

Eau Claire County
PLANNING & DEVELOPMENT COMMITTEE AGENDA

Tuesday, May 24, 2016 • 7:00 PM
Eau Claire County Courthouse • 721 Oxford Avenue • Room 1277
Eau Claire, Wisconsin

1. Call to Order
2. Public Input Session **(30 minute maximum)**
Comments are restricted to matters within the Committee's jurisdiction, and items not pertaining to already scheduled public hearings. Comments will be limited to three minutes per individual.
3. Public Hearings:
 - a. A conditional use permit request to construct additions to accessory structures where the cumulative square footage will exceed 1,200 square feet in the RH Rural Homes District (Slowik – Town of Brunswick) CUP-0006-16 / Discussion – Action **p. 2 - 18**
 - b. A conditional use permit request to construct an accessory structure in excess of 1,200 square feet in the RH Rural Homes District (Menard – Town of Union) CUP-0005-16 / Discussion – Action **p. 19 - 38**
 - c. **File No. 16-17/011** “To Amend Section 18.27.020 D. and F. of the Code: General Regulations” / Discussion – Action **p. 39 - 46**
 - d. A petition for the attachment of two properties to the Lake Altoona District / Discussion – Action **p. 47 - 73**
 - Michael K. and Christine L. Allen, Lots 3 & 4, Block 2, Lake View Addition – Tax Parcel 024-2006-05-000. Site Address: 7734 Elayne Drive, Eau Claire
 - Melanie A. Haugen, Lot 8, Block 2, Lake View Addition – 024-2006-10-000. Site Address: 7816 Elayne Drive, Eau Claire
4. Review/Approval of Preliminary Plat of Trillium Estates in Sections 10 and 11, T26N-R09W in the Town of Washington / Discussion – Possible Action **p. 74 - 81**
5. Subdivision variance request due to an unusual lot configuration in Section 2, T27N-R10W in the Town of Union (Menard Inc.) / Discussion – Action **p. 82 - 88**
6. Subdivision variance request for lots not meeting minimum lot size requirements (1.5 acres) in the extraterritorial jurisdiction of the City of Eau Claire in Section 15, T26N-R09W in the Town of Washington (Chelsea Lane) / Discussion – Action **p. 89 - 95**
7. Subdivision variance request for a lot not meeting minimum lot size requirements (1.5 acres) in the extraterritorial jurisdiction for the City of Eau Claire in Section 14, T27N-R09W in the Town of Seymour (Solberg) / Discussion – Action **p. 96 - 98**
8. Review/Approval of May 10, 2016 Meeting Minutes / Discussion – Action **p. 99 - 101**
9. Proposed Future Agenda Items / Discussion
10. Adjourn

Post: 5/19/2016

Please note: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through sign language, interpreters or other auxiliary aids. For additional information or to request the service, contact the County ADA Coordinator at 839-4710 (FAX) 839-1669 or (TDD) 839-4735 or by writing to the ADA Coordinator, Human Resources Department, Eau Claire County Courthouse, 721 Oxford Ave., Eau Claire, Wisconsin 54703.



EAU CLAIRE COUNTY PLANNING AND DEVELOPMENT STAFF RECOMMENDATION

CONDITIONAL USE PERMIT NUMBER: CUP-0006-16
COMPUTER NUMBER(S): 004-1013-02-000
PUBLIC HEARING DATE: May 24, 2016

STAFF CONTACT: Rod Eslinger, Land Use Manager
OWNER: Gregg Slowik
APPLICANT: Same as owner
REQUEST: Conditional use permit for the cumulative area of all accessory structures in excess of 1,200 square feet
LOCATION: W 3831 Service Road, Eau Claire, WI 54703
LEGAL DESCRIPTION: Part of the NW of the SW, Section 2, T26N, R10W, Town of Brunswick.

SUMMARY

Request for a conditional use permit for the cumulative area of all accessory structures in excess of 1,200 square feet (3,733 square feet requested) in the RH, Rural Homes District for the purpose of storing cars, boats, motorcycles, lawn equipment, and building materials.

BACKGROUND

- Below are past Committee on Planning and Development or Department actions/approvals/notices on property at W 3831 Service Road, Eau Claire, Wisconsin:
 - June 24, 1987 a conditional use permit (CUP1987-24) was approved to allow an auto repair shop as a home occupation on Mr. Slowik's property.
 - November 9, 1992, a violation notice was sent to Mr. Slowik for not complying with the terms of the conditional use permit regarding outside storage. Department gave a 30-day compliance schedule.
 - May 11, 1993, a land use permit was issued by the department for a 15-foot by 24-foot addition onto an existing garage and a fence.
 - January 31, 2000, a violation notice was sent to Mr. Slowik for the storage of unlicensed or inoperable motor vehicles or parts thereof outside of an enclosed building.
 - May 22, 2001, a conditional use permit (CUP2001-28) was issued to allow an additional garage (40-foot by 25-foot garage) on the property to exceed 1,000 square feet.
 - The exterior of the garage needs to appear similar to residence.
 - The building shall be completed by September 1, 2001. By September 1, 2001, all motor vehicles, boats, and miscellaneous materials stored outside shall either be removed or placed within the structure.
 - May 23, 2001, a land use permit was issued to Mr. Slowik for the construction of a 40-foot by 25-foot accessory structure.
 - September 11, 2001, a violation notice was sent to Mr. Slowik stated that the structure was not completed per scheduled timeframe of conditional use permit (CUP2001-28).

- October 12, 2001 a conditional use permit (CUP2001-55) was approved to allow for the cumulative area of accessory structures to exceed 1,000 square feet (standard changed to 1,200 square feet in 2003) subject to the following conditions:
 - Completed construction date to be December 9, 2001.
 - The building shall be painted by May 23, 2002.
 - It shall be a condition of the issuance of the permit that the owner shall not refuse access to the a member of Eau Claire County Department of Planning and Development to inspect the premise the permit pertains to at a reasonable time to ensure compliance with the conditions of the permit.
 - The permit is subject to Section 18.21.080 to 18.21.100 of the zoning code. These are review procedures for conditional use permits.
- September 4, 2002, a violation notice was sent to Mr. Slowik for not meeting the deadlines to complete the accessory structure and to paint the structure to match the house.
- April 30, 2003, a violation notice was sent to Mr. Slowik for not complying with the terms on conditional use permit (CUP2001-28 and CUP2001-55)
- June 24, 2003 a conditional use permit (CUP2003-31) was approved to allow outside storage of boats behind a six foot high fence in the RH district.
- Mach 9, 2015, department receives a complaint regarding the storage vehicles, boats, and exceeding the terms of existing CUPs.
- March 13, 2015, a violation notice sent to Mr. Slowik regarding the storage of multiple vehicles on the property.
- October 19, 2015, a violation notice was sent to Mr. Slowik as a follow up to the March 13, 2015 letter.
- December 30, 2015, letter outlined the findings of an onsite inspection from December 29, 2015.
- March 29, 2016, letter sent to Mr. Slowik notifying him that the property remains in violation (for the outside storage of unlicensed vehicles and buildings materials) and notifying him that taking no action may result in further legal action.
- April 20, 2016, Mr. Slowik applied for a conditional use permit application.

SITE CHARACTERISTICS:

- The site is located at the intersection of Service Road and Karissa Drive.
- Lot size is 1.23 acres.
- Currently on the property are two outbuildings (garage: 30-foot by 25-foot and a pole shed: 26-foot by 40-foot) and a residence (26-foot by 40-foot).
- The proposed additions to the existing accessory structures that are planned equal 1,943 square feet.
- The existing access driveway is off of Service Road.
- The site is partially screened from adjacent land uses.
- The property is served by an on-site septic system and well.

CURRENT ZONING: RH Rural Homes District. The purpose of the RH District is "...to provide for suburban large-lot (residential) development with individual on-site water and sewage disposal facilities."

ADJACENT ZONING & LAND USES:

DIRECTION	ZONING	LAND USE
North	A-P, Agricultural Preservation District	Non-metallic mining
West	C-3, RH	Residences, Commercial business
South	RH	Residential subdivision
East	RH, C-3	Residences and commercial mixed use

LAND USE PLANS

The County Land Use Plan, adopted in 2010, includes this property in a Rural Residential planning area; the Town of Brunswick Comprehensive Plan also places this property in a Rural Residential Planning area.

Eau Claire County - Rural Residential (RR)

Intent and Description: The primary intent of this classification is to identify areas suitable for future non-farm residential development. Rural Residential areas include lands that are delineated as existing residential properties or vacant platted areas. In addition, some undeveloped land has been designated for RR development where subdivision expansion is likely to occur. These additional areas tend to be adjacent to existing rural subdivisions or where local roads and utilities exist to efficiently and economically serve the area.

APPLICABLE ZONING REGULATIONS

Section 18.01.010 Purpose. This section describes the purpose of the zoning code. Generally, the purpose of the zoning ordinance is as follows: 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.

Section 18.02.020 A.167.a Definition of an Accessory Structure. An “accessory structure” means a subordinate structure which is clearly and customarily incidental to and located on the same lot as a principal structure except that mobile/manufactured homes are not allowed as storage structures.

Section 18.07.040.B.2. Maximum Height for an Accessory Structure in the RH District. The maximum height for the eaves of an accessory structure is 14 feet, and the maximum height for the structure is 20 feet. Maximum height is measured as the height halfway between the peak of the roof and the eaves.

Section 18.07.045 C. Accessory structures in the RH Rural Homes District. A conditional use permit is required to for accessory structures in excess of 1,200 square feet in the RH District and/or where the cumulative square footage of accessory structures is in excess of 1,200 square feet. The regulations also require that the appearance of an accessory structure shall be compatible with the design, style, and appearance of the principal structure on the property.

Chapter 18.21 Conditional Uses. Standards for approval of conditional uses: 1) the use must be in conformance with the purpose of the zoning district it is located in; 2) the use will not be injurious to the use and enjoyment of other property in the immediate vicinity; 3) adequate utilities, access, drainage and other necessary facilities have been or are provided; 4) adequate off-street parking is provided; 5) adequate measures have been taken to prevent or control offensive odors, fumes, dust, noise and vibration so these will not constitute a nuisance, and lighting is controlled so that it does not result in disturbance to neighboring properties; 6) soil conditions are adequate to support the use; 7) access does not pose traffic congestion or hazards.

ANALYSIS: Findings can be made that the proposed request does not meet the standards for accessory structures in residential districts; that the accessory structures will not be subordinate to the residence on the property (total square footage of the accessory structures (3,733 square feet) will far exceed that of the residence), and that standards for conditional use permits are not met. There has been a history of compliance issues with prior committee and department approvals. The applicant has not demonstrated that the property can remain in compliance with the requirements of the county code and the conditional use permit. The property currently is in violation for miscellaneous zoning code violations.

This request does appear to be injurious to the use and enjoyment of other properties in the immediate vicinity. It does appear that the use of the structure will result in a nuisance for the neighborhood.

TOWN BOARD ACTION: The Town of Brunswick Town Board met on May 12, 2016 and voted to recommend approval of the conditional use permit application.

STAFF CONCLUSIONS AND RECOMMENDATION: Staff concludes that the request for the cumulative square footage of the accessory structures to exceed 1,200 square feet on the applicant's property will meet not meet the standards for an accessory structures in a RH District; will not meet the standards for approval of conditional use permits; and will not be consistent with the purpose of the zoning code. Staff recommends denial of the conditional use permit.

County Board Supervisor District
Gordy Steinbaier

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: 4/20/2016
Accepted By: Rod Eslinger
Receipt Number: 46250
Town Hearing Date: 06/11/2015
Scheduled Hearing Date: 5/24/16
Application No: CUP-0006-16
Appl Status: Pending

Conditional Use Permit - County

Owner/Applicant Name(s): Gregg R Slowik	Address: (ow) W 3831 SERVICE RD EAU CLAIRE	Telephone: 715-839-0999(H)
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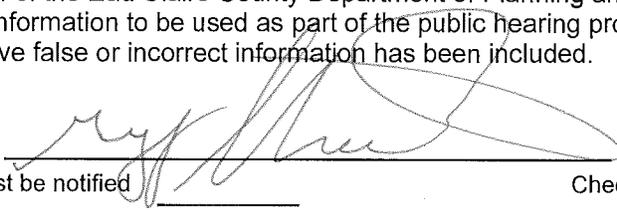
Site Address(es): W 3831 SERVICE RD EAU CLAIRE
Property Description: Sec 02 Twn 26 Rge 10 Town of Brunswick Lot Area: 1.230 ACRES
Zoning District(s): RH

Overlay District: Check Applicable	<input type="checkbox"/> Shoreland	<input type="checkbox"/> Flood Plain	<input type="checkbox"/> Airport	<input type="checkbox"/> Wellhead Protection	<input type="checkbox"/> Non-Metallic Mining
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PIN 1800422610023200004	Alternate No 004101302000	Parcel No 26.10.2.3-2-D	Legal (partial) PRT NW-SW BG 1175.1' E OF W 1/4 COR SEC 2 TN S0*05'W 24.
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General Description: Type: Accessory Structure in Excess of 1200 sq ft	Conditional Use Contract: No
Description of Proposed Use: LEAN-TO ADDITIONS TO GARAGE AND POLE SHED AT W3831 SEVICE ROAD. LEAN-TO ADDITIONS WILL BE USED FOR PERSONAL STORAGE SUCH AS CARS, BOATS, MOTORCYCLES, ETC..	Structure Check: Yes

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  Date 4-20-16

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

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

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

CONDITIONAL USE PERMIT APPLICATION

Property Owner Name: <u>Gregg Slowik</u>	Phone# <u>715 839-0999</u>
Mailing Address: <u>W3831 Service rd. Eau Claire, WI 54701</u>	
Email Address: <u>none</u>	

Agent Name: <u>none</u>	Phone#
Mailing Address:	
Email Address:	

SITE INFORMATION

Site Address: <u>W3831 Service rd. Eau Claire, WI 54701</u>	
Property Description: _____ ¼ _____ ¼ Sec. _____, T _____, N, R _____, W, Town of <u>BRUNSWICK</u>	
Zoning District: <u>RH</u>	Code Section(s): <u>18.04.045</u>
Overlay District: Check Applicable	<input type="checkbox"/> Shoreland <input type="checkbox"/> Floodplain <input type="checkbox"/> Airport <input type="checkbox"/> Wellhead Protection <input type="checkbox"/> Non-Metallic Mining
Computer #(s): <u>004 - 1013 - 02 - 000</u>	

GENERAL APPLICATION REQUIREMENTS

Applications will not be accepted until the applicant has met with department staff to review the application and determine if all necessary information has been provided. Applications are due by 12:00 PM of the Tuesday three weeks prior to the Planning and Development Committee meeting. All information from the checklist below must be included.

<input type="checkbox"/> Complete attached information sheet	<input type="checkbox"/> Site Plan Drawn to Scale	<input checked="" type="checkbox"/> Contact the Town to coordinate a recommendation on the application	<input type="checkbox"/> Provide \$400.00 ^{\$500.00} application fee (non-refundable), payable to the Eau Claire County Treasurer
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(June 11, 2015)

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

Owner/Agent Signature

Date 4-20-16

NOTICE: PERMIT FEES DOUBLE WHEN WORK BEGINS PRIOR TO ISSUANCE OF PERMITS & APPROVALS.

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.

SUPPLEMENTAL INFORMATION FOR A CONDITIONAL USE PERMIT

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.

WRITTEN DESCRIPTION OF THE PROPOSED USE:

General description of the use (home occupation, accessory structure in excess of 1,200 square feet, filling in a floodplain, non-metallic mining, or any other listed conditional use in zoning districts).

Additions to garage and pole shed at W3831 Service rd. Eau Claire will be used for storage. Items such as cars, boats, motorcycles, lawn equipment, and building materials are examples of items to be placed in indoor storage at this previously listed address

IF THE PROPOSED USE INVOLVED A BUSINESS ACTIVITY, DESCRIBE THE PROPERTY

Description of the type of business activity:	NA
Equipment used in the business activity:	NA
Days and hours of operation:	NA
Number of employees:	NA
Nuisance abatement measures that will be implemented:	NA
Noise abatement measures:	NA
Vibration abatement measures:	NA
Dust control measures:	NA
Measures to control fumes or odors:	NA
Visual screening measures (plants, fences, walls, etc.):	NA

DESCRIPTION OF ANY OTHER FEATURES OR CHARACTERISTICS THAT MAY BE SUBJECT TO ZONING REGULATIONS

Exterior appearance of any structure, including a description of the building materials used, the height of eaves, the color of the structure, etc. (required for conditional use permit applications for accessory structures in excess of 1,200 square feet)

see attached sheet

Any proposed excavation or fill, the amount of material that will be mined in a non-metallic mining operation, the amount of material that will be stockpiled, etc.

Other features or characteristics (signs, fences, outdoor display areas, etc.)

SCALED SITE PLAN

- | | |
|--|--|
| <input checked="" type="checkbox"/> Show parcel and building dimensions of all existing and proposed structures | <input checked="" type="checkbox"/> Landscape and screening plans |
| <input checked="" type="checkbox"/> Show all signs, fences and other features that may be regulated by zoning | <input checked="" type="checkbox"/> Show the well and septic system |
| <input checked="" type="checkbox"/> Site access, driveway, and nearest road (labeled) | <input checked="" type="checkbox"/> Parking areas with spaces |
| <input checked="" type="checkbox"/> Drainage plans including the erosion control plan | <input checked="" type="checkbox"/> Show all navigable water ways, wetlands, floodplains, slopes in excess of 20%, and any other unique limiting condition of the property |
| <input checked="" type="checkbox"/> The layout of the use within the structure; if the use only occupies part of the structure, the floor plan should illustrate only the layout of that part of the structure occupied by the use and any access to the use through halls, doorways, etc. | |
| <input checked="" type="checkbox"/> The location of any equipment that will be used | |

FOR ALL NON-AGRICULTURAL ACCESSORY STRUCTURES

- Show floor plan, including attics
- Show scaled building elevations
- Show color scheme

See attached sheets

garage and pole shed will be painted the same colors as the residence at this named address upon completion of construction.

Eau Claire County Parcel Mapping



1 inch = 60 feet

PLSS Lines

- Meander Line
- Forty Line
- Quarter Section Line
- Section Line

Parcel Lines

- Parcel Line
- Extended Parcel Line
- Tie Line
- Extended Tie Line
- Road Right-of-Way Lines

Platted Lands

- Certified Survey Map
- Condominium Plat
- Assessors or Subdivision Plat

Navigability

- Navigable
- Non-Navigable

Alternate Number = 026107103000
Survey Map Index Number = S-2769

Parcel Mapping Notes:

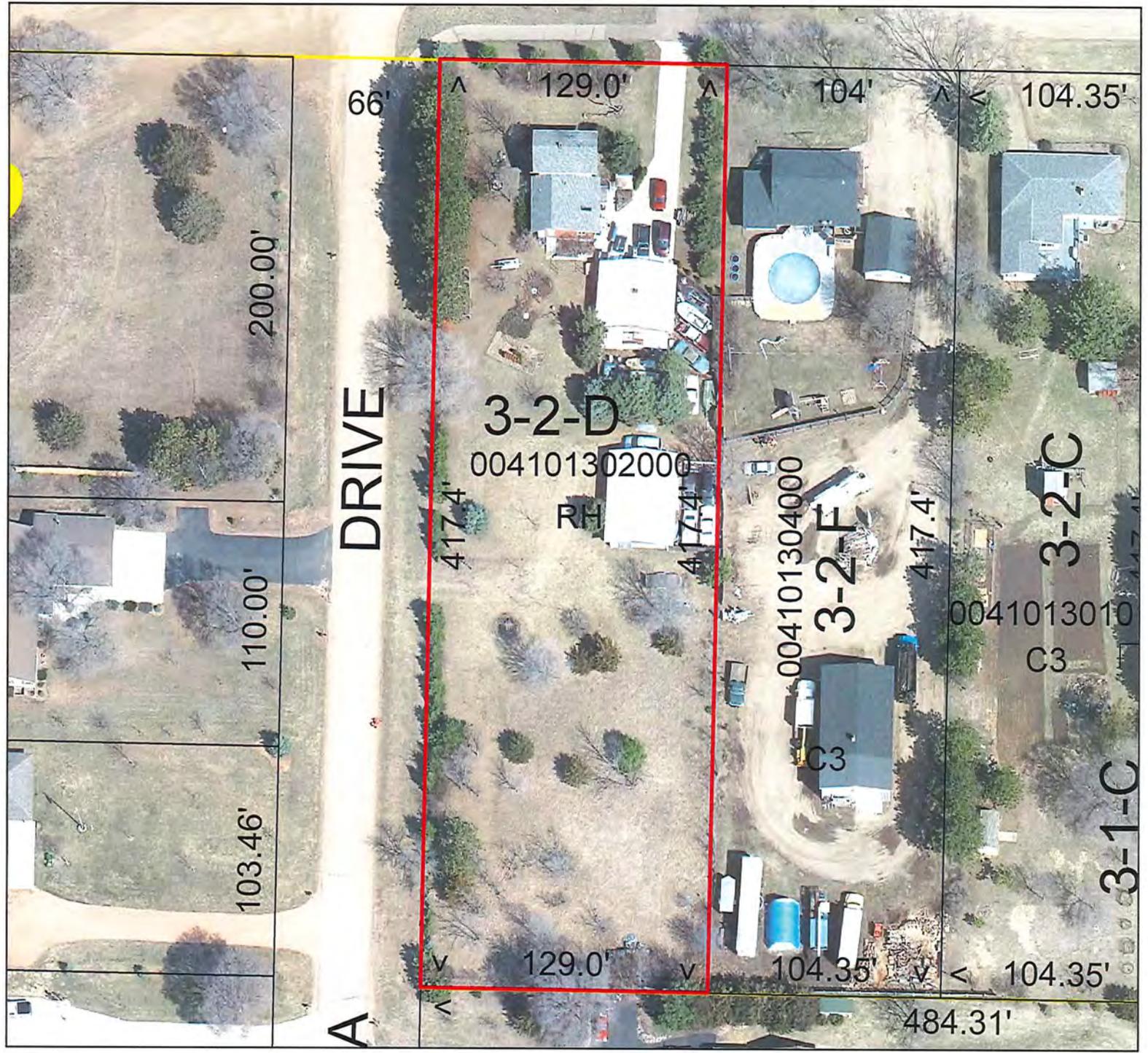
The horizontal datum is based on the Eau Claire County Coordinate System NAD_1983_HARN_Ag_LW_EauClaire_Feet

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

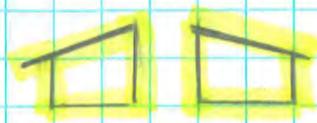
Eau Claire County does not warrant, guarantee or make any representations regarding the use of, or results from the use of the data in terms of correctness, accuracy, reliability, currentness, or otherwise; and the user relies on the map and results solely at their own risk.

Date:

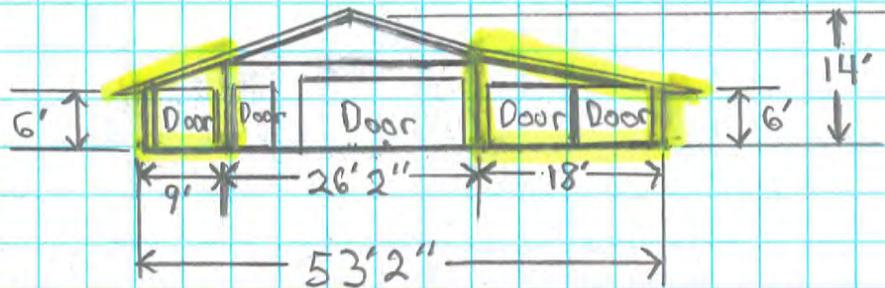
Aerial Photography Flight Spring 2013
Information Current January 1, 2013



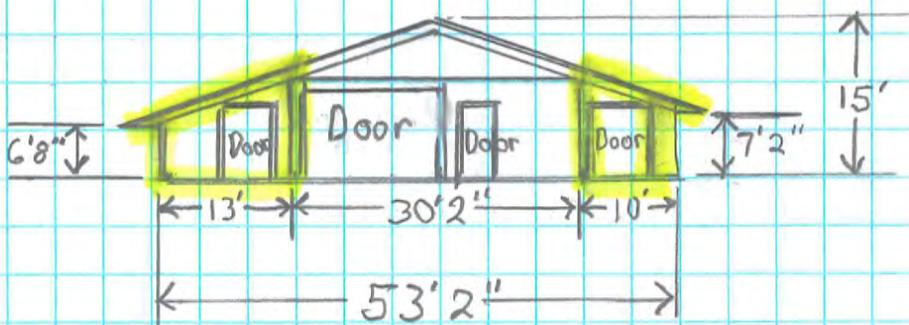
Key
each square equals 5 feet

 - proposed additions

Pole Shed
with additions
facing Service rd.



Garage with additions
facing Service rd.



Key - each square equals 10 feet

Proposed Pole Shed Addition - 1084.509'

$$18' \times 40'2'' = 723.006'$$

$$9' \times 40'2'' = 361.503'$$

$$\text{Total } \underline{\underline{1084.509'}}$$

 = proposed addition site

Proposed Garage Addition - 859.5'

$$13' \times 36'6'' = 474.5'$$

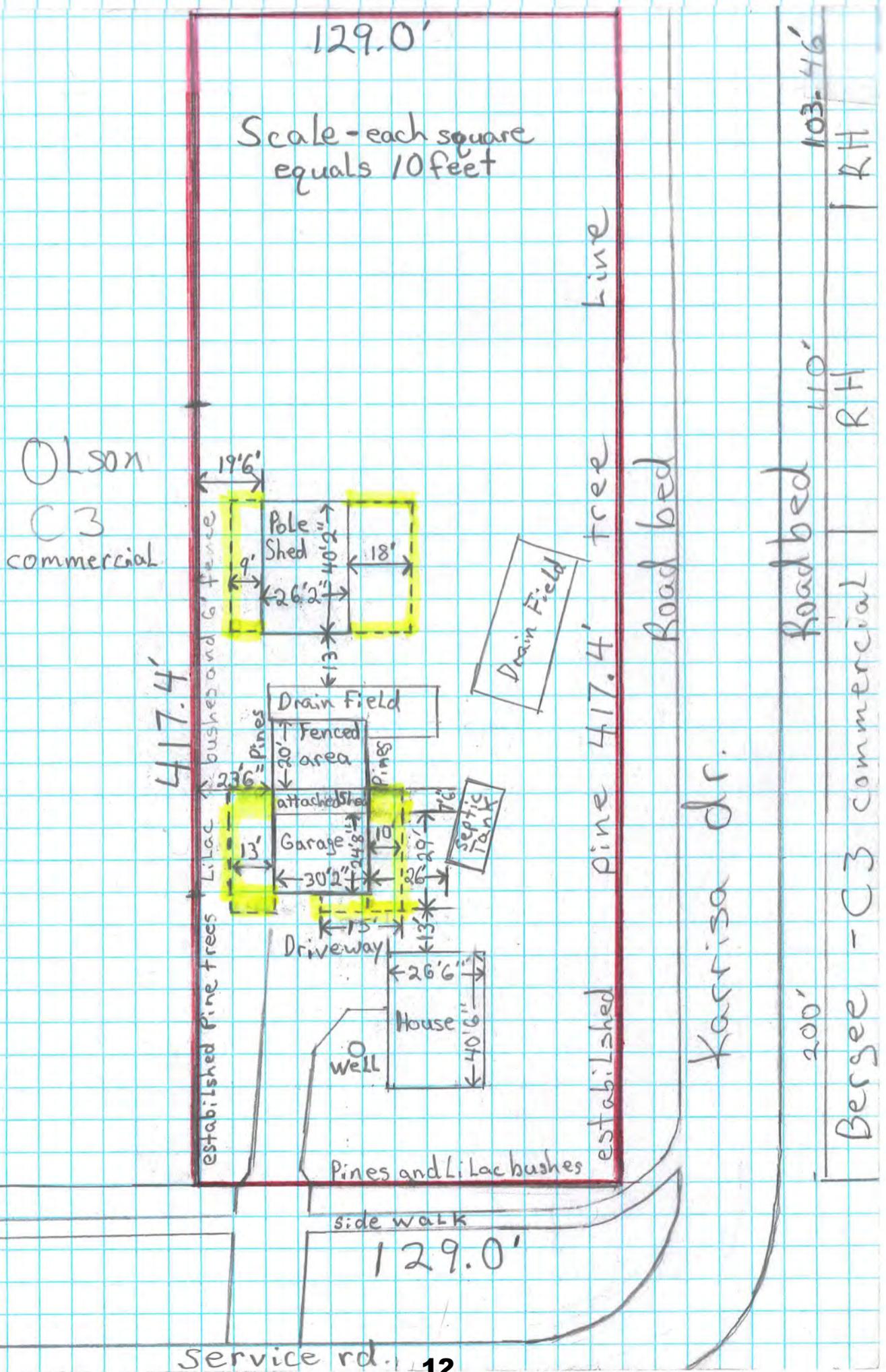
and

$$10' \times 36'6'' = 365'$$

and

$$4' \times 5' = 20'$$

$$\text{Total } \underline{\underline{859.5'}}$$



MINUTES

Brunswick Town Board Regular Monthly Meeting

May 12, 2016

Brunswick Town Hall

PRESENT: Chairman Fred Turk, Supervisors Don Jaquish and Dan Sommerfeld, Clerk, Debra Grinde. **Absent:** Treasurer Leslie Jaquish.

Call to Order: Chairman Turk called the meeting to order at 7:00 p.m. He led the Pledge of Allegiance to the Flag.

Meeting Minutes: Supervisor Sommerfeld moved to approve the April 19, 2016 minutes. Seconded by Supervisor Jaquish. Motion carried.

INFORMAL PUBLIC COMMENT TIME: The approach to a mailbox at 2550 Rim Rock Rd. needs repair and will be forwarded to American Express to complete. Bonnie Peterson will plant the flower boxes at the Town Hall using Grinde's flowers the same as last year. Future CUP applicants will be advised to communicate with their neighbors as to the reason for their application upon being placed on the agenda. Traffic concerns at stop signs and excess speeds were discussed.

DISCUSSION/ACTION ITEMS

1. Bid opening for town road projects: Monarch – Spehle Rd. \$162,782.62. Maple Drive Rd. \$115,503.13. Senn – Spehle Rd. \$164,636.22. Maple Drive Rd. \$114,349.26. No other bids. Motions by Jaquish/Sommerfeld to award Monarch the Spehle Rd. work for \$162,782.62 and Senn the Maple Drive Rd. project for \$114,349.26. Motions carried.
2. Doug Carlson presented the Board a report on land now owned by the Town of Brunswick. He will continue to research the history and values of these parcels prior to the Board taking action on the sale of land.
3. The CUP application presented by Gregg Slowik was reviewed by the Board. A neighbor expressed his concern over the slow progress he has seen at the site. Supervisor Jaquish made a motion to recommend approval of the application to

construct a lean-to for storage, with a second by Chairman Turk. Motion carried.

4. Bills: A motion was made by Supervisor Sommerfeld to pay the bills and upon receipt of monthly statements from American Express Excavation for February and March and hereafter to pay their invoices. Seconded by Chairman Turk. Motion carried.
5. The Treasurer's report was furnished to the Board for review prior to the meeting.
6. The next meeting will be held on June 9, 2016 at 7 p.m. OPEN BOOK is scheduled from 4:30 – 6:30 p.m. that evening and Board of Review will meet and adjourn to June 16, 2016 from 5 to 7 p.m. All meetings held at the Brunswick Town Hall.
7. Adjournment at 8:14 p.m. by Turk/Jaquish. Motion carried.

Respectfully submitted by,

Debra Grinde

Clerk

May 12, 2016

Rod Eslinger
Eau Claire County Land Use Supervisor
Department of Planning and Development
Eau Claire County Courthouse – Room 3344
721 Oxford Ave.
Eau Claire, WI 54703

RE: CUP-0006-16

Dear Mr. Eslinger,

I recently received the notice letter of an upcoming public hearing (May 24th, 2016) where my neighbor, Gregg Slowik has applied for a conditional use permit to construct an addition or additional storage accessory structure(s). My work schedule at the time of the hearing will not permit me to attend, so I am placing my comments in writing and I appreciate you, along with the Eau Claire County Committee Members to consider my opinion in this matter.

I have been living in my home and have been a neighbor of Gregg for 16 years. I live on Karissa Drive which consists of a cul de sac containing seven homes each on approximately one to three acre lots. The only access to Karissa Drive is right next to Gregg's home on Service Road, so his home is the first and last thing one sees as they enter or leave Karissa Drive.

It is my request Mr. Eslinger, if you haven't already, that you and the Committee Members visit and walk around Gregg's property and see first-hand what is currently at the property and inside the existing storage spaces. I believe this is an important component to the consideration of Gregg's permit request because one can't fully understand what type or quantity of "stuff" is on his property by just driving by. His home exterior is missing shingles and siding and is generally dilapidated. He has accumulated so many items, including but not limited to multiple vehicles, steel doors, lumber, pallets, potted trees, etc. that he only has a small walking pathway to get from the end of his driveway to his entry door. This general state is nothing new, and to my recollection, has been generally so since I moved into the neighborhood, but definitely has grown worse (more "stuff") annually.

Several years back, (about 7-8 years ago?) Gregg was granted the permit from Eau Claire County to erect a USED pole shed storage building. I recall that it was stated that this was to help clean up the items that had accumulated outside his home at that time. I also recall that a condition of that permit being granted was that he was to paint the exterior of the pole shed. That USED shed was constructed, was NOT painted, and did NOT reduce the amount of "stuff" on his lot.

Apparently, Eau Claire County has been attempting to work with Gregg for some time to get him to clean up the "stuff" on his lot. I understand that it may seem logical to allow another storage building to allow him the opportunity to store such items out of sight. I don't believe that approval of such additional space alone is going to change anything long term, and recent history as mentioned above should be a very good indicator of this. It is my opinion that the approval of this permit only "kicks the can further down the road" and doesn't really address the root of the problem which is the amount of

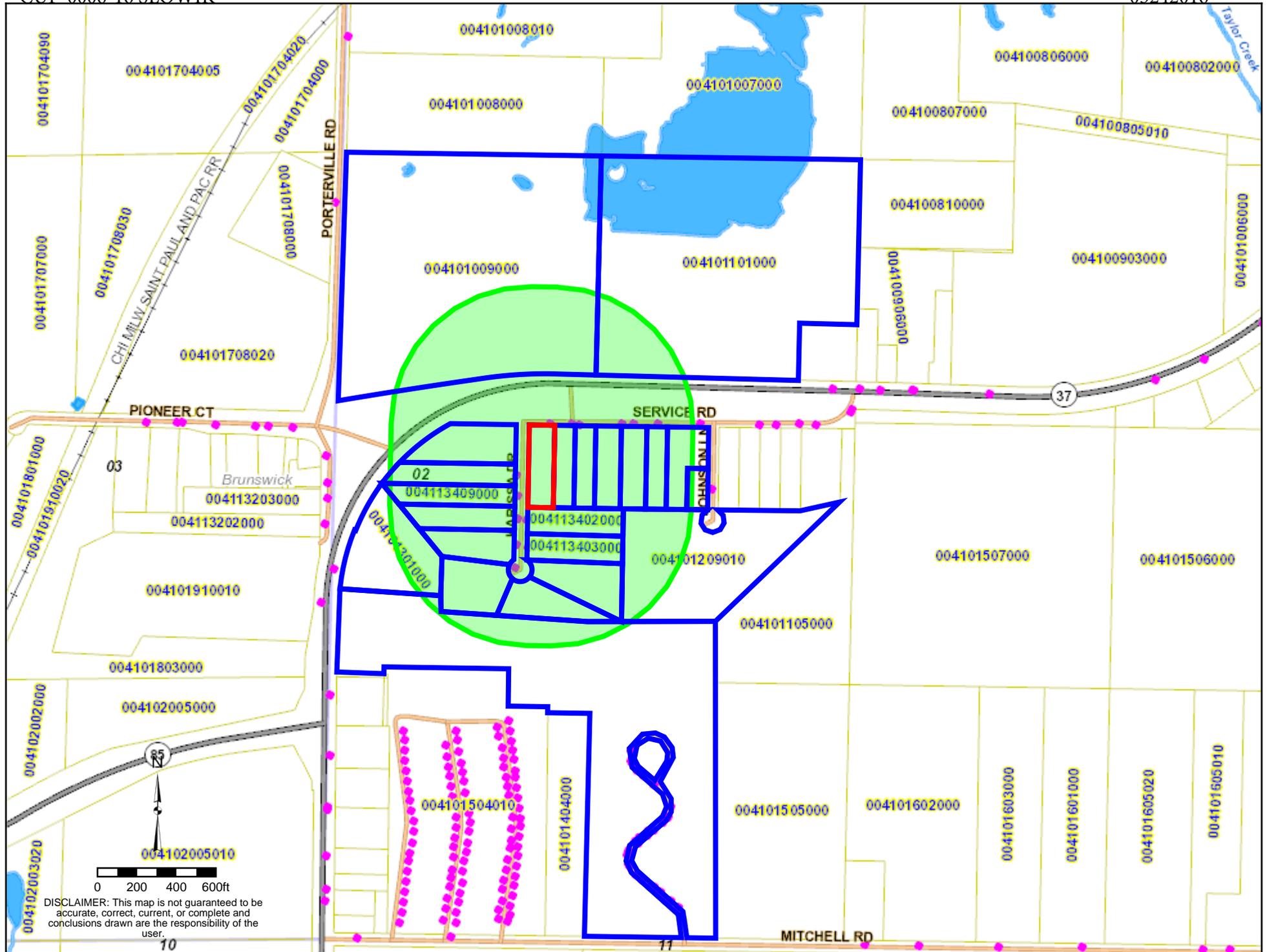
“stuff” that continues to accumulate. In my opinion, the solution should be to remove/eliminate the “stuff”, and instead of building additional storage space, invest in the home improvements that are desperately overdue.

I make every effort to be a friendly, respectful, and generally a good neighbor. I really don't like to meddle in my neighbors' business or what they deem as their enjoyment of their property. This situation, however; doesn't seem to have an end nor does it show any promise of positive change. The state of Gregg's house and yard does have direct impact on those of us living around him. The impact goes well beyond the eyesore that we are faced with on a daily basis. I had an appraiser at my home a few years ago because we were refinancing our home loan. The appraiser commented how wonderful our neighborhood was, but it was a shame that it was directly adjacent to “that place on the corner”. The appraiser commented that Gregg's home negatively impacts the property values of our homes. In other words, the state that Gregg has his home and lot in is reducing the value of my home and that of my neighbors' as well. That DOES make this my business, and the reason I am taking the time to write this letter.

Please consider how you would feel if you were living in this neighborhood and experiencing the actual (not perceived) negative impacts on your own property value. I trust that whatever the Eau Claire County Department of Planning and Development determines with this conditional use permit, that proper oversight and enforcement will continue into the future to assure that Gregg eliminates the “stuff” piled, parked, and stored on his lot and the general appearance of his home is greatly improved.

Sincerely,

Matt McHugh
S 4850 Karissa Dr.
Eau Claire, WI 54701



DISCLAIMER: This map is not guaranteed to be accurate, correct, current, or complete and conclusions drawn are the responsibility of the user.

Parcel Id	NAME	ADDRESS	CITY	STATE	ZIP
1800422610023202009	BW RENTALS WISCONSIN LLC	1123 SUNSET LN	ALTOONA	WI	54720-2049
1800422610023202000	DODD, ANTHONY W & JULIE M	S 4855 KARISSA DR	EAU CLAIRE	WI	54701
1800422610023100004	FRANSON, GENE A & JEAN	W 3645 SERVICE RD	EAU CLAIRE	WI	54701-9520
1800422610023202005	HALL, JAMES	S 4870 KARISSA DR	EAU CLAIRE	WI	54701-5306
1800422610023202007	HOLLISTER, JEREMY S	S 4840 KARISSA DR	EAU CLAIRE	WI	54701
1800422610023100015	JOHNSON, RICHARD E	S 4830 JOHNSON LN	EAU CLAIRE	WI	54701-9525
1800422610023202008	KING, JAMES J & BARBARA J	S 4810 KARISSA DR	EAU CLAIRE	WI	54701
1800422610023100011	MAAG, CHRISTOPHER M	W 3691 SERVICE RD	EAU CLAIRE	WI	54701-9520
1800422610023202006	MCHUGH, MATTHEW T & REBECCA S	S 4850 KARISSA DR	EAU CLAIRE	WI	54701-5306
1800422610023202002	MOEN TRUST, MICHAEL J	662A 26 3/8 ST	NEW AUBURN	WI	54757-8771
1800422610023200002	OLSEN, CHARLES & BARBARA	S 4905 STATE ROAD 37	EAU CLAIRE	WI	54701-9528
1800422610023200006	OLSON, RICHARD	W 3801 SERVICE RD	EAU CLAIRE	WI	54701-9508
1800422610023202001	PETERSON, ERIC	S 4875 KARISSA DR	EAU CLAIRE	WI	54701-5306
1800422610023200003	SEEP, PHILLIP J II & MARY C	W 3775 SERVICE RD	EAU CLAIRE	WI	54701
1800422610022300001	TAYLOR CREEK DEVELOPMENT	688 PO BOX	EAU CLAIRE	WI	54702-0688
1800422610023100005	ZEIMETZ, ROBERT	W 442 ALBANY L	MONDOVI	WI	54755
		S5152 DAMAR PVT DR	EAU CLAIRE	WI	54701
		S5156 DAMAR PVT DR	EAU CLAIRE	WI	54701
		S5160 DAMAR PVT DR	EAU CLAIRE	WI	54701
		S5164 DAMAR PVT DR	EAU CLAIRE	WI	54701
		S5168 DAMAR PVT DR	EAU CLAIRE	WI	54701
		S5172 DAMAR PVT DR	EAU CLAIRE	WI	54701
		S5216 DAMAR PVT DR	EAU CLAIRE	WI	54701
		S5220 DAMAR PVT DR	EAU CLAIRE	WI	54701
		S5224 DAMAR PVT DR	EAU CLAIRE	WI	54701
		S5228 DAMAR PVT DR	EAU CLAIRE	WI	54701
		S5232 DAMAR PVT DR	EAU CLAIRE	WI	54701
		S5236 DAMAR PVT DR	EAU CLAIRE	WI	54701
		S5240 DAMAR PVT DR	EAU CLAIRE	WI	54701
		S5246 DAMAR PVT DR	EAU CLAIRE	WI	54701
		S5250 DAMAR PVT DR	EAU CLAIRE	WI	54701
		S5256 DAMAR PVT DR	EAU CLAIRE	WI	54701
		S5261 DAMAR PVT DR	EAU CLAIRE	WI	54701
		S5265 DAMAR PVT DR	EAU CLAIRE	WI	54701
		S5266 DAMAR PVT DR	EAU CLAIRE	WI	54701
		S5270 DAMAR PVT DR	EAU CLAIRE	WI	54701
		S5273 DAMAR PVT DR	EAU CLAIRE	WI	54701
		S5279 DAMAR PVT DR	EAU CLAIRE	WI	54701



EAU CLAIRE COUNTY PLANNING STAFF RECOMMENDATION

CONDITIONAL USE PERMIT NUMBER: CUP-0005-16

COMPUTER NUMBERS: 022-1076-01-000

PUBLIC HEARING DATE: May 24, 2016

STAFF CONTACT: Rod Eslinger, Land Use Manager

OWNER: John and Laura Menard

APPLICANT: Steen Construction

REQUEST: Conditional use permit for an accessory structure to exceed 1,200 square feet

LOCATION: 2828 West Menomonie Street, Eau Claire, WI 54703

LEGAL DESCRIPTION: SW of the NW, Section 24, T27N-R10W, Town of Union

SUMMARY

Request for a conditional use permit for an accessory structure to exceed 1,200 square feet (2,910 square feet requested) in the RH, Rural Homes District. The floor plan included with the application reveal that the accessory structure will contain a workout area, workshop, automobile and recreational vehicle storage area, a bathroom with a sink and water closet, and a climbing wall silo. The exterior of the structure will match that of the residence to be constructed on the property.

BACKGROUND

SITE CHARACTERISTICS:

- The property owner is constructing a single family home. The footprint of the home to be constructed is 4,885 square feet.
- Lot size is 40 acres.
- The property is mostly wooded.
- Sherman Creek menders through the property
- Access to the property is off of West Menomonie Street.
- The garage location will be well screened from adjacent properties.

CURRENT ZONING:

CURRENT ZONING: RH Rural Homes District. The purpose of the RH District is "...to provide for suburban large-lot (residential) development with individual on-site water and sewage disposal facilities."

ADJACENT ZONING & LAND USES:

	ZONING	LAND USE
North	RL	Residential-Single Family, Sherman Creek
West	RH	Ag. use, woodlands
South	RH	Residential-Single Family

East	RL	Residential-Single Family
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LAND USE PLANS: The County Land Use Plan, adopted in April of 2010, includes this property in a Rural Residential Planning area. The Town Comprehensive Plan adopted in 2010 also includes this property in the Rural Residential Planning area.

Rural Residential (RR)

Intent and Description: The primary intent of this classification is to identify areas suitable for future non-farm residential development. Rural Residential areas include lands that are delineated as existing residential properties or vacant platted areas. In addition, some undeveloped land has been designated for RR development where subdivision expansion is likely to occur. These additional areas tend to be adjacent to existing rural subdivisions or where local roads and utilities exist to efficiently and economically serve the area.

APPLICABLE ZONING REGULATIONS

Section 18.01.010 Purpose. This section describes the purpose of the zoning code. Generally, the purpose of the zoning ordinance is as follows: 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.

Section 18.02.020 A.167.a Definition of an Accessory Structure. An “accessory structure” means a subordinate structure which is clearly and customarily incidental to and located on the same lot as a principal structure except that mobile/manufactured homes are not allowed as storage structures.

Section 18.07.040.B.2. Maximum Height for an Accessory Structure in the RH District. The maximum height for the eaves of an accessory structure is 14 feet, and the maximum height for the structure is 20 feet. Maximum height is measured as the height halfway between the peak of the roof and the eaves.

Section 18.07.045 C. Accessory structures in the RH Rural Homes District. A conditional use permit is required to for accessory structures in excess of 1,200 square feet in the RH District and/or where the cumulative square footage of accessory structures is in excess of 1,200 square feet. The regulations also require that the appearance of an accessory structure shall be compatible with the design, style, and appearance of the principal structure on the property.

Chapter 18.21 Conditional Uses. Standards for approval of conditional uses: 1) the use must be in conformance with the purpose of the zoning district it is located in; 2) the use will not be injurious to the use and enjoyment of other property in the immediate vicinity; 3) adequate utilities, access, drainage and other necessary facilities have been or are provided; 4) adequate off-street parking is provided; 5) adequate measures have been taken to prevent or control offensive odors, fumes, dust, noise and vibration so these will not constitute a nuisance, and lighting is controlled so that it does not result in disturbance to neighboring properties; 6) soil conditions are adequate to support the use; 7) access does not pose traffic congestion or hazards.

ANALYSIS: Findings can be made that the proposed request meets the standards for accessory structures in residential districts, that the structure will be subordinate to the residence on the property, and that it will meet all of the standards for conditional use permits. The exterior of the structure will be compatible with the design, style and appearance of the exterior appearance of the residence. This request does not appear to be injurious to the use and enjoyment of other properties in the immediate vicinity. The lot is large enough to accommodate the garage. It does not appear that the use of the structure will result in any nuisance factors such as noise, dust, or fumes.

TOWN BOARD ACTION: The Town of Union Plan Commission and Town Board met on May 5, and May 10, 2016 respectfully. The Town of Union Town Board recommended approving the CUP as submitted.

STAFF CONCLUSIONS AND RECOMMENDATION: Staff concludes that the request to construct an accessory structure in excess of 1,200 square feet (2,910 square feet) on the applicant's property will meet all of the standards for an accessory structures in a RH District; will meet all of the standards for approval of conditional use permits; and will be consistent with the purpose of the zoning code. Staff recommends approval of the conditional use permit with the following conditions:

1. The site plan, floor plan and elevation drawings submitted with the application shall be attached to and made a part of the permit. The structure shall be constructed in accord with the drawings submitted and located on the property as shown on the site plan.
2. The appearance of the accessory structure must be compatible with the design, style, and appearance of the principal structure on the property, in accord with 18.07.045 C. of the Eau Claire County Code.
3. The structure shall comply with the height standards for accessory structures, including the limit of eave height of 14 feet, and roof height of 20 feet.
4. Prior to construction, the applicant shall obtain a land use permit from the Department of Planning and Development, as well as a building permit from the Town of Union.
5. Use of the structure shall be limited to personal storage, and shall not contain any living areas or be used for commercial or manufacturing purposes.
6. The applicant shall notify the Land Use Control Manager upon completion of the accessory structure so that staff can verify compliance with the terms of this approval.
7. The Land Use Manager can approve minor alterations from the terms of the permit. A major change does require the approval of the committee at a public hearing.
8. The owners shall allow staff from the Department to enter the property at reasonable times to inspect the premises for compliance with the conditions of this permit.
9. The permit is subject to Sections 18.21.080 to 18.21.100 of the Zoning Code. These provisions establish when a conditional use permit lapses, the conditions under which it can be revoked, and when a CUP expires due to the abandonment of a use.

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

District 12: *Bates*

Application Accepted:	4/19/2016
Accepted By:	Jared Grande
Receipt Number:	46199
Town Hearing Date:	05/10/2016
Scheduled Hearing Date:	<i>5/24/16</i>
Application No:	CUP-0005-16
Appl Status:	Pending

Conditional Use Permit - County

Owner/Applicant Name(s): John R Menard Laura E Menard	Address: (ow) 10099 152ND ST CHIPPEWA FALLS (ow) 10099 152ND ST CHIPPEWA FALLS	Telephone: 715-579-6485(H)
Agents Name: Steen Construction (Applicant/Contractor PO BOX 142 OSSEO		715-579-6138(W) 715-797-3952(H)
Site Address(es): 2828 W MENOMONIE ST EAU CLAIRE		
Property Description: Sec 24 Twn 27 Rge 10	Town of Union	Lot Area: 40.000 ACRES
Zoning District(s): RH		
Overlay District: Check Applicable	<input type="checkbox"/> Shoreland	<input type="checkbox"/> Flood Plain
	<input type="checkbox"/> Airport	<input type="checkbox"/> Wellhead Protection
		<input type="checkbox"/> Non-Metallic Mining
PIN 1802222710242300001	Alternate No 022107601000	Parcel No 27.10.24.2-3
		Legal (partial) SW-NW
General Description: Type: Accessory Structure in Excess of 1200 sq ft Description of Proposed Use: POLE BARN USED TO STORE VEHICLES SUCH AS GARDEN TRACTORS, BOATS, ATV'S, AND SNOWMOBILES. STRUCTURE WILL ALSO INCLUDE WOODWORKING SHOP, WORKOUT ROOM AND CLIMBING WALL.		Conditional Use Contract: No Structure Check: Yes

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 _____

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

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

CONDITIONAL USE PERMIT APPLICATION

Property Owner Name: <u>John Menard Jr</u>	Phone# <u>715-579-6485</u>
Mailing Address: <u>10099 152nd St Chippewa Falls WI 54729</u>	
Email Address: <u>jr-menard@hotmail.com</u>	

Agent Name: <u>Jason Steen</u>	Phone# <u>715-797-3952</u>
Mailing Address: <u>PO Box 142 Osseo WI 54758</u>	
Email Address: <u>Jason@SteenConstruction.com</u>	

SITE INFORMATION

Site Address: <u>2828 W Menomonee St. Eau Claire WI 54703</u>
Property Description: <u>SW 1/4 NW 1/4 Sec. 24 T 27 N, R 10 W, Town of Union</u>
Zoning District: <u>RH</u> Code Section(s):
Overlay District: Check Applicable <input type="checkbox"/> Shoreland <input type="checkbox"/> Floodplain <input type="checkbox"/> Airport <input type="checkbox"/> Wellhead Protection <input type="checkbox"/> Non-Metallic Mining
Computer #(s): <u>022 - 1076 - 01 - 000</u>

GENERAL APPLICATION REQUIREMENTS

Applications will not be accepted until the applicant has met with department staff to review the application and determine if all necessary information has been provided. Applications are due by 12:00 PM of the Tuesday three weeks prior to the Planning and Development Committee meeting. All information from the checklist below must be included.

<input checked="" type="checkbox"/> Complete attached information sheet	<input checked="" type="checkbox"/> Site Plan Drawn to Scale	<input type="checkbox"/> Contact the Town to coordinate a recommendation on the application	<input checked="" type="checkbox"/> Provide \$500.00 application fee (non-refundable), payable to the Eau Claire County Treasurer
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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 Jason Steen Date 4/13/16

NOTICE: PERMIT FEES DOUBLE WHEN WORK BEGINS PRIOR TO ISSUANCE OF PERMITS & APPROVALS.

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.

DESCRIPTION OF ANY OTHER FEATURES OR CHARACTERISTICS THAT MAY BE SUBJECT TO ZONING REGULATIONS

Exterior appearance of any structure, including a description of the building materials used, the height of eaves, the color of the structure, etc. (required for conditional use permit applications for accessory structures in excess of 1,200 square feet)

Exterior to be similar to home - Gray cedar

Lower eaves - 10' Highest Peak is - 37' Top of Cupola

Any proposed excavation or fill, the amount of material that will be mined in a non-metallic mining operation, the amount of material that will be stockpiled, etc.

Other features or characteristics (signs, fences, outdoor display areas, etc.)

SCALED SITE PLAN

- | | |
|--|---|
| <input checked="" type="checkbox"/> Show parcel and building dimensions of all existing and proposed structures | <input checked="" type="checkbox"/> Landscape and screening plans |
| <input type="checkbox"/> Show all signs, fences and other features that may be regulated by zoning | <input checked="" type="checkbox"/> Show the well and septic system |
| <input checked="" type="checkbox"/> Site access, driveway, and nearest road (labeled) | <input checked="" type="checkbox"/> Parking areas with spaces |
| <input checked="" type="checkbox"/> Drainage plans including the erosion control plan | <input type="checkbox"/> Show all navigable water ways, wetlands, floodplains, slopes in excess of 20%, and any other unique limiting condition of the property |
| <input checked="" type="checkbox"/> The layout of the use within the structure; if the use only occupies part of the structure, the floor plan should illustrate only the layout of that part of the structure occupied by the use and any access to the use through halls, doorways, etc. | |
| <input type="checkbox"/> The location of any equipment that will be used | |

FOR ALL NON-AGRICULTURAL ACCESSORY STRUCTURES

- Show floor plan, including attics
- Show scaled building elevations
- Show color scheme

SUPPLEMENTAL INFORMATION FOR A CONDITIONAL USE PERMIT

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.

WRITTEN DESCRIPTION OF THE PROPOSED USE:

General description of the use (home occupation accessory structure in excess of 1,200 square feet, filling in a floodplain, non-metallic mining, or any other listed conditional use in zoning districts).

Pole Barn will be used to store vehicles such as Garden tractors, boat, ATV's, and Snowmobiles. It will also include a woodworking "shop" with Cabinet space and a table. Also a workout room with weight set and rubber floor, bathroom, and climbing wall for the kids. Interior will be heated with in floor heat. Walls will be left mostly unfinished and will include insulation and liner panels.

IF THE PROPOSED USE INVOLVED A BUSINESS ACTIVITY, DESCRIBE THE PROPERTY

Description of the type of business activity:
N/A

Equipment used in the business activity:
N/A

Days and hours of operation:

Number of employees:

Nuisance abatement measures that will be implemented:

Noise abatement measures:

Vibration abatement measures:

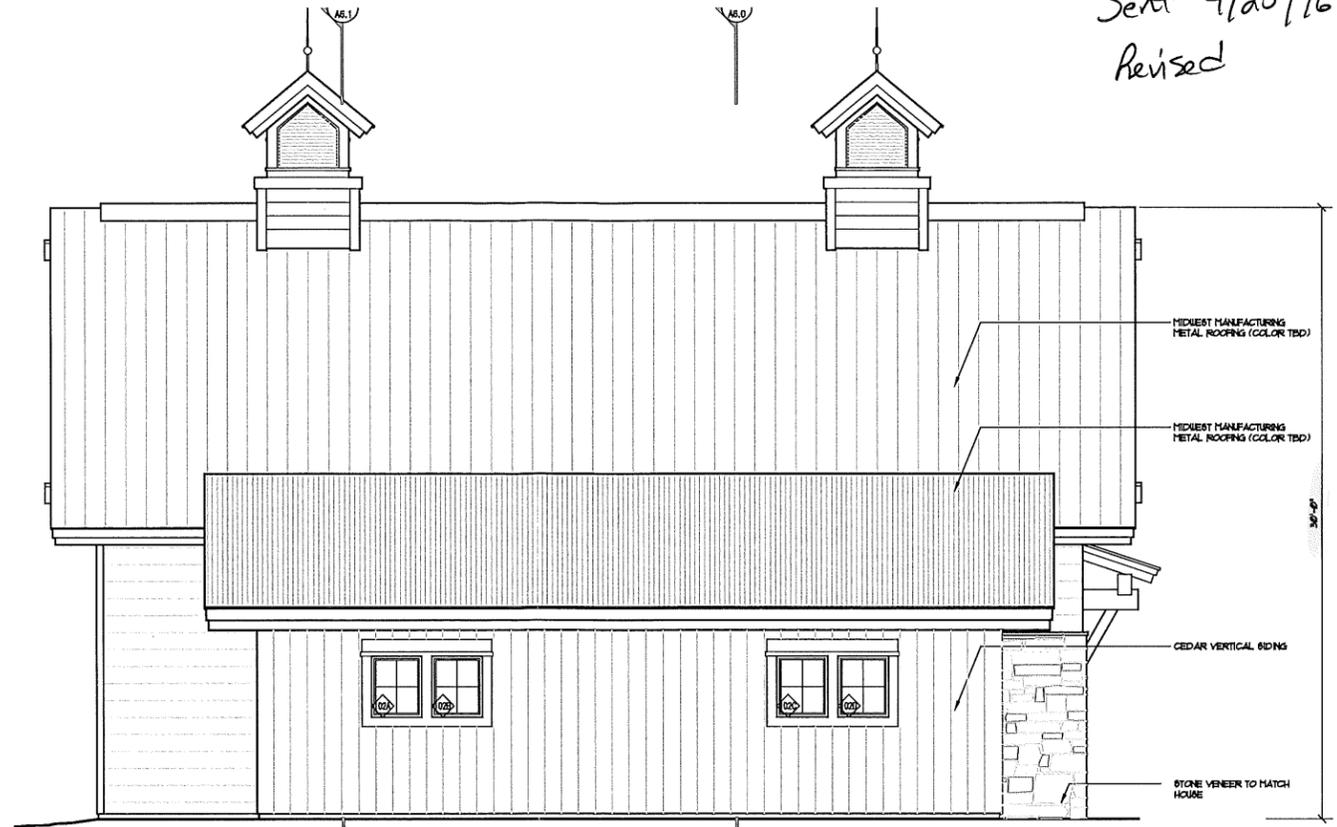
Dust control measures:

Measures to control fumes or odors:

Visual screening measures (plants, fences, walls, etc.)

Sent 4/25/16
Revised

- NOTES:**
1. TYP. SIDING & TRIM COLOR TO BE _____ COLOR _____
SEMI-TRANSPARENT STAIN
 2. _____ FINISH ON ALL LOGS, TIMBERS,
SOFFITS, AND DECKS
 3. VERIFY ALL STONE VENEERS w/ ARCH.
PRIOR TO CONSTRUCTION - MAGON TO PROVIDE
SAMPLES AS NECESSARY
 4. COORD. ALL ROOF PENETRATIONS w/ ARCH.
PRIOR TO CONSTRUCTION
 5. COORD. DOWNSPOUT / LEADER LOCATIONS
AND FINISHES WITH ARCH PRIOR TO POURING
ANY EXTERIOR SLABS



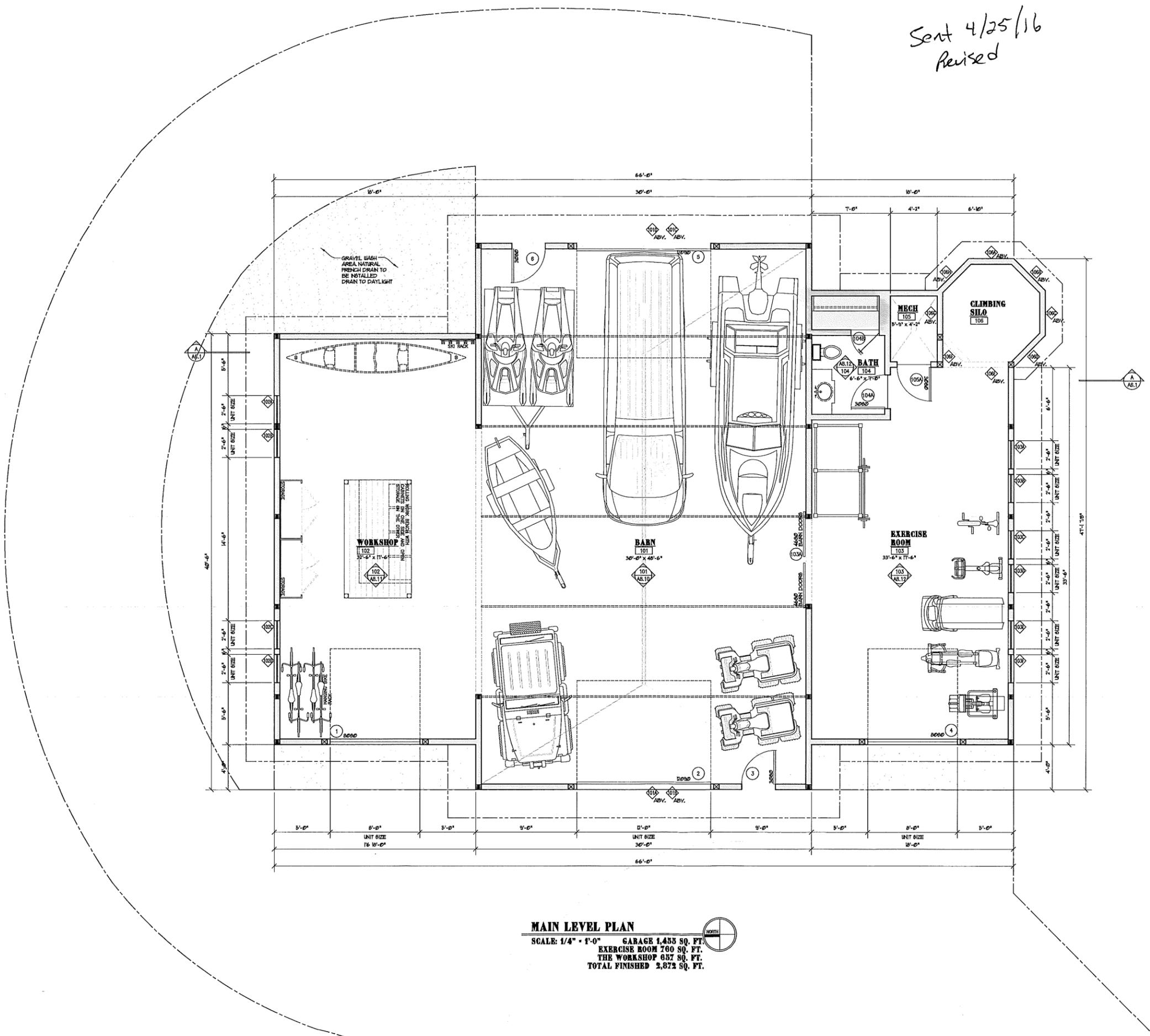
WEST ELEVATION
SCALE: 1/4"=1'-0"



SOUTH ELEVATION
SCALE: 1/4"=1'-0"

JOB No.	XXXX
DESIGNED BY	XXX
DRAWN BY	XXX
ARCHITECT	LOCATI ARCHITECTS
PROJECT / OWNER	MENARD RESIDENCE EAU-CLAIRE
DATE	04-19-16
ISSUE	Construction Set
SHEET NUMBER	A3.0
CONSULTANTS	STRUCTURAL MECHANICAL ELECTRICAL
ARCHITECT	LOCATI ARCHITECTS
ADDRESS	1007 E. MAIN SUITE 202 BOZEMAN MONTANA 406-597-1188 FAX 406-597-2988

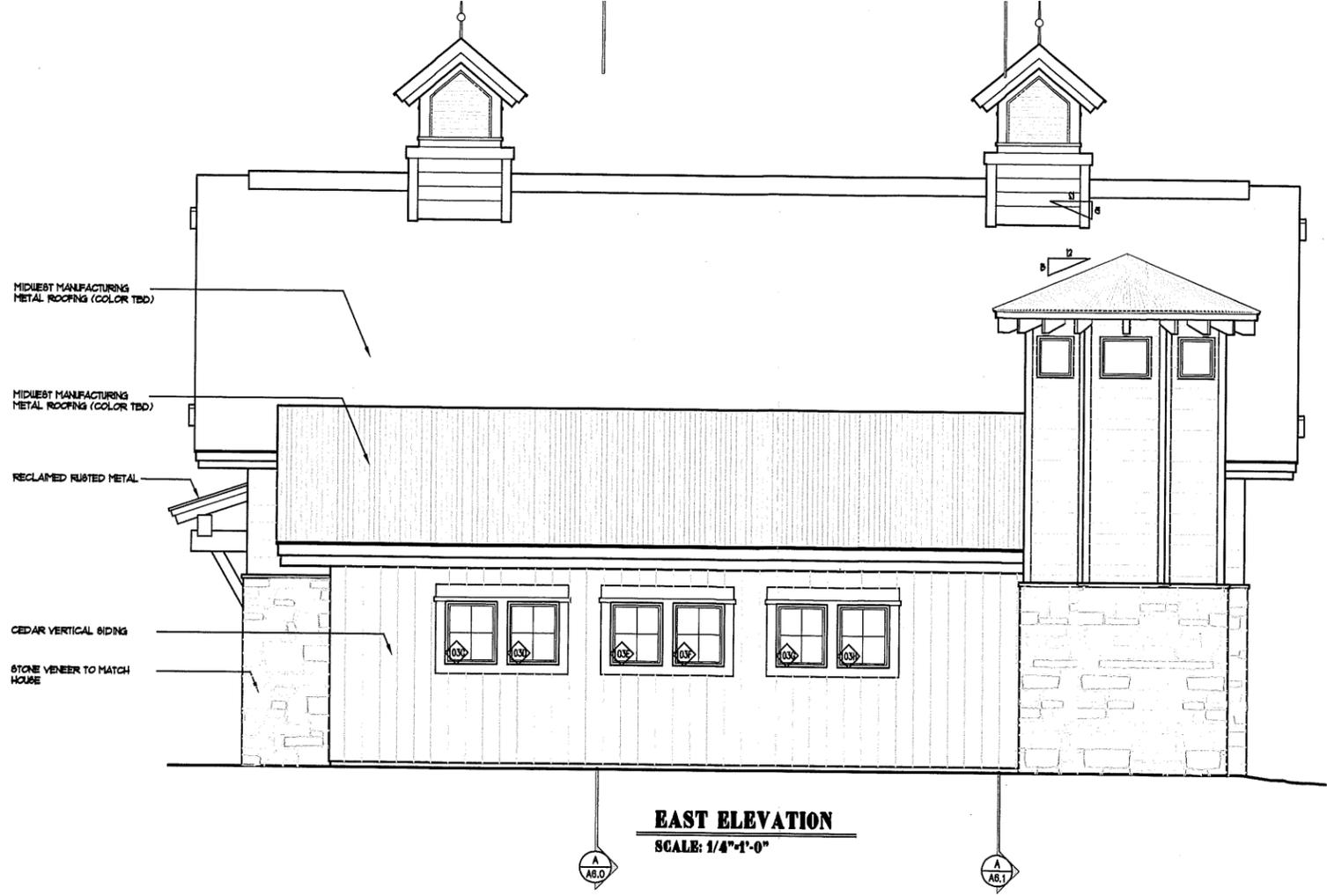
Sent 4/25/16
Revised



MAIN LEVEL PLAN
 SCALE: 1/4" = 1'-0"
 GARAGE 1,455 SQ. FT.
 EXERCISE ROOM 760 SQ. FT.
 THE WORKSHOP 687 SQ. FT.
 TOTAL FINISHED 2,922 SQ. FT.

JOB No.	XXXX
CHECKED BY	XXX
DRAWN BY	XXX
ARCHITECT	LOCATI ARCHITECTS
CONSULTANTS	STRUCTURAL MECHANICAL ELECTRICAL
PROJECT / OWNER	MENARD RESIDENCE WISCONSIN
DATE	04-19-16
ISSUE	Construction Set
SHEET NUMBER	A2.0

- 6. SEMI-TRANSPARENT STAIN
- 7. FINISH ON ALL LOGS, TIMBERS, SOFFITS, AND DECKS
- 8. VERIFY ALL STONE VENEERS w/ ARCH. PRIOR TO CONSTRUCTION - MASON TO PROVIDE SAMPLES AS NECESSARY
- 9. COORD. ALL ROOF PENETRATIONS w/ ARCH. PRIOR TO CONSTRUCTION
- 10. COORD DOWNPOUT / LEADER LOCATIONS AND FINISHES WITH ARCH PRIOR TO POURING ANY EXTERIOR SLABS



EAST ELEVATION
SCALE: 1/4"=1'-0"



JOB No. XXXX
CHECKED BY XXX
DRAWN BY XXX

LOCATI ARCHITECTS
L.C. LOCATI 1007 E. MAIN SUITE 202 BOZEMAN MONTANA
402-527-1199 FAX 407-7299

CONSULTANTS
STRUCTURAL MECHANICAL ELECTRICAL

PROJECT / OWNER
MENARD RESIDENCE
EAU CLAIRE WISCONSIN

DATE
02-04-16
ISSUE
Construction Set

SHEET NUMBER
A6.1

COORDINATE SANITARY SEWER
LINE, SEPTIC TANKS AND
DRAINFIELD LOCATION w/
ARCHITECT & ENGINEER

(2) 1000 GAL. BURIED
PROPANE TANKS - VFY
LOCATION AND SIZES w/
ARCHITECT & ENGINEER

DOSE TANK LOCATION
COORDINATE w/
ARCHITECT & ENGINEER

PROPOSED RAISED
GARDEN/BED

PROPOSED WELL
LOCATION

40 ACRES

LEGAL DESCRIPTION

40.00 ACRES, S24, T21 N, R10 W, TOWN of
UNION,
MAP ID 21.10242-3
EAU CLAIRE, WISCONSIN

LOWER LEVEL FFE

PLAN ELEVATION TO SLAB 90'-4" =
SITE ELEVATION 821'-10 7/8"

MAIN LEVEL FFE

PLAN ELEVATION 101'-5 1/8" =
SITE ELEVATION 883'-0"

APPROX. 14'-0" WIDE
ASPHALT DRIVE

APPROX. EXISTING TREE
LINE

TREE LINE

TREE LINE

TREE LINE

PROPOSED BARN

PROPOSED DRAIN
FIELD LOCATION

DOG RUN

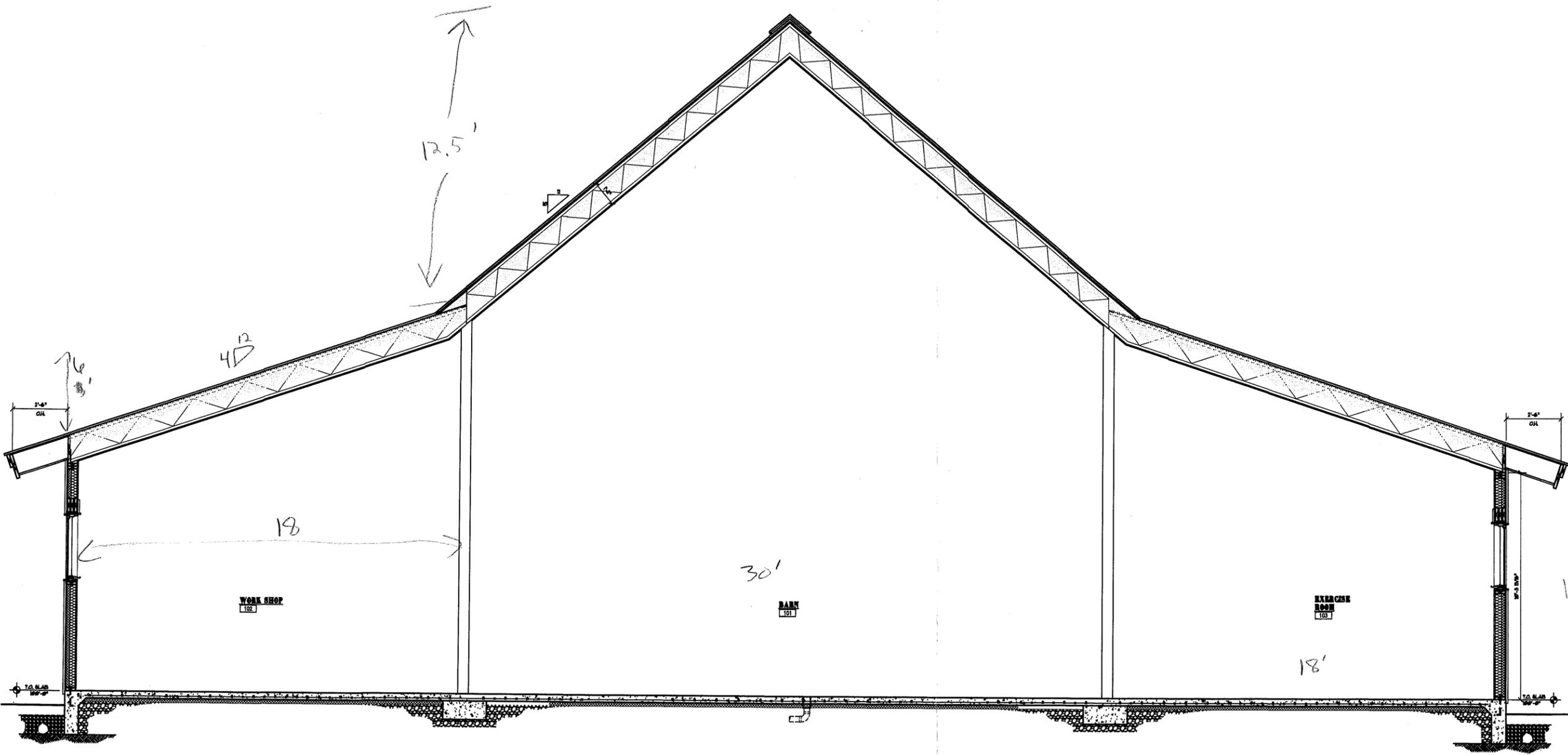
MAIN HOUSE

LOWER
LEVEL
POOL

2025
885.12
Benchmark

100
882.78
Control Point

SHEET NUMBER	DATE PROJECT / OWNER	PROJECT / OWNER	CONSULTANTS	ARCHITECT	JOB No. 1454	CHECKED BY	DRAWN BY
PROJ. NO.	DATE	PROJECT / OWNER	CONSULTANTS	ARCHITECT	JOB No.	CHECKED BY	DRAWN BY
1454	02-04-16	MENARAD RESIDENCE	CONSTRUCTION SA	LOCATI ARCHITECTS	1007 E. MAIN SUITE 202 BOZEMAN MONTANA	XXX	XXX



A SECTION
 A6.0 SCALE: 3/8"=1'-0"

ISSUE	DATE	PROJECT / OWNER	CONSULTANT'S	ARCHITECT	JOB No.
Construction Set	02-04-16	MENARD RESIDENCE	STRUCTURAL	LOCATI ARCHITECTS	XXXX
		EAU CLAIRE	MECHANICAL	LOCATI 1007 E. MAIN SUITE 202 BOZEMAN MONTANA	CHECKED BY
			ELECTRICAL	408-597-1150 FAX 407-2988	XXX
					DRAWN BY
					XXX

A6.0

\Clients\5571 Locati Architects\001_JR Menard Topographic Survey Eau Claire WI\00 Cad\dwg\00base_55710001.dwg 02/25/16 10:52:49 AM

N00°02'34"W 1300.01'
 N00°02'34"W 1294.69'

PROPERTY LINE, TYP.

BENCHMARK, PK NAIL 10'± EAST
 MAILBOX, ELEV. = 887.189'

BENCHMARK, SPIKE AT BASE OF
 12" PINE TREE, ELEV. = 885.12'

PROPOSED REC. BARN

PROPOSED RESIDENCE

PROPOSED DRIVEWAY

SURVEY DATA
 6-7
 10/15/07
 10/15/07
 10/15/07
 10/15/07

N89°53'16"E 1310.20'

PROPERTY LINE, TYP.

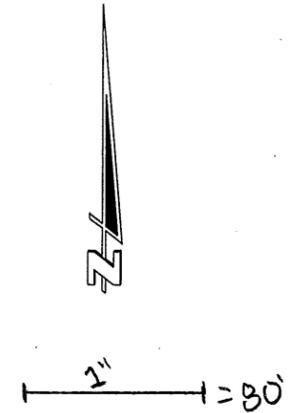
S89°53'16"W 622.33'

W. MENOMONIE ST. 66' ±/W

31

640'

520'



PRELIMINARY

CIVIL DRAWING INDEX

C100	OVERALL
C101	EXISTING SITE CONDITIONS
C102	SITE PLAN
C103	GRADING PLAN
C104	EROSION CONTROL PLAN
C105	SITE DETAILS

OVERALL

JOB NO.	5571-01
BOOK NO.	
DRAWN BY	D B
CHECKED BY	R K
DATE	FEB. 2016
REVISIONS	
REFERENCE FILE	
DRAWING FILE	00base_55710001.dwg

engineers • architects • planners • environmental specialists
 land surveyors • landscape architects • interior designers

Cedar

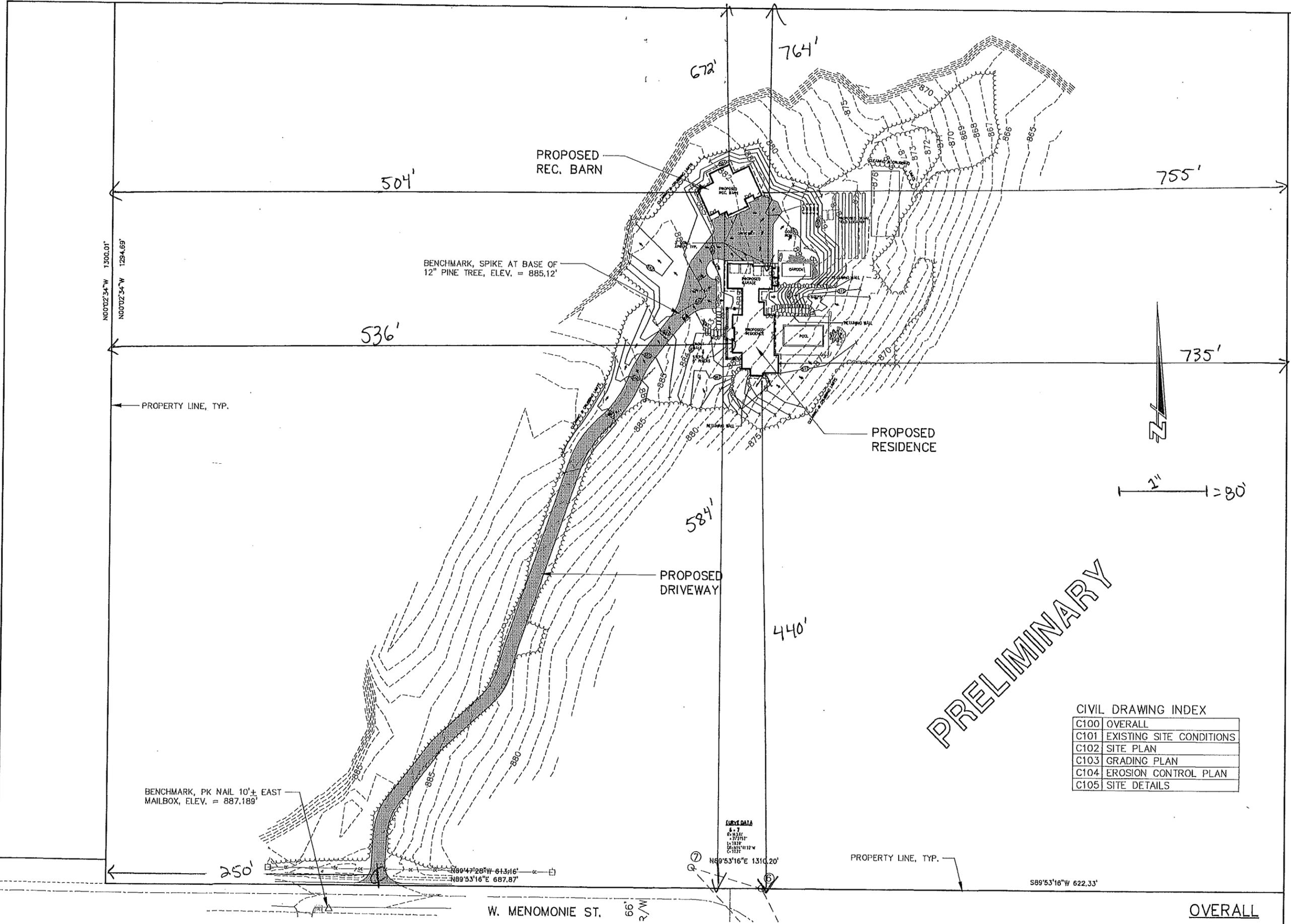
corporation
 805 Wilson Commons West
 Suite 140
 Menomonee, WI 54751
 800-472-7372
 www.cedarcorp.com

1485 Bellvue Street
 Suite 500
 Green Bay, WI 54311
 920-491-8080
 FAX 920-491-9020

MENARD'S RESIDENCE
 for: LOCATI ARCHITECTS
 WEST MENOMONIE STREET
 EAU CLAIRE COUNTY, WI

C100

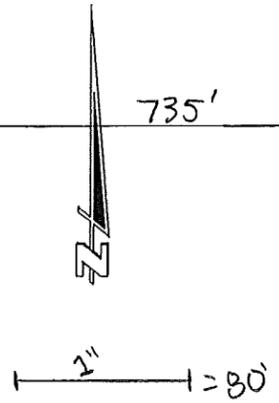
\Clients\5571 Locati Architects\001_JR_Menard_Topographic_Survey_Eau Claire_WA100_Cad\dwg\00base_55710001.dwg 02/25/16 10:52:49 AM



PRELIMINARY

CIVIL DRAWING INDEX

C100	OVERALL
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C102	SITE PLAN
C103	GRADING PLAN
C104	EROSION CONTROL PLAN
C105	SITE DETAILS



JOB NO.	5571-01
BOOK NO.	
DRAWN BY	D B
CHECKED BY	R K
DATE	FEB. 2016
REVISIONS	
REFERENCE FILE	
DRAWING FILE	00base_55710001.dwg

Cedar Corporation

2800 Walton Commons West
 Suite 142, W. 53718
 Eau Claire, WI 54601
 800-472-7372
 www.cedarcorp.com

1498 Babcock Street
 Suite 502, W. 54571
 Eau Claire, WI 54601
 800-472-7372
 www.cedarcorp.com

MENARD'S RESIDENCE
 for: LOCATI ARCHITECTS
 WEST MENOMONIE STREET
 EAU CLAIRE COUNTY, WI

SHEET NO.
C100

Jeanna Allen

From: Rod Eslinger
Sent: Tuesday, May 17, 2016 3:15 PM
To: Jeanna Allen
Subject: FW: John Menard CUP

FYI

Rod Eslinger

Land Use Supervisor
Ph. 715-839-4743

From: Smith, Deb [<mailto:dsmith@ecec.com>]
Sent: Tuesday, May 17, 2016 2:43 PM
To: Rod Eslinger
Subject: RE: John Menard CUP

We had that on our agenda on the board meeting last week. I thought the clerk would have sent our decision. The board had no issues with the CUP. The motion was to approve the CUP to include any stipulations put on it by the county.

Debbie

From: Rod Eslinger [<mailto:Rod.Eslinger@co.eau-claire.wi.us>]
Sent: Tuesday, May 17, 2016 2:38 PM
To: Smith, Deb
Subject: John Menard CUP

Hi Debbie,

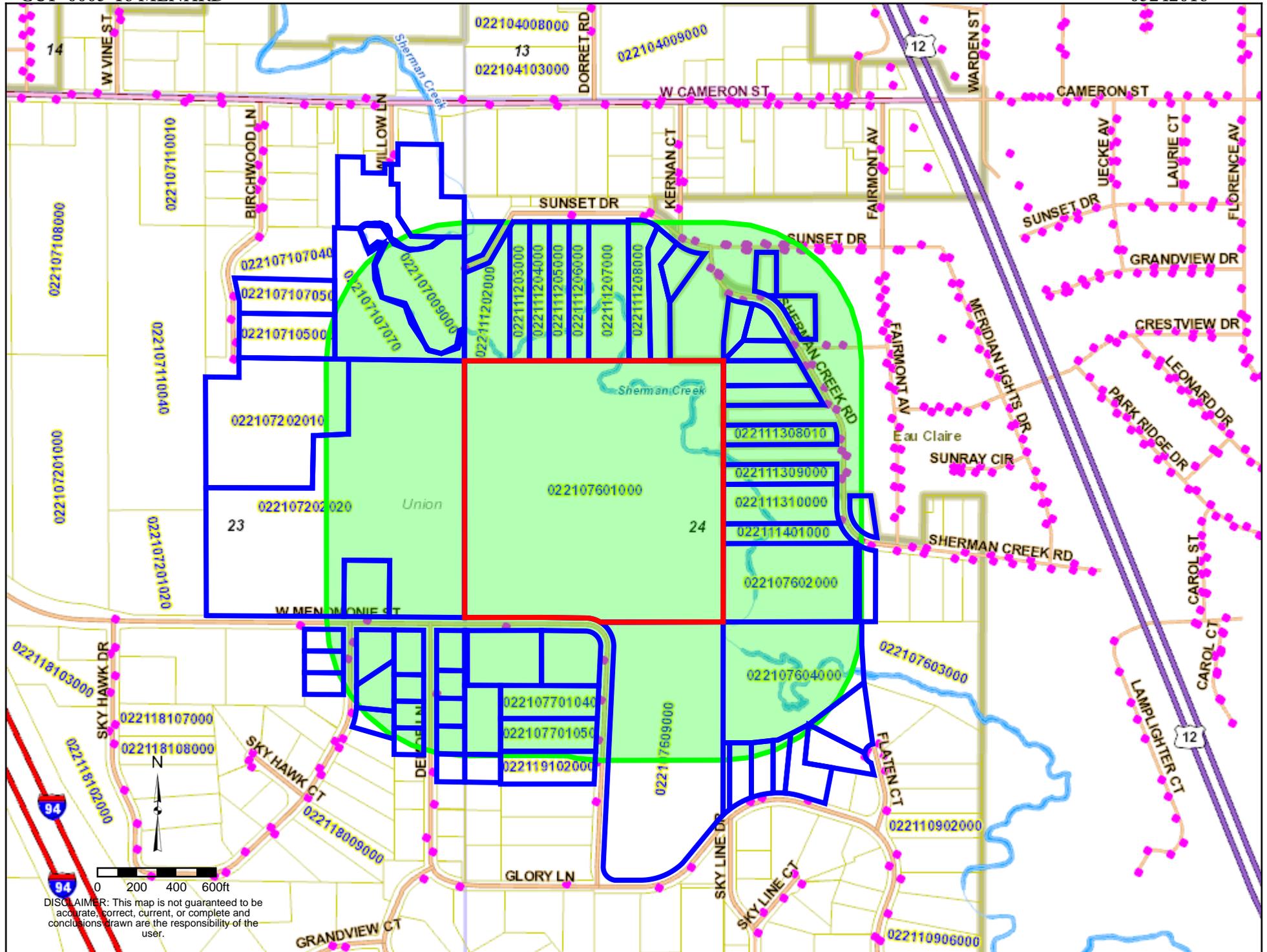
I'm working on the staff report for the John Menard CUP request to construct an accessory structure greater than 1,200 sq. ft. on his property zoned RH and was wondering what position the town has taken. Please let me know when you can. Thank you.

Rod

Rod Eslinger

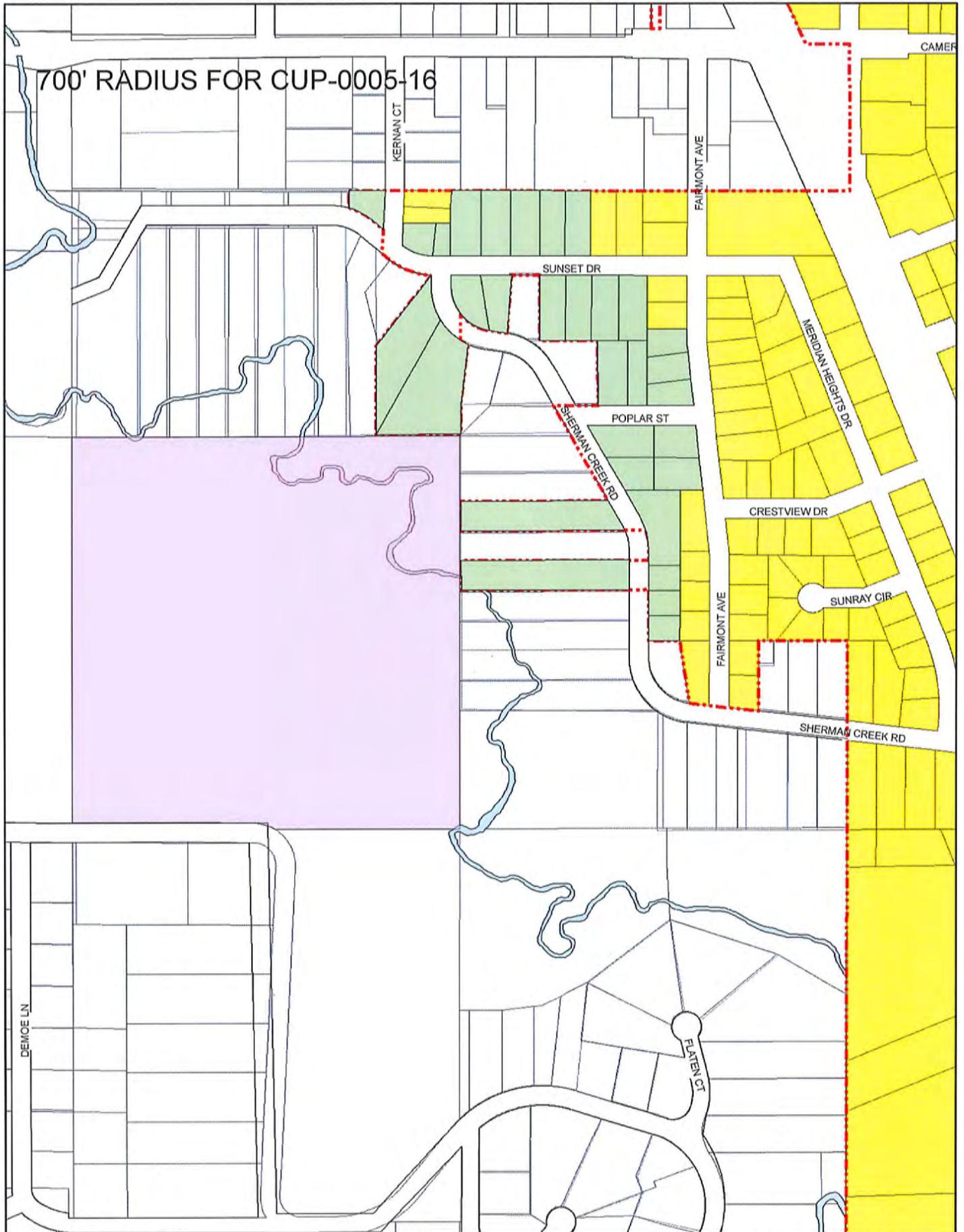
Land Use Supervisor
Eau Claire County
Department of Planning and Development
Phone: 715-839-4743
Fax # 715-831-5802
County website: www.co.eau-claire.wi.us

This communication constitutes an electronic communication within the meaning of the Electronic Privacy Act,



Parcel Id	NAME	ADDRESS	CITY	STATE	ZIP
1802222710242402000	AEBLY, MICHAEL J & LUCRETIA R	800 W QUEEN CREEK RD 2018 APT	CHANDLER	AZ	85248-3311
1802222710243209000	BERG TRUST, ALLAN A & ANN M	2527 W MENOMONIE ST	EAU CLAIRE	WI	54703
1802222710234102002	BICKEL TRUST	703 DEMOE LN	EAU CLAIRE	WI	54703
1802222710234102013	CARLSON, ROSS	2849 SKY HAWK DR	EAU CLAIRE	WI	54701-9141
1802222710242202007	CUPERY, JAMES H	2607 SUNSET DR	EAU CLAIRE	WI	54703-5853
1802222710234102005	DEMOE, JACK	601 SOMMERSET RD 12 #	SPRING GREEN	WI	53588-8823
1802222710234102006	DETTMER, JONATHAN R & VALERIE M	3439 STONE ST	CAMP LEJEUNE	NC	28547-1423
1802222710231100008	ECKER, ARCHIE L	1405 WILLOW LN	EAU CLAIRE	WI	54703-5860
1802222710234102012	EIDAH, BARBARA J	2811 SKY HAWK DR	EAU CLAIRE	WI	54703
1802222710243109000	ERICKSON, LESLIE	2408 W MENOMONIE ST	EAU CLAIRE	WI	54703-5909
1802222710231409000	FLYNN, ROBERT	9500 MURPHY LN	EAU CLAIRE	WI	54703-9272
1802222710243202000	GARBORG, DARLENE	2679 W MENOMONIE ST	EAU CLAIRE	WI	54703-7110
1802222710243209007	GOLDBACH, DAVID P & DEBRA L	2699 W MENOMONIE ST	EAU CLAIRE	WI	54703
1802222710242400001	GORTON, CAROL A	2319 SHERMAN CREEK RD	EAU CLAIRE	WI	54703
1802222710242102001	HOFFMAN, DENNIS D	2410 SHERMAN CREEK RD	EAU CLAIRE	WI	54703
1802222710242102004	JAENKE, JEFFREY G & HOLLY	2391 SHERMAN CREEK RD	EAU CLAIRE	WI	54703-5846
1802222710234102008	JEFFERY A & COURTENAY E JOHNSON TRUST	2857 SKY HAWK DR	EAU CLAIRE	WI	54703-9141
1802222710242209000	KELLER, ROBERT E & JEAN K	2477 SUNSET DR	EAU CLAIRE	WI	54703
1802222710234102000	KUEHL, LANCE	405 24TH ST SW	HURON	SD	57350-4361
1802222710242102000	LANGE, JEFFREY A	2414 SHERMAN CREEK RD	EAU CLAIRE	WI	54703-5847
1802222710243209003	LORENZ, MICHAEL E	2835 W MENOMONIE ST	EAU CLAIRE	WI	54703
1802222710231109003	LUND, KALVIN J & SHELLEY D	1211 BIRCHWOOD LN	EAU CLAIRE	WI	54703
1802222710243209006	MILLER, DUWAYNE A	704 FOUNTAIN ST	EAU CLAIRE	WI	54703
1802222710242102002	MILLER, GEORGE O & DONNA M	2417 SHERMAN CREEK RD	EAU CLAIRE	WI	54703
1802222710242202006	O'DRISCOLL TRUST	2344 BOYLAN RD	BOZEMAN	MT	59715-1524
1802222710234102031	PARNELL, DONALD R & DIANE M	2820 SKY HAWK DR	EAU CLAIRE	WI	54703
1802222710243100005	PEDERSON, HEATHER	2426 W MENOMONIE ST	EAU CLAIRE	WI	54703
1802222710243102004	PRENTICE, KATHRYN E	636 FLATEN CT	EAU CLAIRE	WI	54703
1802222710243100003	PRISSEL, JOYCE M	2420 W MENOMONIE ST	EAU CLAIRE	WI	54703-5909
1802222710242402001	SCHLIEVE, RICHARD D	2363 SHERMAN CREEK RD	EAU CLAIRE	WI	54703
1802222710231109004	SCHLOSSER, PAUL L & MICHELLE D	1342 WILLOW LN	EAU CLAIRE	WI	54703-5816
1802222710242402005	SCHREINER, STEVEN M & CANDICE L	2351 SHERMAN CREEK RD	EAU CLAIRE	WI	54703
1802222710243102003	SIEWERT, SCOTT M	630 FLATEN CT	EAU CLAIRE	WI	54703-5901
1802222710231100002	SMITH, NOEL	2903 SUNSET DR	EAU CLAIRE	WI	54703-5872
1802222710231409001	SOLEY, JOHN H & PATRICIA M	1101 BIRCHWOOD LN	EAU CLAIRE	WI	54703-5815
1802222710242402003	STEINHAEUER, MICHAEL J D	2359 SHERMAN CREEK RD	EAU CLAIRE	WI	54703-5846

Parcel Id	NAME	ADDRESS	CITY	STATE	ZIP
1802222710242402014	STREHLAU, GORDON W & SHARON K	816 FAIRMONT AVE	EAU CLAIRE	WI	54703
1802222710242209001	THOMPSON, THOMAS L & SHERI L	2457 SHERMAN CREEK RD	EAU CLAIRE	WI	54703
1802222710242402006	VICTOR C SORENSEN TRUST AGREEMENT	2327 SHERMAN CREEK RD	EAU CLAIRE	WI	54703
1802222710231109008	WHITWAM, DENNIS J	1195 BIRCHWOOD LN	EAU CLAIRE	WI	54703-5815



PARCEL	NAME	ADDRESS	CITY	STATE	ZIP
060857	BORRER DALE L	1114 FAIRMONT AVE	EAU CLAIRE	WI	54703
060850	EAU CLAIRE HOUSING AUTHORITY	203 S FARWELL ST	EAU CLAIRE	WI	54701
060750C	FEDELE MARIA A	2432 SUNSET DR	EAU CLAIRE	WI	54703
060762B	FILTER DONALD S	2344 SHERMAN CREEK RD	EAU CLAIRE	WI	54703
060858	GOODERMAN HEATH B & MARY K RACE-GOODERHAM	2386 N SHERMAN CRK RD	EAU CLAIRE	WI	54703
060767	HORN ALLEN L	2355 SHERMAN CREEK RD	EAU CLAIRE	WI	54703
060750B	HUNT ROSE	2434 SUNSET DR	EAU CLAIRE	WI	54703
060762A	HUNTER GEORGE E & STELLA I REV TRUST	2348 SHERMAN CREEK RD	EAU CLAIRE	WI	54701
060860	JOHNSON DEAN A	1104 FAIRMONT AVE	EAU CLAIRE	WI	54703
060750	KLEVGARD DANIEL J & STACY L BRANVILLE	1308 KERNAN CT	EAU CLAIRE	WI	54703
060775B	LOVEJOY THOMAS A	2427 SHERMAN CREEK RD	EAU CLAIRE	WI	54703
060854	MARCH SHEILA A	1210 FAIRWAY AVE	EAU CLAIRE	WI	54703
060859	NOWAK PAMELA A	1801 LYNNETTE CT	EAU CLAIRE	WI	54703
060856	PAULSRUD BRADLEY N	6751 30TH AVE	EAU CLAIRE	WI	54703
060762	RACE ROBERT M JR & JULIA L	2354 SHERMAN CREEK RD	EAU CLAIRE	WI	54703
060757A	RONE DAVID N & MARY JO	2437 SHERMAN CREEK RD	EAU CLAIRE	WI	54703
060761	SCHLIEVE DONALD J & DEANNA M	2360 SHERMAN CREEK RD	EAU CLAIRE	WI	54703
060855	SCHMITT REBECCA K	1202 FAIRMONT AVE	EAU CLAIRE	WI	54703
060757	THORSEN CHARLES & MARGARET	320 MAPLE ST	OCONOMOWOC	WI	53066
060853	TRUSLOW DAVID W & ANNETTE M	1218 FAIRMONT AVE	EAU CLAIRE	WI	54703
060765	WILKE SHARON L	2361 SHERMAN CREEK RD	EAU CLAIRE	WI	54703

**EAU CLAIRE COUNTY COMPREHENSIVE PLAN AMENDMENT
DEPARTMENT OF PLANNING AND DEVELOPMENT STAFF REPORT
Plan Amendment 2016-17/011**

DATE PREPARED: May 19, 2016

PUBLIC HEARING DATE: May 24, 2016

PETITIONER: Eau Claire County Planning and Development

LEGAL DESCRIPTION AND LOCATION: Applicable in the Extra-Territorial Areas of the City of Eau Claire including portions of the Towns of Union, Brunswick, Washington, Pleasant Valley and Seymour.

APPLICABLE ZONING REGULATIONS AND STATUTORY REQUIREMENTS:

Section 18.01.001 Authority. Pursuant to Wis. Stat. §§59.69, 59.692, 59.694, and 87.30, and the authority vested in the county under those provisions, the county hereby adopts the following Zoning Code.

Section 18.01.010 Purpose. It shall be the purpose of this subtitle, through the regulation of the use of lands and structures, through the establishment of physical standards, through the creation of separate zoning districts, and through the mechanisms provided herein for enforcement and administration to: A. Promote the public health, safety, comfort, convenience and general welfare of the citizens of Eau Claire County; B. To protect and conserve the natural resources of the county, including agricultural lands, forests, wetlands, surface and groundwater, by conserving the most appropriate use of land; C. To protect and conserve the social character and economic stability and preserve property values; D. To prevent the overcrowding of land and undue congestion of population; E. To provide adequate light, air and convenient access to property by regulating the use of land and buildings and the bulk of structures in relationship to surrounding properties; F. To facilitate adequate and economic provisions of services such as roads, water and sewer, schools, and police and fire protection; G. To encourage the use of land and buildings which are compatible with nearby existing and planned land uses, and to prohibit and control existing land uses deemed incompatible with nearby land uses; H. To prevent harm to persons and property by flood, fire, explosion, toxic fumes or other hazards.

Chapter 18.27 Planned Unit Developments

18.27.001 Purpose. The purpose of this chapter is to provide a procedure for the allowance of planned unit developments (PUD) wherein more than one structure or use on a single lot and integrated development of more than one lot as a single tract shall be allowed.

Section 18.31.050 Amending the Zoning Code. A. Authority.

In order to meet the public necessity, convenience, general welfare, and promote good zoning practice, the county board of supervisors may, by ordinance, amend the district boundaries or amend or supplement the regulations established herein.

BACKGROUND INFORMATION AND DETAILS OF THE REQUEST:

The purpose of the proposed amendments to Chapter 18.27 Planned Unit Development is to integrate specific policies and procedures relating to conservation subdivisions that were stipulated within an Intergovernmental Agreement between the City of Eau Claire and the Towns of Union, Brunswick, Pleasant Valley, Washington and Seymour in 2011.

Specifically, the proposed ordinance: makes modifications to the definition of “net acreage” for purposes of applying density provisions for land divisions within the City of Eau Claire extraterritorial plat approval jurisdiction; inserts clear language within Chapter 18.27 of the zoning code that is consistent with the provisions of the aforementioned Intergovernmental Agreement as they may relate to density, open space

requirements, and what may be included within the net acreage for the purpose of determining maximum number of lots allowed within a conservation subdivision; and, adds “utility infrastructure” as permitted uses within open space or common areas with provisions for continued maintenance.

TOWN BOARD ACTION: The Planning and Development Department has not received any opposition to the proposed amendment to date. However, staff has had several discussions with Town Board members who sought more information and/or clarification in terms of application or effect on their respective towns. The proposed code amendments are provided in response to a request submitted by the Towns of Washington and Seymour, along with the City of Eau Claire to further implement the Intergovernmental Agreement between the aforementioned parties to ensure consistency between local codes, provisions within the Intergovernmental Agreement, and applicable comprehensive plans.

In accord with State Statutes, Towns under County Zoning have an opportunity to file resolutions in support or opposition to a text amendment to the county zoning code. If a majority of towns with county zoning file resolutions in opposition in accord with the specified time limitations, the proposed amendment will be denied or voided. Towns can file resolutions 10 days prior to the hearing, at the hearing, or 10 days after the hearing (note all towns under County Zoning have filed with the County a resolution extending their time for disapproving any proposed amendments to 20 days.) The Towns under County Zoning have 30 days after the hearing to file a disapproving resolution with the County Clerk. If a majority of Towns with County Zoning file opposing resolutions within these timeframes, the Committee on Planning and Development may not recommend approval of the petition without change, but may only recommend approval with change or recommend disapproval to the County Board. If the County Board approves the amendment, Towns have up to 40 days to file resolutions, and if a majority of Towns file resolutions in opposition, the County Board action to approve the text amendment is repealed.

ANALYSIS: When evaluating a petition to amend the regulations in the zoning code, *a determination should be made that this amendment is necessary for the public necessity, convenience and general welfare, and that it promotes good building practice. Furthermore, the amendment should uphold the purpose of the zoning code.*

A finding can be made that the proposed ordinance amendments will meet the purpose of the zoning code. A finding can also be made that the amendments will ensure that the public health and safety of the citizens of Eau Claire County will be protected. The ordinance amendment sought is a clarification of an existing provision that is sought by the Towns of Washington and Seymour along with the City of Eau Claire within its extraterritorial plat review jurisdiction which establishes policy to permit the division of land for new development. A finding can also be made that the proposed amendment will further promote good building practice by allowing for more efficient use of land to accommodate new development, provide protection and conservation of sensitive natural resources through permanent open space preservation within a conservation subdivision, and ensure adequate provisions of services through the integrated review and development of a single property into multiple building sites.

STAFF CONCLUSIONS AND RECOMMENDATION: Staff has concluded that the proposed amendment is necessary for public necessity, convenience and general welfare of Eau Claire County. The proposed amendment also clarifies provisions for conservation subdivisions within the Planned Unit Development section of the zoning code in order to promote good building practice and upholds the purpose of the zoning code. Staff therefore recommends that the committee forward a recommendation to the County Board to approve the code amendment as shown in Ordinance 16-17/011.

FACT SHEET

TO FILE NO. 16-17/011

The purpose of the proposed amendments to Chapter 18.27 Planned Unit Development is to integrate specific policies and procedures relating to conservation subdivisions that were stipulated within an Intergovernmental Agreement between the City of Eau Claire and the Towns of Union, Brunswick, Pleasant Valley, Washington and Seymour in 2011. Specifically, the proposed ordinance: makes modifications to the definition of “net acreage” for purposes of applying density provisions for land divisions within the City of Eau Claire extraterritorial plat approval jurisdiction; inserts clear language within Chapter 18.27 of the zoning code that is consistent with the provisions of the aforementioned Intergovernmental Agreement as they may relate to density, open space requirements, and what may be included within the net acreage for the purpose of determining maximum number of lots allowed within a conservation subdivision; and, adds “utility infrastructure” as permitted uses within open space or common areas with provisions for continued maintenance.

The proposed code amendments are provided in response to a request submitted by the Towns of Washington and Seymour, along with the City of Eau Claire to further implement the Intergovernmental Agreement between the aforementioned parties to ensure consistency between local codes, provisions within the Intergovernmental Agreement, and applicable comprehensive plans in accordance with the requirements of §66.1001.

Respectfully Submitted,

Lance J. Gurney
Director, Planning and Development

LJG

Ordinance/16-17.011

4 - TO AMEND SECTION 18.27.020 D. AND F. OF THE CODE: GENERAL
5 REGULATIONS –

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

7
8 **SECTION 1.** That Subsections D. and F. of Section 18.27.020 of the code be
9 amended to read:

10
11 18.27.020 General Regulations.

12 D. The number of principal structures which may be constructed within a PUD shall
13 be determined by dividing the net acreage of the PUD tract by the required lot area per structure
14 required within the zoning district in which the PUD is located. Net acreage is defined as the
15 gross area, less ~~land dedicated for public and private streets~~ environmentally sensitive areas as
16 defined in 18.76.003 A. 11.

17 1. Proposed lots located within a conservation subdivision and the
18 extraterritorial plat review boundaries for the City of Eau Claire or the City of Altoona, but
19 outside of the sewer service area (SSA), shall have a minimum lot size of at least one (1) acre
20 unless reduced in accordance with 18.27.020 H. At least 40% of the net acreage within the
21 parent parcel shall be placed under a conservation easement or comparable protection and
22 maintained as open space.

23 2. Net acreage will be inclusive of areas dedicated for public or private
24 streets for the purpose of determining the maximum number of lots permitted within a
25 conservation subdivision.

26 F. Land to be set aside as open space or common area shall be clearly indicated on
27 the plan. Provisions for the continued maintenance of common open space, recreational facilities,
28 parking facilities, utility infrastructure, private roads or other common property, shall be
29 guaranteed by property owner’s association articles of incorporation, protective covenants, or
30 deed restrictions in a form acceptable to the county corporation counsel. Such guaranteeing
31 instruments shall be recorded with the plat.

32
33 ENACTED:

34 _____
35 _____
36 _____
37 _____

38
39
40 _____
41 Committee on Planning & Development

42 LG:yk
43 Dated this _____ day of _____, 2016.

ORDINANCE/16-17.011



Eau Claire County
DEPARTMENT OF PLANNING
AND DEVELOPMENT
Eau Claire County Courthouse, Rm. 3344
721 Oxford Avenue
Eau Claire, Wisconsin 54703-5481
(715) 839-4741

Land Use Controls
839-4743

Planning
839-5055

Land Information
839-4742

Land Conservation
839-6226

Housing Authority
839-6240

Emergency Management Coordinator
839-4736

Memo

To: Town Board Members
From: Lance J. Gurney, Director
CC: Town Clerks
Date: 5/5/2016
Re: Planned Unit Development Ordinance Chapter 18.27 Text Amendment for Conservation Subdivisions within the ETJ area

Several years ago, the towns surrounding the City of Eau Claire mutually entered into an Intergovernmental Cooperative Agreement (Agreement) with the City of Eau Claire to address numerous land use issues within the City of Eau Claire's extraterritorial jurisdiction (ETJ) as well as the Sewer Service Area (SSA). The Agreement spells out responsibilities between the parties as well as sets forth a framework for development to occur within the proximity to the City. Since that time, the County has been working cooperatively with the City of Eau Claire and surrounding towns to implement various provisions of this Agreement.

One such provision within the Agreement specifically relates to standards for conservation subdivisions within the ETJ but outside of the SSA. The Town of Washington, along with the City of Eau Claire and Town of Seymour, have mutually requested an ordinance amendment to the Eau Claire County Code of Ordinances to specifically incorporate standards contained within the Agreement and previously adopted by ordinance by the City of Eau Claire for conservation subdivisions. Until recently, this ordinance revision has not been a significant issue as development pressure and interest has been relatively low. However, interest in platting new developments has intensified, leading the Town of Washington to request an ordinance amendment to County Code. (please see attached)

Our Department recently announced Eau Claire County's interest in initiating a comprehensive revision process to the zoning code (Title 18) to modernize and right-size the code for better application based on current and anticipated trends. (this occurred during the Town/County forum held on March 31st at the Town of Washington) Please be aware that we remain committed to kicking off that process later this year and look forward to working with you all throughout this project.

However, in an effort to be more responsive to Town government needs, the attached ordinance provision has been prepared and scheduled for public hearing in advance of the proposed comprehensive code revision process. Thank you for your consideration with this background information in mind.

This draft is being provided to you in advance of a **Public Hearing** scheduled before the Planning and Development Committee as follows:

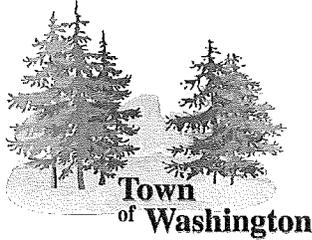
**Tuesday, May 24th
7:00 p.m. in the
County Board Room,
721 Oxford Avenue,
Eau Claire, WI 54703**

Should the matter be recommended for approval to the County Board, the ordinance would be considered for first reading on June 21st and second (final) reading on July 19th.

Comments on the proposed ordinance changes can be submitted for consideration prior to the hearing to my attention. Should you have any questions or concerns, please feel free to contact me (Lance Gurney) either by email or phone.

Thank you for your time and consideration of this proposed ordinance amendment.

Lance J. Gurney, Director
Department of Planning and Development
721 Oxford Avenue, Suite 3344
Eau Claire, WI 54703-5481
Voice: 715-839-1657
FAX 715-831-5802
E-mail: lance.gurney@co.eau-claire.wi.us



TOWN OF WASHINGTON ♦ EAU CLAIRE COUNTY, WISCONSIN
5750 Old Town Hall Road ♦ Eau Claire WI 54701
(715)834-3257 ♦ Fax (715)834-3325 ♦ www.townofwashington.org

April 21, 2016

Darryl Tufte
Director of Community Development
203 S. Farwell St.
Eau Claire WI 54701

Dear Mr. Tufte:

Thank you for meeting to review the status of the proposed amendment to the Intergovernmental Agreement dated February 16, 2011 relative to the 20 percent slope request and subsequent clarifying items in relation to conservation subdivision provisions. Please extend our thanks to Council President Kincaid and Council Person Mitchell. We appreciate the time and desire to discuss this matter and come to an amiable conclusion.

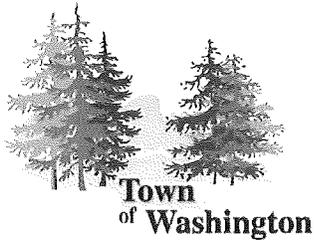
In summary, Doug Kranig and I will consult with Lance Gurney, Eau Claire Director of Planning and Development, to amend the Eau Claire County Code to add a provision for the 40% conservation area as anticipated in the Intergovernmental Agreement; language of which to be reviewed by you. Secondly, the City will move forward on the amendment to the Intergovernmental Agreement to revise the stated "12 percent slope" to "20 percent slope" commensurate with local standards. Thirdly, as discussed, the proposed added language relating to utility extension will not move forward.

As we partner in the application of the Intergovernmental Agreement, there will be occasion in which to clarify provisions. I thank you and all the representatives that came together to consider and work on this matter.

Sincerely,

Janelle Henning
Administrator, Town of Washington

cc: Kerry Kincaid, Council President, City of Eau Claire
Kathy Mitchell, City Council & Plan Commission Member, City of Eau Claire
Doug Kranig, Town of Seymour Town Board Chair & Eau Claire County Board Supervisor
Don Perry, Town of Washington Town Board Supervisor
Lance Gurney, Director of Planning and Development, Eau Claire County



TOWN OF WASHINGTON ♦ EAU CLAIRE COUNTY, WISCONSIN
5750 Old Town Hall Road ♦ Eau Claire WI 54701
(715)834-3257 ♦ Fax (715)834-3325 ♦ www.townofwashington.org

March 8, 2016

Lance Gurney
Director of Planning and Development
721 Oxford Avenue
Eau Claire WI 54703

Dear Mr. Gurney:

A recent review of the Intergovernmental Agreement between the Towns and City of Eau Claire dated February 16, 2011 and a proposed conservation subdivision revealed two inconsistencies as it relates to standards or codes:

1. The agreement specifies potentially developable land is defined as having less than a 12 percent slope. The WDNR, City of Eau Claire, and Eau Claire County utilize 20 percent slope as standard. This anomaly has been communicated to the City of Eau Claire and the Towns have requested this error be corrected by addendum.
2. Eau Claire County Code regulating conservation subdivisions does not specify 40% of the land is to be open space. Therefore, the Town requests an amendment to Eau Claire County Code, Chapter 18 to specify 40% of land in a conservation subdivision shall be protected open space and shall include the road right-of-way and utility infrastructure and may include environmentally sensitive areas.

We kindly request that this amendment be presented to the Eau Claire County Committee on Planning and Development at their next scheduled meeting.

Thank you for your consideration in this matter. Please do not hesitate to contact me with questions or concerns.

Sincerely,

Janelle Henning
Administrator, Town of Washington

cc: Kerry Kincaid, City Council President, City of Eau Claire
Kathy Mitchell, City Council & Plan Commission Member, City of Eau Claire
Eric Larsen, City Council & Plan Commission Member, City of Eau Claire
Darryl Tufte, Director of Community Development, City of Eau Claire



**Eau Claire County
Department of
Planning and
Development**

721 Oxford Avenue

Eau Claire, WI 54701

715-839-4741

Memo

To: Committee on Planning and Development
From: Lance J. Gurney, Director
CC: Paul Johnson, President, Lake Altoona Rehabilitation and Protection District
Date: 5/19/2016
Re: Petition to Attach Property to the Lake Altoona Rehabilitation and Protection District

A petition was filed with the County Clerk on May 4, 2016 for Attachment of properties to the Lake Altoona Rehabilitation and Protection District consisting of two individual properties owned by Melanie A. Haugen and Michael K. and Christine L. Allen, both located on Elayne Drive in the Town of Washington, Eau Claire County. State law requires a public hearing to be held within 30 days of the date the petition is filed with the clerk. The County Board has referred this to the Committee on Planning and Development to conduct the hearing and report their recommendations to the County Board.

There are some important dates the Committee should be aware of regarding this petition. The public hearing date of May 24, 2016 was chosen because it was the only Committee meeting date that fell within the 30 day window for a public hearing as required by law. To comply with the public hearing notice, we fast-tracked the development of a public hearing notice that complies with the requirements contained within Chapter 33 of Wisconsin Statutes, including sending a notice of the hearing to the property owners, to the Lake District, to the WDNR, and to each property owner whom already is within the Lake District for which we had an address. The notice included a description of the proposed Attachment and information on the date, time and place of the hearing. We also published a Class 1 notice in the Eau Claire Leader Telegram on May 17, 2016 which included a description of the proposed Attachments along with the date, time and place of the hearing.

The Committee is required to report its findings to the County Board within three months of the hearing. Typically the report identifies the time, date and place of the hearing; information on persons who attended and testified; a summary of the testimony and/or written comments; and the Committee's findings and recommendations. Within six months of the hearing the County Board is

required to issue an order granting or denying the petition to Attach properties to the lake district. The Board is required to issue a decision based on four findings:

1. The petition is signed by the requisite number of owners, or in this case is made by the Commissioners of the District Board
2. The district is necessary
3. The public health, comfort , convenience, necessity or welfare would be promoted by the establishment of the district
4. The property included in the district would benefit from the establishment of the district

Staff has conducted an initial review of the petition to determine whether all four requirements have been met. Staff

- The Petition is brought forth by the Board of Commissioners for the Lake District in accord with §33.33(2) Wisconsin Statutes.
- The district has already been established and necessity has already been established. This petition is for an Attachment of property to the existing District.
- The district has already been established and has previously demonstrated that the public health, comfort, convenience, necessity or welfare would be promoted. This petition is for an Attachment of property to the existing District.
- As for the final requirement, staff has obtained a copy of the Lake District Board meeting minutes from March 14, 2016 (which are attached for reference). Per the minutes, reference is made to a Lake District boundary map with a notation that two properties are not included that have frontage on the Eau Claire River, which are “not taxed”. No other analysis or correlation to how the property would be “benefited” is provided. Staff has also become aware that the properties subject to the Attachment action brought forth by the Lake District Board were also party to a “detachment” action ordered by Branch 3 of Circuit Court on July 18, 2007. The details of that case are currently being reviewed.

As noted the Committee has up to three months to report to the County Board. We recommend the Committee conduct the hearing and gather information from the public regarding the attachment of properties to the existing Lake Altoona Rehabilitation and Protection District. Staff will compile and summarize the comments from the public hearing as well as analyze all relevant background information for the Committee’s consideration and recommendation at a subsequent meeting.

I have enclosed a copy of pertinent State Statutes regarding the creation of lake districts along with highlighted text related to amending district boundaries. This information is helpful in relation to the petition process and the Committee and County Board rolls.

CHAPTER 33

PUBLIC INLAND WATERS

SUBCHAPTER I

INTENT; DEFINITIONS; AND DEPARTMENTAL POWERS

33.001 Findings and declaration of intent.

(1) The legislature finds environmental values, wildlife, public rights in navigable waters, and the public welfare are threatened by the deterioration of public lakes; that the protection and rehabilitation of the public inland lakes of this state are in the best interest of the citizens of this state; that the public health and welfare will be benefited thereby; that the current state effort to abate water pollution will not undo the eutrophic and other deteriorated conditions of many lakes; that current efforts to protect and rehabilitate the water quality of the navigable waters in Dane County, which receive intense urban, recreational and agricultural usage, are seriously handicapped by the fact that numerous governmental bodies have jurisdiction over the management of the watersheds in Dane County; that lakes form an important basis of the state's recreation industry; that the increasing recreational usage of the waters of this state justifies state action to enhance and restore the potential of our inland lakes to satisfy the needs of the citizenry; and that the positive public duty of this state as trustee of waters requires affirmative steps to protect and enhance this resource and protect environmental values.

(2) In accordance with sub. (1), the legislature declares all the following:

(a) It is necessary to embark upon a program of lake protection and rehabilitation, to authorize a conjunctive state and local program of lake protection and rehabilitation to fulfill the positive duty of the state as trustee of navigable waters, and protect environmental values.

(b) A state effort of research, analysis, planning and financing, and a local effort undertaken by districts, the Dane County Lakes and Watershed Commission and the Southeastern Wisconsin Fox River Commission of Planning and Plan Implementation are necessary and desirable and that the districts should be formed by persons directly affected by the deteriorated condition of inland waters and willing to assist financially, or through other means, in remedying lake problems.

(c) State efforts are needed to aid and assist local efforts, to ensure that projects are undertaken only if they promote the public rights in navigable waters, environmental values and the public welfare.

(d) State efforts are needed to administer a program of financial aids to support protection and rehabilitation projects with benefits to all state citizens.

History: 1973 c. 301; 1985 a. 332; 1989 a. 159, 324, 359; 1995 a. 349; 1997 a. 27.

33.01 Definitions. In ss. 33.001 to 33.37:

(1c) "Capital costs" means the cost of acquiring equipment and other capital assets, including sewerage system capital costs, for a program undertaken under ss. 33.001 to 33.37.

(1g) "Costs of operation" means all costs of a program undertaken under ss. 33.001 to 33.37, except capital costs.

(2) "Department" means the department of natural resources.

(3) "District" means a public inland lake protection and rehabilitation district.

(4) "Lake rehabilitation" means the improvement or restoration of lakes from an undesirable or degraded condition to a former, less deteriorated condition or to a condition of greater usefulness.

(5) "Municipality" means any city, village or town.

(6) "Program" means measures to effect lake protection and rehabilitation, including surveys of sources of degradation, treatment of aquatic nuisances, securing cooperation of units of general purpose

government to enact necessary ordinances, undertaking of projects as defined in sub. (7) and any other necessary measures.

(7) "Project" means activities or works such as are described in s. 33.15 (4) which are subject to the procedures of subch. III.

(8) "Public inland lake" or "lake" means a lake, reservoir or flowage within the boundaries of the state that is accessible to the public via contiguous public lands or easements giving public access. "Lake" also includes any lake, reservoir or flowage within the boundaries of the state that is under the jurisdiction of a restructured district.

(9) "Owner", "property owner" or "landowner" means:

(a) For the purpose of receiving notice under this chapter, a person whose name appears as an owner of real property on the tax roll under s. 70.65 (2) (a) 1. that was delivered under s. 74.03 on or before the 3rd Monday in December of the previous year.

(am) For the purpose of petitioning under this chapter, any of the following:

1. A person whose name appears as an owner of real property on the tax roll under s. 70.65 (2) (a) 1. that was delivered under s. 74.03 on or before the 3rd Monday in December of the previous year.

2. The spouse of a person whose name appears as an owner of real property on the tax roll under s. 70.65 (2) (a) 1. that was delivered under s. 74.03 on or before the 3rd Monday in December of the previous year if the spouse is referred to on that tax roll.

(ar) For the purpose of voting at meetings of the district, a person who is a U.S. citizen and 18 years of age or older and who meets any of the following requirements:

1. The person's name appears as an owner of real property on the tax roll under s. 70.65 (2) (a) 1. that was delivered under s. 74.03 on or before the 3rd Monday in December of the previous year.

2. The person owns title to real property but the person's name does not appear as an owner of real property on the tax roll specified in subd. 1.

3. The person is the official representative, officer or employee who is authorized to vote on behalf of a trust, foundation, corporation, association or organization that owns real property in the district.

(b) For the purpose of holding office in the district, a person who is a U.S. citizen and 18 years of age or older and either:

1. Whose name appears as an owner of real property on the tax roll under s. 70.65 (2) (a) 1. that was delivered under s. 74.03 on or before the 3rd Monday in December of the previous year; or

2. Who owns title to real property but whose name does not appear as an owner of real property on the tax roll specified in subd. 1.

(9g) "Restructured district" means a district for a lake that results from a conversion under s. 33.235 (1m), a formation under s. 33.235 (2) or a merger under s. 33.235 (3).

(9m) "Sewerage system capital costs" has the meaning given for capital costs in s. 200.21 (1).

(10) "Valuation" or "equalized full value" means the assessed value of the property adjusted to reflect full value as determined by the department of revenue under s. 70.57.

History: 1973 c. 301, 336; 1975 c. 197, 198, 422; 1977 c. 391; 1979 c. 299; 1989 a. 159, 324; 1991 a. 39; 1993 a. 167; 1995 a. 349; 1997 a. 27; 1999 a. 150 s. 672.

SUBCHAPTER IV PUBLIC INLAND LAKE PROTECTION AND REHABILITATION DISTRICTS

33.21 Public inland lake protection and rehabilitation districts; purposes. Districts may be created for the purpose of undertaking a program of lake protection and rehabilitation of a lake or parts thereof within the district.

History: 1973 c. 301; 1995 a. 349.

A district may rehabilitate part of a lake only if the entire lake lies within the district. *Kaiser v. City of Mauston*, 99 Wis. 2d 345, 299 N.W.2d 259 (Ct. App. 1980).

33.22 District; powers.

(1) Any district organized under this chapter may select a name for the district, sue and be sued, make contracts, accept gifts, purchase, lease, devise or otherwise acquire, hold, maintain or dispose of property, disburse money, contract debt and do any other acts necessary to carry out a program of lake protection and rehabilitation. All contracts in excess of \$2,500 for the performance of any work or the purchase of any materials shall be let by the commissioners to the lowest responsible bidder in the manner they prescribe.

(2) The district may require that a contracting party give adequate security to assure performance of the contract and to pay all damages which may arise from inadequate performance.

(2m) Any district may create, operate and maintain a water safety patrol unit, as defined in s. 30.79 (1) (b) 2.

(3)

(a)

1. Except as provided in par. (b) 1., any district organized under this chapter may have the powers of a town sanitary district under ss. 60.77 and 60.78, other than the power under s. 60.77 (6) (b), that are authorized by resolution of the board of the town having the largest portion by valuation of the district.

2. The board of commissioners of a district that has the powers of a sanitary district under subd. 1. shall possess the powers of town sanitary district commissioners under s. 60.77 that are authorized by resolution of the town board that adopts the resolution under subd. 1.

(b)

1. Beginning on April 9, 1994, any district organized under this chapter may assume the powers of a town sanitary district under ss. 60.77 and 60.78, other than the power under s. 60.77 (6) (b), that are authorized by resolution by the annual meeting of the district.

2. The board of commissioners of a district that assumes the powers of a sanitary district under subd. 1. shall possess the powers of town sanitary district commissioners that are authorized by resolution by the annual meeting of the district.

(4) Districts shall not exercise the town sanitary district powers authorized under sub. (3) within the boundaries of an incorporated municipality unless the governing body of the municipality consents. In addition, districts shall not exercise town sanitary district powers in any territory included in an existing town sanitary district except by contract under s. 66.0301 or unless the sanitary district merges under s. 33.235 (3).

(4m) A district may undertake projects to enhance the recreational uses of a lake within its jurisdiction, including recreational boating facilities as defined under s. 30.92 (1) (c).

(4r) If authorized by an annual meeting of a district, the district may appropriate money for the conservation of natural resources or for payment to a bona fide nonprofit organization for the conservation of natural resources within the district or beneficial to the district.

(5) Nothing in this chapter shall limit the authority of the department to establish town sanitary districts under s. 60.72.

History: 1973 c. 301; 1975 c. 197; 1977 c. 391; 1983 a. 532 s. 36; 1989 a. 159; 1991 a. 316; 1993 a. 167; 1995 a. 349; 1999 a. 150 s. 672.

A low bidder under s. 33.22 who is apparently a "responsible" bidder has standing to seek a permanent injunction against the award of a contract to any other bidder. *Aqua-Tech v. Como Lake Protection & Rehabilitation District*, 71 Wis. 2d 541, 239 N.W.2d 25 (1976).

33.23 Municipalities may establish district.

(1) The governing body of a municipality may by resolution establish a district if the municipality encompasses within its boundaries all the frontage of the public inland lake within this state. Except as provided under sub. (3), the governing body of the municipality which establishes the district shall perform the function of the board of commissioners. For purposes of this subsection, "district" does not include a restructured district.

(2) Establishment of districts by towns under this section shall conform to the procedures of ss. 33.25 and 33.26 except that the town clerk shall perform the functions of the county clerk and the town board shall perform the functions of the county board and in addition shall hold the hearing.

(3) Districts established by municipalities under this section may adopt the form of governance provided under s. 33.28 by petition to the governing body of the municipality. Upon presentation of a petition conforming to the requirements of s. 8.40 requesting the change and signed by at least 20% of the property owners within the district, the governing body of the municipality shall provide for the necessary election of commissioners. The election shall be held by secret ballot at the next annual or special meeting, whichever occurs first, of the district and the change becomes effective at that time unless a challenge to the results of that election is initiated in circuit court within 14 days after the election. The court shall stay the change pending the decision on the challenge.

History: 1973 c. 301; 1975 c. 197; 1977 c. 141, 391; 1981 c. 18, 229; 1989 a. 159, 192, 359; 1995 a. 349.

33.235 Restructured districts; conversion and merger of town sanitary districts.

(1) In this section:

(a) "Lake" means a lake, reservoir or flowage within the boundaries of the state.

(b) "Lake district" means a public inland lake protection and rehabilitation district that does not include a restructured district.

(1m) A town board by resolution may convert a town sanitary district which encompasses all the frontage of a lake within its boundaries into a restructured district. The town sanitary district commissioners shall serve as the initial board of commissioners until the first annual meeting of the restructured district, at which time the commissioners shall be selected under s. 33.28. Conversion shall not affect any preexisting rights or liabilities of the town sanitary district. All such rights or liabilities shall be assumed automatically by the restructured district.

(2) The commissioners of a town sanitary district that does not encompass all the frontage of a lake within its boundaries may, with approval of the town board, petition under s. 33.25 for the formation of a restructured district to include the territory of the existing sanitary district and any additional frontage on the lake that is deemed appropriate by the commissioners. The commissioners may sign the petition for the landowners in the sanitary district. If necessary to meet the requirements of s. 33.25, signatures of owners of land lying outside the sanitary district shall be obtained. Formation of a restructured district that includes such additional territory shall not affect any preexisting rights or liabilities of the town sanitary district, and all these rights and liabilities shall be assumed automatically by the restructured district. The method by which these rights and liabilities are apportioned within the restructured district shall be determined by the county board, and set out in the order issued under s. 33.26 (3) forming the restructured district.

(3) A town sanitary district having boundaries coterminous or contiguous to a lake district may merge into the lake district. Merger is effected by approval of an identical merger resolution by a two-thirds vote of the commissioners of the town sanitary district and the lake district, followed by ratification by a majority of those voting at an annual or special meeting of the lake district and a majority of those voting in a referendum of the town sanitary district under s. 60.785 (2). Merger may not become effective unless the town board which created the sanitary district approves the merger. The commissioners of the town sanitary district and the district shall act jointly until the next annual or special meeting, whichever occurs first, of the restructured district at which time the board of the restructured district shall be created subject to the requirements under s. 33.28. Merger does not affect the preexisting rights or liabilities of the town sanitary district or the lake district. All these rights and liabilities are assumed automatically by the restructured district, but the method of discharging these rights or obligations shall be set out in the merger resolution.

(4) Any restructured district shall have all powers granted to districts under this chapter and to town sanitary districts under ch. 60, except the taxation power under s. 60.77 (6) (b). Such powers shall be exercised using the procedures and methods set out in this chapter.

History: 1975 c. 197; 1979 c. 299; 1983 a. 532 s. 36; 1989 a. 159; 1995 a. 349.

33.24 County board may establish district.

(1) Notwithstanding s. 33.01 (3), in this section, "district" does not include a restructured district.

(2) The county board of any county may establish districts within the county if the conditions stated in s. 33.26 are found to exist. Before a district that includes any portion of a city or village may be formed under authority of this section, the city council or village board must have previously approved the inclusion of its territory within the boundaries of a proposed district.

History: 1973 c. 301; 1995 a. 349.

33.25 Petition.

(1) WHO TO MAKE.

(a) Before a county board may establish a district under s. 33.235 or 33.24, a petition requesting establishment shall be filed with the county clerk, addressed to the board and signed by persons constituting 51% of the landowners or the owners of 51% of the lands within the proposed district. Governmental subdivisions, other than the state or federal governments, owning lands within the proposed district are eligible to sign such petition. A city council or village or town board may by resolution represent persons owning lands within the proposed district who are within its jurisdiction, and sign for all such landowners.

(b) For a landowner that is a trust, foundation, corporation, association or organization, a petition under par. (a) shall be signed by an official representative, officer or employee who is authorized to do so by that landowner.

(2) CONTENTS. The petition shall set forth:

(a) The proposed name of the district;

(b) The necessity for the proposed district;

(c) That the public health, comfort, convenience, necessity or public welfare will be promoted by the establishment of the district and that the lands to be included therein will be benefited by such establishment; and

(d) The boundaries of the territory to be included in the proposed district.

(3) VERIFICATION, PLAT. The petition shall be verified by one of the petitioners, and shall be accompanied by a plat or sketch indicating the approximate area and boundaries of the district.

(4) PRESUMPTION. Every petition is presumed to have been signed by the persons whose signatures appear thereon, until proved otherwise.

(5) WITHDRAWING FROM PETITION. Any landowner who is considered to have signed the petition under sub. (1) may withdraw from the petition if the landowner files a written notice of the withdrawal with the county clerk at least 10 days before the date of the hearing under s. 33.26.

History: 1973 c. 301; 1975 c. 197; 1993 a. 167, 246; 1995 a. 349.

The requirements for a verification under sub. (3) are that it is made under oath and carries the jurat of a notary public. Every person giving the oath is considered to have been lawfully sworn. Use of the word "certify" rather than "verify" is irrelevant. *Nielsen v. Waukesha County Board of Supervisors*, 178 Wis. 2d 498, 504 N.W.2d 621 (Ct. App. 1993).

33.26 Hearings, time, notice, boundaries, approval, limitations.

(1) Upon receipt of the petition the county board shall arrange a hearing to be held not later than 30 days from the date of presentation of the petition, and shall appoint a committee to conduct the hearing. At the hearing all interested persons may offer objections, criticisms or suggestions as to the necessity of the proposed district as outlined and to the question of whether their property will be benefited by the establishment of such district. Any person wishing to object to the organization of such district may, before the date set for the hearing, file objections to the formation of such district with the county clerk.

(2) Notice announcing the hearing and stating the boundaries of the proposed district shall be published in a paper of general circulation in the county in which the proposed district is located as a class 1 notice, under ch. 985, and shall be mailed by the county board to the last-known address of each landowner within the proposed district.

(3) The committee shall report to the county board within 3 months after the date of the hearing. Within 6 months after the date of the hearing, the board shall issue its order under this subsection. If the board finds, after consideration of the committee's report and any other evidence submitted to the board, that the petition is signed by the requisite owners as provided in s. 33.25, that the proposed district is necessary, that the public health, comfort, convenience, necessity or public welfare will be promoted by the establishment of the district, and that the property to be included in the district will be benefited by the establishment of the proposed district, the board, by order, shall declare its findings, shall establish the boundaries and shall declare the district organized and give it a corporate name by which it shall be known. Thereupon the district shall be a body corporate with the powers of a municipal corporation for the purposes of carrying out this chapter. If the board does not so find, the board, by order, shall declare its findings and deny the petition.

(5) The department shall be notified in writing of the hearing for the creation of the district at the time the hearing date is set.

(6) In establishing the district, the county board may change the boundaries from those originally proposed. However, lands not originally proposed for inclusion may not be included until a public hearing is held under this section.

(7) Any person aggrieved by the action of the board may petition the circuit court for judicial review. A verified petition shall be presented to the court not more than 30 days after the decision of the board, and shall specify the grounds upon which the appeal is based.

History: 1973 c. 301; 1979 c. 34 s. 2102 (39) (g); 1981 c. 20; 1991 a. 316; 1993 a. 167; 1995 a. 227; 2003 a. 275.

Although not specified, the right to review under sub. (7) is by statutory certiorari. *Donaldson v. Board of Commissioners of Rock-Koshkonong Lake District*, 2004 WI 67, 272 Wis. 2d 146, 680 N.W.2d 762, 01-3396.

33.265 Notice, filing and recording requirements. If a district is created or its boundaries altered, the board of commissioners shall record the authorizing document, including a legal description of the boundary, with the register of deeds in each county where the district is situated, and file the document and legal description with the department of natural resources and the department of revenue.

History: 1981 c. 20; 1993 a. 301.

33.27 Initial district board of commissioners.

(1) The county board shall, at the time of making the order establishing a district, appoint 3 owners of property within the district, at least one of whom is a resident of the district, to serve as commissioners until the first annual meeting of the district, and shall also make the appointment required under s. 33.28 (2).

(1m) If no resident is willing to serve as required under sub. (1), the residency requirement shall be waived for the initial district board of commissioners.

(2) Within 30 days following the county board's order establishing the district, the governing body of the town, city or village having the largest portion by valuation within the district shall appoint one of its members to the district board under s. 33.28 (2).

(3) At any time following the making of the order establishing a district, but no later than 60 days following the expiration of time for appeal to the circuit court, or, if appealed, no later than 60 days following the final judgment in any appeal, the district board shall hold an organizational meeting, shall select officers to serve until the first annual meeting, and may commence conducting the affairs of the district.

(4) The board may make an initial assessment of all taxable property within the district to raise funds to pay organizational costs and operate the district until the receipt of the tax voted by the first annual meeting. The manner of making the assessment shall be within the discretion of the board.

History: 1973 c. 301; 1975 c. 197; 1979 c. 299; 1993 a. 167.

33.28 District board of commissioners.

(1) Management of the affairs of the district shall be delegated to a board of commissioners.

(2) The board of commissioners shall consist of:

(a) One person appointed by the county board who is a member of the county land conservation committee or is nominated by the county land conservation committee and appointed by the county board;

(b) One member of the governing body of the town, village or city within which the largest portion by valuation of the district lies, appointed by the governing body and owning property within the district if possible; and

(c) Three electors or owners of property within the district elected by secret ballot by the qualified electors and property owners within the district, for staggered 3-year terms. At least one of the elected commissioners shall be a resident of the district.

(2m)

(a) An annual meeting may permanently increase the number of members of the board of commissioners to be elected under sub. (2) (c) from 3 to 5.

(b) If no resident is willing to be elected as required under sub. (2) (c) for a given term, the residency requirement shall be waived until the end of that term.

(3) Three commissioners shall constitute a quorum for the transaction of business.

(4) The board shall select a chairperson, secretary and treasurer from among its members.

(5) Commissioners shall be paid actual and necessary expenses incurred while conducting business of the district, plus such compensation as may be established by the annual meeting.

(6) The board shall meet at least quarterly, and at other times on the call of the chairperson or the petition of 3 of the members.

(7) If a vacancy occurs in the membership of the board under sub. (2) (a) or (b), the appointing authority shall appoint a person to fill the vacancy. If a vacancy occurs in the membership of the board under sub. (2) (c), the chairperson of the board shall appoint a person to fill the remainder of the unexpired term, subject to approval by a majority vote of the board.

History: 1973 c. 301; 1975 c. 197; 1977 c. 391; 1979 c. 299; 1981 c. 18, 346; 1989 a. 159, 359; 1991 a. 32; 1993 a. 167.

Sub. (2) (a) provides that the county representative upon a public inland lake protection and rehabilitation board is to be a person appointed by the county board. By operation of s. 59.17 (2) (c), the power of appointing the county representative to a public inland lake protection and rehabilitation district is therefore transferred from the county board to the county executive once the office of county executive is created, subject to confirmation by the board. OAG 2-09.

33.285 Property owning requirements. Any requirement under s. 33.27 (1) or 33.28 that a person own property within the district to be eligible for membership on the board of commissioners is satisfied if a person is an official representative, officer or employee of any trust, foundation, corporation, association or organization which is an owner of property within the district.

History: 1975 c. 197; 1979 c. 299.

33.29 Board of commissioners; officers; powers and duties.

(1) The board shall be responsible for:

(a) Initiating and coordinating research and surveys for the purpose of gathering data on the lake, related shorelands and the drainage basin;

(b) Planning lake protection and rehabilitation projects;

(c) Contacting and attempting to secure the cooperation of officials of units of general purpose government in the area for the purpose of enacting ordinances deemed necessary by the board as furthering the objectives of the district;

(d) Adopting and carrying out lake protection and rehabilitation plans and obtaining any necessary permits therefor; and

(e) Maintaining liaison with those officials of state government involved in lake protection and rehabilitation, and providing the department with the names and addresses of the current commissioners.

(f) Scheduling the annual meeting of the district.

(g) Preparing the proposed annual budget for presentation at the annual meeting of the district. The proposed annual budget shall include all of the following:

1. A list of all existing indebtedness and all anticipated revenue from all sources during the ensuing year.
2. A list of all proposed appropriations for each department, activity, and reserve account during the ensuing year.
3. The actual revenues and expenditures for the preceding year.
4. The actual revenues and expenditures for not less than the first 6 months of the current year.
5. The estimated revenues and expenditures for the balance of the current year.
6. For informational purposes by fund, all anticipated unexpended or unappropriated balances and surpluses.

(2) The board shall have control over the fiscal matters of the district, subject to the powers and directives of the annual or a special meeting. The board shall annually at the close of the fiscal year cause an audit to be made of the financial transactions of the district, which shall be submitted to the annual meeting.

(3) The board, immediately after each annual meeting, shall elect a chairperson, secretary and treasurer, whose duties shall be as follows:

(a) The chairperson shall preside at the annual meeting, at all special meetings and meetings of the board and at all public hearings held by the board.

(b) The secretary shall keep minutes of all meetings of the board and hearings held by it. The secretary shall prepare and send the notices required for the annual meeting, any special meeting, and any meeting of the board.

(c) The treasurer shall receive and take charge of all moneys of the district, and pay out the same only on order of the board.

History: 1973 c. 301; 1989 a. 159, 359; 2003 a. 275.

33.30 Annual meeting of district.

(1) Every district shall have an annual meeting. Each annual meeting shall be scheduled during the time period between May 22 and September 8 unless scheduled outside those dates by majority vote of the previous annual meeting.

(2)

(a) The annual meeting shall be preceded by written notice mailed at least 14 days in advance of the meeting to all electors within the district whose address is known or can be ascertained with reasonable diligence, to all owners of property within the district at the owner's address as listed in the tax roll, and to the department. The district board of commissioners may substitute a class 2 notice, under ch. 985, in lieu of sending written notice to electors residing within the district.

(b) No absentee ballots or proxies are permitted at the annual meeting.

(2m) The notice of the annual meeting under sub. (2) shall include all of the following:

(a) The proposed annual budget required under s. 33.29 (1) (g).

(b) A list of each item proposed for consideration at the annual meeting in addition to the proposed annual budget.

(c) A list of any items proposed for consideration at the annual meeting by persons eligible to vote at the annual meeting if all of the following conditions are met:

1. The item relates to an issue that is within the district's authority.
2. Each item is submitted by a petition to the board at least 30 days before the annual meeting.
3. The petition is signed by persons who are eligible to vote at the annual meeting.
4. The number of persons signing the petition equals or exceeds 20 percent of the number of parcels located in the district that are subject to the property tax.

(3) At the annual meeting, electors and property owners who attend the meeting shall do all of the following:

(a) Elect by secret ballot one or more commissioners to fill vacancies occurring in the elected membership of the district board.

(b) Approve a budget for the coming year. The electors and property owners may consider and vote on amendments to the budget before approving that budget. The budget shall separately identify the capital costs and the costs of operation of the district, shall conform with the applicable requirements under s. 33.29 (1) (g) and shall specify any item that has a cost to the district in excess of \$10,000.

(4) At the annual meeting, electors and property owners may do any of the following:

(a) Vote by majority a tax upon all taxable property within the district. That portion of the tax that is for the costs of operation for the coming year may not exceed a rate of 2.5 mills of equalized valuation as determined by the department of revenue and reported to the district board. The tax shall be apportioned among the municipalities having property within the district on the basis of equalized full value, and a report shall be delivered by the treasurer, by November 1, by certified statement to the clerk of each municipality having property within the district for collection.

(b) Take up and consider such other business as comes before it.

(c) Establish compensation to be paid the district board commissioners.

(d) Create a nonlapsible fund to finance specifically identified capital costs and for maintenance of capital equipment.

History: 1973 c. 301; 1975 c. 197; 1977 c. 142, 391, 447; 1979 c. 299; 1981 c. 18, 20; 1989 a. 159; 1993 a. 167; 1995 a. 349; 2003 a. 275, 327.

33.305 Special meetings of district.

(1) The board of commissioners of a district may schedule a special meeting of the district at any time. The board of commissioners shall schedule a special meeting upon receipt of a petition signed by at least 10% of the electors and property owners in the district.

(2) Written notice of a special meeting shall be given to the same persons and in the same manner required under s. 33.30 (2) (a).

(3) At a special meeting, electors and property owners may take any action that is required or allowed to be taken at an annual meeting, except they may not do any of the following:

(a) Approve an annual budget but they may consider and vote on amendments to the annual budget.

(c) Consider the dissolution of the district or dissolve the district.

(d) Consider a matter that was resolved during another special meeting that was held since the previous annual meeting.

(4) No absentee ballots or proxies are permitted at a special meeting.

History: 1989 a. 159; 1995 a. 349; 2003 a. 275.

33.31 Power to finance.

(1) Every district may borrow money and use any other financing method prescribed by law. In utilizing financing powers, the commission shall follow the procedures required by statute for the selected financing methods so far as they are applicable and not in conflict with this subchapter.

(2) Any district, when in temporary need, may borrow money under s. 67.12.

(3) The district shall levy an annual, irrevocable tax to pay the principal and interest of the indebtedness incurred under subs. (1) and (2) when they are due. The district shall levy this tax without limitation as to rate or amount on all taxable property within the district. The tax shall be reported in accordance with s. 33.30 (4) (a) and may not be included nor includable in the operations tax limit of s. 33.30 (4) (a).

(4) At an annual or special meeting, the district may not consider or approve any borrowing or any tax to pay the indebtedness incurred under sub. (1) or (2) unless the meeting notice under s. 33.30 (2) (a)

or 33.305 (2) includes a statement that borrowing or a tax levy to pay the indebtedness will be considered at the meeting.

History: 1973 c. 301; 1975 c. 197; 1977 c. 391; 1983 a. 207; 1989 a. 159; 1993 a. 167; 2003 a. 275.

33.32 Special assessments and special charges.

(1) Special assessments for the purpose of carrying out district protection and rehabilitation projects, or for other lake management or sanitary service activities undertaken by the district, may be levied by the commissioners as an exercise of the district's police powers in the following manner:

(a) Upon approval of plans for any work by the annual or by a special meeting of the district, the commissioners shall determine the entire cost to the district of the work to be done.

(b) The commissioners shall then apportion the special assessment within the district, other than state or federal lands, on a reasonable basis. In apportioning the special assessment, the commissioners shall examine each parcel and determine the benefits to each parcel from the project, considering such factors as size, proximity to the lake and present and potential use of the parcel, including applicable zoning regulations. After benefits to each parcel are determined, assessments shall be made in an aggregate amount equal to the cost to the district of the project. Such assessments shall be made in accordance with s. 66.0703, so far as it is applicable and not in conflict with this subchapter.

(c) The commissioners shall file in the office of the county clerk a report of the assessments made. Notice shall be given to each owner, mortgagee, lessee or other person having an interest in an affected parcel that the report is open for review at a specified place within the district for 30 days after the date of the notice and that on a day named therein, which shall not be more than 3 days after the expiration of the 30 days, the commissioners will hear objections that may be made to the report. Notice shall be by mail to each person whose post-office address is known or can be ascertained with reasonable diligence, accompanied by a statement of the assessment, and shall also be published as a class 2 notice, under ch. 985, in a newspaper having general circulation within the district.

(d) At the time specified for hearing objections to the report, the commissioners shall hear parties interested who may appear for that purpose and may review, modify and correct the report as they deem just and at the conclusion of the hearing shall make a final determination of assessments. No assessment may be increased without additional notice to affected persons and provisions for hearing objections to such increases.

(e) When a final determination of assessments has been made, the secretary shall publish a class 1 notice, under ch. 985, within the district that a final determination has been made, and shall notify by mail each person entitled to notice under par. (c) of the amount assessed against the affected parcel.

(f) An owner, mortgagee, lessee or other person having an interest in any parcel affected by the determination who feels aggrieved thereby may, within 40 days after the date of mailing of notice, appeal therefrom to the circuit court of the county in which the district is located by causing a written notice of appeal to be served upon the secretary of the district. The secretary in case such appeal is taken shall make a brief statement of the proceedings had in the matter and shall transmit the same with all papers in the matter to the clerk of the circuit court. Such appeal shall be tried and determined in the same manner as cases originally commenced in said court.

(2) The commissioners of any district may provide that special assessments levied may be paid in annual installments, not more than 10 in number, in the manner provided in s. 66.0715 (3).

(2m) Any delinquent special assessment or special charge that is collected under s. 66.0627 (4) or 66.0703 (13) shall be levied without limitation as to rate or amount on all taxable property within the district, shall be reported in accordance with s. 33.30 (4) (a) and shall not be included or includable in the operations tax limit of s. 33.30 (4) (a).

(3)

(a) County and municipally owned real estate within a district shall be subject to special assessments.

(b) If a county or municipality fails to pay a special assessment levied by a district, the clerk of the district may certify this fact to the department of administration, and shall state the amount due. The

department, at the time of making the next scheduled distribution under s. 79.035, shall deduct the amount claimed from the payment due the county or municipality, and shall forward it to the district.

(4) Outstanding unpaid assessments on privately owned lands shall be paid in full by any public body, including the state, which purchases such lands.

(5) Sewerage system service charges imposed by districts with town sanitary district powers shall be in conformance with s. 66.0821. Special charges may be imposed for other services identified in the annual budget adopted under s. 33.30 (3) (b). The special charges may not exceed the rate of \$2.50 per \$1,000 of assessed valuation. The special charges may be certified by the district secretary to the clerk of each municipality having property within the district for collection and settlement in the same manner as provided under ch. 74. The commissioners shall allocate the charges to the property served in a manner prescribed by them unless the manner is specified by a resolution of the annual or of a special meeting. Delinquent special charges shall be governed by s. 66.0627 (4).

History: 1973 c. 301; 1975 c. 197; 1977 c. 391; 1983 a. 27 s. 2202 (45); 1989 a. 159; 1991 a. 316; 1993 a. 167; 1997 a. 35; 1999 a. 150 s. 672; 2001 a. 30; 2003 a. 275; 2011 a. 32.

33.33 Merger, attachment, detachment.

(1) **MERGER.** Any district may be merged with a contiguous district by resolution passed by a four-fifths vote of all the members of each board of commissioners. At the next annual or special meeting, whichever occurs first, the electors and property owners shall vote on whether to ratify the merger. If a majority of the electors and property owners present and voting in each district endorse the merger, it takes effect. Following ratification, the boards of commissioners of merging districts shall act jointly until the next annual or special meeting whichever occurs first, at which time the board of the merged district shall be conformed to the requirements specified in s. 33.28. The governing body of the county, town, village or city having the largest portion by valuation within the district shall make the appointments under s. 33.28 (2).

(2) **ATTACHMENT.** Contiguous territory may be attached to a district upon petition by the owner or motion of the commissioners.

(a) *Petition.* A petition by an owner, directed to the district and requesting attachment, may be accepted by majority vote of the commissioners, upon which the attachment shall become effective.

(b) *Motion.* If the commissioners by motion initiate attachment proceedings, they shall notify the owners of the territory contemplated for attachment and the county board. The county board shall schedule a hearing on the motion, using the procedure of s. 33.26 as far as is applicable. Following the hearing, the board shall make a finding on the necessity of attachment of territory, using the standards of s. 33.26 (3), and shall declare the territory to be either attached or not. Appeals of the board's decision shall be taken under s. 33.26 (7).

(3) **DETACHMENT.** Territory may be detached from the district following petition of the owner or motion of the commissioners. Proposals for detachment shall be considered by the commissioners, and territory may be detached upon a finding that such territory is not benefited by continued inclusion in the district. Appeals of the commissioners' decision may be taken under s. 33.26 (7).

History: 1973 c. 301; 1975 c. 197; 1981 c. 20; 1989 a. 159; 2003 a. 275.

It is not always necessary for the petitioner in a detachment proceeding to prove that there has been a change in circumstances since the district was created. The finding of benefit to property required under s. 33.26 (3) in forming a district is not the same as the finding that the property is not benefited required under s. 33.33 (3) to detach a property from the district. The s. 33.26 (3) finding is general and predictive. Section. 33.33 (3) requires an individualized evaluation of property under present circumstances. *Donaldson v. Board of Commissioners of Rock-Koshkonong Lake District*, 2004 WI 67, 272 Wis. 2d 146, 680 N.W.2d 762, 01-3396.

Although not specified, the right to review under sub. (3) is by statutory certiorari. *Donaldson v. Board of Commissioners of Rock-Koshkonong Lake District*, 2004 WI 67, 272 Wis. 2d 146, 680 N.W.2d 762, 01-3396.

33.35 Dissolution of districts. A petition to dissolve an existing district created under this chapter may not be considered at an annual meeting of the district unless an elector within the district or a property owner within the district notifies the district board of commissioners in writing at least 90 days before the annual meeting that the elector or property owner intends to petition for dissolution at that

annual meeting. The notice of the annual meeting must include a statement that a petition to dissolve the district will be considered. The district may be dissolved upon a two-thirds vote of the electors and property owners present at the annual meeting. The county board shall by order dissolve the district following receipt of the petition if the county board finds that one or more of the standards for the creation of a district under s. 33.26 (3) are not met. The order for dissolution shall be conditioned upon proper petition to the circuit court and appointment of a receiver to administer the winding up of the district under the supervision of the court and a final order of the court. The attorney general shall represent the state and shall be a party to every dissolution proceeding where state money is involved.

History: 1973 c. 301; 1989 a. 159.

33.36 Alteration of districts.

(1) Whenever any territory that contains an entire district is incorporated as a city or village, consolidated with a city or village or annexed to a city or village, the district shall survive and shall be subject to s. 33.23.

(2) Whenever any territory containing less than an entire district is incorporated as a city or village, consolidated with a city or village or is annexed to a city or village, the district shall survive, and the district shall continue to operate under this chapter, subject to the following modifications:

(a) The district shall exercise only those powers granted under this chapter. Sanitary district powers shall not be exercised unless consent for such exercise is obtained in advance from the governing body of the city or village.

(b) The governing body of the city, village or town having the largest portion by valuation of the district within its jurisdiction shall make the appointment under s. 33.28.

(c) Ownership of any water or sewerage system shall be determined according to s. 60.79 (2) (d).

History: 1975 c. 197; 1983 a. 532 s. 36; 1989 a. 159.

33.37 Districts in more than one county.

(1) Where the proposed district is in more than one county, the county board of the county within which the largest portion, by valuation, of the proposed district lies shall have jurisdiction under ss. 33.24 to 33.28.

(2) The county within which the largest portion, by valuation, of a district lies shall have jurisdiction on motions for attachment under s. 33.33 (2) (b) and on petitions for dissolution under s. 33.35.

History: 1977 c. 391.

FACT SHEET

TO FILE NO. 16-17/013

There is a procedure in Chapter 33 of the Wisconsin Statutes that allows Lake Districts to attach or detach parcels of property. When initiated by the Lake District, in this case for the attachment of two separate parcels, the county board is required to appoint a committee to hold a public hearing within 30 days of receipt by the county clerk of the documents from the Lake District and report back to the county board within three months of the public hearing.

This resolution designates the committee on planning and development to hold the public hearing within 30 days of May 4, 2016 and report back to the county board within three months of the public hearing. A similar process was followed when the Lake Eau Claire Protection and Rehabilitation District was created in 2012.

Fiscal Impact: None
Respectfully Submitted,

Keith R. Zehms
Corporation Counsel

KRZ/yk

Ordinance/16-17.013 Fact

2
3 - **APPOINTING THE COMMITTEE ON PLANNING AND DEVELOPMENT TO HOLD**
4 **HEARINGS ON LAKE ALTOONA DISTRICT MOTIONS FOR ORDER OF**
5 **ATTACHMENT FOR PROPERTY OWNED BY MELANIE A. HAGEN AND**
6 **PROPERTY OWNED BY MICHAEL K. AND CHRISTINE L. ALLEN WITHIN 30**
7 **DAYS OF MAY 4, 2016; DIRECTING THE COMMITTEE ON PLANNING AND**
8 **DEVELOPMENT TO FILE ITS WRITTEN REPORT THE WITH COUNTY BOARD**
9 **WITHIN 3 MONTHS AFTER THE DATE OF THE HEARING -**

10
11 WHEREAS, the Lake Altoona District Board of Commissioners filed Motions for Order of
12 Attachment for properties owned by Melanie A. Haugen and Michael K. and Christine L. Allen with
13 the Eau Claire County Clerk on May 4, 2016; and

14
15 WHEREAS, under Wis. Stat. § 33.26(1) the county board is required to appoint a committee
16 to conduct the hearings within 30 days of the day the Petitions were presented to the county clerk;
17 and

18
19 WHEREAS, the committee on planning and development has held lake district public
20 hearings in the past and is the most appropriate committee to conduct these hearings; and

21
22 WHEREAS, the committee on planning and development is required to file a written report
23 to the county board within 3 months of the date of the hearings and within 6 months of the date of
24 the hearings, is required to issue an Order on the attachment of the two properties.

25
26 NOW THEREFORE BE IT RESOLVED that the Eau Claire County Board of Supervisors
27 appoints the committee on planning and development to hold hearings on Lake Altoona District
28 Motions for Order of Attachment for property owned by Melanie A. Hagen and property owned by
29 Michael K. and Christine L. Allen within 30 days of May 4, 2016.

30
31 BE IT FURTHER RESOLVED that the committee file a written report with the county
32 board within 3 months of the date of the hearings.

33
34 _____
35 _____
36 _____
37 _____
38 _____
39 _____
40 _____
41 _____
42 _____
43 _____
44 _____

Committee on Administration

45 KRZ/yk

46 Dated this _____ day of _____, 2016.

Eau Claire County Parcel Mapping



1 inch = 200 feet

PLSS Lines

- Meander Line
- Forty Line
- Quarter Section Line
- Section Line

Parcel Lines

- Parcel Line
- Extended Parcel Line
- Tie Line
- Extended Tie Line
- Road Right-of-Way Lines

Platted Lands

- Certified Survey Map
- Condominium Plat
- Assessors or Subdivision Plat

Navigability

- Navigable
- Non-Navigable

Alternate Number = 026107103000
Survey Map Index Number = S-2769

Parcel Mapping Notes:

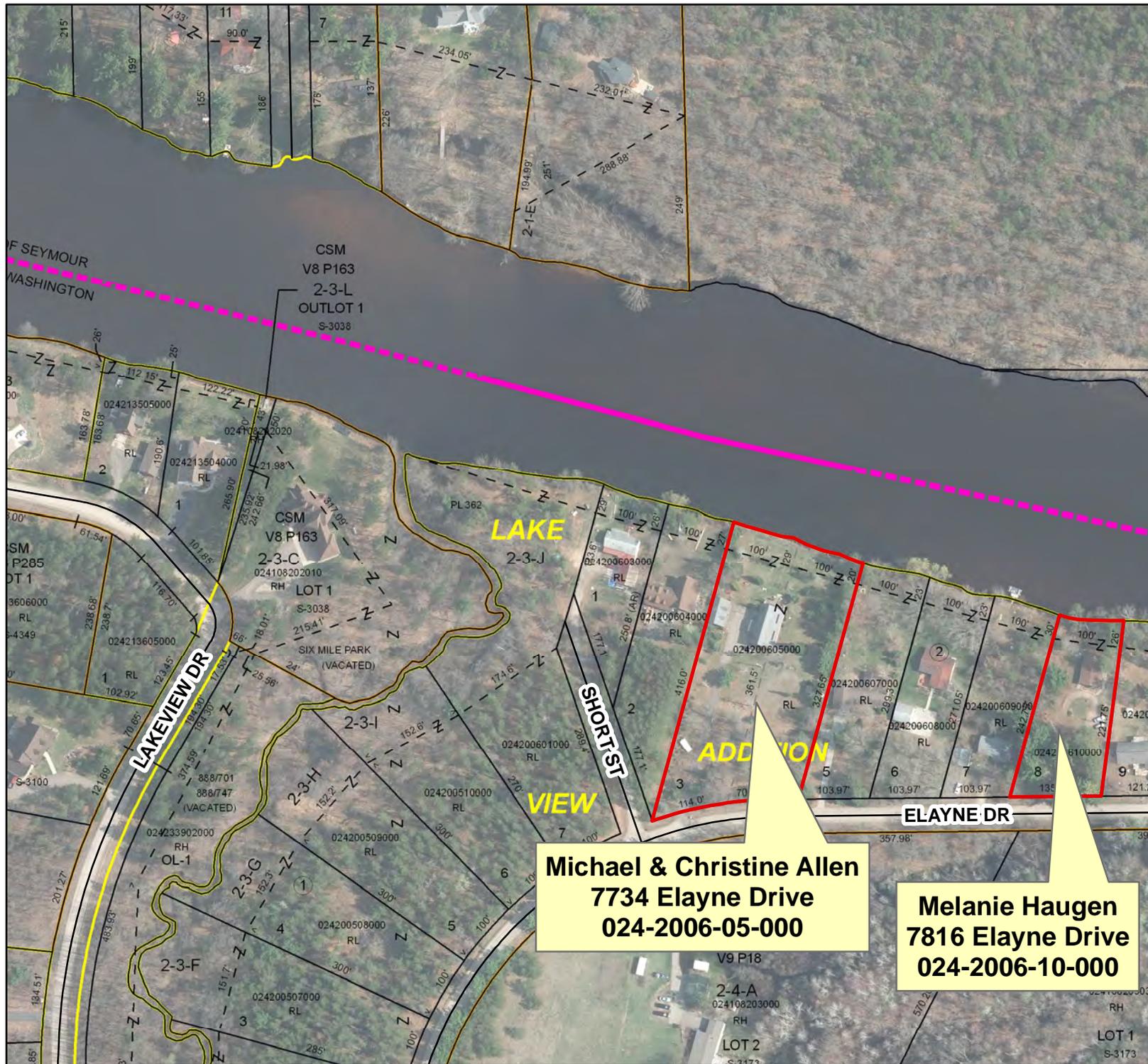
The horizontal datum is based on the Eau Claire County Coordinate System NAD_1983_HARN_Adj_WI_EauClaire_Feet

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

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

Date:

Aerial Photography Flight Spring 2013
Information Current January 1, 2013



Michael & Christine Allen
7734 Elayne Drive
024-2006-05-000

Melanie Haugen
7816 Elayne Drive
024-2006-10-000

COPY

May 2, 2016

RECEIVED
MAY - 4 2016
CORPORATION COUNSEL

Eau Claire County Board
Mr. Gregg Moore, County Board Chair
721 Oxford Ave.
Eau Claire, WI 54703

RE: **Lake Altoona Motion for Attachment**

Dear Mr. Moore,

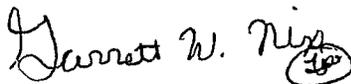
Please find enclosed a Motion and Order for Attachment which was executed by the Lake Altoona District pursuant to s. 33.33(2)(b), Wis. Stat.. Pursuant to section 33.33, a copy of the motion to attach is being forwarded to you to present to the Eau Claire County Board. The County Board is required to appoint a committee, hold a public hearing, and ultimately make a decision on the attachment. Please note that it is my interpretation that Wis. Stat. s. 33.26 requires that a committee be appointed to conduct a hearing, and that such hearing is to occur within 30 days of the County being presented with the enclosed motion. I only point this out for information purposes, as I suspect that the County does not deal with attachment petitions on a regular basis.

As is required by Wis. Stat. s. 33.33(2)(b), a copy of this letter is also being sent to Melanie A. Hagen.

Please contact me if you have any questions or concerns.

Sincerely,

WELD RILEY, S.C.



Garrett W. Nix

GWN/tlo

Enclosure

cc: Eau Claire County Corporation Counsel (w/enclosure)
Eau Claire County Clerk, Janet Loomis (w/enclosure)
Melanie A. Hagen (w/enclosure)
Chairman Paul Johnson (w/enclosure)

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**LAKE ALTOONA DISTRICT
BOARD OF COMMISSIONERS**

IN RE: Attachment Motion of
 Lake Altoona District

**MOTION FOR ORDER
OF ATTACHMENT
§33.33(2)(b), Wis. Stats.**

Upon the basis of an agenda item discussed at a regular meeting of the Lake Altoona District Board meeting on March 14, 2016, regarding the matter of attachment of certain contiguous property to the Lake Altoona District, the Board hereby moves to attach certain property owned by Melanie A. Hagen, a certain property owned by Michael K. and Christine L. Allen, to the Lake District, which property is described in Exhibit "A" hereto.

A copy of the agenda minutes from the March 14, 2016 meeting is attached as Exhibit "B", hereto.

Dated this 13 day of April, 2016.

LAKE ALTOONA DISTRICT BOARD OF COMMISSIONERS

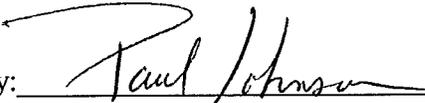
By: 
Paul Johnson, Chairperson

EXHIBIT "A"

Michael K. Allen and Christine L. Allen Property

Lots 3 and 4, Block 2, Lake View Addition to the Town of Washington, Eau Claire County, Wisconsin.

Computer No. 024200605000
PIN: 1802422708202402004

Melanie A. Hagen Property

Lot 8, Block 2, Lakeview Addition to the Town of Washington, Eau Claire County, Wisconsin.

Computer No. 024200610000
PIN: 1802422798202402008

**LAKE ALTOONA DISTRICT
BOARD OF COMMISSIONERS**

IN RE: Detachment Petition of
Park Ridge Builders of Wisconsin, Inc.

**ORDER OF DETACHMENT
§33.33(3), Wis. Stats.**

Upon the basis of an agenda item discussed at a regular meeting of the Lake Altoona District Board meeting regarding the matter of the Detachment Petition submitted by Park Ridge Builders of Wisconsin, Inc., held on February 3, 2016, by the Lake Altoona District Board of Commissioners, the Board hereby approves of the Detachment of the property owned by the said Park Ridge Builders of Wisconsin, Inc. from the Lake District, which property is described in Exhibit "A" hereto.

Dated this 13 day of April, 2016.

LAKE ALTOONA DISTRICT BOARD OF COMMISSIONERS

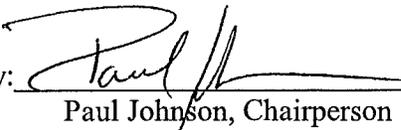
By: 
Paul Johnson, Chairperson

EXHIBIT "A"

Lots 4 and 5 of the Subdivision of Lots 1-5 Block 4, Hohman Heights Estates, Town of Washington, Eau Claire County, Wisconsin.

The above described property was formerly known as a part of Lot 2 and the West half of Lot 3, Block 4, Hohman Heights Estates, Town of Washington, Eau Claire County, Wisconsin.

Computer No. 024229205000 and 024229206000
PIN: 1802422708192302010 and 1802422708192302011

COPY

May 3, 2016

RECEIVED
MAY - 4 2016
CORPORATION COUNSEL

Eau Claire County Board
Mr. Gregg Moore, County Board Chair
721 Oxford Ave.
Eau Claire, WI 54703

RE: **Lake Altoona Motion for Attachment**

Dear Mr. Moore,

Please find enclosed a Motion and Order for Attachment which was executed by the Lake Altoona District pursuant to s. 33.33(2)(b), Wis. Stat.. Pursuant to section 33.33, a copy of the motion to attach is being forwarded to you to present to the Eau Claire County Board. The County Board is required to appoint a committee, hold a public hearing, and ultimately make a decision on the attachment. Please note that it is my interpretation that Wis. Stat. s. 33.26 requires that a committee be appointed to conduct a hearing, and that such hearing is to occur within 30 days of the County being presented with the enclosed motion. I only point this out for information purposes, as I suspect that the County does not deal with attachment petitions on a regular basis.

As is required by Wis. Stat. s. 33.33(2)(b), a copy of this letter is also being sent to Michael K. and Christine L. Allen.

Please contact me if you have any questions or concerns.

Sincerely,

WELD RILEY, S.C.



Garrett W. Nix

GWN/tlo

Enclosure

cc: Eau Claire County Corporation Counsel (w/enclosure)
Eau Claire County Clerk, Janet Loomis (w/enclosure)
Michael K. and Christine L. Allen (w/enclosure)
Chairman Paul Johnson (w/enclosure)

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**LAKE ALTOONA DISTRICT
BOARD OF COMMISSIONERS**

IN RE: Attachment Motion of
 Lake Altoona District

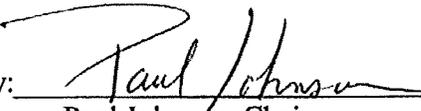
**MOTION FOR ORDER
OF ATTACHMENT
§33.33(2)(b), Wis. Stats.**

Upon the basis of an agenda item discussed at a regular meeting of the Lake Altoona District Board meeting on March 14, 2016, regarding the matter of attachment of certain contiguous property to the Lake Altoona District, the Board hereby moves to attach certain property owned by Melanie A. Hagen, a certain property owned by Michael K. and Christine L. Allen, to the Lake District, which property is described in Exhibit "A" hereto.

A copy of the agenda minutes from the March 14, 2016 meeting is attached as Exhibit "B", hereto.

Dated this 13 day of April, 2016.

LAKE ALTOONA DISTRICT BOARD OF COMMISSIONERS

By: 

Paul Johnson, Chairperson

EXHIBIT "A"

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Lots 3 and 4, Block 2, Lake View Addition to the Town of Washington, Eau Claire County, Wisconsin.

Computer No. 024200605000
PIN: 1802422708202402004

Melanie A. Hagen Property

Lot 8, Block 2, Lakeview Addition to the Town of Washington, Eau Claire County, Wisconsin.

Computer No. 024200610000
PIN: 1802422798202402008

**LAKE ALTOONA DISTRICT
BOARD OF COMMISSIONERS**

IN RE: Detachment Petition of
 Park Ridge Builders of Wisconsin, Inc.

**ORDER OF DETACHMENT
§33.33(3), Wis. Stats.**

Upon the basis of an agenda item discussed at a regular meeting of the Lake Altoona District Board meeting regarding the matter of the Detachment Petition submitted by Park Ridge Builders of Wisconsin, Inc., held on February 3, 2016, by the Lake Altoona District Board of Commissioners, the Board hereby approves of the Detachment of the property owned by the said Park Ridge Builders of Wisconsin, Inc. from the Lake District, which property is described in Exhibit "A" hereto.

Dated this 13 day of April, 2016.

LAKE ALTOONA DISTRICT BOARD OF COMMISSIONERS

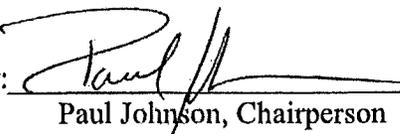
By: 
Paul Johnson, Chairperson

EXHIBIT "A"

Lots 4 and 5 of the Subdivision of Lots 1-5 Block 4, Hohman Heights Estates, Town of Washington, Eau Claire County, Wisconsin.

The above described property was formerly known as a part of Lot 2 and the West half of Lot 3, Block 4, Hohman Heights Estates, Town of Washington, Eau Claire County, Wisconsin.

Computer No. 024229205000 and 024229206000
PIN: 1802422708192302010 and 1802422708192302011

Preliminary Plat Report



To: Committee on Planning and Development
Regarding: Preliminary Plat of “TRILLIUM ESTATES”
Surveyor: Peter Gartmann; Real Land Surveying
Owner/Agent: Southern Oaks Land Co. LLP, Cody Filipczak
Date: May 18, 2016
Cc: Peter Gartmann; Real Land Surveying
Southern Oaks Land Co. LLP, Cody Filipczak
Janelle Henning, Administrator; Town of Washington
Darryl Tufte, Director of Community Development, City of Eau Claire

Committee Members:

The statutory time limit for the County to take action on this matter expires on **June 20, 2016**. The County must “Approve, Conditionally Approve or Deny” this submitted Plat by this time or it automatically is deemed approved by statute.

Staff has reviewed and recommends conditionally approving the **05/17/2016** “Preliminary Plat of **“TRILLIUM ESTATES”**”.

Recommended conditions for approval are as follows:

- 1) That the Town of Washington conditionally approves this preliminary plat.
- 2) That the City of Eau Claire conditionally approves this preliminary plat.
- 3) That the plat be revised and updated to include:
 - a) Correct spelling of “Talmadge”.
 - b) Correct owner names on noted parcels along North and West lines of parcel
 - c) Missing distances along the west lines of Lots 11, 13 and 14
 - d) High water elevation to mean sea level –show if there are areas intended to hold water.
- 4) Show or indicate that each lot contains a ½ acre contiguous buildable area per code.
- 5) Depict and label the type, width, and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto together with any legally established centerline elevations. 18.79.010 (I)
- 6) That the storm water plans meet the approval of the Eau Claire County Land Conservation Department.
- 7) That the soil boring reports meet the approval of the City/County Health Department for on site sanitary systems.
- 8) The groundwater map shall be submitted for review and approval by the City/County Health Dept.
- 9) That access controlled by WisDOT restrictions/notes be added along STH 93 and CTH “II” Deerfield Road. (Specific verbiage will be provided)
- 10) That the Wisconsin Department of Administration Plat Review Section certifies that it does not object to this plat.
- 11) That the Final Plat conforms to 18.78.060 Final Plat Submittal, 18.78.070 Final Plat Review and Approval, 18.78.080 Recording of the Final Plat, 18.80 Final Plat, 18.82 Design Standards, 18.83 Required Improvements, 18.84 Subdivision Improvement Guarantees and 18.85.030 Legal, Engineering and Inspection Fees which are requirements and procedures outlined within the

Subdivision Control of the County Code that may not have specifically identified previously in detail. (i.e., vision corner easements at all road intersections and noted with restrictions in 18.22.025; etc.)

- 12) That the Final Plat complies with all applicable portions of s. 236 of the Wisconsin Statutes and that the Department of Administration has no objection to the final plat and certifies to this.
- 13) That in submitting for final plat approval, the owner will also furnish to the county an abstract of title or a policy of title insurance certified to date for examination as allowed in s. 236.21 (2) (b).

Notes:

- 1) The surveyor should provide digital CAD files of the approved final plat to the Department of Planning and Development for its use.
- 2) The developer shall apply for a drive permit from the Eau Claire County Highway Department prior to construction.
- 3) Lots less than 5 acres that exceed the 3:1 depth to width ratio require a variance.
- 4) A variance for all lots less than 1.5 acres will be required.
- 5) Lots 15, 16, 17, 20 21, 22, 23, 32 front on multiple roads. Front yard setbacks apply in all cases.
- 6) Committee needs to approve a variance for the unusual shaped lots (2, 33, 34, and 35) (18.82.060 A.) The committee will need to approve their configuration and determine the shape is appropriate for the location of the subdivision and the type of development proposed.
- 7) The developer will need to meet with the USPS Postmaster to determine type and location of mailbox installation for this development.

Respectfully submitted:

Dean J. Roth, PLS

Eau Claire County Surveyor
Land Records Division Supervisor
Department of Planning and Development
Room 3344 - 721 Oxford Avenue
Eau Claire, WI 54703-5481
Voice: 715-839-4742
FAX 715-831-5802
E-mail: dean.roth@co.eau-claire.wi.us

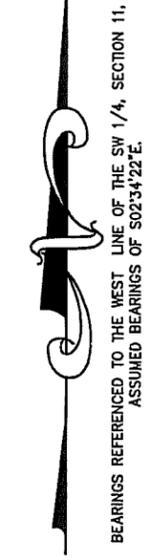
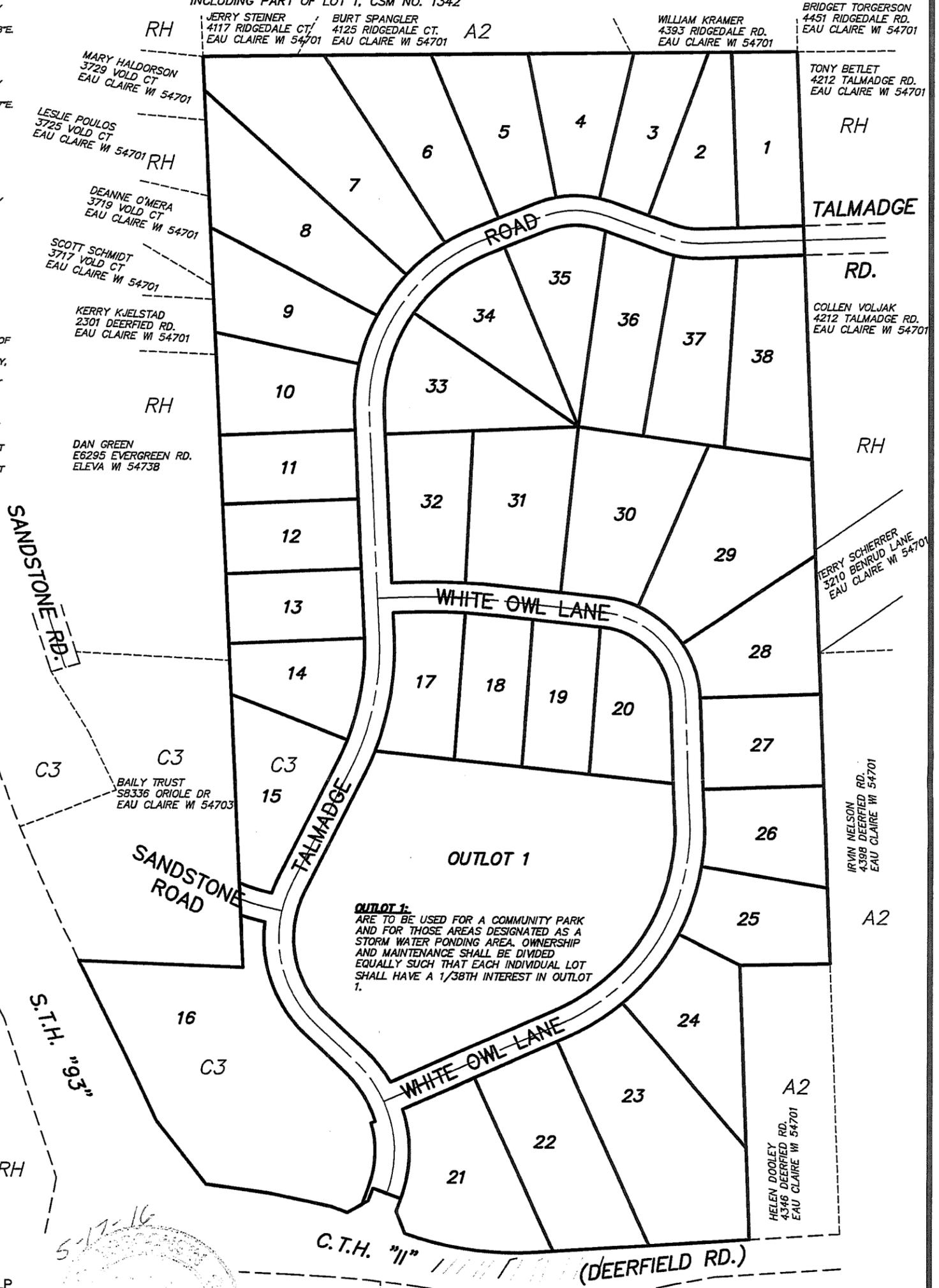
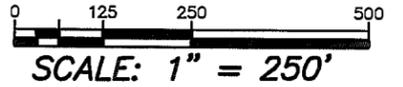
PARCEL OF LAND LOCATED IN THE SE 1/4 OF THE SE 1/4 SECTION 10 AND SW 1/4 OF THE SW 1/4 AND NW 1/4 OF THE SW 1/4 SECTION 11, T26N, R9W, TOWN OF WASHINGTON, EAU CLAIRE COUNTY, WISCONSIN, ALSO PART OF CERTIFIED SURVEY MAP No. 1342.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

- BEGINNING AT THE EAST 1/4 CORNER OF SAID SECTION;
- THENCE S02°34'22"E ALONG THE WEST LINE OF SAID SE 1/4 2040.68 FEET;
- THENCE N87°51'48"W 363.25 FEET TO THE EAST RIGHT OF WAY LINE OF S.T.H. "93"
- THENCE SOUTHERLY ALONG SAID RIGHT OF WAY LINE ALONG THE ARC OF A CURVE CONCAVE WESTERLY, LONG CHORD WHICH BEARS S.25°11'57"E 138.03 FEET AND HAVING A RADIUS OF 4712.70 FEET;
- THENCE S26°02'17"E ALONG SAID RIGHT OF WAY, 236.72 FEET;
- THENCE SOUTHERLY ALONG SAID RIGHT OF WAY LINE ALONG THE ARC OF A CURVE CONCAVE WESTERLY, LONG CHORD WHICH BEARS S.25°11'57"E 138.03 FEET AND HAVING A RADIUS OF 4712.70 FEET;
- THENCE S37°42'27"E ALONG SAID RIGHT OF WAY, 179.84 FEET;
- THENCE S82°16'34"E ALONG SAID RIGHT OF WAY 142.97 FEET;
- THENCE S78°06'33"E ALONG SAID RIGHT OF WAY 139.46 FEET;
- THENCE S.69°55'04"E. ALONG SAID RIGHT OF WAY 37.50 FEET;
- THENCE N60°26'55"E ALONG SAID RIGHT OF WAY 52.50 FEET;
- THENCE N20°04'56"E ALONG SAID RIGHT OF WAY 30.00 FEET;
- THENCE S69°55'05"E ALONG SAID RIGHT OF WAY 66.00 FEET;
- THENCE S20°05'03"W 30.00 FEET;
- THENCE S21°15'37"E 53.28 FEET;
- THENCE EASTERLY, ALONG SAID RIGHT OF WAY AND ALONG THE ARC OF A CURVE CONCAVE NORTHERLY, THE LONG CHORD WHICH BEARS S.82°02'33"E, 293.78 FEET AND HAVING A RADIUS OF 699.29 FEET;
- THENCE N.85°59'14"E, ALONG SAID RIGHT OF WAY, 473.50 FEET;
- THENCE N.02°09'17"W, PARALLEL WITH THE EAST LINE OF SAID SW 1/4 OF THE SW 1/4, A DISTANCE OF 615.66 FEET;
- THENCE N.88°37'27"E, 200.02 FEET;
- THENCE N.02°09'17"W, ALONG THE EAST LINE OF SAID SW 1/4 OF THE SW 1/4 AND NW 1/4 OF THE SW 1/4, A DISTANCE OF 2040.03 FEET TO THE NORTHEAST CORNER OF THE NW 1/4 OF THE SW 1/4;
- THENCE S.89°12'48"W, 1315.19 FEET TO THE POINT OF BEGINNING.

PRELIMINARY PLAT OF TRILLIUM ESTATES

IN THE SW 1/4-SW 1/4 AND NW 1/4-SW 1/4, SECTION 11 AND IN THE SE 1/4-SE 1/4, SECTION 10, T26N, R9W, TOWN OF WASHINGTON, EAU CLAIRE COUNTY, WISCONSIN INCLUDING PART OF LOT 1, CSM NO. 1342



TOTAL PLATTED AREA = 3,446,675 SQ. FT. 79.12 ACRES

PROPERTY ZONED RH EXCEPT AREA MARKED C3

NO ACCESS ONTO CTH II (DEERFIELD ROAD) EXCEPT FOR TALMADGE ROAD.

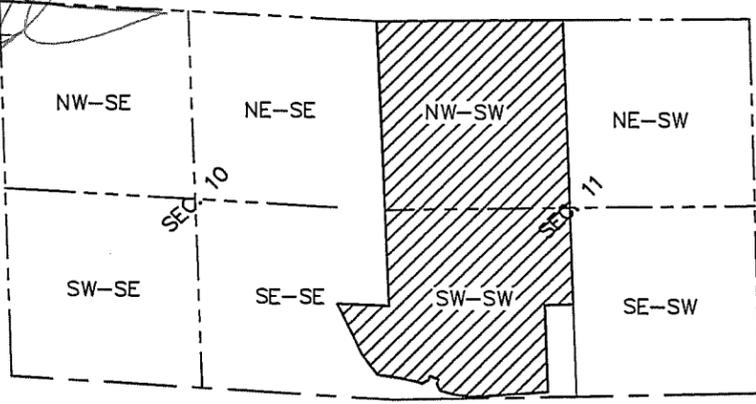
SUBDIVIDER IS ASKING FOR A VARIANCE TO ALLOW 4:1 LOT WIDTH TO LENGTH RATIO FOR LOTS 7-8 / 33-35

NO SEWER OR WATER LINES WITH 1320' OF THIS PLAT

- LANDOWNERS:**
- SOUTHERN OAKS LAND CO., LLP 8336 ORIOLE DR. EAU CLAIRE WI 54701
- SUBDIVIDERS:**
- CMJM PROPERTIES LLC 9305 MURPHY LANE EAU CLAIRE, WISCONSIN 54703
- APPROVING AUTHORITIES:**
- CITY OF EAU CLAIRE
 - TOWN OF WASHINGTON
 - EAU CLAIRE COUNTY
- OBJECTING AUTHORITIES**
- DEPARTMENT OF ADMINISTRATION
 - DEPARTMENT OF TRANSPORTATION
- SURVEYOR**
- PETER J. GARTMANN P.L.S. No. 2279 REAL LAND SURVEYING 635 FAIRFAX ST. ALTOONA, WISCONSIN 54720

Handwritten signature and date: 5-17-16

NOT TO SCALE LOCATION SKETCH OF THE SE 1/4, SEC. 10 AND SW 1/4, SEC. 11, T26N, R9W

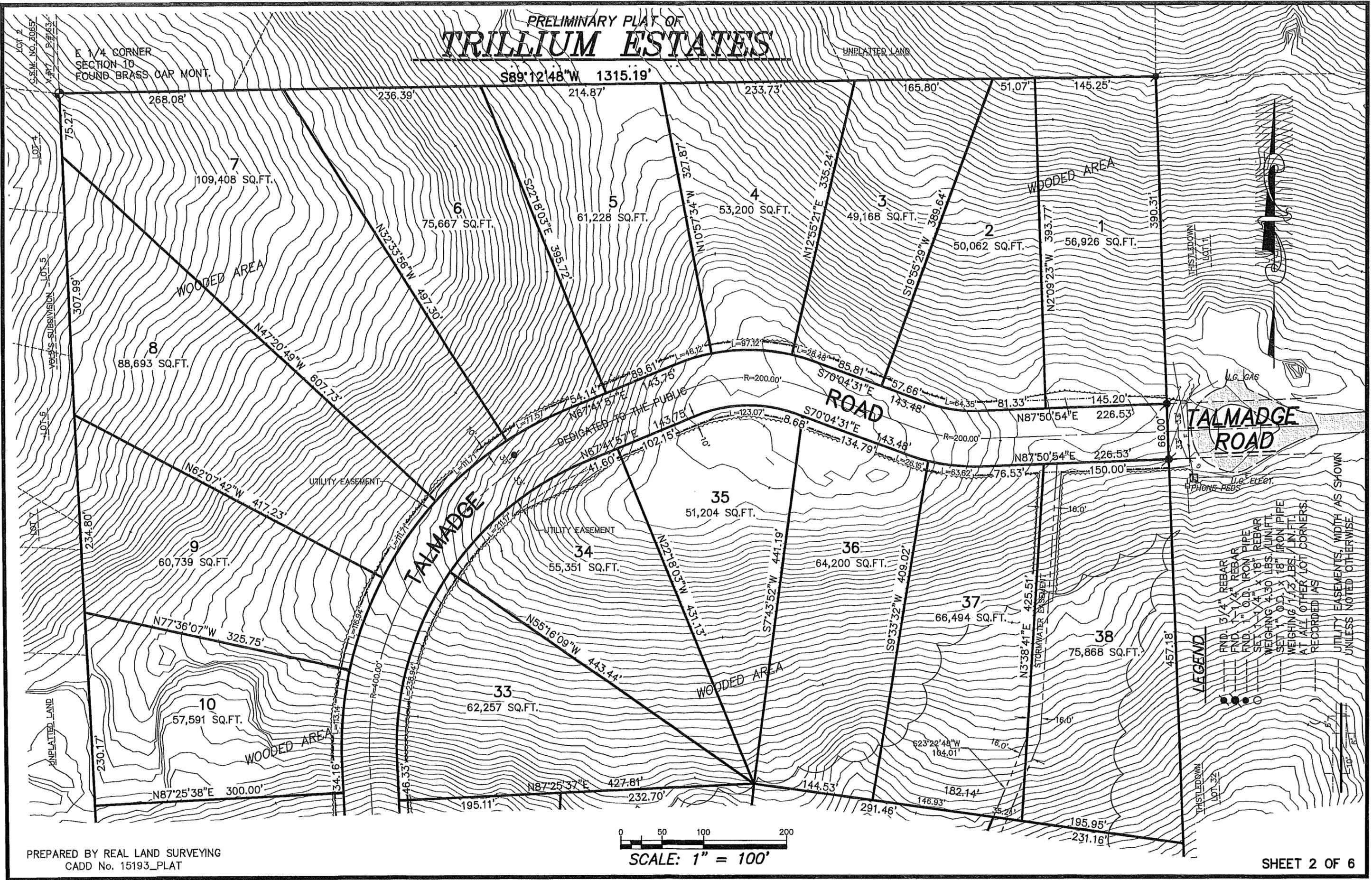


PREPARED BY: REAL LAND SURVEYING 635 FAIRFAX ST. ALTOONA, WI 54720 CADD NO. 15193PLAT

REVISIONS DEC. 5/17 8:41 AM

PRELIMINARY PLAT OF TRILLIUM ESTATES

S89°12'48"W 1315.19'



PREPARED BY REAL LAND SURVEYING
CADD No. 15193_PLAT

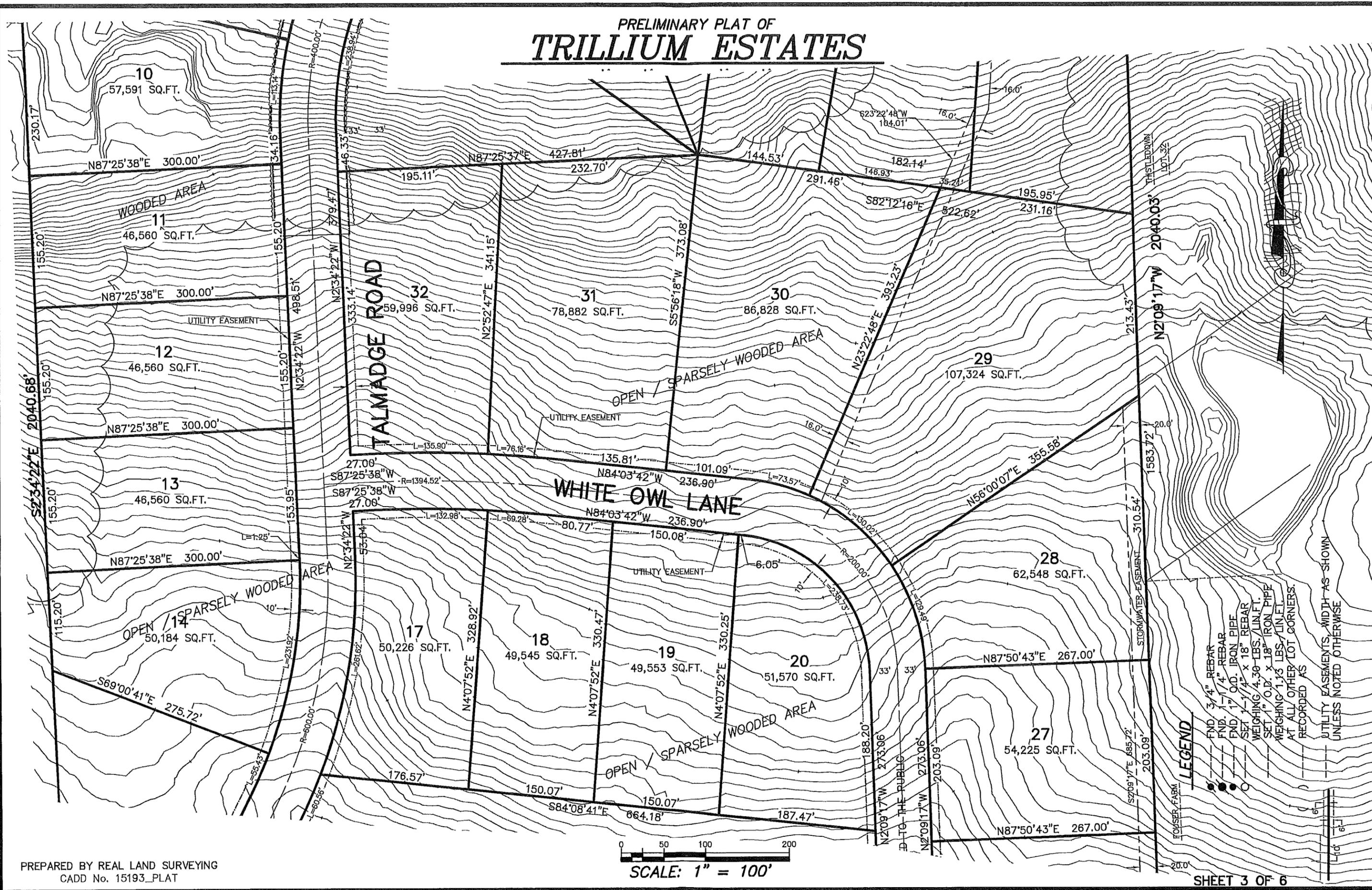
0 50 100 200
SCALE: 1" = 100'

LEGEND

- RVD 3/4" REBAR
- FND 1 1/4" REBAR
- FND 1" O.D. IRON PIPE
- SET 1 1/4" X 18" REBAR
- WEIGHING 4.30 LBS./LIN.FT.
- SET 1" O.D. X 18" IRON PIPE
- WEIGHING 1.12 LBS./LIN.FT.
- AT ALL OTHER LOT CORNERS, RECORDED AS SHOWN
- UTILITY EASEMENTS, WIDTH AS SHOWN UNLESS NOTED OTHERWISE

SHEET 2 OF 6

PRELIMINARY PLAT OF TRILLIUM ESTATES



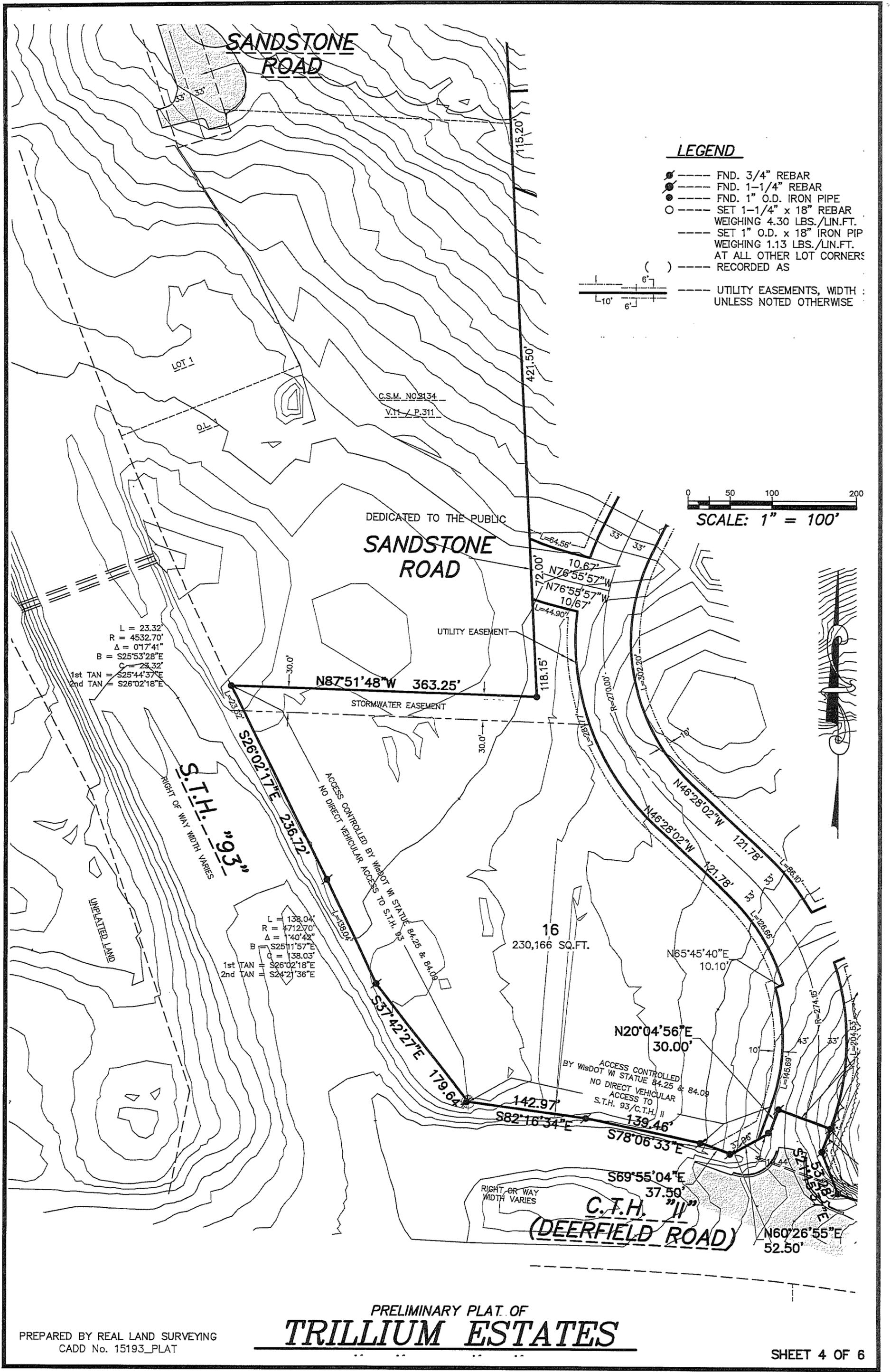
PREPARED BY REAL LAND SURVEYING
CADD No. 15193_PLAT

SCALE: 1" = 100'

LEGEND

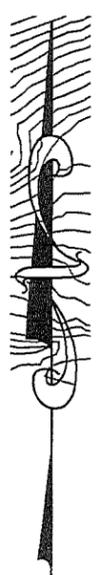
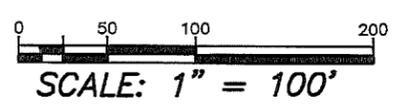
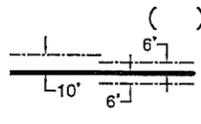
- FND 3/4" REBAR
- FND 1 1/4" REBAR
- FND 1" O.D. IRON PIPE
- SET 1 1/4" x 18" REBAR
- WEIGHING 4.30 LBS./LIN.FT.
- SET 1" O.D. x 18" IRON PIPE
- WEIGHING 1.35 LBS./LIN.FT.
- AT ALL OTHER LOT CORNERS.
- RECORDED AS
- UTILITY EASEMENTS, WIDTH AS SHOWN UNLESS NOTED OTHERWISE

SHEET 3 OF 6



LEGEND

- --- FND. 3/4" REBAR
- --- FND. 1-1/4" REBAR
- --- FND. 1" O.D. IRON PIPE
- --- SET 1-1/4" x 18" REBAR WEIGHING 4.30 LBS./LIN.FT.
- --- SET 1" O.D. x 18" IRON PIPE WEIGHING 1.13 LBS./LIN.FT.
- () --- RECORDED AS
- UTILITY EASEMENTS, WIDTH UNLESS NOTED OTHERWISE



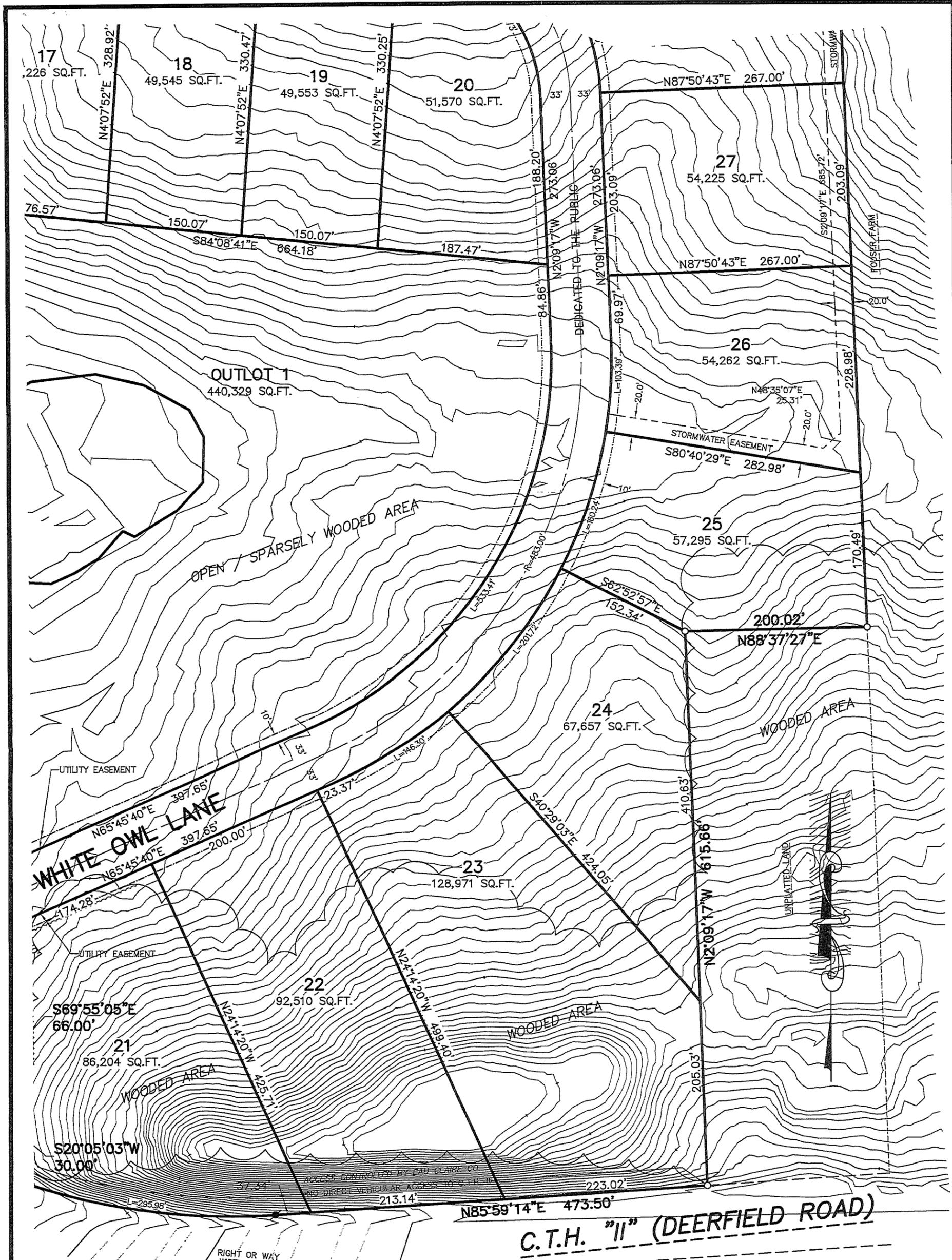
$L = 23.32'$
 $R = 4532.70'$
 $\Delta = 0^\circ 17' 41''$
 $B = S25^\circ 53' 28'' E$
 $C = 23.32'$
 1st TAN = $S25^\circ 44' 37'' E$
 2nd TAN = $S26^\circ 02' 18'' E$

$L = 138.04'$
 $R = 4712.70'$
 $\Delta = 1^\circ 40' 42''$
 $B = S25^\circ 11' 57'' E$
 $C = 138.03'$
 1st TAN = $S26^\circ 02' 18'' E$
 2nd TAN = $S24^\circ 21' 36'' E$

PRELIMINARY PLAT OF
TRILLIUM ESTATES

PREPARED BY REAL LAND SURVEYING
 CADD No. 15193_PLAT

SHEET 4 OF 6

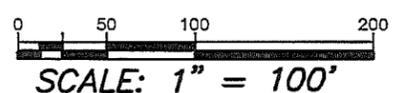


LEGEND

- --- FND. 3/4" REBAR
- --- FND. 1-1/4" REBAR
- --- FND. 1" O.D. IRON PIPE
- --- SET 1-1/4" x 18" REBAR WEIGHING 4.30 LBS./LIN.FT.
- --- SET 1" O.D. x 18" IRON PIPE WEIGHING 1.13 LBS./LIN.FT. AT ALL OTHER LOT CORNERS.
- () --- RECORDED AS

--- UTILITY EASEMENTS, WIDTH AS SHOWN UNLESS NOTED OTHERWISE

PREPARED BY REAL LAND SURVEYING
CADD No. 15193_PLAT



PRELIMINARY PLAT OF TRILLIUM ESTATES



Eau Claire County
DEPARTMENT OF PLANNING
AND DEVELOPMENT
Eau Claire County Courthouse, Rm. 3344
721 Oxford Avenue
Eau Claire, Wisconsin 54703-5481
(715) 839-4741

Housing & Community Development
839-6240
Emergency Services Management
839-4736
Real Property Description
839-2984
Land Use Controls
839-4743
Building Inspection
839-2944
Land Conservation
839-6226
Planning
839-5055
County Surveyor
839-4742

REPORT:

TO: COMMITTEE ON PLANNING AND DEVELOPMENT

FROM: Jared Grande, Land Use Technician

DATE: May 17, 2016

RE: Menard Inc. CSM – Section 3, T27N-R10W, Town of Union

Jeff Stockburger, Professional Land Surveyor, submitted a concept certified survey map (CSM) to the department for approval to create a one lot CSM in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, part of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, part of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, part of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and part of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 3, T27N-R10W in the Town of Union. The property is zoned I-1 Nonsewered Industrial.

The map is being presented to the committee because of the unusual lot configuration of proposed lot 1. The proposal is to combine recently created Outlot 1 CSM 3162 Vol.1, PGS. 390-392, unplatted land owned by Menard Inc. directly south, and existing Lot 1 CSM 3082 Vol.17, PGS. 210-212. The proposed lot would remove the existing outlot notation on CSM 3162 Vol.1, PGS. 390-392.

Section 18.82.060.A of the subdivision code requires that the size, shape, and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

Under 18.77.070 of the subdivision control code, the committee can grant variances to Chapters 18.82, 18.83, and 18.84 of the code. The committee must find that there is exceptional or undue hardship in the request; it is not detrimental to the public good, and without impairment to the intent and purpose of the code. The committee must consider all the facts and testimony when deliberating this matter.

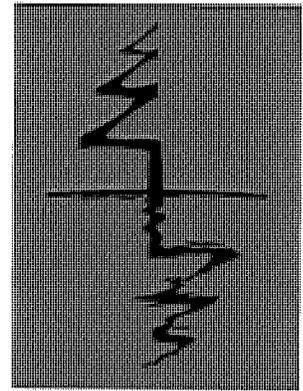
Staff supports lot configurations that address complex areas to allow better development in the future. The configuration of the proposed development would combine lots/unplatted land owned by Menard Inc. for future development.

Staff recommends that the committee state findings to support their decision to grant or deny the request. The following reasons may be used to support approving the request:

- The variance will not be detrimental to the public good, the spirit and purpose of the code will be upheld.
- The lot configuration is ideal with the exiting lots and unplatted land, combining them into one unified lot.
- The purpose of the Subdivision Control Code will be upheld.

Kramer Land Design Studio

Civil Engineering • Land Surveying



May 10, 2016

Eau Claire County
Planning and Development
721 Oxford Ave.
Eau Claire, WI 54703

RE: Menards Inc. request for variance

To whom it may concern:

The purpose of combining Lot 1 CSM #3082, Outlot 1 CSM #3162, and the unplatted lands currently owned by Menards Inc. north of the Union Pacific Railroad is to create 1 contiguous lot. Menards needs to combine these lots to be able to build a gatehouse on what is currently designated as an outlot. The structure will not be serviced by a septic system.

We are requesting a variance due to the unusual lot configuration.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Stockburger".

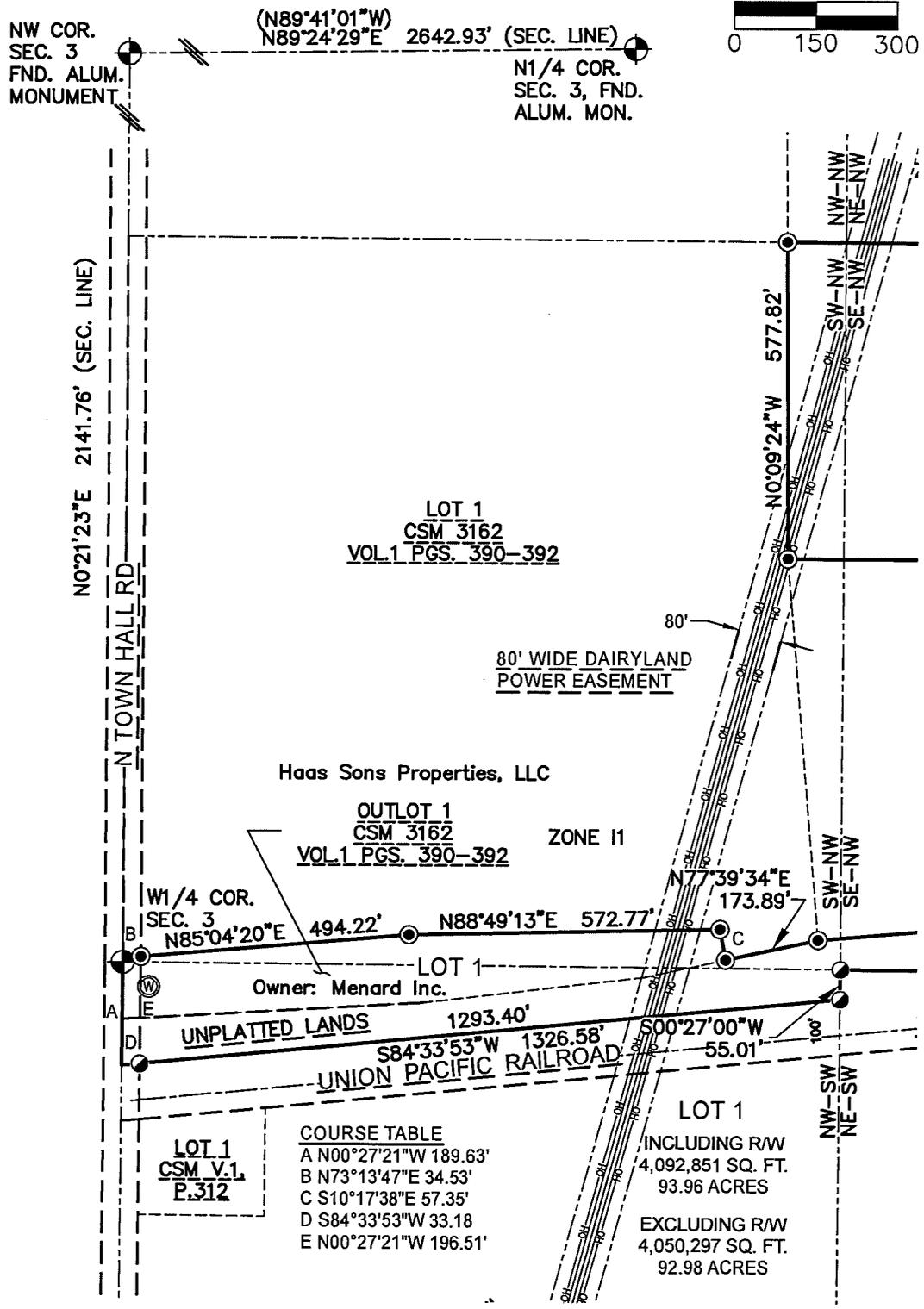
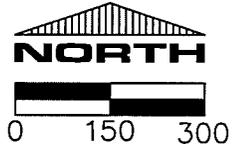
Jeff Stockburger, PLS

CERTIFIED SURVEY MAP NO. _____

VOLUME _____ **PAGE** _____

All of Outlot 1 of Certified Survey Map #3162 recorded in Volume 1 on Pages 390-392, and all of Lot 1 of Certified Survey Map #3082 recorded in Volume 17 on Pages 210-212, and part of Lot 2 of Certified Survey Map #1950 recorded in Volume 10 on Pages 321-323 and part of Lot 1 of Certified Survey Map #2728 recorded in Volume 15 on Page 164-166. All lying in part of the NW 1/4 of the SW 1/4, part of the SW 1/4 of the NW 1/4, part of the SE 1/4 of the NW 1/4, part of the NW 1/4 of the NE 1/4 and part of the SW 1/4 of the NE 1/4, Section 3, Township 27 North, Range 10 West, Town of Union, Eau Claire County, Wisconsin.

BEARINGS ARE REFERENCED TO THE NORTH LINE OF THE NORTHWEST 1/4 OF SECTION 3, WHICH IS ASSUMED TO BEAR N89°24'29"E.



SEE PAGE 2

LEGEND

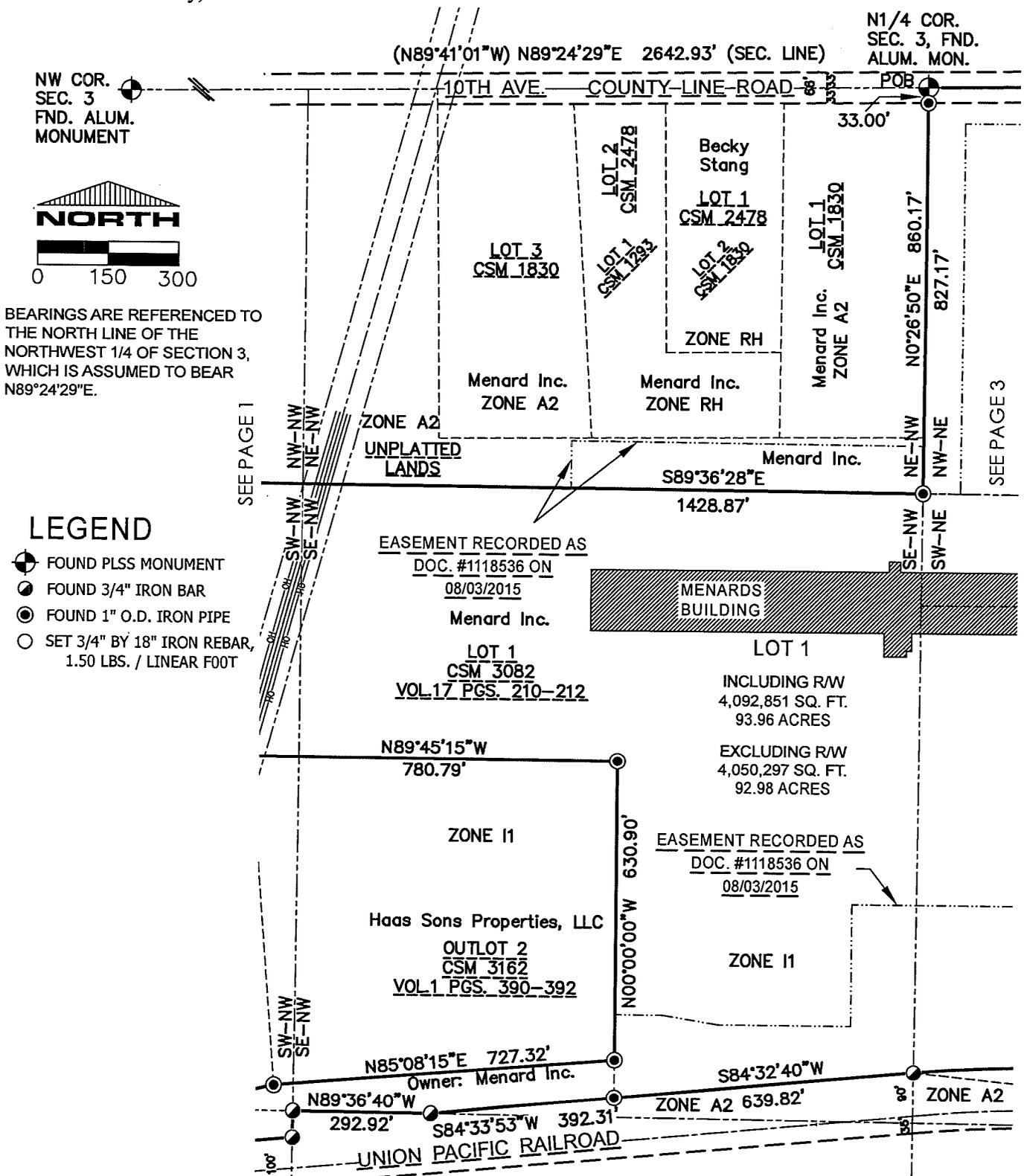
- FOUND PLSS MONUMENT
- FOUND 3/4" IRON BAR
- FOUND 1" O.D. IRON PIPE
- SET 3/4" BY 18" IRON REBAR, 1.50 LBS. / LINEAR FOOT

Owner: Menard Inc.
 4777 Menard Drive
 Eau Claire, WI 54703

KRAMER LAND DESIGN STUDIO
 1818 BRACKETT AVENUE • EAU CLAIRE, WI 54701
 PH: (715) 831-0654
 EMAIL: INFO@KLD5.NET

CERTIFIED SURVEY MAP NO. _____
VOLUME _____ **PAGE** _____

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LEGEND

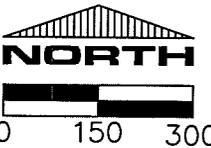
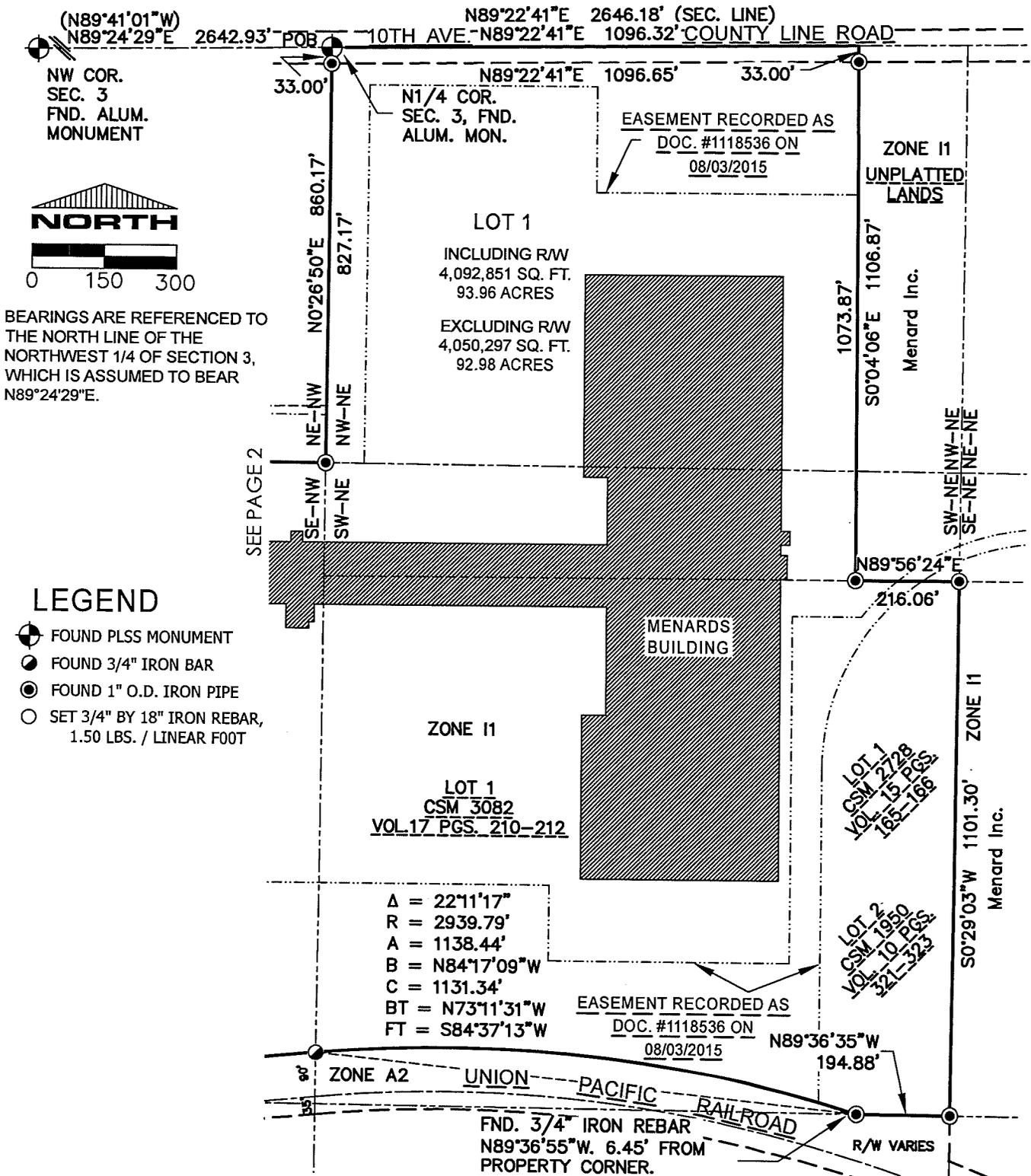
- FOUND PLSS MONUMENT
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Owner: Menard Inc.
 4777 Menard Drive
 Eau Claire, WI 54703

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CERTIFIED SURVEY MAP NO. _____
VOLUME _____ **PAGE** _____

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BEARINGS ARE REFERENCED TO THE NORTH LINE OF THE NORTHWEST 1/4 OF SECTION 3, WHICH IS ASSUMED TO BEAR N89°24'29"E.

LEGEND

- FOUND PLSS MONUMENT
- FOUND 3/4" IRON BAR
- FOUND 1" O.D. IRON PIPE
- SET 3/4" BY 18" IRON REBAR, 1.50 LBS. / LINEAR FOOT

Δ = 22°11'17"
 R = 2939.79'
 A = 1138.44'
 B = N84°17'09"W
 C = 1131.34'
 BT = N73°11'31"W
 FT = S84°37'13"W

Owner: Menard Inc.
 4777 Menard Drive
 Eau Claire, WI 54703

KRAMER LAND DESIGN STUDIO
 1818 BRACKETT AVENUE • EAU CLAIRE, WI 54701
 PH: (715) 831-0654
 EMAIL: INFO@KLD5.NET

CERTIFIED SURVEY MAP NO. _____
VOLUME _____ **PAGE** _____

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SURVEYOR'S CERTIFICATE:

I, Jeffrey C. Stockburger, Professional Land Surveyor in the State of Wisconsin, do hereby certify that by the order of Menard Inc., I have surveyed all of Outlot 1 of Certified survey Map #3162 recorded in Volume 1 on Pages 390-392, and all of Lot 1 of certified Survey Map #3082 recorded in Volume 17 on Pages 210-212, and part of Lot 2 of Certified Survey Map #1950, recoded in Volume 10 on Pages 321-323 and part of Lot 1 of Certified Survey Map #2728 recorded in Volume 15 on Page 164-166. All lying in part of the Northwest Quarter of the Southwest Quarter, part of the Southwest Quarter of the Northwest Quarter, part of the Southeast Quarter of the Northwest Quarter, and part of the Northwest Quarter of the Northeast Quarter, and part of the Southwest Quarter of the Northeast Quarter, Section 3, Township 27 North, Range 10 West, Town of Union, Eau Claire County, Wisconsin. The parcel is more particularly described as follows:

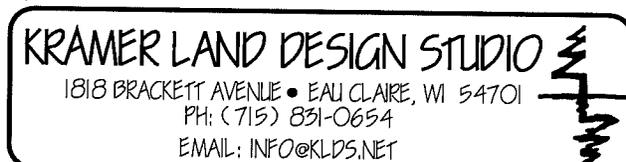
Commencing at the Northwest corner of said Section 3;
Thence N89°24'29"E, 2642.93 feet to the North one-quarter corner of said section and the point of beginning;
Thence N89°22'41"E, 1096.32 feet along the North line of the Northeast Quarter of said section;
Thence S00°04'06"E, 1106.87 feet;
Thence N89°56'24"E, 216.06 feet;
Thence S00°29'03"W, 1101.30 feet to the Northerly right-of-way line of the Union Pacific Railroad;
Thence N89°36'35"W, 194.88 feet along said right-of-way;
Thence 1138.44 feet along the arc of a curve concave southerly and said right-of-way line, with a chord bearing of N84°17'09"W, a chord length of 1131.34 feet, a radius of 2939.79 feet, and a delta angle of 22°11'17";
Thence S84°32'40"W, 639.82 along said right-of-way;
Thence S84°33'53"W, 392.31 feet along said right-of-way;
Thence N89°36'40"W, 292.92 feet along said right-of-way;
Thence S00°27'00"W, 55.01 feet along said right-of-way;
Thence S84°33'53"W, 1326.58 feet along said right-of-way to the West line of the Southwest one-quarter;
Thence N00°27'21"W, 189.63 feet to the West one-quarter corner of said section;
Thence N73°13'47"E, 34.53 feet;
Thence N85°04'20"E, 494.22 feet;
Thence N88°49'13"E, 572.77 feet;
Thence S10°17'38"E, 57.35 feet;
Thence N77°39'34"E, 173.89 feet;
Thence N85°08'15"E, 727.32 feet;
Thence N00°00'00"W, 630.90 feet;
Thence N89°45'15"W, 780.79 feet;
Thence N00°09'24"W, 577.82 feet;
Thence S89°36'28"E, 1428.87 feet;
Thence N00°26'50"E, 860.17 feet to the point of beginning.

Said parcel contains 4,092,851 square feet or 93.96 total acres, more or less.

I also certify that I have complied with the provisions of Chapter 236.34 of the Wisconsin Statutes, the Eau Claire County Subdivision Ordinance, and the Town of Union Subdivision Ordinance. I further certify to the best of my knowledge and belief that the accompanying map is a true and correct representation of the exterior boundaries of the land surveyed and the division thereof made.

Dated this _____ day of _____, 2016.

Jeffrey C. Stockburger, Wisconsin Professional Land Surveyor, S-2708
Project Number: 15007



CERTIFIED SURVEY MAP NO. _____
VOLUME _____ **PAGE** _____

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COUNTY PLANNING AND DEVELOPMENT

I, Lance J. Gurney, Director of the Eau Claire County Planning and Development Department, hereby certify that this Certified Survey Map is approved of as complying with Subtitle III, the Subdivision Control Code, of Title 18 of General Ordinances.

Dated this _____ day of _____, 2016.

Lance J. Gurney, Director

TOWN OF UNION CERTIFICATE:
STATE OF WISCONSIN, EAU CLAIRE COUNTY

I certify that this Certified Survey Map, Menard Inc., owner, was approved by the Town Board of Town of Union.

Dated this _____ day of _____, 2015.

Town Chairperson





Eau Claire County
DEPARTMENT OF PLANNING
AND DEVELOPMENT
Eau Claire County Courthouse, Rm. 3344
721 Oxford Avenue
Eau Claire, Wisconsin 54703-5481
(715) 839-4741

Housing & Community Development
839-6240

Emergency Services Management
839-4736

Real Property Description
839-2984

Land Use Controls
839-4743

Building Inspection
839-2944

Land Conservation
839-6226

Planning
839-5055

County Surveyor
839-4742

REPORT:

TO: COMMITTEE ON PLANNING AND DEVELOPMENT

FROM: Jared Grande, Land Use Technician

DATE: May 17, 2016

RE: Chelsea Lane, LLC 3 lot CSM – Section 15, T26N-R09W, Town of Washington

Jeff Stockburger, Professional Land Surveyor, submitted a concept certified survey map (CSM) to the department for review to create a three lot CSM in the NE ¼ of the NE of Section 15, T26N-R09W in the Town of Washington. The property is zoned RH Rural Homes.

The map is being presented to the committee because of proposed lot 1 and lot 2 not meeting the minimum lot area of 1.5 acres in the extraterritorial jurisdiction of the City of Eau Claire. The proposed concept CSM, if approved and recorded, may be followed by a future development on the adjacent property.

18.82.060.B. Size. Lot area shall conform to the provisions of Title 18 except that within the extraterritorial jurisdiction of the City of Eau Claire where municipal sewer services are not readily available and within unzoned towns, outside of the shoreland overlay district, the minimum lot area shall be 1.5 acres. In unzoned towns, within the shoreland overlay district, the minimum lot size will conform to the underlying zoning district lot size requirements.

Under 18.77.070 of the subdivision control code, the committee can grant variances to Chapters 18.82, 18.83, and 18.84 of the code. The committee must find that there is exceptional or undue hardship in the request; it is not detrimental to the public good, and without impairment to the intent and purpose of the code. The committee must consider all the facts and testimony when deliberating this matter.

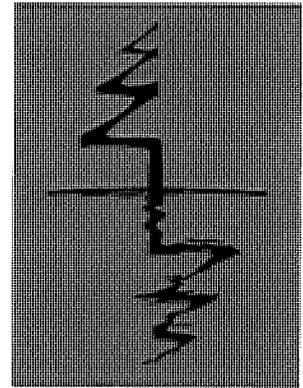
Staff supports development of the proposed lots because they will be similar in size with surrounding development as well as the lot configuration is necessary for future development of the parent parcel to the west.

Staff recommends that the committee state findings to support their decision to grant or deny the request. The following reasons may be used to support approving the request:

- The variance will not be detrimental to the public good, the spirit and purpose of the code will be upheld.
- The proposed lots are similar to surrounding development. The lot configuration is necessary for future development to the west.
- The purpose of the Subdivision Control Code will be upheld.

Kramer Land Design Studio

Civil Engineering • Land Surveying



May 10, 2016

Eau Claire County
Planning and Development
721 Oxford Ave.
Eau Claire, WI 54703

RE: Chelsea Lane LLC request for variance

To whom it may concern:

We are requesting a variance for the proposed Chelsea Lane, LLC 3 lot CSM. This land is currently zoned Residential Homes (RH) which requires a minimum lot area of 1.5 acres. Lots 1 and 2 of this proposed CSM are less than 1.5 acres such that Lot 1 contains 51,168 square feet or 1.17 acres, with a buildable area of 0.86 acres; and Lot 2 containing 43,816 square feet or 1.01 acres with a buildable area of 0.57 acres.

These lots were created to best fit the existing lots on Hart Road coupled with being in harmony for a future subdivision.

Sincerely,

Handwritten signature of Jeff Stockburger

Jeff Stockburger, PLS

CERTIFIED SURVEY MAP NO. _____

VOLUME _____ **PAGE** _____

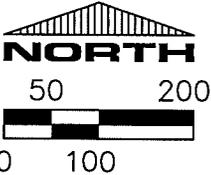
Lying in part of the NE 1/4 of the NE 1/4, Section 15, Township 26 North, Range 9 West, Town of Washington, Eau Claire County, Wisconsin.

LOT 1 AREA
51,168 SQ. FT.
1.17 ACRES
BUILDABLE AREA
37,283 SQ. FT.
0.86 Acres

LOT 2 AREA
43,816 SQ. FT.
1.01 ACRES
BUILDABLE AREA
24,922 SQ. FT.
0.57 Acres

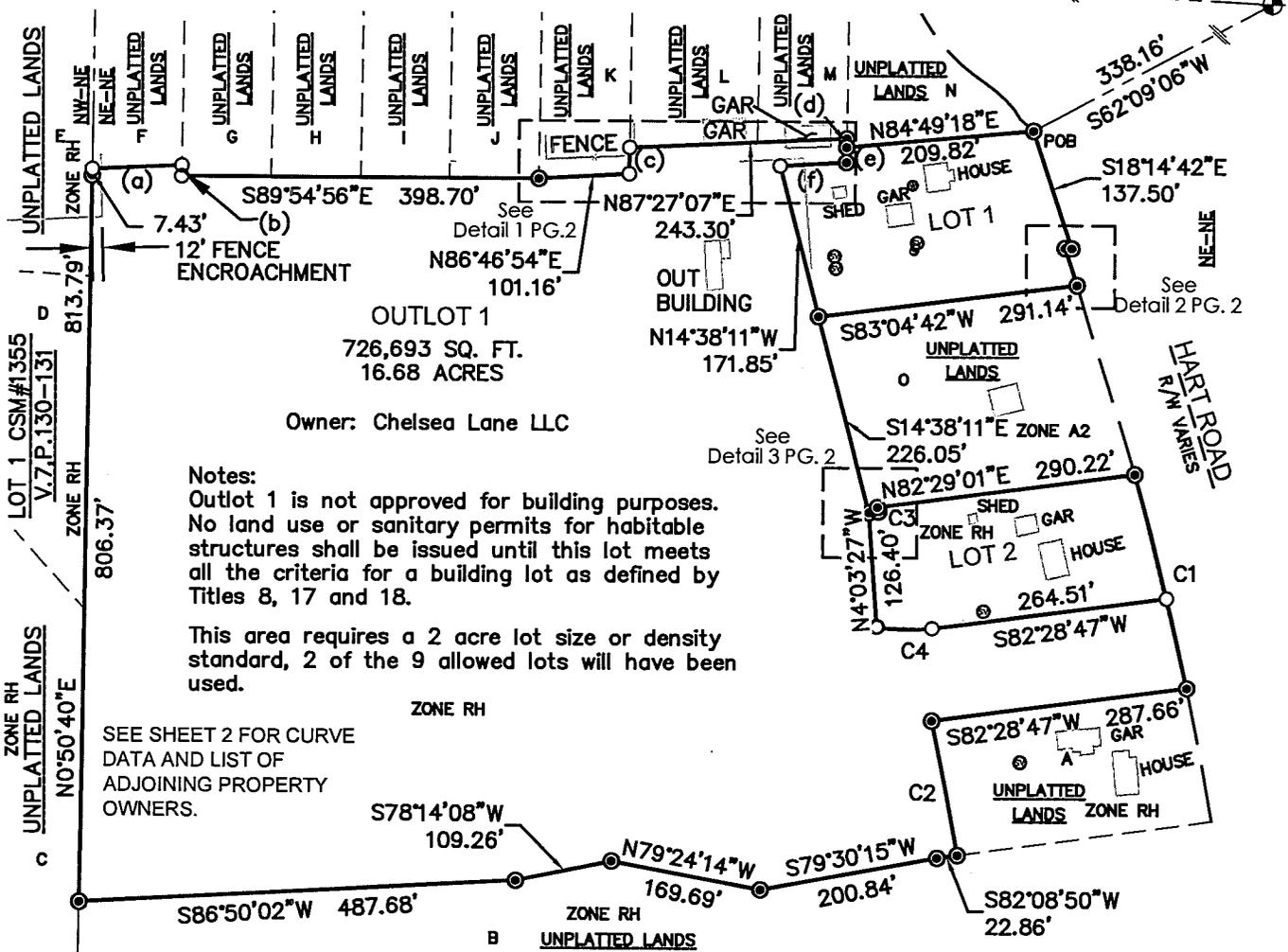
LEGEND

- ◆ FOUND ALUM. MONUMENT
- ⊙ FOUND 1" O.D. IRON PIPE
- SET 3/4" BY 18" IRON REBAR
1.50 LBS. / LINEAR FOOT
- WELL
- ⊕ SEPTIC VENT
- ⊙ SEPTIC TANK



BEARINGS ARE REFERENCED TO THE NORTH LINE OF THE NORTHEAST 1/4 OF SECTION 15, WHICH IS ASSUMED TO BEAR S86°46'57"E.

N 1/4 COR. 15-26-9
S86°46'57"E 2697.69'
NE COR. 15-26-9
338.16'
S62°09'06"W



Notes:
Outlot 1 is not approved for building purposes. No land use or sanitary permits for habitable structures shall be issued until this lot meets all the criteria for a building lot as defined by Titles 8, 17 and 18.

This area requires a 2 acre lot size or density standard, 2 of the 9 allowed lots will have been used.

SEE SHEET 2 FOR CURVE DATA AND LIST OF ADJOINING PROPERTY OWNERS.

General note:

The parent parcel has a total land area of 18.86 acres, therefore per City of Eau Claire requirements; the maximum area density is 2 acres per lot for a total of 9 lots. This CSM will account for 2 of the lots with the possibility of 7 future lots located on Outlot 1.

Owner: Chelsea Lane LLC
3310 Miller Street
Eau Claire, WI 54701

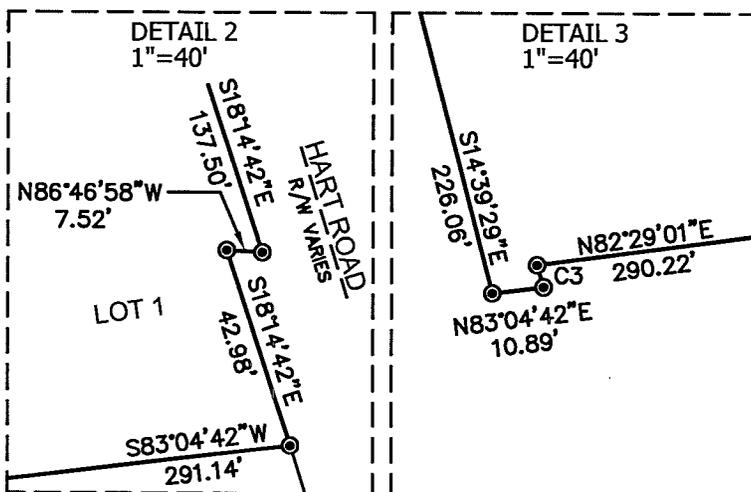
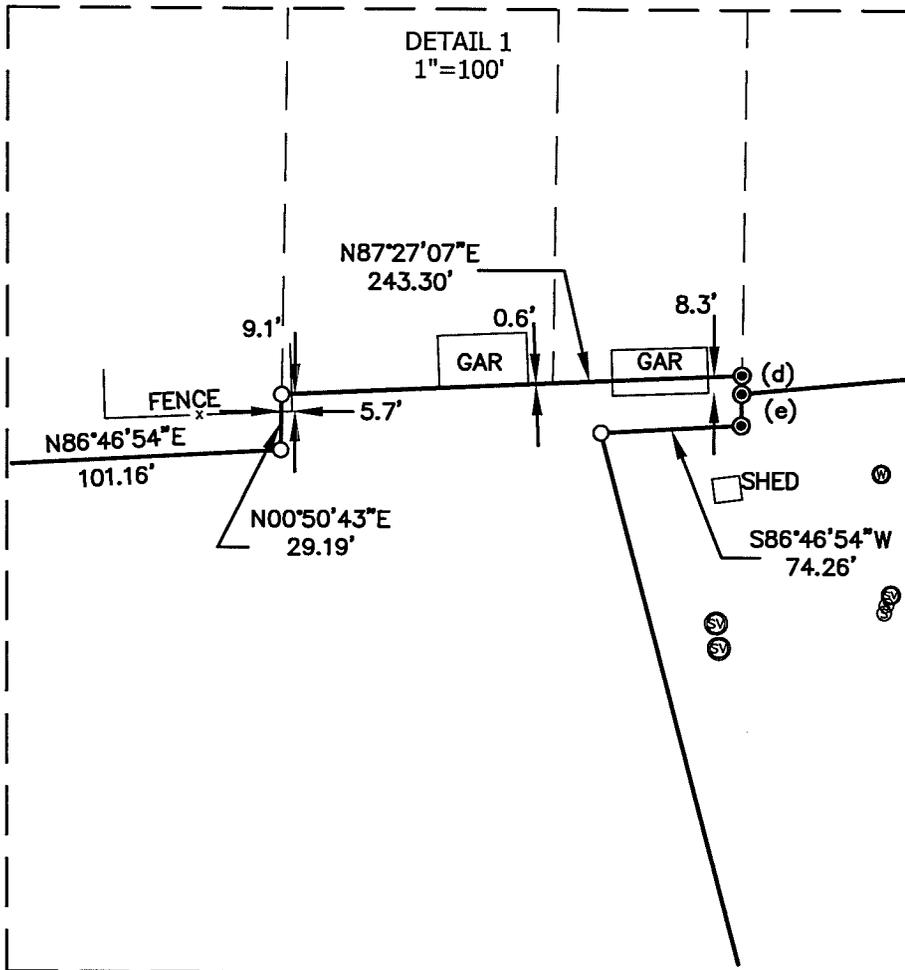
SHEET 1 OF 5 SHEETS

KRAMER LAND DESIGN STUDIO
1818 BRACKETT AVENUE • EAU CLAIRE, WI 54701
PH: (715) 831-0654 • EMAIL: INFO@KLDS.NET

CERTIFIED SURVEY MAP NO. _____

VOLUME _____ PAGE _____

Lying in part of the NE 1/4 of the NE 1/4, Section 15, Township 26 North, Range 9 West, Town of Washington, Eau Claire County, Wisconsin.



KRAMER LAND DESIGN STUDIO
1818 BRACKETT AVENUE • EAU CLAIRE, WI 54701
PH: (715) 831-0654 • EMAIL: INFO@KLD5.NET

CERTIFIED SURVEY MAP NO. _____

VOLUME _____ **PAGE** _____

Lying in part of the NE 1/4 of the NE 1/4 , Section 15, Township 26 North, Range 9 West, Town of Washington, Eau Claire County, Wisconsin.

SURVEYOR'S CERTIFICATE:

I, Jeffrey C. Stockburger, Professional Land Surveyor in the State of Wisconsin, do hereby certify that by the order of Chelsea Lane LLC, I have surveyed part of the NE 1/4 of the NE 1/4 , Section 15, Township 26 North, Range 9 West, Town of Washington, Eau Claire County, Wisconsin. The parcel is more particularly described as follows:

Commencing at the North quarter corner of said Section 16;
Thence S86°46'57"E, 2697.69 feet to the Northeast corner of said section;
Thence S62°09'06"W, 338.16 feet to the point of beginning;
Thence S18°14'42"E, 137.50 feet;
Thence N86°46'58"W, 7.52 feet;
Thence S18°14'42"E, 42.98 feet;
Thence S83°04'42"W, 291.14 feet;
Thence S14°38'11"E, 226.05 feet;
Thence N83°04'42"E, 10.89 feet;
Thence 4.84 feet on the arc of a curve, concave westerly, having a radius of 3492.71 feet, a chord bearing of N16°23'53"W, and a chord distance of 4.84 feet;
Thence N82°29'01"E, 290.22 feet;
Thence 243.89 feet on the arc of a curve, concave westerly, having a radius of 3779.84 feet, a chord bearing of S13°52'45"E, and a chord distance of 243.84 feet;
Thence S82°28'47"W, 287.66 feet;
Thence 150.46 feet on the arc of a curve, concave westerly, having a radius of 3492.71 feet, a chord bearing of S11°14'14"E, and a chord distance of 150.45 feet;
Thence S82°08'50"W, 22.86 feet;
Thence S79°30'15"W, 200.84 feet;
Thence N79°24'14"W, 169.69 feet;
Thence S78°14'08"W, 109.26 feet;
Thence S86°50'02"W, 487.68 feet;
Thence N0°50'40"E, 813.79 feet;
Thence N87°27'09"E, 100.12 feet;
Thence S0°50'43"E, 12.03 feet;
Thence S89°54'56"E, 398.70 feet;
Thence N86°46'54"E, 101.16 feet;
Thence N0°50'43"W, 29.19 feet;
Thence N87°27'07"E, 243.30 feet;
Thence S0°49'15"W, 9.64 feet;
Thence N84°49'18"E, 209.82 feet to the point of beginning.

Said parcel contains 821,677 square feet or 18.86 total acres, more or less.

I also certify that I have complied with the provisions of Chapter 236.34 of the Wisconsin Statutes, the Eau Claire County Subdivision Ordinance, and the Town of Washington Subdivision Ordinance. I further certify to the best of my knowledge and belief that the accompanying map is a true and correct representation of the exterior boundaries of the land surveyed and the division thereof made.

Dated this _____ day of _____, 2016.

Jeffrey C. Stockburger, Wisconsin Professional Land Surveyor, S-2708
Project Number: 16006



CERTIFIED SURVEY MAP NO. _____
VOLUME _____ **PAGE** _____

Lying in part of the NE 1/4 of the NE 1/4 , Section 15, Township 26
 North, Range 9 West, Town of Washington, Eau Claire County,
 Wisconsin.

CURVE DATA

C1
 Arc Dist =243.89'
 Rad =3779.84'
 Chd Bear =S13°52'45"E
 Chd Dist =243.84'
 Δ =3°41'49"
 BCK BEAR =N15°43'40"W
 AHD BEAR =S12°01'51"E

C2
 Arc Dist =150.46'
 Rad =3492.71'
 Chd Bear =S11°14'14"E
 Chd Dist =150.45'
 Δ =2°28'06"
 BCK BEAR =N12°28'17"W
 AHD BEAR =S10°00'11"E

C3
 Arc Dist =4.84'
 Rad =3492.71'
 Chd Bear =N16°26'16"W
 Chd Dist =4.84'
 Δ =0°04'46"
 BCK BEAR =N16°23'53"W
 AHD BEAR =N16°28'39"W

C4
 Arc Dist =62.08'
 Rad =197.00'
 Chd Bear =N88°29'31"W
 Chd Dist =61.83'
 Δ =18°03'23"
 BCK BEAR =S82°28'47"W
 AHD BEAR =N79°27'50"W

ADJOINING PROPERTY OWNERS

- A. Randy Fenner
- B. Charles & Jennifer Loew
- C. Leah Horne
- D. Scott Ryburn
- E. Daniel Key
- F. Daniel Key
- G. Aloysius & Germaine Scheuermann
- H. June Anderson
- I. David & Patricia Strauch
- J. Mary Sluga
- K. Mary Zimpel
- L. Jeanette Johnson
- M. Colin Davison
- N. Andrew & Debra Mellor
- O. Wayne & Gayle Mauer

ZONING

- A. Zone RH
- B. Zone RH
- C. Zone RH
- D. Zone RH
- E. Zone RH
- F. Zone R1L
- G. Zone R1L
- I. Zone R1L
- J. Zone R1L
- K. Zone R1L
- L. Zone R1L
- M. Zone R1L
- N. Zone R1L
- O. Zone RH

Course table

- (a) N87°27'09"E 100.12'
- (b) S00°50'43"W 12.03'
- (c) N00°50'43"W 29.19'
- (d) S00°49'15"W 9.64'
- (e) S00°49'15"W 16.69'
- (f) N86°46'54"E 74.26'

CITY DEPARTMENT OF COMMUNITY DEVELOPMENT:

I, Darryl Tufte, Director of the Department of Community Development, City of Eau Claire, hereby certify that this Certified Survey Map is approved

Dated this _____ day of _____, 2016.

 Darryl Tufte, Director

COUNTY PLANNING AND DEVELOPMENT

I, Lance J. Gurney, Director of the Eau Claire County Planning and Development Department, hereby certify that this Certified Survey Map is approved of as complying with Subtitle III, the Subdivision Control Code, of Title 18 of General Ordinances.

Dated this _____ day of _____, 2016.

 Lance J. Gurney, Director



CERTIFIED SURVEY MAP NO. _____

VOLUME _____ **PAGE** _____

Lying in part of the NE 1/4 of the NE 1/4 , Section 15, Township 26
North, Range 9 West, Town of Washington, Eau Claire County,
Wisconsin.

TOWN OF WASHINGTON CERTIFICATE:
STATE OF WISCONSIN, WASHINGTON COUNTY

I certify that this Certified Survey Map, Chelsea Lane LLC, owner, was approved by the Town Board of Town of Washington.

Dated this _____ day of _____, 2016.

Janelle L. Henning, Administrator





**Eau Claire County
DEPARTMENT OF PLANNING
AND DEVELOPMENT**

Eau Claire County Courthouse, Rm. 3344
721 Oxford Avenue
Eau Claire, Wisconsin 54703-5481
(715) 839-4741

Housing & Community Development
839-6240
Emergency Services Management
839-4736
Real Property Description
839-2984
Land Use Controls
839-4743
Building Inspection
839-2944
Land Conservation
839-6226
Planning
839-5055
County Surveyor
839-4742

REPORT:

TO: COMMITTEE ON PLANNING AND DEVELOPMENT

FROM: Jared Grande, Land Use Technician

DATE: May 17, 2016

RE: Kathleen and James Solberg CSM – Section 3, T27N-R10W, Town of Union

Kathleen Solberg, owner, submitted a concept certified survey map (CSM) to the department for approval to create a two lot CSM in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 12, T27N, R09W in the Town of Seymour

The map is being presented to the committee because of proposed lot 1 not meeting the minimum lot area of 1.5 acres in the extraterritorial jurisdiction of the City of Eau Claire. The proposal is to create two lots from the current unplatted land consisting of 27.64 acres. Proposed lot 2 without road right-of-way is 1.18 acres.

18.82.060.B. Size. Lot area shall conform to the provisions of Title 18 except that within the extraterritorial jurisdiction of the City of Eau Claire where municipal sewer services are not readily available and within unzoned towns, outside of the shoreland overlay district, the minimum lot area shall be 1.5 acres. In unzoned towns, within the shoreland overlay district, the minimum lot size will conform to the underlying zoning district lot size requirements.

Under 18.77.070 of the subdivision control code, the committee can grant variances to Chapters 18.82, 18.83, and 18.84 of the code. The committee must find that there is exceptional or undue hardship in the request; it is not detrimental to the public good, and without impairment to the intent and purpose of the code. The committee must consider all the facts and testimony when deliberating this matter.

Staff supports lot configurations with simple geometric shaped lots. The configuration of the proposed development is ideal; it will follow an existing driveway and property line.

Staff recommends that the committee state findings to support their decision to grant or deny the request. The following reasons may be used to support approving the request:

- The variance will not be detrimental to the public good, the spirit and purpose of the code will be upheld.
- The lot development is ideal due to the existing features and development on the property.
- The purpose of the Subdivision Control Code will be upheld.

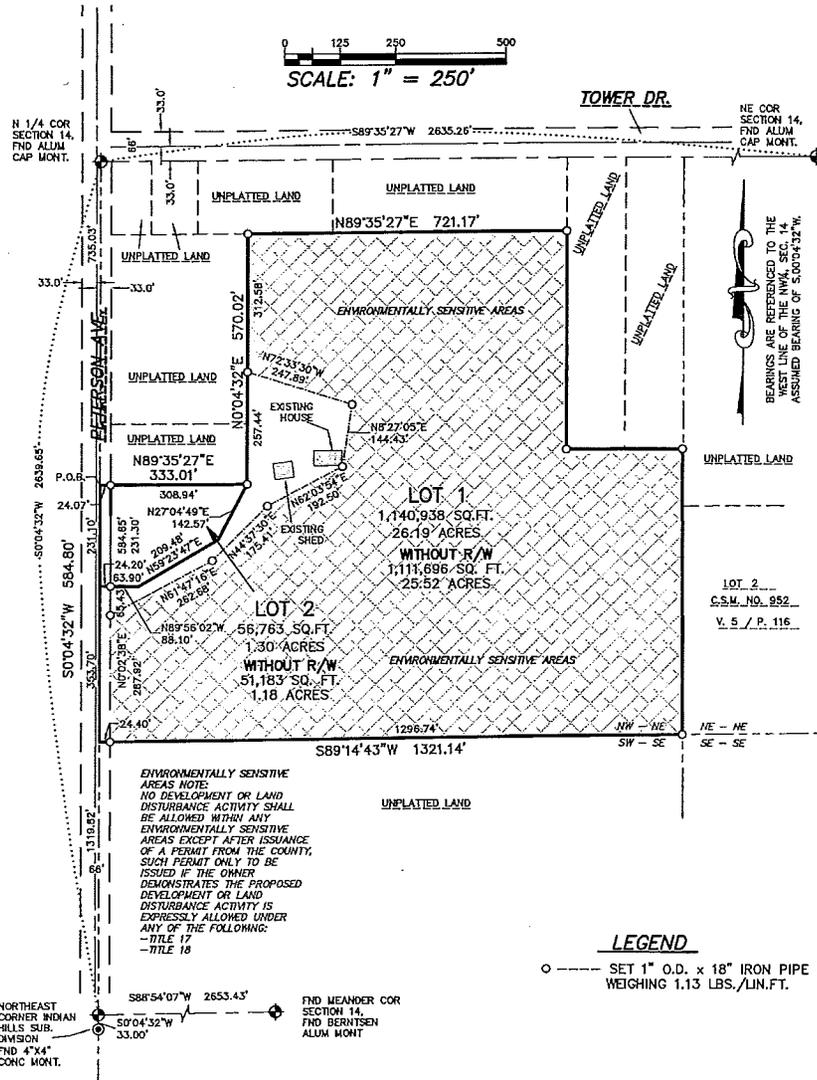
We are requesting a variance from the 1.5 acre lot size requirement.

We own a 27.64 acre parcel in the Town of Seymour where we built our home about 40 years ago. We would now like to separate a lot for our daughter, son-in-law and their three children to build a home. The only reasonable way we can do this is to separate a section of our property along Peterson Avenue, as this is the only area of our property that is accessible by road. That lot lies between our northern lot line and the driveway to our home and is 1.3 acres in size. We are unable to move our driveway farther south because of the deep ravine that runs diagonally through our property. This proposed lot is larger than nearly all of the lots on our street and properties surrounding ours. The proposed lot will easily accommodate the home that will be built on it.

James L. and Kathleen M. Solberg
1185 Peterson Avenue
Eau Claire, WI 54703

CERTIFIED SURVEY MAP, No. _____

LOCATED IN THE NW¼ OF THE NE¼,
SECTION 14, T27N, R09W,
TOWN OF SEYMOUR,
EAU CLAIRE COUNTY, WISCONSIN



REAL LAND SURVEYING, LLC
635 FAIRFAX ST.
ALTOONA, WI 54720
(715)514-4116
CADD No. 16068

Eau Claire County
PLANNING & DEVELOPMENT COMMITTEE MINUTES

Tuesday, May 10, 2016 • 7:00 PM
Eau Claire County Courthouse • 721 Oxford Avenue • Room 1277
Eau Claire, Wisconsin

Members Present: Gary Gibson, Jim Dunning, Gordon Steinhauer, Mark Olson, Stella Pagonis

Members Absent: None

Staff Present: Lance Gurney, Rod Eslinger, Jared Grande, Matt Michels

1. Call to Order

Gary Gibson called the meeting to order at 7:00 p.m.

2. Public Input Session: None.

3. Public Hearings:

a. **Proposed Ordinance: File No. 16-17/008** “Amending the 1982 Official Zoning District Boundary for the Town of Lincoln” (Koenig) RZN-0010-16 / Discussion – Action

Matt Michels presented the staff report and background information relating to a petition to rezone 20.14 acres from the RH zoning district to the A-2 zoning district as requested by Shaun and Lori Koenig adjacent to Pine Road in the northwest part of the Town of Lincoln. Mr. Michels noted that the applicant is requesting a downzoning of the property to allow for the construction of a large accessory structure for storage of ag-related equipment and to make the zoning more consistent with surrounding zoning designations for larger lot sizes. Mr. Michels noted that the requested zoning is consistent with the Town of Lincoln’s comprehensive plan, and to an extent Eau Claire County’s. A short video of the property was then presented to the Committee. Staff is recommending approval of the request as submitted. Shaun Koenig was present to explain his interest in the rezoning and desire for consistency with land uses in the area.

ACTION: Motion by Stella Pagonis to approve file 16-17/008 as presented to rezone 20.14 acres from RH to A-2. Motion carried, 5-0.

b. **Proposed Ordinance: File No. 16-17/009** “To Create 8.25 of the County Code: Keeping Of Honey Bees; To Create 18.07.020 D., 18.08.020 D. and 18.09.020 D. of the Code: Rules And Definitions; To Create Section 18.07.020 D. of the Code: Permitted Accessory Uses; To Create Section 18.08.020 D. of the Code: Permitted Accessory Uses; To Create Section 18.09.020 D. of the Code: Permitted Accessory Uses” / Discussion – Action

Rod Eslinger presented the staff report and background of the petition to amend the County Code to allow for the keeping of honey bees within the residential zoning districts and to create Chapter 8.25 in the Health Code for permitting and inspection of facilities for honey bees for keeping four or more colonies. It was noted that keeping of three colonies or less would be permitted and would not require an inspection or permit by the City-County Health Department. Mr. Eslinger noted that the ordinance amendment was sent to all Towns for consideration and comment, with one correspondence received from the Town of Brunswick in opposition to the proposed amendment. No other correspondence has been received, although the City-County Health Board also considered the ordinance amendment and is recommending approval. Following a lengthy discussion relating to the proposed provision in Chapter 8.25, Mr. Eslinger indicated that staff is recommending approval of the amendments

as presented. Several committee members asked for clarifications on colony size, number of colonies, length of permit, and fee structures. Andrew Kaiser spoke in favor of the request and presented information relating to colony size, including the City of Eau Claire Code that regulates hive size to a maximum 15 cubic feet. Several other questions relating to bee keeping and permitting were directed to Mr. Kaiser. Lisa Aspenson appeared in favor of the ordinance amendment and discussed the importance of maintaining a healthy bee population, for pollination and food sources as examples. Declining bee populations were then discussed and the importance of promoting education and awareness of the need for bee keeping. John Spate appeared and indicated that he resides in Chippewa County and has been bee keeping for more than 30 years. Mr. Spate discussed the numerous infestations that have adversely affected bee populations over the last 30 years. Mr. Spate also discussed the importance of healthy bee populations. Further discussion and clarification about size regulation followed. Staff is directed to seek further clarification from the Public Health Department and provide information at the County Board meeting in which the ordinance proposal will be first considered.

ACTION: Motion by Jim Dunning to approve file 16-17/009 as presented. Motion carried, 5-0.

4. Request to Amend “No Construction Line” on Lot 29 of Huntsinger Heights, Section 1, T26N-R10W, Town of Brunswick / Discussion – Action

Jared Grande presented the staff report and background information with regard to a petition to amend a recorded “no construction line” for Lot 29 of the Huntsinger Heights Plat. Mr. Grande indicated the request is to amend the “no build area” so that the previously platted restrictions are consistent with current code regulations. If approved, the current restriction would be fully removed from Lot 29 as no areas meet the 20% slope restricted areas outside of the minimum setback. Staff is recommending approval of the request as submitted.

ACTION: Motion by Gordon Steinhauer to approve the amendment. Motion carried, 5-0.

5. A variance request for land suitability requiring a minimum contiguous buildable area of at least one-half (1/2) of an acre, Section 31, T27N-R9W, Town of Washington / Discussion – Action

Jared Grande presented the request for a variance from the minimum one-half acre contiguous buildable area requirement to allow for the division of an existing 4.6 acre lot into two lots, with the smaller lot encompassing 1.82 acres, with a contiguous buildable area of .27 acres or 11,830 square feet. Mr. Grande noted that the property is zoned as R-1-L and is served by municipal water, meaning that the minimum lot size would allow for a 12,000 square foot lot. Mr. Grande looked at adjacent existing lot sizes, zoning in the area, limiting factors for this specific lot configuration and contiguous buildable area, and the need to still obtain a satisfactory soil test for the proposed Lot 1. Based on a review and analysis of this information, staff is recommending approval of the request as submitted.

ACTION: Motion by Mark Olson to approve the subdivision variance request for Lot 1. Motion carried, 5-0.

6. Review of April Bills / Discussion
 - a. Planning

b. Land Conservation

7. Review/Approval of April 26, 2016 Meeting Minutes / Discussion – Action

ACTION: Motion by Jim Dunning to approve the minutes as submitted. Motion carried, 5-0.

8. Proposed Future Agenda Items / Discussion
None.

9. Gary Gibson adjourned the meeting at 8:35 p.m.

Respectfully submitted,

Lance Gurney
Clerk, Committee on Planning & Development