirements of the Wisconsin Department of Natural Resources (DNR) and maintain eligibility for grant funding opportunities through various state and federal programs. The requirements and funding authorization for outdoor recreation programs is set forth in Wisconsin Statutes Section 23.30. The main purpose or goal of the program is to “promote, encourage, coordinate, and implement a comprehensive long-range plan to acquire, maintain and develop for public use those areas of the state best adapted to the development of a comprehensive system of state and local outdoor recreation facilities and services”. The proposed 2016-2020 CORP would replace the 2011-2015 Plan that is currently in effect. The draft plan includes several updates and modifications to past plans and is a better reflection of the State Comprehensive Outdoor Recreation Plan (SCORP). Included within the 2016-2020 CORP are the following required components:

Eau Claire County

1. Eau Claire County Vision Statement and specific goals as determined by the Outdoor Recreation Plan Stakeholder Committee, Parks and Forest Advisory Committee and Parks and Forest Committee
2. Social and physical characteristics data relating to Eau Claire County
3. An inventory of supply of outdoor recreational facilities and activities
4. An assessment of “needs” standards based on NRPA guidelines compared to inventory
5. An assessment of the SCORP and comparison to the Eau Claire CORP to incorporate consistent measures and efforts
6. Series of maps of County facilities
7. 5-year Eau Claire County Action Plan – items identified here may be eligible for funding assistance through LAWCON programs

Participating Municipalities

1. An inventory of supply of outdoor recreational facilities and activities
2. Historic population information and projections for each municipality
3. An assessment of “needs” standards based on NRPA guidelines compared to inventory
4. 5-year Action Plan based on recommendations developed by each municipality to meet their current or anticipated needs – with priority rankings
5. Map of existing municipality facilities

Fiscal Impact: This plan was prepared by Eau Claire County staff. Grant funding eligibility for future Eau Claire County Parks projects is contingent on the County maintaining an approved Outdoor Recreation Plan in accordance with the requirements of Wisconsin Statutes Section 23.30.

Committee Action: The Eau Claire County Committee on Planning and Development conducted the required public hearing on Tuesday, March 22, 2016 regarding the proposed rezoning.

On a vote of 4 in favor and 0 against, the Committee recommends approval of the plan to the County Board as submitted. The committee considered the Committee on Parks and Forest recommendation and staff’s recommendations in their deliberations.

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



Matt Michels
Senior Planner



EAU CLAIRE COUNTY PLANNING STAFF RECOMMENDATION

PUBLIC HEARING DATE: March 22, 2016

STAFF CONTACT: Matt Michels, AICP, Senior Planner

REQUEST: Approval of Resolution 15-16/137, 2016-2020 County Outdoor Recreation Plan (CORP)

BACKGROUND

The first Eau Claire County Outdoor Recreation Plan (CORP) was first adopted in 1973. Since that time, the County has routinely updated the CORP every 5 years to meet the requirements of the Wisconsin Department of Natural Resources (DNR) and maintain eligibility for grant funding opportunities through various state and federal programs. The requirements and funding authorization for outdoor recreation programs is set forth in Wisconsin Statutes Section 23.30. The main purpose of the program is to, “promote, encourage, coordinate, and implement a comprehensive long-range plan to acquire, maintain and develop for public use those areas of the state best adapted to the development of a comprehensive system of state and local outdoor recreation facilities and services.”

The proposed 2016-2020 CORP would replace the 2011-2015 plans that is currently in effect. The draft plan includes several updates and modifications to past plans and has been developed with the assistance of a stakeholder committee composed of various county park users, as well as input received through a user survey administered in June, 2015.

REQUIRED PLAN ELEMENTS

Eau Claire County Parks & Recreational Areas

Section 4 includes the Action Program, including general and specific recommendations for County projects designed to address the needs identified in Section 3. The following elements are provided:

1. Eau Claire County Vision Statement and specific goals as determined by the Outdoor Recreation Plan Stakeholder Committee, Parks and Forest Advisory Committee and Parks and Forest Committee
2. Social and physical characteristics data relating to Eau Claire County
3. An inventory of supply of outdoor recreational facilities and activities
4. An assessment of “needs” standards based on NRPA guidelines compared to inventory
5. An assessment of the SCORP and comparison to the Eau Claire CORP to incorporate consistent measures and efforts
6. Series of maps of County facilities
7. 5-year Eau Claire County Action Plan – items identified here may be eligible for funding assistance through LAWCON programs

Participating Municipalities

Section 5 addresses community programs in the cities of Altoona and Augusta and the villages of Fall Creek and Fairchild. Recreation plans and community action programs for the towns of Brunswick, Pleasant Valley, Union, Seymour, Washington and Wilson are also included. The following elements are included:

1. An inventory of supply of outdoor recreational facilities and activities
2. Historic population information and projections for each municipality
3. An assessment of "needs" standards based on NRPA guidelines compared to inventory
4. 5-year Action Plan based on recommendations developed by each municipality to meet their current or anticipated needs – with priority rankings
5. Map of existing municipality facilities

UPDATES TO CORP

The current 2011-2015 CORP was adopted by the County Board on December 18, 2012. The 2016-2020 plan has been updated in a number of areas, including:

1. Addition of Eau Claire River access map, table, and plan for improvements
2. Addition of equestrian-related improvements
3. User survey (Appendix A)
4. New, updated maps
5. New photographs
6. Updated recreation inventory and needs assessment for County parks and each participating municipality
7. Updated 5-year plans for each participating municipality
8. Updates and revisions to plan text and statistical data throughout document

PARKS & FOREST COMMITTEE ACTION

The Parks and Forest Committee considered the 2016-2020 CORP and recommended approval (4-0 vote) at their March 8, 2016 meeting, with the following recommended edits:

- Additional information regarding target shooting and plinking in the county forest
- Additional discussion of efforts to control illegal dumping and litter control in the county forest

RECOMMENDATION

Staff and the Parks & Forest Committee recommend that the Planning and Development Committee file a recommendation of approval to the County Board for the 2016-2020 CORP.

4 - ADOPTING THE EAU CLAIRE COUNTY OUTDOOR RECREATION PLAN FOR
5 2016-2020 -

6 WHEREAS, every five (5) years, a county outdoor recreation plan is prepared to plan for
7 proposed improvements to the outdoor recreation facilities within the county; and

8
9 WHEREAS, adoption of the plan maintains the county and other municipalities within
10 the county eligibility to receive state and federal recreation grants including LAWCON (Land
11 and Water Conservation Fund), Stewardship, and other programs that may be administered by
12 the WDNR; and

13
14 WHEREAS, inclusion of projects in the plan does not guarantee or insure their
15 development because all projects are subject to review and approval through the annual budget
16 process; and

17
18 WHEREAS, the cities of Altoona and Augusta; the villages of Fall Creek and Fairchild;
19 and the townships of Brunswick, Pleasant Valley, Seymour, Union, Washington, and Wilson will
20 approve the sections of the plan which pertain to their respective jurisdictions.

21
22 NOW, THEREFORE, BE IT RESOLVED, by the Eau Claire County Board of
23 Supervisors that the Eau Claire County Outdoor Recreation Plan for 2016-2020 is hereby
24 adopted.

25
26 BE IT FURTHER RESOLVED, that the Parks & Forest Department will administer the
27 plan and oversee its implementation as it pertains to county recreation facilities.

28
29 ADOPTED:

30 *Patrick L. Lavelle*

Gary Gut

31 *Gary Gut*

James Dunning

32 *Paul W. Smith*

Robert G. ...

33 *Paul D. Loppken*

Stella Pagani

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40 Committee on Parks & Forest

Committee on Planning and Development

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44 Dated this 22 day of MAR, 2016.

45
**APPROVED BY
CORPORATION COUNSEL
AS TO FORM**

FACT SHEET

TO FILE NO. 15-16/144

**RESOLUTION REQUESTING THE LEGISLATIVE DISCONTINUE THE PRACTICE
OF PUTTING FORTH AND FAST-TRACKING PIECEMEAL BILLS REGARDING
PLANNING, ZONING AND LAND USE**

The Committee on Planning and Development will be acting on this resolution at 7:00 p.m., March 22, 2016.

Resolution No. 15-16/144 requests that the Wisconsin Legislature discontinue the practice of fast-tracking bills that have not been appropriately vetted and given the opportunity for meaningful analysis on the proposed laws would interact with existing statutes and administrative codes relating to planning, zoning, and land use.

The State of Wisconsin's 2015-2017 (2015 Wisconsin Act 55) budget amended certain shoreland zoning standards that significantly change the standards for regulation of structures in shoreland areas contrary to the adopted standards of Wisconsin Administrative Code NR 115 (NR 115). These changes to the state's shoreland regulations were enacted without meaningful notice, public input opportunity, review by and input from local units of governmental or analysis by the Wisconsin Department of Natural Resources.

The changes made to the State's shoreland regulations with Wisconsin Act 55 have created a general state of confusion as to interpretation and implementation for administrators and property owners.

In December of 2015, AB 563, AB 582, AB 583 and AB 600 were introduced with the hearings being held the following week on the bills. This process provided little to no time to allow for public input, or analysis by the state or local regulators of meaning or impacts of the bills.

This resolution encourages that the state legislature involve all stakeholders of state laws related to planning, zoning, and land use that will result in a comprehensive analysis on how the proposed bills would interact with existing laws.

Respectfully submitted,



Rod Eslinger,
Land Use Manger

2
3 - REQUESTING THE LEGISLATURE DISCONTINUE THE PRACTICE OF PUTTING
4 FORTH AND FAST-TRACKING PIECEMEAL BILLS REGARDING PLANNING, ZONING
5 AND LAND USE -
6

7 WHEREAS, on November 3, 2015 Eau Claire County adopted Resolution R159-047 to
8 repeal statutory provisions enacted in the State of Wisconsin 2015-2017 budget concerning shoreland
9 zoning standards (Sections 1922am – 1922L of 2015 Wisconsin Act 55); and
10

11 WHEREAS, 2015 Wisconsin Act 55 (the biennial budget bill), including the revisions to
12 Wis. Stat. § 59.692 was enacted on July 12, 2015, published July 13, 2015 and in full force and
13 effect from and after July 14, 2015, significantly and immediately changed that state’s shoreland
14 zoning policy, purpose and regulations. These changes were enacted without meaningful notice,
15 public input opportunity, review by and input from local units of government or analysis by the
16 Wisconsin Department of Natural Resources; and
17

18 WHEREAS, predictably the manner in which this legislation came about has resulted in a
19 general state of confusion as to interpretation and implementation of the 2015 Wisconsin Act 55
20 shoreland zoning revisions. Opinions and interpretations have been put forth by the Wisconsin
21 Department of Natural Resources (DNR), the Wisconsin Counties Association (WCA), the
22 Wisconsin Legislative Council, and others regarding the meaning and impact of the 2015 Wisconsin
23 Act 55 shoreland zoning revisions. These opinions and interpretations are not entirely consistent
24 regarding the interplay of the 2015 Wisconsin Act 55 shoreland zoning revisions with existing law,
25 including Wis. Admin Code § NR 115 and Wis. Stats. §§ 59.69, 59.692 and 281. Consequently
26 there is a lack of clear guidance regarding what the 2015 Wisconsin Act 55 shoreland zoning
27 revisions require and allow, and a resulting uncertainty as to implementation, administration and
28 enforcement of shoreland zoning at the county level; and
29

30 WHEREAS, Wisconsin counties have been authorized by state statutes since 1968 to enact
31 and administer general zoning regulations in towns choosing to be subject to those regulations. The
32 enabling legislation is currently codified in Wis. Stat. § 59.69; and
33

34 WHEREAS, Wisconsin counties have been required by state statutes since 1968 to enact and
35 administer shoreland zoning regulations. The enabling legislation is codified in Wis. Stat. § 59.692
36 with rules and standards promulgated by the DNR and set for in Wis. Admin Code § NR 115; and
37

38 WHEREAS, state statutes dictate the process by which counties may revise shoreland or
39 zoning regulations, said process typically involves numerous steps and notifications and
40 opportunities for town board and public input. This process generally takes anywhere from 4-8
41 weeks to complete; and
42

43 WHEREAS, subsequent to enactment of the 2015 Wisconsin Act 55 shoreland zoning
44 revisions, a number of bills were proposed, including AB563, AB582, AB583 and AB600, that
45 impact planning, zoning and land-use at the local level. These bills were introduced one week, and
46 several were sent to public hearing the next, offering little or no opportunity for public input, or
47 analysis by state or local regulators of the meaning of the bills or how the proposed law would
48 interact with existing laws.
49

1 WHEREAS, the development community and property owners typically seek information
2 from county code administrators regarding pertinent zoning regulations months before submitting
3 final applications, relying on the code administrators to provide accurate information as to the zoning
4 regulations surrounding a project. The changes brought about the 2015 Wisconsin Act 55 shoreland
5 zoning revisions, and the piecemeal bills subsequently introduced and fast-tracked, have created a
6 climate of uncertainty and frustration for the development community, property owners, and county
7 code administrators, all of which contributes to a loss of efficiency and productivity.
8

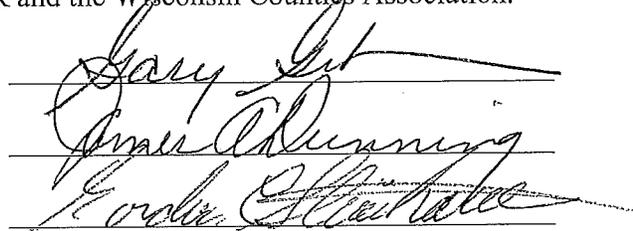
9 NOW THEREFORE BE IT RESOLVED the Eau Claire County Board of Supervisors
10 respectfully requests that the legislature discontinue the practice of putting forth and fast-tracking
11 piecemeal bills regarding planning, zoning and land use.
12

13 BE IT FURTHER RESOLVED that the Eau Claire County Board of Supervisors urges the
14 state legislature to instead adopt a systematic review by a group of primary stakeholders of state laws
15 (existing or proposed) that impact planning, zoning, and land use, with a concurrent process
16 involving notice and public input opportunities. This will result in the thoughtful and deliberate
17 consideration that is certainly due planning, zoning, and land use laws.
18

19 BE IT FURTHER RESOLVED by the Eau Claire County Board of Supervisors that Eau
20 Claire County would welcome the opportunity to participate in comprehensive, collaborative
21 discussions, public listening sessions, and hearings regarding state shoreland and comprehensive
22 zoning regulations to discuss manners in which each could be improved.
23

24 BE IT FURTHER RESOLVED that the Eau Claire County Board of Supervisors directs the
25 county clerk to forward this resolution to the governor, assembly members and senators representing
26 Eau Claire County, the Secretary of the DNR and the Wisconsin Counties Association.
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32 APPROVED BY
33 CORPORATION COUNSEL
34 AS TO FORM
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Committee on Planning & Development

KRZ/yk

Dated this 22 day of MARCH, 2016.

ORDINANC/15-16/144

FACT SHEET
File No. 15-16/132

RE: Rezoning Petition from Ronald R & Judy A Welke to rezone 1.59 acres +/- from A-2 (Agriculture-Residential) District to R-H (Rural Homes District) to align the rear zoning line with the existing lot line in order to eliminate a 172-foot remnant strip of A-2 zoned property

Legal Description and Location: Portion of the SW¼ NW¼ of Section 1, T25N, R9W, Town of Pleasant Valley (complete legal description attached)

Size of area to be rezoned: 1.59acres +/-

ADJACENT ZONING & LAND USES:

LOCATION	ZONING	LAND USE
Subject	RH & A-2	Undeveloped
North	RH & A-2	Agricultural fields
East	A-2 (NE) & A-1 (SE)	Agricultural fields and outbuildings
South	RH & A-2	Single family residence and woodlands
West	A-2	Agricultural fields

LAND USE PLANS: The Eau Claire County Future Land Use Map includes this property in the Rural Hamlet (RH) planning area, and the Town of Pleasant Valley Future Land Use Map includes this property in the Rural Hamlet (RH) planning area. Following is a description of the intent of the applicable County and Town comprehensive plan future land use categories:

Rural Hamlet (RH)

Eau Claire County Intent and Description: The primary intent of this classification is to, *“identify areas suitable for a broader range of commercial, institutional, recreational, and residential uses, but not including uses that require extensive public services. Rural hamlets are clusters of nonagricultural development centered near an unincorporated village, town hall or rural school. Rural hamlets typically include one or more retail businesses located at the crossroads of two or more County or State highways. In addition, these areas typically include pre-existing higher density residential developments. The existing land use pattern, transportation infrastructure, infill and redevelopment opportunities make these areas suitable for mixed-use neighborhoods with higher density residential development than what is permitted under the Rural Residential classification. Areas included in RH could potentially represent prime candidates for “receiving areas” under a countywide Transfer of Development Rights program.”*

Rural Hamlet (RH)

Town of Pleasant Valley Intent and Description: The primary intent of this classification is to, *“identify areas suitable for a broader range of commercial, institutional, recreational, and residential uses, but not including uses that require extensive public services. Rural hamlets are clusters of nonagricultural development centered near an unincorporated village, town hall or rural school. Rural hamlets typically include one or more retail businesses located at the crossroads of two or more County or State highways. In addition, these areas typically include pre-existing higher density residential developments. The existing land use pattern and transportation infrastructure make these areas suitable for mixed-use neighborhoods with higher density residential development than what is permitted under the Rural Residential classification.”*

Staff Conclusions and Recommendation: Staff finds that the proposed rezoning request is consistent with the Eau Claire County Comprehensive Plan and the Town of Pleasant Valley Comprehensive Plan. The Eau Claire County Comprehensive Plan recognizes that the proposed R-H zoning district is consistent and therefore allowed within the mapped Eau Claire County Rural Hamlet and Town of Pleasant Valley Rural Hamlet future land use designations.

Town Board Action: The Town of Pleasant Valley Town Board met on Monday, February 8, 2016, to consider the rezoning petition and recommended approval of the rezoning.

Committee Action: The Eau Claire County Committee on Planning and Development conducted the required public hearing on Tuesday, March 22, 2016 regarding the proposed rezoning.

On a vote of 4 in favor and 0 against, the Committee recommends approval of the rezoning petition to the County Board. The committee considered the applicant’s testimony as well as the Town Board’s and staff’s recommendations in their deliberations.

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



Matt Michels, AICP
 Senior Planner

2
3 - AMENDING THE 1982 OFFICIAL ZONING DISTRICT BOUNDARY MAP FOR THE
4 TOWN OF PLEASANT VALLEY -
5

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

8 **SECTION 1** That the 1982 Official Zoning District Boundary Map for the Town of
9 Pleasant Valley, Eau Claire County described as follows:
10

11 **A parcel of land located in the SW ¼ of the NW ¼ Section 1, T25N,**
12 **R9W Town of Pleasant Valley, Eau Claire County Wisconsin, being**
13 **part of Lot 2, Certified Survey Map #1980, Volume 10 of certified**
14 **survey maps, Pages 386-387, described as follows:**
15

16 **Commencing at the SW corner of said Lot 2; thence S87°24'27"E**
17 **along the south line of said Lot 2 a distance of 250.01 feet; Thence**
18 **S01°59'34"W along the boundary of said Lot 2 a distance of 202.01**
19 **feet; Thence S87°24'27"E along said boundary a distance of 184.00**
20 **feet more or less to the easterly line of the existing RH zoning**
21 **boundary and the point of beginning; Thence N01°59'34"E along said**
22 **easterly line of the existing RH zoning boundary a distance of 402.01**
23 **feet; Thence S87°24'27"E a distance of 172.02 feet; Thence**
24 **S01°59'34"W along an extension and the boundary of said Lot 2 a**
25 **distance of 402.01; Thence N87°24'27"W along the boundary of said**
26 **Lot 2 a distance of 172.02 feet to the point of beginning.**
27

28 **Said parcel containing 1.59 acres, more or less, to be reclassified from**
29 **the A-2 Agriculture-Residential District to the RH Rural Homes**
30 **District.**
31

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

37 ENACTED: I hereby certify that the foregoing correctly represents the
38 action taken by the undersigned Committee on
39 March 22, 2016 by a vote of 4 for, 0 against.
40

41 APPROVED BY
42 PLANNING & DEVELOPMENT COUNSEL
43 FORM

41 
42 _____
43 Planning & Development Committee, Chairperson

15-16 | 132

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

Application Accepted: 1/29/2016
Accepted By: Matt Michels
Receipt Number: 45376
Town Hearing Date: 02/08/2016
Scheduled Hearing Date: 3/22/2016
Application No: RZN-0007-16
Appl Status: Pending

Rezoning - County

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

Existing Zoning District: **A2** Proposed Zoning District(s): **RH** Acres to be Rezoned: **.92**

Portion Of The Sw1/4 Nw1/4 Of Section 1, T25N, R9W (Complete Legal Description Attached)

Owner/Applicant Name(s): Peter J & Ann K Gartmann Ronald R & Judy A Welke	Address: (appl) 635 FAIRFAX ST ALTOONA (ow) S 10580 COUNTY RD HH & I ELEVA	Telephone: 715-514-4116(H) 715-539-0229(H)
--	---	---

Site Address(es):

Property Description: Sec 01 Twn 25 Rge 09 **Town of Pleasant Valley** **Lot Area:** 24.870 ACRES

Zoning District(s): A2 RH

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

PIN 1801822509012309001	Alternate No 018100204040	Parcel No 25.9.1.2-3-E & ;	Legal (partial) LOT 2 OF CSM V.10 PG.386 (#1980) LYG IN THE SW-NW & SE-N
-----------------------------------	-------------------------------------	--------------------------------------	--

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

Owner/Agent Signature see attached application Date _____

Check if DATCAP must be notified _____

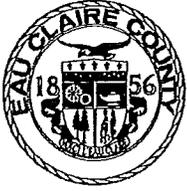
Check if DNR to Receive Copy _____

RECEIVED

JAN 29 2016:

COUNTY CLERK

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



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

Sup. dist 7: Steve Chilson

Application Accepted:	1/29/16
Accepted By:	JMM
Receipt Number:	45376
Town Hearing Date:	2/8/16
Scheduled Hearing Date:	3/22/16

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: A-2 Proposed Zoning District(s): R-14
 Acres to be rezoned: 0.92

Property Owner Name: Ronald & Judy Welke Phone# 715-539-0229
878-4782
 Mailing Address: S 10580 County Rd HH & I, ELBA WI 54738
 Email Address:

Agent Name: Pete Gurtmann (Real Estate Svcs) Phone# 715-514-4116
 Mailing Address: 635 FAIRFAX ST. ALTONA WI 54720 **RECEIVED**
 Email Address: pgurtmann@rls-rec.com

SITE INFORMATION JAN 29 2016

Site Address: _____ COUNTY CLERK
 Property Description: SW 1/4 NW 1/4 Sec. 1, T 25 N, R 9 W, Town of Pleasant Valley
 Zoning District: A-2 Code Section(s): _____
 Overlay District: Shoreland Floodplain Airport Wellhead Protection Non-Metallic Mining
 Check Applicable
 Computer #(s): 0181-0020-4040

GENERAL APPLICATION REQUIREMENTS

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

<input type="checkbox"/> Complete attached information sheet	<input type="checkbox"/> Contact the Town to coordinate a recommendation on the application
<input type="checkbox"/> Provide legal description of property to be rezoned	<input type="checkbox"/> Provide \$550.00 application fee (non-refundable), payable to the Eau Claire County Treasurer (\$490.00 application processing fee and \$60.00 mapping surcharge fee)

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

Owner/Agent Signature Ronald Welke Date 1/21/16
Pete Gurtmann 1-19-16

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 5:00 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-1 to any zoning district other than the AR district must consider the factors in Section 18.04.055 A-D
 - For rezoning requests from the A-1 to the AR zoning district must consider the factors in Section 18.06.050 A-D
 - For rezoning requests out of the Shoreland-wetland district must consider Section 18.19.100 B

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

SUPPLEMENTAL INFORMATION FOR A REZONING PETITION

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

Describe the reason for your rezoning request:

LAND DIVISION

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 PROPOSAL LAND DIVISION WOULD SQUARE THE REAR LINE UP WITH THE EXISTING LOT LINE. NOT LEAVING A REMNANT 100' STRIP.

CREATE A CLEAN ZONED LOT.

V.4/P.77-78

W1/4 COR. SEC. 1
FND BC MON.

UNPLATTED LAND

C.T.H. "HH" N01°59'34"E

402.37'

235.01'
N01°59'34"E

N 87°24'27"W

250.01'

33.00'
217.01'

R-H

202.01'
N01°59'34"E

256.02'

N87°24'27"W

100'

100'

A-2

402.01'

S01°59'34"W

257.01'

S87°29'04"E

281.00'

248.00'

33.00'

248.00

281.00'

N87°29'04"W

310.00'

N01°59'34"E

606.03'

— = AREA to BE RE-ZONED

- - - = PROPOSED LOT

LOT 2

1,083,164 SQ.FT.
24.87 ACRES

Re-zone Description

Parcel of land located in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ Section 1, T25N, R9W Town of Pleasant Valley, Eau Claire County Wisconsin, being part of Lot 2, Certified Survey Map #1980, Volume 10 of certified survey maps, Pages 386-387, described as follows:

Commencing at the SW corner of said Lot 2; thence S87°24'27"E along the south line of said Lot 2 a distance of 250.01 feet;

Thence S01°59'34"W along the boundary of said Lot 2 a distance of 202.01 feet;

Thence S87°24'27"E along said boundary a distance of 256.02 feet more or less to the easterly line of the existing RH zoning boundary and the point of beginning;

Thence N01°59'34"E along said easterly line of the existing RH zoning boundary a distance of 402.01 feet;

Thence S87°24'27"E a distance of 100 feet;

Thence S01°59'34"W along an extension and the boundary of said Lot 2 a distance of 402.01;

Thence N87°24'27"W along the boundary of said Lot 2 a distance of 100 feet to the point of beginning.



2015 Property Record | Eau Claire County, WI

Assessed values not finalized until after Board of Review
 Property information is valid as of 2015-01-02

OWNERS
 DONALD H. JUDY-WEBER

IN CARE OF

PROPERTY INFORMATION
 Parcel ID: 01710024-00
 PIN: 017100240000000000
 Parcel Name: 01710024-00
 Sub Parcel: 01710024-00
 Status: 00
 City: Eau Claire
 Municipality: Town of Eau Claire
 Document ID: 01710024-00
 Assessed Value: 7133

MAILING ADDRESS
 DONALD H. JUDY-WEBER
 5150 COLONY DRIVE
 FLEVAN WI
 54601

PROPERTY DESCRIPTION
 100' X 200' DSW W/ 10' EASE (100' X 200' DSW W/ 10' EASE)
 100' X 200' DSW W/ 10' EASE (100' X 200' DSW W/ 10' EASE)

ZONING
 Zone: R-1000
 Description: Residential Single-Family

TAX INFORMATION
 Gross Tax: 7133
 State Credit: 00
 Federal Credit: 00
 Net Tax: 7133

LAND USE
 Land Use Code: 00
 Description: Residential Single-Family

Category	Amount	Unit Price	Balance
Land Value	7133	7133	00
Land Improvement	00	00	00
Personal Property	00	00	00
Other	00	00	00
Yield	00	00	00
Interest	00	00	00
Other Municipal	00	00	00
County	00	00	00
Total	7133	7133	00

LAND VALUATION

Year	Land	Improvement	Other	Total
2014	7133	00	00	7133
2013	7133	00	00	7133

INSTALLMENTS

Parcel	Amount	Balance
1	7133	00
2	00	00

PAYMENT HISTORY (POSTED PAYMENTS)

Year	Amount	Unit Price	Balance	Other	Total
2014	7133	7133	00	00	7133

NOTES



EAU CLAIRE COUNTY PLANNING STAFF RECOMMENDATION

REZONE NUMBER: RZN-0007-16 COMPUTER NUMBER: 018100204040

PUBLIC HEARING DATE: March 22, 2016

STAFF CONTACT: Matt Michels, AICP, Senior Planner

OWNER: Ronald R & Judy A Welke, S 10580 Co RD HH & I, Eleva, WI 54738

AGENT: Peter J Gartmann, 635 Fairfax St, Altoona, WI 54720

REQUEST: Rezone 1.59 acres +/- from A-2 (Agriculture-Residential) District to R-H (Rural Homes) District to align the rear zoning line with the existing lot line in order to eliminate a 172-foot remnant strip of A-2 zoned property.

LOCATION: County Rd HH & I, north of Evergreen Rd

LEGAL DESCRIPTION: Portion of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1, T25N, R9W, Town of Pleasant Valley (complete legal description attached)

SUMMARY

The applicant proposes to rezone 1.59 acres +/- from A-2 (Agriculture-Residential) District to R-H (Rural Homes) District to align the rear zoning line with the existing lot line in order to eliminate a 172-foot remnant strip of A-2 zoned property.

BACKGROUND

SITE CHARACTERISTICS:

- Property is vacant
- Southern two-thirds of property contains woodlands
- Northern third of property contains tilled agricultural fields

CURRENT ZONING:

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

REQUESTED ZONING DISTRICT:

The petition is to rezone the property described above from the A-2 Agriculture-Residential District to the RH Rural Homes District.

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

ZONING/LAND USE CONTEXT:

LOCATION	ZONING	LAND USE
Subject	RH & A-2	Undeveloped
North	RH & A-2	Agricultural fields
East	A-2 (NE) & A-1 (SE)	Agricultural fields and outbuildings
South	RH & A-2	Single family residence and woodlands
West	A-2	Agricultural fields

COMPREHENSIVE PLANS:

The Eau Claire County Future Land Use Map includes this property in the Rural Hamlet (RH) planning area, and the Town of Pleasant Valley Future Land Use Map includes this property in the Rural Hamlet (RH) planning area. Following is a description of the intent of the applicable County and Town comprehensive plan future land use category and applicable policies:

Eau Claire County:

- Rural Hamlet Intent and Description: The primary intent of this classification is to, “*identify areas suitable for a broader range of commercial, institutional, recreational, and residential uses, but not including uses that require extensive public services. Rural hamlets are clusters of nonagricultural development centered near an unincorporated village, town hall or rural school. Rural hamlets typically include one or more retail businesses located at the crossroads of two or more County or State highways. In addition, these areas typically include pre-existing higher density residential developments. The existing land use pattern, transportation infrastructure, infill and redevelopment opportunities make these areas suitable for mixed-use neighborhoods with higher density residential development than what is permitted under the Rural Residential classification. Areas included in RH could potentially represent prime candidates for “receiving areas” under a countywide Transfer of Development Rights program.*”
- Applicable Policies: The following policies are applicable to this rezoning petition.
 1. *The preferred housing density is two (2) units per acre; however, local comprehensive plans may be more or less restrictive than this guideline.*
 2. *The County or local community can require the use of public sanitary systems (particularly when located in an area where such service is available) or group/alternative on-site wastewater treatment facilities (particularly for businesses with high wastewater/water demands). Responsibility for long-term maintenance of these systems shall be determined prior to approval.*
 3. *For those Towns under County Zoning, the following Eau Claire County Zoning Districts will be considered for approval within RH areas: R-1-L Single Family Residential Large Lot District, R-1-M Single Family Residential District, R-2 Two-Family Residential District, R-3 Multi-Family Residential, C-1 Neighborhood Business District, and the C-2 General Business District. Proposals for more intensive business developments (C-3 Highway Business, I-1 Non-sewered Industrial, or I-2 Sewered Industrial) will require an amendment to the Future Land Use Map to either Rural Commercial or Industrial status prior to approving a rezoning petition.*

Town of Pleasant Valley:

- Rural Hamlet Comprehensive Plan Intent and Description: The primary intent of this classification is to, *“identify areas suitable for a broader range of commercial, institutional, recreational, and residential uses, but not including uses that require extensive public services. Rural hamlets are clusters of nonagricultural development centered near an unincorporated village, town hall or rural school. Rural hamlets typically include one or more retail businesses located at the crossroads of two or more County or State highways. In addition, these areas typically include pre-existing higher density residential developments. The existing land use pattern and transportation infrastructure make these areas suitable for mixed-use neighborhoods with higher density residential development than what is permitted under the Rural Residential classification.”*

- Applicable Policies: The following policies are applicable to this rezoning petition. Staff comments, where provided, follow the policy *in italics*.
 1. *Within the RH classification, limit new development to a maximum gross density of two (2) residential dwelling units per acre held in single ownership.*

 - ...

 4. *The following Eau Claire County zoning districts will be considered for approval within RH areas: R-1-L Single Family Residential Large Lot District, R-1-M Single Family Residential District, R-2 Two-Family Residential District, R-3 Multi-Family Residential, C-1 Neighborhood Business District, and the C-2 General Business District.*

The proposed rezoning is generally consistent with the intent and description of the Eau Claire County and of Pleasant Valley Comprehensive Plans. While the RH Zoning District is not specifically permitted in the Rural Hamlet classification, the intent of this rezoning is to slightly modify the existing zoning district line. Further, the intent of the applicable Comprehensive Plan policies is primarily to regulate maximum density and preferred land use patterns. In other words, the property is in close proximity to the community of Cleghorn and would be eligible for increased density should the property owner desire to divide the property into smaller lots.

ANALYSIS

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

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

- The proposed rezoning is generally consistent with the Future Land Use plans for the County and the Town of Pleasant Valley
- The property is appropriately situated for the intended RH zoning
- Existing uses in the area include a mixture of single-family residences, agricultural uses, commercial businesses, and vacant property

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

The rezoning petition has been evaluated for consistency with the purpose of RH District and the uses allowed in the district. The request is consistent with the purpose of the zoning code to allow single-family residential development and other accessory uses in the RH District.

Town Board Action: The Pleasant Valley Town Board considered this rezoning petition on Monday, February 8, 2016 and recommended approval.

CONCLUSION

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

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

In addition, the following factors have also been considered:

- Input of surrounding property owners (within 660 feet). No correspondence has been received to date
- Town of Pleasant Valley Board action

Staff finds that the proposed rezoning request substantially conforms with the Eau Claire County Comprehensive Plan and the Town of Pleasant Valley Comprehensive Plan.

RECOMMENDATION

Staff recommends that the Planning and Development Committee file a recommendation of approval to the County Board for the rezoning petition to rezone approximately 1.59 acres of property from the A-2 District to the RH District as depicted on the attached map and described in the attached legal description.

FACT SHEET
File No. 15-16/146

RE: Rezoning Petition from Ronald W & Laura A Wolf to rezone 6.92 acres +/- from A-P (Agricultural Preservation) District to A-2 (Agriculture-Residential) District to sell the existing home and retain hunting land for family use

Legal Description and Location: Portion of the SE¼ NW¼, and a portion of the NE¼ SW¼, and a portion of the NW¼ SE¼ of Section 32, T25N, R10W, Town of Drammen (complete legal description attached)

Size of area to be rezoned: 6.92 acres +/-

ADJACENT ZONING & LAND USES:

LOCATION	ZONING	LAND USE
Subject	A-P	Single-family residence
North	A-P	Agricultural fields & woodlands
East	A-P	Agricultural fields & woodlands
South	A-P	Agricultural fields & woodlands
West	A-P	Single-family residence; agricultural fields & woodlands

LAND USE PLANS: The Eau Claire County Future Land Use Map includes this property in the Rural Lands (RL) planning area, and the Town of Drammen Future Land Use Map includes this property in the Rural Preservation (RP) planning area. Following is a description of the intent of the applicable County and Town comprehensive plan future land use categories:

Rural Lands (RL)

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

Rural Preservation (RP)

Town of Drammen Intent and Description: The primary intent of this classification is to, *“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. However, the term rural preservation is not intended to imply that changes in land use will not occur in these areas. As mapped, this designation includes farmland, scattered open lands, woodlots, agricultural-related uses, cottage industries, mineral extraction operations, farmsteads, and 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 and other policies included in this Plan. Any new development shall be located in order to minimize the fragmentation of productive agricultural or forest land and to minimize any disruption to existing uses. Requests to change the future land use designation of parcels shall be considered using the criteria listed within this chapter. The use of conservation subdivisions in any request for reclassification is strongly encouraged and will be considered as part of the request. The RP represents areas that are vital to the region’s agricultural & forestry economy and are key ingredients of the rural character and image of the Town of Drammen.”*

Staff Conclusions and Recommendation: Staff finds that the proposed rezoning request is consistent with the Eau Claire County Comprehensive Plan and the Town of Drammen Comprehensive Plan. The Eau Claire County Comprehensive Plan recognizes that the proposed A-2 zoning district is consistent and therefore allowed within the mapped Eau Claire County Rural Lands and Town of Drammen Rural Preservation future land use designations.

Town Board Action: The Town of Drammen Town Board met on Monday, March 14, 2016, to consider the rezoning petition and recommended approval of the rezoning subject to a condition that an easement be obtained on the front of the property to ensure legal access to the back parcel, which could otherwise be landlocked.

Committee Action: The Eau Claire County Committee on Planning and Development conducted the required public hearing on Tuesday, March 22, 2016 regarding the proposed rezoning.

On a vote of 4 in favor and 0 against, the Committee recommends approval of the rezoning petition to the County Board. The committee considered the applicant’s testimony as well as the Town Board’s and staff’s recommendations in their deliberations.

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


 Matt Michels, AICP
 Senior Planner

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

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

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

10
11 **A parcel of land located in part of the Southeast ¼ of the Northwest ¼**
12 **and the Northeast ¼ of the Southwest ¼ and the Northwest ¼ of the**
13 **Southeast ¼, all in Section 32, Town 25 North, Range 10 West, Town**
14 **of Drammen, Eau Claire County, Wisconsin. This parcel is more**
15 **particularly described as follows:**

16
17 **Commencing at the East ¼ corner of said section 32; thence,**
18 **N89°10'26"W along the east-west ¼ line, 2331.46 feet to the Point of**
19 **Beginning; thence, N89°10'26"W, 338.47 feet; thence, N00°16'07"E,**
20 **201.96 feet; thence, S55°37'53"W along the south right of way line of**
21 **STH 37, 350.38 feet; thence, S89°10'26"E, 47.30 feet; thence,**
22 **S43°58'09"W, 85.82 feet; thence, S40°10'00"E, 686.32 feet; thence,**
23 **N70°14'23"E, 312.74 feet; thence, N11°43'42"W, 482.21 feet to the**
24 **Point of Beginning.**

25
26 **Said described lands contain 6.92 acres, more or less, to be reclassified**
27 **from the A-P Agricultural Preservation District to the A-2**
28 **Agriculture-Residential District.**

29
30 **Said parcel containing .92 acres to be reclassified from the A-2**
31 **Agriculture-Residential District to the RH Rural Homes District.**

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

37
38 **ENACTED:** I hereby certify that the foregoing correctly represents the
39 action taken by the undersigned Committee on
40 March 22, 2016 by a vote of 4 for, 0 against.

41
42 **APPROVED BY**
43 **CORPORATION COUNSEL**
44 **AS TO FORM**

41
42 
43 _____
44 Planning & Development Committee, Chairperson

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

15-16/146

Application Accepted:	2/29/2016
Accepted By:	Matt Michels
Receipt Number:	45611
Town Hearing Date:	05/11/2015
Scheduled Hearing Date:	3/22/2016
Application No:	RZN-0008-16
Appl Status:	Pending

Rezoning - County

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

Existing Zoning District: **AP** Proposed Zoning District(s): **A2** Acres to be Rezoned: **6.92**

Portion Of The Se1/4 Nw1/4 And Ne1/4 Sw1/4 And The Nw1/4 Se1/4 Of Section 32, T25N, R10W, Town Of Drammen, Eau Claire County, Wi (Complete Legal Description Attached)

Owner/Applicant Name(s): Ronald W & Laura A Wolf	Address: (ow) S 15505 STATE ROAD 37 MONDOVI	Telephone: 715-926-3919(W) 715-926-5531(H)
--	---	--

Site Address(es): S 15505 STATE ROAD 37 MONDOVI			
Property Description:	Sec 32 Twn 25 Rge 10	Town of Drammen	Lot Area:
			.500 ACRES
			9.030 ACRES
Zoning District(s):	AP		40.000 ACRES

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

PIN	Alternate No	Parcel No	Legal (partial)
1800822510322400002	008107905000	25.10.32.2-4-B	SE-NW LYG S & E OF STH 37
1800822510323100001	008107906000	25.10.32.3-1-A	PRT OF THE NE-SW LYG S & E OF FORMER STH 37 EX PCL IN
1800822510324200001	008108006000	25.10.32.4-2	NW-SE ALG WITH EASMT ALG NLY 2 RDS (33').

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

Owner/Agent Signature see attached application Date _____

Check if DATCAP must be notified _____ Check if DNR to Receive Copy _____

RECEIVED

FEB 29 2016

COUNTY CLERK

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



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

Supervisory dist: 9: Gordon
 Steinhauer
 RZN-0008-16

Application Accepted:	2/29/16
Accepted By:	Matt M.
Receipt Number:	
Town Hearing Date:	5/11, 2015
Scheduled Hearing Date:	3/22/16

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): AZ

Acres to be rezoned: 6.92 acres +/-

Property Owner Name: Ronald and Laura Wolf Phone# 715.926.5531

Mailing Address: 515505 St Rd 37 Mondovi WI 54755

Email Address: fivewolfs@frontier.net.net

Agent Name: _____ Phone# **RECEIVED**

Mailing Address: _____

Email Address: _____ **FEB 29 2016**

SITE INFORMATION COUNTY CLERK

Site Address: 515505 St Rd 37 Mondovi, WI 54755

Property Description: _____ % _____ % Sec. 32, T. 25, N, R. 10 W, Town of Drammen

Zoning District: _____ Code Section(s): _____

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

Computer #(s): 008 - 1079 - 06 - 000 008 - 1079 - 05 - 000
608 - 1080 - 06 - 000

GENERAL APPLICATION REQUIREMENTS

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

Complete attached information sheet Contact the Town to coordinate a recommendation on the application

Provide legal description of property to be rezoned Provide \$565.00 application fee (non-refundable), payable to the Eau Claire County Treasurer (\$500.00 application processing fee and \$65.00 mapping surcharge fee)

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

Owner/Agent Signature Laura Wolf Date 2/29/16

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

REZONING APPLICATION CHECKLIST

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

Required Application Items:

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

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

SUPPLEMENTAL INFORMATION FOR A REZONING PETITION

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

Describe the reason(s) for your rezoning request:

We are requesting a rezoning of a parcel of our property to allow us to sell our house. We would like to keep the hunting land for our family's use.

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 uses of either property will not be changed from current usage. The proposed residential parcel will include the house, pole shed, garage, and a small front field that is the location of the septic and drain fields for the residence.
- The rezoning will not affect the neighboring properties and will uphold all the purposes of the zoning ordinance.
- We have permission from the board of Drammert Township to rezone the property as indicated. Unanimous approval 5/11/15.
- We have permission from Chris Michels at WI DoI to allow one other owner access at the common driveway off of State Hwy 37. This driveway is an easement from Marjorie Rice. The original parcel is essentially land locked because of a lack of a feasible driveway location. This occurred when Hwy 37 was rerouted and took away the property's access to the highway. This, of course, was out of our control. The proposed parcel would retain the actual land frontage, although would still essentially remain land locked due to no feasible driveway location. We spoke to Marjorie Rice, the owner of the common driveway and of the frontage property to the south of the driveway, but she is unwilling to sell any of that property to us.

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; RL Rural Lands (c.o.); Rural Preservation (Drammen)
- 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) The proposed parcel has been used as the residential area of the original parcel in the past, so its future use will not be changing from its historical usage.
- 2) The rezoning is consistent with the County's Rural Lands plan and consistent with the Rural Preservation of Drammen Township.
- 3) As the agricultural usage of both parcels is essentially unchanged, the rezoning is consistent with the Farm Preservation Plan.
- 4) The rezoning will not in any way impair or limit agricultural use of the current land parcel, the proposed residential parcel, or any surrounding pieces of land.

REZONE DESCRIPTION

A parcel of land located in part of the Southeast 1/4 of the Northwest 1/4 and the Northeast 1/4 of the Southwest 1/4 and the Northwest 1/4 of the Southeast 1/4, All in Section 32, Town 25 North, Range 10 West, Town of Drammen, Eau Claire County, Wisconsin. This parcel is more particularly described as follows:

COMMENCING at the East 1/4 corner of said section 32; thence, N89°10'26"W along the east-west 1/4 line, 2331.46 feet to the POINT OF BEGINNING; thence, N89°10'26"W, 338.47 feet; thence, N00°16'07"E, 201.96 feet; thence, S55°37'53"W along the south right of way line of STH 37, 350.38 feet; thence, S89°10'26"E, 47.30 feet; thence, S43°58'09"W, 85.82 feet; thence, S40°10'00"E, 686.32 feet; thence, N70°14'23"E, 312.74 feet; thence, N11°43'42"W, 482.21 feet to the POINT OF BEGINNING. Said described lands contain 301,304 square feet or 6.92 acres, more or less.

We are requesting a rezoning of our property to allow us to sell our home. We would like to keep the remainder of the land for our family's hunting privileges.

The uses of either property will not be changed from current usage. The proposed parcel will include the house, pole shed, and garage, along with a small front field that is not totally used for agriculture anyway because it holds the septic and drain fields for the residence.

The rezoning will not affect the neighboring properties and will uphold all of the purposes of the zoning ordinance.

The proposed parcel has been used as the residential area of the original parcel in the past, so its future use will not be changing from its historical usage.

The rezoning is consistent with the Rural Lands Plan of the County and with the Rural Preservation of the Township of Drammen.

As the agricultural usage of either parcel is essentially unchanged, the rezoning is consistent with the Farm Preservation Plan.

The rezoning will not in anyway impair or limit agricultural use of the current parcel, the proposed parcel, or any surrounding parcels of land.

We have permission from Chris Michels of the Wisconsin DOT to allow one other owner access at the common driveway off of Highway 37. This driveway is an easement from Marjorie Rice. The original parcel is essentially landlocked because of a lack of feasible driveway location. This occurred when Highway 37 was rerouted and took away the property's access to the highway. This, of course, was out of our control. The proposed parcel would retain the actual land frontage, although would still essentially remain landlocked due to no feasible driveway location. We spoke on several occasions with Marjorie Rice, the owner of the common driveway and frontage property to the south of the driveway, but she is unwilling to sell any of that property to us.

We have permission from the Board of the Township of Drammen to rezone the property as indicated. The unanimous approval was given at the May 11, 2015 township meeting.

Town of Drammen
Meeting Minutes
Monday, May 11, 2015

The meeting was called to order by Chairman Ed Risler at 7:30 pm with all board members present.

Motion to approve the April, 2015 meeting minutes made by Joe Becker and seconded by Jeff Larson.
Motion carried.

Motion to approve the April, 2015 Treasurer's report made by Joe Becker and seconded by Jeff Larson.
Motion carried.

Motion to approve monthly bills with the addition of Chimney Rock Appraisals for \$1500.00 and the deletion of Fabco made by Joe Becker and seconded by Jeff Larson. Motion carried,

Motion to approve changing the zoning for Ron and Laura Wolf with the following address, S15505 State Road 37, Mondovi, WI 54755 parcel number 25.10.32.4-2, Pin number 18008-2-251032-420-0001 for the lot which would be approximately 8 acres in size to A2 from A1 and to keep the rest of the parcel /parcels at A1 zoning if variances from the county could be obtained and easements are obtained if needed. In the discussion the board was told that the DOT would allow the current driveway to remain where it is and not have to move it to be across from Bridge Road.

Motion to approve a zoning change for Vern and Debra Becker located at S14920 CTY RD WW, Eleva, WI 54738 parcel number 25.10.25.4-3-B, pin number 18008-2-251025-430-0002 from A1 to A3 if the plan of the land owner would be okay by Eau Claire County and the DNR for the southern part of entry into the land being sold in the back made by Joe Becker and seconded by Jeff Larson. Motion carried.

Motion to approve the Rural Roads agreement with the county made by Jeff Larson and seconded by Joe Becker. Motion carried.

Road report given by Chairman Risler:

Moe Rd – grind the lower part and put on crushed rock with a paver let sit for a year.
W Walnut Rd, Coon Creek will be evaluated by Scott Construction and Ed Risler
Maple Ridge Court Rd and Oak Court may be blade patch along with Dutter Rd.

The upcoming Extension workshop for new officials will be held on Wednesday, June 3, 2015 at the Sleep Inn in Eau Claire. Reservations will be sent in for three people.

Planning and Development has requested someone from the Town to work on County revising of the Comp Plan.

Donna Lund updated the board on the request from the Eau Claire County Treasurer's office.

Fire Calls were discussed,

The garbage collection and recycling station was discussed about manning the site for three dates. Work permit will be obtained.

Motion to adjourn made by Joe Becker and seconded by Jeff Larson. Motion carried.

Submitted

Mark Zuber



EAU CLAIRE COUNTY PLANNING STAFF RECOMMENDATION

REZONE NUMBER: RZN-0008-16 **COMPUTER NUMBER:** 024116810000

PUBLIC HEARING DATE: March 22, 2016

STAFF CONTACT: Matt Michels, AICP, Senior Planner

OWNER/AGENT: Ronald W & Laura A Wolf, S 15505 State Road 37, Mondovi, WI 54755

REQUEST: Rezone 6.92 acres +/- of land from A-P (Agriculture Preservation) District to A-2 (Agriculture Residential) District to allow a family member to sell the existing home and retain hunting land for family use

LOCATION: East side of Highway 37 at Bridge Road

LEGAL DESCRIPTION: Portion of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, and a portion of the NE $\frac{1}{4}$ SW $\frac{1}{4}$, and a portion of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, T25N, R10W, Town of Drammen (complete legal description attached)

SUMMARY

Applicant proposes to rezone 6.92 acres +/- of land from A-P (Agriculture Preservation) District to A-2 (Agriculture Residential) District to allow a family member to sell the existing home and retain hunting land for family use. If approved, the proposed irregular lot shape will require Committee approval subsequent to the rezoning.

BACKGROUND

SITE CHARACTERISTICS:

- Parent parcel is approximately 89 acres
- Property is predominantly wooded with a small amount of tilled fields

CURRENT ZONING:

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

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

The petition is to rezone the property described above from the A-P Agricultural Preservation District to the A-2 Agriculture-Residential District. The purpose of the A-2 District is to "Provide areas for limited residential and hobby farm development in a rural atmosphere" and to "preserve the county's natural resources and open space." Minimum lot size in the A-2 District is five (5) acres.

ZONING/LAND USE CONTEXT:

LOCATION	ZONING	LAND USE
Subject	A-P	Single-family residence
North	A-P	Agricultural fields & woodlands
East	A-P	Agricultural fields & woodlands
South	A-P	Agricultural fields & woodlands
West	A-P	Single-family residence; agricultural fields & woodlands

COMPREHENSIVE PLANS:

The Eau Claire County Future Land Use Map includes the property in the Rural Lands (RL) planning area and the Town of Drammen Future Land Use Map includes the property in the Rural Preservation (RP) planning area.

Following is a description of the intent of the applicable County 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 Drammen:

- Rural Preservation (RP) Comprehensive Plan Intent and Description: *The primary intent of this classification is to, “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. However, the term rural preservation is not intended to imply that changes in land use will not occur in these areas. As mapped, this designation includes farmland, scattered open lands, woodlots, agricultural-related uses, cottage industries, mineral extraction operations, farmsteads, and 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 and other policies included in this Plan. Any new development shall be located in order to minimize the fragmentation of productive agricultural or forest land and to minimize any disruption to existing uses. Requests to change the future land use designation of parcels shall be considered using the criteria listed within this chapter. The use of conservation subdivisions in any request for reclassification is strongly encouraged and will be considered as part of the request. The RP represents areas that are vital to the region’s agricultural & forestry economy and are key ingredients of the rural character and image of the Town of Drammen.”*
- Applicable Policies:
 2. 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.
 3. 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 (See policy 4 below).
 - ...
 5. 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 above. The following additional policies shall apply to zoning petitions:
 - a. Policies for the Rural Preservation area only apply to rezoning, land division, or subdivision petitions. Development that requires none of these is not subject to the requirements of this subsection. This policy is intended to address existing parcels

- within the RP area that are not zoned according to policy 5 or were vacant at the time of adoption of this Plan.13
- b. Rezoning land to the A-2 Agriculture-Residential District or the A-3 Agriculture District is discouraged for new non-farm residential development, unless findings can be made that 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.
 - c. 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 residential A-2 or A-3 parcels.
 - d. In addition to the criteria listed herein, rezoning land from A1 to one of the classifications listed in policy 5, shall require adherence to Section 18.04.055 of the Eau Claire County Zoning Code and, if part of a farmland preservation agreement, Section 91.77 Wis. State Statutes.

FARMLAND PRESERVATION PLAN:

The property is included in the Farmland Preservation Plan Map to allow the property owner to claim Farmland Preservation tax credits.

ANALYSIS

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

The rezoning petition has been evaluated for consistency with the purpose of A-2 District and the uses allowed in the district. The request is consistent with the purpose of the zoning code based on the following findings:

- The proposed rezoning is consistent with the Future Land Use plans for the County and the Town of Drammen
- The property is appropriately situated for the intended A-2 zoning with the required 250 of roadway frontage on Highway 37
- The proposed rezoning will not interfere with or be incompatible with existing agricultural uses in the vicinity
- The remaining A-P zoned property will be approximately 82 acres, which exceeds the 35 acre minimum lot requirement for the district.
- Existing uses in the area include a mixture of agricultural fields, woodlots, and residences

The rezoning petition has been evaluated for consistency with the purpose of A-2 District and the uses allowed in the district and have been found to be consistent with the purpose of the zoning code based on the aforementioned findings.

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** – The primary soil types on the property to be rezoned are Gotham loamy sand, 6 to 12% slopes, and Boone-Plainbo complex, 12 to 45% slopes, 2 to 6 percent slopes, which are classified as Capability Class 4 and 7, respectively. Neither of these soil types is considered prime agricultural soils.
- **Historical Productivity** – The area to be rezoned contains very little tilled land.
- **Site Location** – The site is located on the south side of Highway 37 and the proposed lot has sufficient roadway frontage (250 feet) for the A-2 District.
- **Adjacent Land Uses** – Uses in the area are a mixture of single-family residential, cropland, and woodland uses. Zoning in the area is primarily A-P, with some A-1 and A-3 zoning in the vicinity. Agriculture is limited by topography and soil capability.

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

The proposed rezoning conforms to the future land use intent, purpose, and policies for the Eau Claire County and Town of Drammen Comprehensive Plans.

Standard 3 - *The rezoning is substantially consistent with the certified Eau Claire County Farmland Preservation Plan.*

There will be no impact on highly productive agricultural soils. The Farmland Preservation Plan allows for and anticipates some transition of lands out of the certified farmland preservation zoning district (up to 20% of the lands included in the plan). The requested rezoning conforms with this standard.

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 conforms to this standard as the existing residence is compatible with nearby agricultural operations.

Town Board Action: The Drammen Town Board held a public hearing regarding this rezoning petition on May 11, 2015 and recommended approval subject to a condition that an easement be obtained on the front of the property to ensure legal access to the back parcel, which could otherwise be landlocked.

CONCLUSION

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

- Eau Claire County and Town of Drammen Comprehensive Plan future land use designations
- Eau Claire County and Town of Drammen Comprehensive Plan goals, objectives and policies
- Eau Claire County Zoning Ordinance, including purpose of the zoning code and allowable uses in A-2 District

In addition, the following factors have also been considered:

- Input of surrounding property owners (within 660 feet). Two neighboring property owners have called with questions regarding the proposed rezoning.

Staff finds that the proposed rezoning request is consistent with the Eau Claire County Comprehensive Plan and the Town of Drammen Comprehensive Plan. The Eau Claire County Comprehensive Plan recognizes that the proposed A-2 zoning district is consistent and therefore allowed within the mapped Eau Claire County Rural Transition and Town of Drammen Rural Transition future land use designations.

RECOMMENDATION

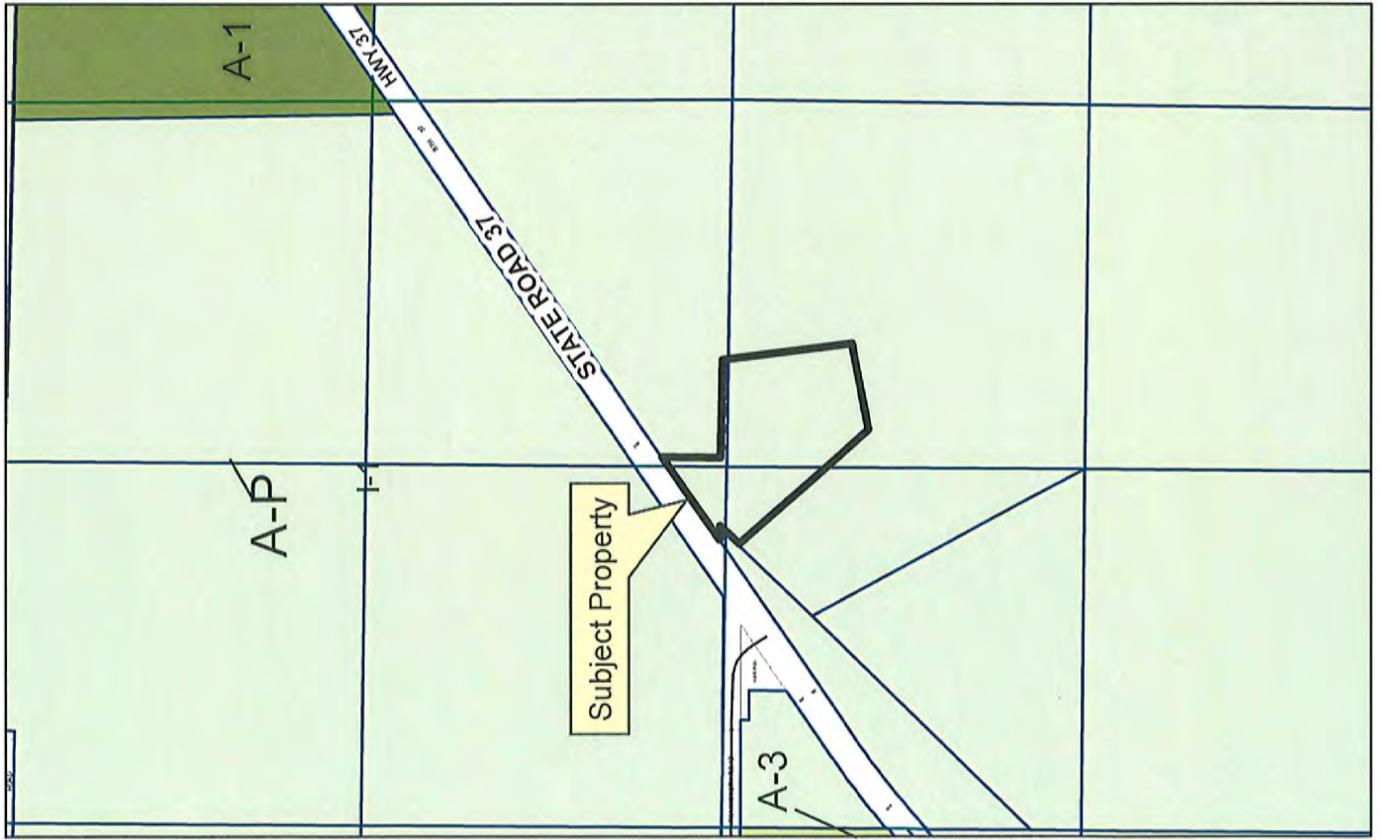
Staff recommends that the Planning and Development Committee file a recommendation of approval to the County Board for the rezoning petition to rezone the 6.92-acre +/- property from the A-P District to the A-2 District as depicted on the attached map and described in the attached legal description.



Wolf Rezoning: RZN-0008-16

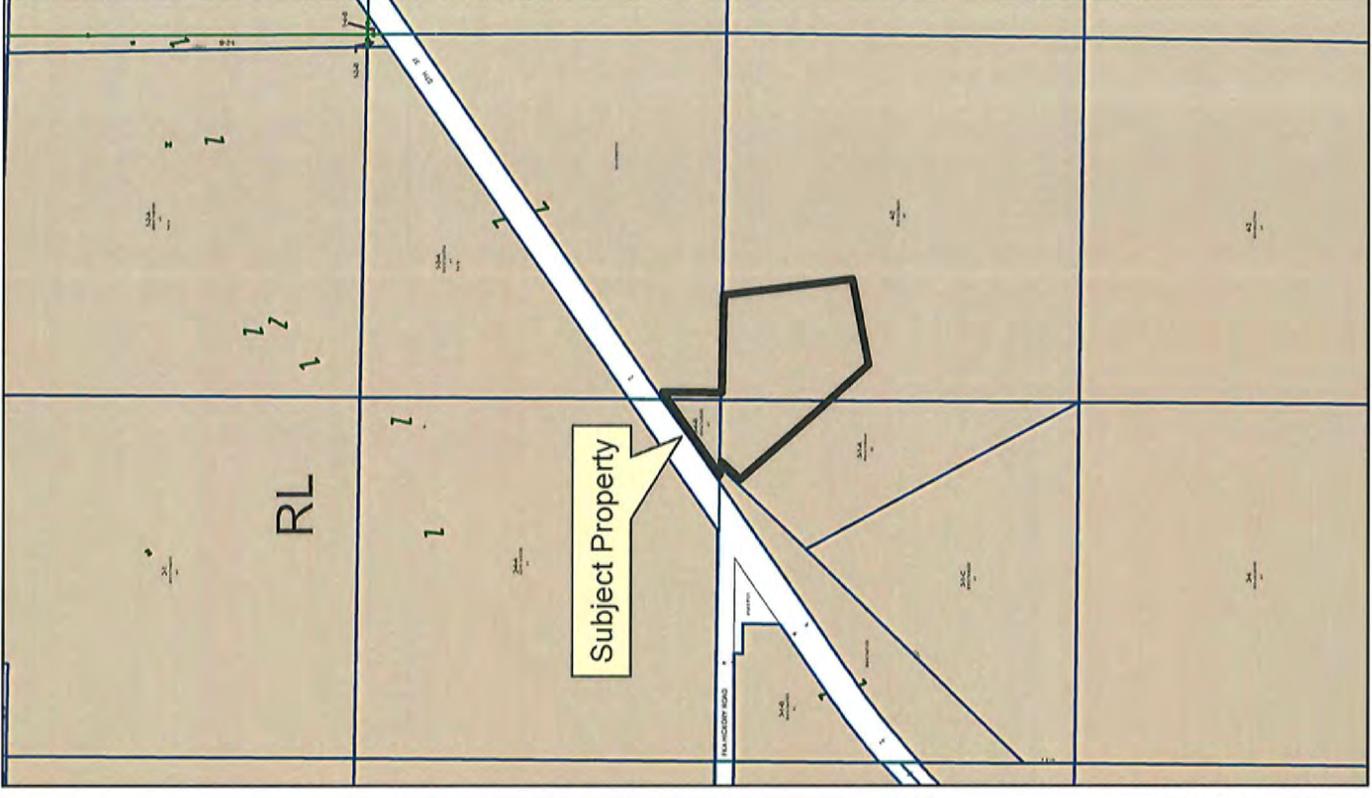
Existing Zoning

1 inch = 666.666667 feet



Existing Future Land Use

1 inch = 667 feet



Call zone values

A1 - Exclusive Agricultural District
A2 - Agriculture-Residential District
A3 - Agricultural District
A4 - Agricultural Preservation
A5 - Planning Agricultural-Residential District
C1 - Neighborhood Business District
C2 - General Business District
C3 - Highway Business District
F1 - Business Feasible District
F2 - Feasible District
I1 - Nonsewered Industrial District
I2 - Sewered Industrial District
RL - Single-Family Residential District, Large Lot
RLM - Single-Family Residential District
R2 - Two-Family Residential District
R3 - Multiple-Family Residential District
R4 - 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 parcel data was obtained from the Esri, Cass County Geographic Information System (GCS) and is not intended for use as a legal document. This map is intended for informational use only. Although significant care has been exercised in producing this map, the County does not warrant the accuracy of the data only as accurate as the source data from which they were compiled. These maps are intended to be advisory and are NOT intended to be used for legal purposes. The County is not liable for any damages, including consequential damages, arising from the use of these maps, as prepared by a Wisconsin Chartered Land Surveyor, to determine precise property location.
 Esri, Cass County does not warrant, guarantee or make any representations regarding the use of, or results from the use of, the data in terms of accuracy, accuracy, reliability, completeness, or timeliness. The user relies on the map and accepts liability of their own risk.

FACT SHEET
File No. 15-16/149

RE: Rezoning Petition from Daniel Green to rezone 9.3 acres +/- from A-P (Agricultural Preservation) District to A-2 (Agriculture-Residential) District to develop a single family home for a family member

Legal Description and Location: Portion of the NW¼ NW¼ of Section 7, T25N, R8W, Town of Clear Creek (complete legal description attached)

Size of area to be rezoned: 9.3 acres +/-

ADJACENT ZONING & LAND USES:

LOCATION	ZONING	LAND USE
Subject	AP	Woodlands and agricultural fields
North	A-P	Woodlands and agricultural fields
East	A-P	Agricultural fields
South	A-P	Woodlands and agricultural fields
West	A-2	Single family residences

LAND USE PLANS: The Eau Claire County Future Land Use Map includes this property in the Rural Lands (RL) planning area, and the Town of Clear Creek Future Land Use Map includes this property in the Rural Preservation (RP) planning area. Following is a description of the intent of the applicable County and Town comprehensive plan future land use categories:

Rural Lands (RL)

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

Rural Preservation (RP)

Town of Clear Creek 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. However, the term rural preservation is not intended to imply that changes in land use will not occur in these areas.”*

Staff Conclusions and Recommendation: Staff finds that the proposed rezoning request is consistent with the Eau Claire County Comprehensive Plan and the Town of Clear Creek Comprehensive Plan. The Eau Claire County Comprehensive Plan recognizes that the proposed A-2 zoning district is consistent and therefore allowed within the mapped Eau Claire County Rural Lands and Town of Clear Creek Rural Preservation future land use designations.

Town Board Action: The Town of Clear Creek Town Board met on Monday, March 14, 2016, to consider the rezoning petition and recommended approval of the rezoning.

Committee Action: The Eau Claire County Committee on Planning and Development conducted the required public hearing on Tuesday, March 22, 2016 regarding the proposed rezoning.

On a vote of 4 in favor and 0 against, the Committee recommends approval of the rezoning petition to the County Board. The committee considered the applicant’s testimony as well as the Town Board’s and staff’s recommendations in their deliberations.

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



Matt Michels, AICP
 Senior Planner

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

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

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

10
11 **Being part of the NW ¼ of the NW ¼, Section 7, T25N – R8W, Town**
12 **of Clear Creek, Eau Claire County Wisconsin described as follows:**

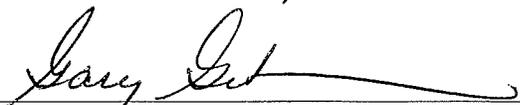
13
14 **Commencing at the NW corner of Lot 1, CSM recorded in Volume 2**
15 **of Certified Survey Maps, page 32; thence S.89°53'19"E. along the**
16 **northerly boundary of said Lot 1 a distance of 125.46 feet; Thence**
17 **S.11°33'02"E. along said northerly boundary of said Lot 1, a distance**
18 **of 50.80 feet; Thence N.87°03'47"E. along said northerly boundary of**
19 **said Lot 1, a distance of 152.84 feet; Thence S.06°48'29"E. along said**
20 **northerly boundary of said Lot 1, a distance of 184.30'; Thence**
21 **S.89°20'05"E. along said northerly boundary of said Lot 1, a distance**
22 **of 253.24 feet; Thence S.72°43'10"E. along said northerly boundary of**
23 **said Lot 1, a distance of 175.90 feet; Thence S.88°16'39"E. along said**
24 **northerly boundary of said Lot 1, a distance of 311.26 feet to the**
25 **northeast corner of said Lot 1; Thence N.00°03'16"E. a distance of**
26 **491.28 feet; Thence S.89°40'53"W. a distance of 1040.44 feet;**
27 **Thence S.00°43'19"W. a distance of 195.78 feet to the point of**
28 **beginning.**

29
30 **Said described lands contain 9.32 acres, more or less, to be reclassified**
31 **from the A-P Agricultural Preservation District to the A-2**
32 **Agriculture-Residential District.**

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

38
39 **ENACTED:** I hereby certify that the foregoing correctly represents the
40 action taken by the undersigned Committee on
41 March 22, 2016 by a vote of 4 for, 0 against.

42
43 **APPROVED BY**
44 **CORPORATION COUNSEL**
45 **AS TO FORM**

46
47 
48 _____
49 Planning & Development Committee, Chairperson

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

15-16/149

Application Accepted:	3/1/2016
Accepted By:	Matt Michels
Receipt Number:	45614
Town Hearing Date:	03/15/2016
Scheduled Hearing Date:	3/22/2016
Application No:	RZN-0009-16
Appl Status:	Pending

Rezoning - County

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

Existing Zoning District: **AP** Proposed Zoning District(s): **A2** Acres to be Rezoned: **9.34**

Portion Of The Nw1/4 Nw1/4 Of Section 7, T25N, R8W, Town Of Clear Creek, Eau Claire County, Wisconsin

Owner/Applicant Name(s): Daniel P & Patricia L Green	Address: (ow) E 6295 EVERGREEN RD ELEVA	Telephone: 715-577-9951(C) 715-833-9001(W)
--	---	--

Site Address(es):

Property Description: Sec 07 Twn 25 Rge 08 **Town of Clear Creek** **Lot Area:** 21.163 ACRES

Zoning District(s): AP

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

PIN	Alternate No	Parcel No	Legal (partial)
1800622508072200001	006101507010	25.8.7.2-2-B	FRAC NW-NW EX LOTS 1 & 2 OF C.S.M. VOL 2 PG 32

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

Owner/Agent Signature see attached application Date _____

Check if DATCAP must be notified _____

Check if DNR to Receive Copy _____

RECEIVED

MAR 01 2016

COUNTY CLERK

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

Supervisory dist 7: Steve Chilson



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

Application Accepted:	3/29 3/11/16
Accepted By:	WMM
Receipt Number:	45614
Town Hearing Date:	3/15/16
Scheduled Hearing Date:	3/22/16

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): AZ

Acres to be rezoned: Approx. 9.25

Property Owner Name: DANIEL GREEN Phone# 715-878-4476

Mailing Address: EG295 EVERGREEN RD. ELEVA, WI 54738

Email Address: GWHP@AOL.COM

Agent Name: _____ Phone# _____

Mailing Address: _____

Email Address: _____

RECEIVED

SITE INFORMATION

MAR 01 2016

Site Address: _____ COUNTY CLERK

Property Description: NW 1/4 NW 1/4 Sec. 7, T 25 N, R 8 W, Town of CLEAR CREEK

Zoning District: _____ Code Section(s): _____

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

Computer #(s): 006 - 1015 - 07 - 010

GENERAL APPLICATION REQUIREMENTS

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

<input type="checkbox"/> Complete attached information sheet	<input checked="" type="checkbox"/> Contact the Town to coordinate a recommendation on the application <u>March 14, 2016</u>
<input type="checkbox"/> Provide legal description of property to be rezoned	<input type="checkbox"/> Provide \$565.00 application fee (non-refundable), payable to the Eau Claire County Treasurer (\$500.00 application processing fee and \$65.00 mapping surcharge fee)

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

Owner/Agent Signature [Signature]

Date 2-27-16

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

REZONING APPLICATION CHECKLIST

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

Required Application Items:

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

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

SUPPLEMENTAL INFORMATION FOR A REZONING PETITION

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

Describe the reason(s) for your rezoning request:

TO PROVIDE A BUILDING SITE FOR MY DAUGHTER AND SON IN LAW

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

THIS SITE IS ADJACENT TO AN EXISTING 5 ACRE AND A 10 ACRE SITES.

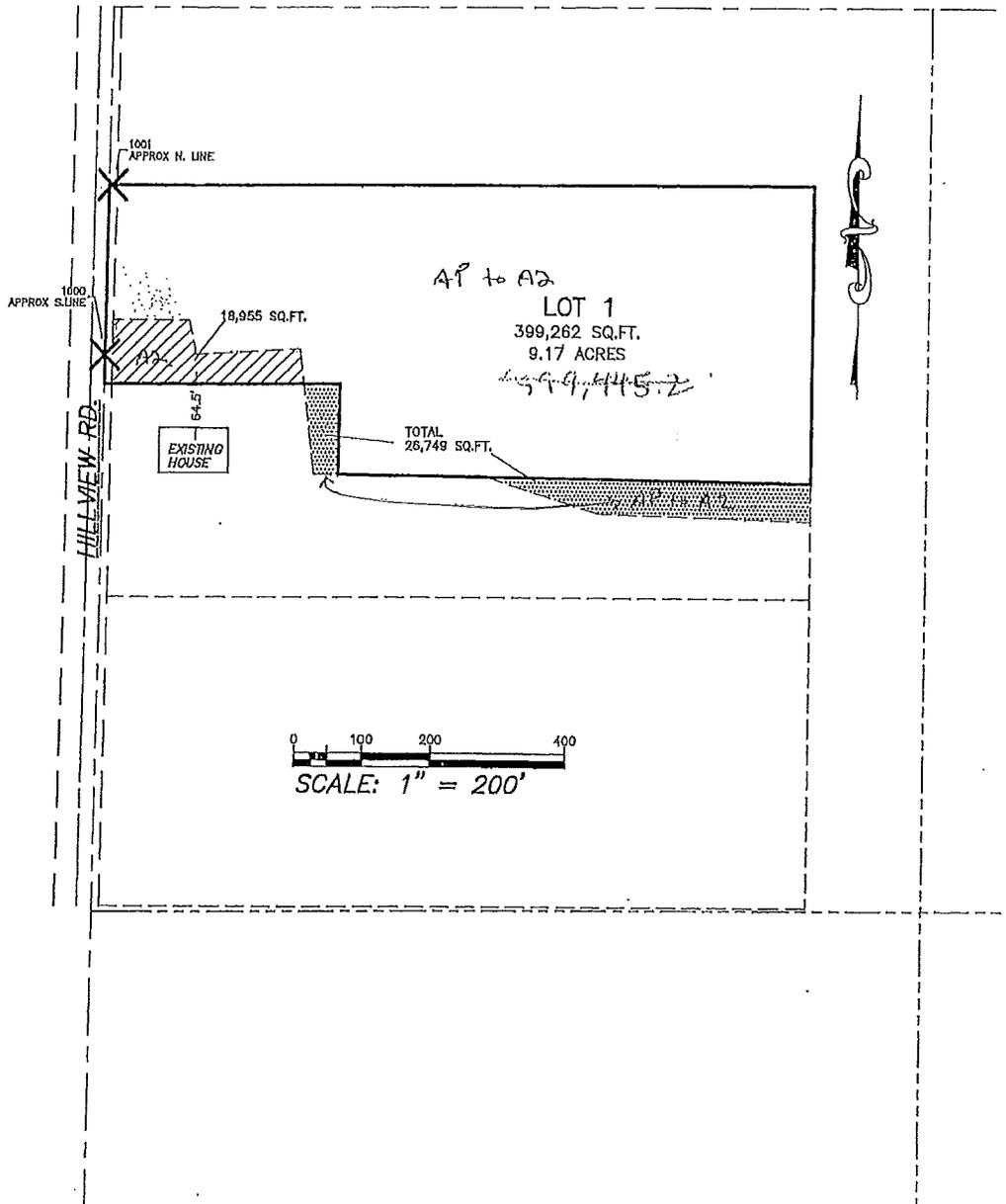
THIS WILL ALLOW US TO STRAIGHTEN OUT AN IRREGULAR LOT LINE WITH ADJACENT PROPERTY.

ROAD ACCESS OK WITH TOWN OF PLEASANT VALLEY TOWN ROAD MAINTENANCE SUPERVISOR.

THE MAJORITY OF THE LAND WILL REMAIN IN CROP PRODUCTION. THE HOUSE IS SITUATED ON A HILLTOP WHICH IS POORER QUALITY FOR CROPLAND.

CERTIFIED SURVEY MAP, No. _____

IN THE $\frac{1}{4}$ OF THE $\frac{1}{4}$,
SECTION, TN, RW,
OF, COUNTY, WISCONSIN



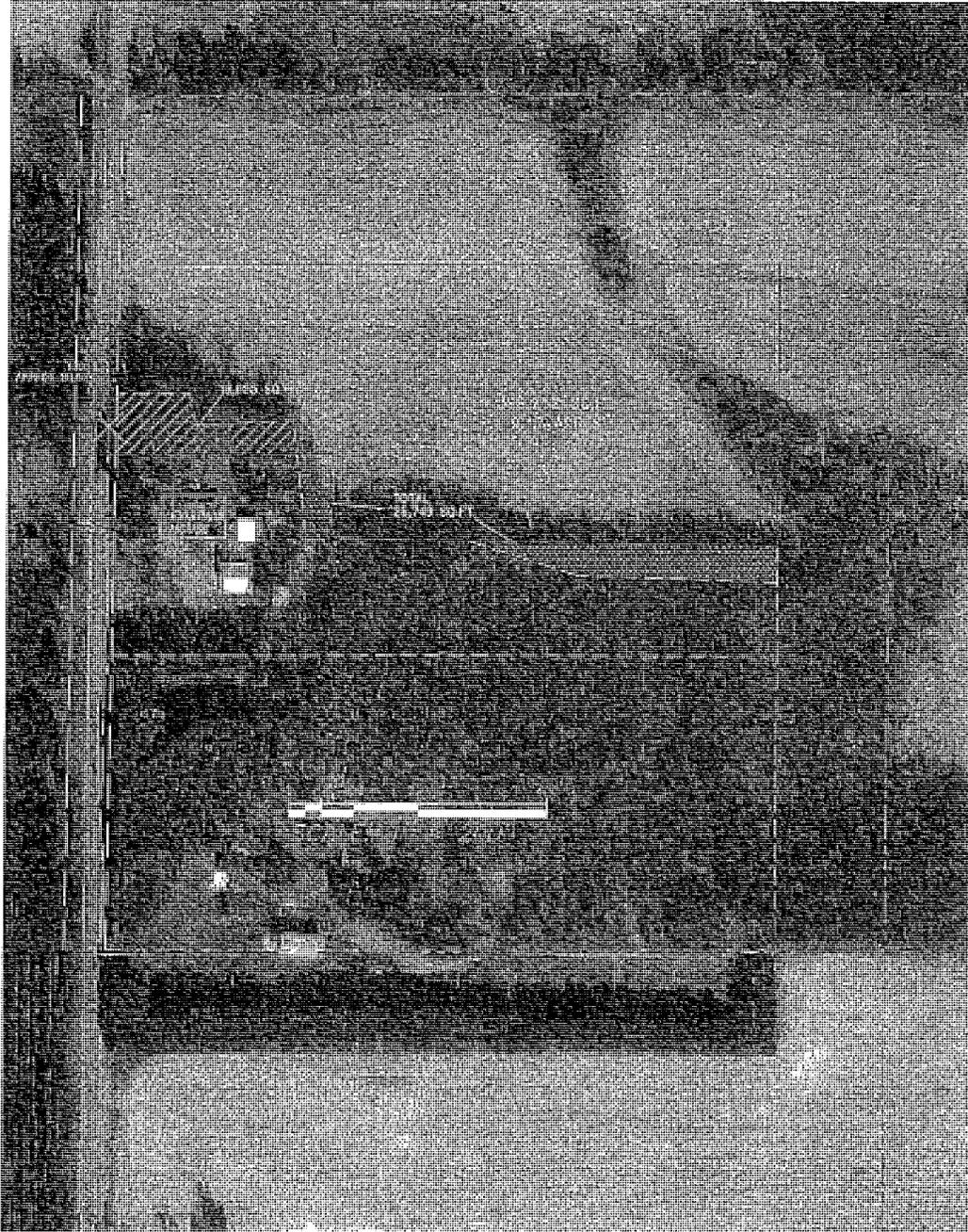
REAL LAND SURVEYING, LLC
655 FAIRFAX ST.
ALTOONA, WI 54720
(715)514-4116
CADD No. 16039

total AP to A2 = SHEET 1 OF 2
407,056 #, 9.34 ac ±

VOL. _____ OF CSM, PAGE _____

CERTIFIED SURVEY MAP, No. _____

IN THE $\frac{1}{4}$ OF THE $\frac{1}{4}$,
SECTION, T_N, R_W,
OF _____ COUNTY, WISCONSIN



REAL LAND SURVEYING, LLC
635 FAIRFAX ST.
ALTOONA, WI 54720
(715)514-4118
CADD No. 16038



EAU CLAIRE COUNTY PLANNING STAFF RECOMMENDATION

REZONE NUMBER: RZN-0009-16 **COMPUTER NUMBER:** 006101507010

PUBLIC HEARING DATE: March 22, 2016

STAFF CONTACT: Matt Michels, AICP, Senior Planner

OWNER/AGENT: Daniel Green, E 6295 Evergreen Rd, Eleva, WI 54738

REQUEST: Rezone 9.3 acres +/- from A-P (Agricultural Preservation) District to A-2 (Agricultural-Residential) District to develop a single family home for a family member

LOCATION: East side of Hillview Road approximately one-quarter mile south of Evergreen Road

LEGAL DESCRIPTION: Portion of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 7, T25N, R8W, Town of Clear Creek (complete legal description attached)

SUMMARY

The applicant proposes to rezone 9.3 acres +/- of property from A-P (Agriculture Preservation) District to A-2 (Agriculture-Residential) District to develop a single-family residence for a family member. The remainder of the property (approximately 51.8 acres) will remain zoned A-P, with the eastern portion of the property remaining in agricultural cultivation.

BACKGROUND

SITE CHARACTERISTICS:

- Parent parcel is approximately 61.16 acres
- Western two-thirds of property is wooded
- Eastern one-third of property contains tilled fields
- Western portion of the property contains steep slopes

CURRENT ZONING:

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

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

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

REQUESTED ZONING DISTRICT:

The petition is to rezone the 5-acre property described above from the A-P Agricultural Preservation District to the A-2 Agriculture-Residential District.

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

ZONING/LAND USE CONTEXT:

LOCATION	ZONING	LAND USE
Subject	AP	Woodlands and agricultural fields
North	A-P	Woodlands and agricultural fields
East	A-P	Agricultural fields
South	A-P	Woodlands and agricultural fields
West	A-2	Single family residences

COMPREHENSIVE PLANS:

The Eau Claire County Future Land Use Map includes this property in the Rural Lands (RL) planning area, and the Town of Clear Creek Future Land Use Map includes this property in the Rural Preservation (RP) planning area, which is consistent with this rezone request. Following is a description of the intent of the applicable County and Town comprehensive plan future land use category 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 Clear Creek:

- Rural Preservation Comprehensive Plan Intent and Description: *The primary intent of these areas is to, “preserve productive agricultural lands in the long-term, protect existing farm & forestry operations from encroachment by incompatible uses, promote further investments in farming, maintain farmer eligibility for incentive programs, and to preserve wildlife habitat and open spaces. In other words, to preserve the rural character of these areas. However, the term rural preservation is not intended to imply that changes in land use will not occur in these areas.”*
- Applicable Policies: *The following policies are applicable to this rezoning petition. Staff comments, where provided, follow the policy in italics.*
 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.*
 - ...
 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 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 in the 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 Class I, II, or III soils. In addition, it is the preference of the Town of Clear Creek that new non-farm residential lots that are approved in accord with these policies be located adjacent to or near existing non-farm development.*
 - ...

4. *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 above. The following additional policies shall apply to zoning petitions:*

...

- b. Rezoning land to the A-2 Agriculture-Residential District or the A-3 Agriculture District is discouraged for new non-farm residential development, unless findings can be made that 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.*
- c. 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 residential A-2 or A-3 parcels.*

FARMLAND PRESERVATION PLAN:

The property is included in the Farmland Preservation Plan Map, which allows the property owner to claim Farmland Preservation tax credits. Many other properties in the vicinity are excluded from farmland preservation.

ANALYSIS

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

The rezoning petition has been evaluated for consistency with the purpose of A-2 District and the uses allowed in the district. The request is consistent with the purpose of the zoning code based on the following findings:

- The proposed rezoning is generally consistent with the Future Land Use plans for the County and the Town of Clear Creek
- The property is appropriately situated for the intended A-2 zoning with frontage on Hillview Dr.
- The remaining property will meet the minimum lot size (35 acres) for the A-P District
- Existing uses in the area include a mixture of single-family residences, woodlands, and agricultural fields

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

A-P Rezoning Standards

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

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

- **Soil Types** – Although the majority of the property is tilled, the soils are generally marginal for agriculture. Several soil types are found on the property to be rezoned, including:

Soil Type	Description	Capability Class
AtD2	Arland sandy loam, 12-20% slopes	4
BiB	Billett sandy loam, 1-6% slopes	3
E1C2	Eleva sandy loam, 6-12% slopes	3
La	Lows loam	6

- **Historical Productivity** – The majority of the property to be rezoned has been historically cultivated for agriculture.
- **Site Location** – The site is located on the east side of Hillview Road
- **Adjacent Land Uses** – Uses in the area are a mixture of cropland, woodlands, and single-family residences. Zoning in the area is also a mixture of A-P, A-2, and A-R zoning in the vicinity of this property. Agriculture is limited by topography and soil capability.

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

The proposed rezoning conforms to the future land use intent, purpose, and policies for the Eau Claire County and Town of Clear Creek Comprehensive Plans.

Standard 3 - *The rezoning is substantially consistent with the certified Eau Claire County Farmland Preservation Plan.*

A residence for the family member could be constructed within the A-P certified farmland preservation district without a rezoning if the property owner constructed the home without a mortgage loan. Banks will not typically lend on properties with farmland and require that the land with the home be divided from the farm. Therefore, the proposed zoning action will not have any greater adverse impacts than if the home were constructed following the A-P district standards.

The rezoning is substantially consistent with the Farmland Preservation Plan and will have minimal impact on productive farmland.

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 substantially impair or limit current or future agricultural use.

Town Board Action: The Clear Creek Town Board will consider this rezoning petition on Monday, March 14, 2016.

CONCLUSION

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

- Eau Claire County and Town of Clear Creek Comprehensive Plan future land use designations

- Eau Claire County and Town of Clear Creek Comprehensive Plan goals, objectives and policies
- 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 (within 660 feet). No correspondence has been received to date
- Town of Clear Creek Board action

Staff finds that the proposed rezoning request substantially conforms with the Eau Claire County Comprehensive Plan and the Town of Clear Creek Comprehensive Plan. The Eau Claire County Comprehensive Plan recognizes that the proposed A-2 zoning district is consistent and therefore allowed within the mapped Eau Claire County Rural Lands and Town of Clear Creek Rural Preservation future land use designations.

RECOMMENDATION

Staff recommends that the Planning and Development Committee file a recommendation of approval to the County Board for the rezoning petition to rezone the 9.3-acre property from the A-P District to the A-2 District as depicted on the attached map and described in the attached legal description.



Green Rezoning: RZN-0009-16

Existing Zoning

1 inch = 666.666667 feet



AG - Agricultural Preservation
A1 - Exclusive Agricultural District
A2 - Agriculture-Residential District
A3 - Agricultural District
A4 - Planning 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
RL - Single-Family Residential District, Large Lot
RM - Single-Family Residential District
R2 - Two-Family Residential District
R3 - Multi-Family Residential District
R4 - 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 East Clinton County Coordinate System (NAD_1983_HCRN_Co_EastClinton_Feet). This map is a collection of public record information and was prepared as a planning tool. It is not intended for use as a legal document. Although significant care has been exercised to produce accurate maps, the user should verify the accuracy of the information shown on this map. These maps are intended to be advisory and are NOT designed or intended to be used as a substitute for an accurate survey. In determining precise property location, the user should consult a professional land surveyor. East Clinton 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, completeness, or timeliness, and the user relies on the map and results solely at their own risk.

Existing Future Land Use

1 inch = 667 feet

